



**REVISED**

9:27 am, Feb 06, 2017

**RECEIVED**

By ssullivan at 9:27 am, Feb 06, 2017

## City Council Reports Docket

January 18: Programs & Services; Public Safety; Public Facilities  
January 19: Real Property Reuse  
January 23: Finance; Zoning & Planning  
January 26: Land Use  
January 31: Land Use

Tuesday, January 17, 2017  
Continued  
Page 314  
7:45 PM, Newton City Hall  
To be reported on  
**Tuesday, February 6, 2017**



### City of Newton In City Council Items to be Acted Upon

***Item Postponed on January 17, 2017 to Date Certain of February 6, 2017:***

**#427-16** **Accept Sec 193 & 194 of Ch 218 to establish a 25 mph speed limit on certain roadways**  
**COUNCILORS LENNON and HESS-MAHAN** requesting acceptance of Section 193 and 194 of Chapter 218 of the Acts of 2016, authorizing the City Council without further authority, to establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the City on any way that is not a state highway; and to allow for the creation of designated safety zones on, at or near any way in the City which is not a state highway, with the approval of MassDOT if the same is a state highway. Such safety zones would have a posted speed limit of 20 miles per hour.  
[12/5/2016 @ 9:13 AM]  
**Public Safety & Transportation Approved 7-0 (Cote not voting)**

#### **Referred to Land Use Committee**

January 26, 2017

Present: Councilors Laredo (Chair), Schwartz, Crossley, Lipof, Harney, Cote, Auchincloss, and Lennon

**#308-16** **Special Permit Petition to further increase nonconforming setback at 79 Kenwood Ave**  
**SURRENDRA DUDANI AND SHALINI SEN** petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to **FURTHER INCREASE THE NONCONFORMING SETBACK** by razing the existing 12'x22' detached garage and construct a 22'x22' detached garage, reducing the setback from 16.2' to 6.2' where 25' is required at Kenwood Avenue, Ward 6, Newton Centre, on land known as SBL 64 20 01, containing approximately 7,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.4, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Land Use Approved Withdrawal Without Prejudice 4-0 (Auchincloss, Harney, Schwartz, Lennon not voting)**

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

- #428-16**      **Special Permit to allow parking within 5' of street and stall depth at 113 Edinboro St.**  
NATALIA TEREKHOVA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow two parking stalls within five feet of the street and waive minimum stall depth at 113 Edinboro Street, Ward 2, Newtonville, on land known as SBL 21023 0004, containing approximately 3,250 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 5.1.7.A, 5.1.8.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Denied 5-0-2 (Harney, Auchincloss abstaining, Lennon not voting)**
- #429-16**      **Special Permit to amend Special Permit #284-16 at 7-9 Arundel Terrace**  
CARMEN FUGAZZOTTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permit #284-16 to change the language of the Council Order to allow continued nonconformity without obtaining variances for rear and side setbacks., open space and lot coverage at 7-9 Arundel Terrace, Ward 1, Newton, on land known as SBL 71001 0025, containing approximately 5,100 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 7-0 Subject to Second Call (Lennon not voting)**
- #430-16**      **Special Permit to change nonconforming use at 15 South Gate Park**  
ANTHONY DEPASQUALE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to change NONCONFORMING clubhouse use to a 3-unit multi-family dwelling, locate parking within a front setback and allow a two way entrance/exit drive less than 20' at 15 South Gate Park, Ward 3, West Newton, on land known as SBL 33031 0009, containing approximately 14, 120 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 5.1.8.A.1, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 7-0-1 (Lennon abstaining)**
- #431-16**      **Special Permit to allow three attached dwellings at 377 Langley Road**  
367-377 LANGLEY ROAD LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three attached single-family dwellings, reduce frontage requirements for attached single family dwellings, reduce side setback requirements, allow parking within 20' of a side lot line and a driveway within 10' of a side lot line and to allow placement of a retaining wall of 4 feet or more within a setback at 377 Langley Road, Ward 6, Newton Centre, on land known as SBL 65019 0058, containing approximately 23,545 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Land Use Held 8-0**

**Referred to Land Use Committee**

January 31, 2017

Present: Councilors Laredo (Chair), Schwartz, Lennon, Crossley, Auchincloss, Harney, Cote, and Lipof;  
also present: Councilors Yates, Brousal-Glaser, Leary, Albright, and Blazar

**#180-16 (2)** MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for land located at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:

Beginning at a point on the northerly line of Washington Street, running thence;  
Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 433.14 feet to a point; thence  
Along the easterly line of Washington Terrace north 02 degrees - 03 minutes - 34 seconds west, a distance of 278.34 feet to a point, thence, the following four (4) courses along the existing zone lines of MR-1 and MR-3:

North 86 degrees - 11 minutes - 41 seconds west, a distance of 15.07 feet to a point;  
thence

North 01 degrees - 52 minutes - 35 seconds west, a distance of 3.01 feet to a point;  
thence

South 86 degrees - 11 minutes - 41 seconds east, a distance of 85.43 feet to a point;  
thence

North 88 degrees - 31 minutes - 34 seconds east, a distance of 370.56 feet to a point  
on the westerly line of Walnut Street; thence

Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds east, a distance of 261.82 feet to a point of curvature; thence

Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees - 17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42 degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and place of beginning.

