

Nadia Khan

From: David A. Olson
Sent: Friday, March 17, 2017 2:06 PM
To: citycouncil
Cc: Nadia Khan
Subject: FW: Minority on NAC calls for special meeting to reconsider March 9 motion on Washington Place

From: Peter Bruce [mailto:pgbrb@rcn.com]
Sent: Friday, March 17, 2017 1:10 PM
To: David A. Olson
Subject: Minority on NAC calls for special meeting to reconsider March 9 motion on Washington Place

Hi David,
Please distribute to all members of the City Council.

Thank you very much,
Peter

From: "Peter Bruce"
To: "Wayne Koch" <v>
Cc: "susan reisler" <s>, "Thomas Kraus" < >, "Marc Kaufman" < >, "helene sroat" < >, "Tim Stone" < >, "Colleen Minaker" < >, "Joy Huber" < >

Sent: Friday, March 17, 2017 12:58:30 PM
Subject: Re: Please call an emergency meeting of the NAC

To the Members of the Newtonville Area Council,

Susan Reisler, Colleen Minaker, and I recently requested from Wayne, as President of the NAC, that an emergency meeting of the Newtonville Area Council be called to reconsider the motion passed on Thursday, March 9.

Wayne informed us that we could call a special meeting if a quorum supports the idea, and that is what we are doing in this letter. We hope you will support our call for such a meeting.

In our view, this motion was made and passed hastily with false and misleading information. If you recall, the much of the impetus for the motion rested on Kenneth Roberts's vociferous claims that Mr. Korff was determined to build a seven-story, 245-unit 40B development on the Orr Block parcel – no question about it, he said. He also said that he had spoken to Mr. Korff three times in the last two weeks. we requested fact-checking, because the claim sounded dubious. It turns out we were correct. During a subsequent unplanned conversation

with Marc Kaufman at Star Market, he revealed that Mr. Korff told Vice-President Tom Kraus that such a large building was only a possibility, and that he hadn't decided on the particulars of such a development. Hence, the proposal that propelled this hasty motion was based on erroneous information. No fact-checking was done, no public opinion was taken.

Wayne, in his response (see email below) said that it was not Kenneth Roberts' claims but Jake Auchincloss' memo that impelled him to hold a vote, especially as it impressed on Wayne the importance of keeping the process within Newton. If that was the same memo we received from Jake on the N'ville List, Jake asserted there, very specifically that Mark Development will build 6 stories and 201 units. I'm a little surprised that Wayne did not criticize Roberts' much larger numbers, or Susan Albright when she backed Roberts up.

So, whose numbers are correct? That Roberts and Albright on the one hand, and Jake, on the other, would have very different numbers, suggests to us that Tom was probably correct when he said Mr. Korff hasn't yet decided on these parameters.

Our view, is to regard Jake's "prediction," itself, as a threat. In collective bargaining law, and when a prediction is not adequately backed by facts, when it presents as fact changes that could adversely another party, and is not "reasonably foreseeable," it is usually viewed as a threat, and an unfair labor practice. We view this statement by Jake as such a threat, especially given the time-consuming and unpredictable course a 40B proposal would have to run, through the ZBA and Land Court. Given Newton's enforcement of the 1.5% Land Area Minimum "safe harbor," as well as the likelihood that Korff's project would likely be seen as retaliation against the community, and especially the abutters, as well as impinging on commerce, the Post Office, and the Historic District, it seems not unlikely that the community could actually end up with a better 40B than MU4, even though we would prefer to keep the decision-making local with a combination of the current zoning and special permitting. That's our position, and we want it clarified.

Furthermore, our voting process on the motion itself was probably flawed. There was no final vote on the motion. The motion was voted on and then it was revised. No vote was taken on the revised motion because the NAC never met again. The motion was revised via e-mail, and no one actually made a motion to accept the revised motion. And no vote was taken. And it was sent to the City Council without the three of us approving it.

So we are calling for a quorum to hold a special meeting, on Thursday March 23, at 7 pm, location TBD, to reconsider and/or re-vote on this issue. Please let us know if you support this request.

Thank you,

Peter Bruce

Susan Reislser

Colleen Minaker

From: "wayne koch" ·
To: "Peter Bruce" <
Cc: "susan reisler" "Colleen Minaker"
Sent: Wednesday, March 15, 2017 2:28:54 PM
Subject: RE: Please call an emergency meeting of the NAC

Hi Peter,

When I made the motion for the memo at the meeting it had absolutely nothing to do with what Ken was saying. As I stated at the meeting the motion was made in response to Jake Auchincloss' memo talking about how moving the project to a 40