Containing 123,765 square feet, or 2.84 acres, more or less.

**Land Use Held 8-0**

#179-16 MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use development in excess of 20,000 square feet consisting of three interconnected buildings with building heights not exceeding 60 feet and five stories, total gross floor area not exceeding 235,000 square feet incorporating not more than

163 residential units, not exceeding 45,000 square feet of commercial space, not exceeding 2,500 square feet of community space, not less than 350 onsite parking stalls outside at grade or within a below-grade garage, and related site improvements; to authorize uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club establishments at or above ground floor, animal service, and street level office; to allow FAR of not more than 1.90, lot area per dwelling unit of approximately 775 square feet, reduction of the overall non-residential parking requirement by 1/3, 1.25 parking stalls per residential unit, and free standing signs; to grant waivers of not more than 97 parking stalls and of the height setback and facade transparency and entrance requirements; to grant waivers of certain parking facility design standards including

dimensional requirements for parking stalls, parking stall setback requirements, entrance and exit driveways, interior landscaping, interior planting area, tree plantings, bumper overhang, lighting of one foot candle, curbing and surfacing, wheel stops, guard rails, bollards, and maneuvering space for end stalls; and to grant waivers as to number, size, location, and height of signs and number of required loading bays, at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, containing approximately 2.84 acres of land in a proposed Mixed Use 4 District. Ref.: Sections 4.2.2.A.2; 4.2.2.B.1; 4.2.3; 4.2.5.A.2; 4.2.5.A.3; 4.2.5.A.4; 4.2.5.A.4.c; 4.2.5.A.6; 4.2.5.A.6a; 4.2.5.A.6.b; 4.4.1; 5.1.4.A; 5.1.4.C; 5.1.8.A; 5.1.8.A.2; 5.1.8.B; 5.1.8.B.1; 5.1.8.B.2; 5.1.8.B.6; 5.1.9.B; 5.1.9.B.1; 5.1.9.B.2; 5.1.9.B.3; 5.1.9.B.4; 5.1.10; 5.1.10.A.1; 5.1.10.B.3; 5.1.10.B.5; 5.1.12; 5.1.13; 5.2.13; 5.2.13.A; 7.3; and 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015.

**Land Use Held 8-0**

**Referred to Zoning & Planning Committee**

January 23, 2017

Present: Councilors Hess-Mahan (Chair), Danberg, Leary, Baker, Albright, Kalis, Yates and Sangiolo;  
also present: Councilor Crossley

**#343-16**

**Zoning amendment relative to accessory apartments**

HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and

Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03AM]

**Zoning & Planning Approved 5-1-2 (Baker opposed; Yates and Sangiolo abstaining)**

**#108-15**

**Zoning amendment for accessory apartments supportive of seniors**

HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton's seniors. [04/24/15 @ 2:38 PM]

**Zoning & Planning Voted No Action Necessary 8-0**

**#64-13**

**Permitting for conversion of historic barns/carriage houses to accessory apts**

HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.

**Zoning & Planning Voted No Action Necessary 8-0**

**#61-10**

**Discussion relative to bringing existing accessory apartment into compliance**

ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of **Chapter 30** into compliance.

**Zoning & Planning Voted No Action Necessary 8-0**

**#164-09(2)**

**Request for amendments to dimensional requirements for accessory apartments**

ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan.

**Zoning & Planning Voted No Action Necessary 8-0**

### **Referred to Programs & Services Committee**

January 18, 2017

Present: Councilors Rice (Chair), Leary, Auchincloss, Hess-Mahan, Sangiolo, Schwartz, Baker, Kalis;  
Also present: Councilors Ciccone, Blazar, Fuller, Yates, Cote, Harney, Norton, Lennon, Gentile, Laredo, Albright, Lappin, Danberg, Crossley and Brousal-Glaser

**#426-16**

**Resolution to affirm Newton's commitment to tolerance and diversity**

COUNCILORS SANGIOLO, KALIS, NORTON, HESS-MAHAN, BROUSAL-GLASER, HARNEY, AUCHINCLOSS, ALBRIGHT AND CROSSLEY offering a Resolution to affirm the City of Newton's commitment to inclusiveness, tolerance and diversity and will continue to welcome and protect all peoples into our community regardless of race, ethnicity, national origin, religious beliefs, age, sexual orientation, disabilities and gender.

[12/5/2016 @ 9:13 AM]

**Programs & Services Approved 7-0 (Auchincloss not voting)**

**Referred to Program & Services and Public Safety Committees**

#443-16

**Ord. amendment regarding immigration status and guidelines for community policing**  
HIS HONOR THE MAYOR, CHIEF OF POLICE, PRESIDENT LENNON, AND COUNCILOR KALIS,  
 proposing an amendment to the City of Newton Revised Ordinances Chapter 12, Article V; Human Rights Commission and Advisory Council, to add a new section (C) to §12-50 defining: 1) the Policy of the City of Newton regarding immigration status and 2) the final Foundational Guidelines for Community Policing. [12/16/16 @ 10:45 AM]

**Public Safety & Transportation Held 6-0 on 01/18/17**  
**Programs & Services Held 7-0 (Auchincloss not voting)**

**Referred to Program & Services and Public Safety Committees**

#443-16(2)

**Ordinance amendment to protect undocumented residents**  
COUNCILORS ALBRIGHT, AUCHINCLOSS, HESS-MAHAN, NORTON, CROSSLEY, BROUSAL-GLASER, HARNEY, FULLER, LEARY AND DANBERG, proposing an amendment to the City of Newton Revised Ordinances to protect undocumented residents which at a minimum does the following:

- 1) No city official will request or seek information regarding a person’s immigration status.
- 2) No city official will report to, respond to or cooperate with Immigration Customs Enforcement with regard to status of any persons who has contact with a city official or employee except in the case where that person has been convicted of a felony, is on a terrorist watch list, poses a serious substantive threat to public safety, or is compelled to by operation of law except as required by law. [12/16/16 @ 9:11 AM]

**Public Safety & Transportation Held 6-0 on 01/18/17**  
**Programs & Services Held 7-0 (Auchincloss not voting)**

**Referred to Public Safety & Transportation Committee**

January 18, 2017

Present: Councilors Ciccone (Chair), Blazar, Fuller, Yates, Cote, Harney and Norton; absent: Councilor Lipof; also present: Councilors Rice (Chair), Leary, Auchincloss, Hess-Mahan, Sangiolo, Schwartz, Baker, Kalis, Lennon, Gentile, Laredo, Albright, Lappin, Danberg, Crossley and Brousal-Glaser

**Referred to Program & Services and Public Safety Committees**

#443-16

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**Programs & Services Held 7-0 (Auchincloss not voting) on 01/18/17**  
**Public Safety & Transportation Held 6-0 (Cote not voting)**

**Referred to Program & Services and Public Safety Committees**

#443-16(2)

**Ordinance amendment to protect undocumented residents**

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**Programs & Services Held 7-0 (Auchincloss not voting) on 01/18/17**

**Public Safety & Transportation Held 6-0 (Cote not voting)**

**Referred to Public Facilities Committee**

January 18, 2017

Present: Councilors Crossley (Chair), Laredo, Brousal-Glaser, Gentile, Danberg, Lennon, Lappin; absent: Councilor Albright

#440-16

**Sewer easement relocation at 255-257 Newtonville Avenue**

DOROTHY NORCROSS, Manager of the Norcross Trust, LLC, 25 Fisher Avenue, Newton Highlands requesting, in accordance with Massachusetts General Law Ch. 40, Sec. 15., abandonment of a portion of a 10’ wide City sewer easement in the northeast corner of Section 12, Block 16, Lot 8 (255-257 Newtonville Avenue, Newtonville) and acceptance of a 18’ wide sewer easement located northerly of the existing easement. [12/07/16 @ 9:10 AM]

**Public Facilities Approved 6-0 (Lennon not voting)**

**Referred to Public Facilities and Finance Committees**

#15-17

**Transfer \$1 million for snow and ice removal expenses**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Personnel Costs – Overtime	
(0140110-513001).....	\$300,000
Sand & Salt	
(0110410-5532).....	\$700,000

[01/09/17 @ 11:20 AM]

**Public Facilities Approved 6-0 (Lennon not voting)**

#5-17

**Discussion with DPW regarding salt use for snow clearing operations**

COUNCILORS CROSSLEY, ALBRIGHT requesting a discussion with the Commissioner of Public Works about City Policy that determines the use of salt on roadways during snow clearing operations, to understand how we might minimize the amount of salt used overall and consider eliminating the placement of salt barrels at certain locations throughout the City. [12/23/2016 @ 8:37 AM]

**Public Facilities Held 7-0**

**Referred to Finance Committee**

Monday, January 23, 2017

Present: Councilors Gentile (Chair), Norton, Brousal-Glaser, Blazar, Fuller and Lappin; absent: Councilors Ciccone and Rice; also present: Councilor Sangiolo

#441-16

**Mayor’s appointment of Daniel Kunitz as a trustee of the Cousens Fund**

DANIEL KUNITZ, 51 Pratt Drive, West Newton appointed as a trustee of the Cousens Fund for a term of office to expire on January 30, 2019. [11/29/16 @ 9:21 AM]

**Finance Approved 5-0 (Fuller not voting)**

#14-17

**Expend Wells Ave Mitigation Funds for improvements @ Wells Ave/Nahanton St**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend sixty-seven thousand five hundred dollars (\$67,500) from the Wells Avenue/Nahanton Street and Winchester Street traffic improvement mitigation funds for the completed design and installation of updated pavement markings to decrease congestion at the intersection of Wells Avenue and Nahanton Street. [01/09/17 @ 11:20 AM]

**Finance Approved 5-0 (Fuller not voting)**

**Referred to Public Facilities and Finance Committees**

#15-17

**Transfer \$1 million for snow and ice removal expenses**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million dollars (\$1,000,000) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Personnel Costs – Overtime	
(0140110-513001).....	\$300,000
Sand & Salt	
(0110410-5532).....	\$700,000

[01/09/17 @ 11:20 AM]

**Public Facilities Approved 6-0 (Lennon not voting) on 01/18/17**

**Finance Approved as Amended 5-0 @ \$1.5 million (Fuller not voting)**



**Referred to Land Use and Finance Committees**

- #10-17**      **Appropriate \$2 million for development of housing units at 70 Crescent Street**  
HIS HONOR THE MAYOR requesting authorization to appropriate two million dollars (\$2,000,000) from the November 16, 2016 Overlay Surplus Declaration for the purpose of funding the City's share of the development of market rate and affordable housing units at 70 Crescent Street. [12/28/16 @ 4:48 PM]  
**Finance Held 6-0**
- #248-12**      **Ordinance amendments to Article IV Purchases and Contracts**  
RECODIFICATION COMMITTEE recommending that **ARTICLE IV. PURCHASES AND CONTRACTS, Secs. 2-182 through 2-205**, be amended to make it consistent with state law.  
**Finance Voted No Action Necessary 6-0**

**Referred to Finance and Appropriate Committees**

- #359-16**      **Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**  
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/11/16 @ 11:28 AM]  
**Finance Held 6-0**
- #353-16**      **Review/Acceptance of the FY 2018 – FY 2022 5-year Financial Forecast**  
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 5-Year Financial Forecast for City Council review/acceptance. [10/11/16 @ 11:28 AM]  
**Finance Held 6-0**
- #173-16**      **Interest charges on late payment of utility bills**  
COUNCILOR SANGIOLO requesting creation of a policy or ordinance related to interest charges on late payments of utility bills to the City and proportional return of interest charges if or when the utility bill is abated. [04/27/16 @ 1:39 PM]  
**Finance Voted No Action Necessary 5-0 (Fuller not voting)**
- #40-16**      **Request to accept MGL 149 Sec 148C related to earned sick time for employees**  
COUNCILOR SANGIOLO requesting that City of Newton formally accept and/or take all necessary steps to accept Massachusetts General Law Chapter 149, Section 148C, in order to qualify full-time, part-time, seasonal, and temporary employees coverage under the earned sick time regulation, 940 CMR 33, as approved by the voters of Massachusetts in the 2014 Election as Ballot Question 4 – Earned Sick Time for Employees. [01/19/16 @ 2:35 PM]  
**Finance Held 5-0 (Fuller not voting)**

**#190-15**

**Discussion of policy to record all meetings and post meeting materials online**

ALD. SANGIOLO requesting a discussion with the Executive Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and requiring them to be posted to the City's website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member.

**Finance Held 5-0**

**Referred to Real Property Reuse Committee**

Thursday, January 19, 2017

Present: Councilors Albright (Chair), Lennon, Brousal-Glaser, Gentile, Crossley, and Danberg; absent: Councilors Fuller and Kalis; also present: Councilors Harney and Sangiolo

**#360-16**

**Reuse of the Stanton Avenue water tower site**

DIRECTOR OF PLANNING& DEVELOPMENT submitting on October 7, 2016 a letter stating that the water tower site located at Stanton Avenue declared surplus by the COMMISSIONER OF PUBLIC WORKS on September 15, 2016, should be declared unnecessary for municipal purposes pursuant to Ordinance Section 2-7. [10/10/16 @ 10:48 PM]

**Real Property Reuse Approved 4-0-1 (Lennon abstaining, Gentile not voting)**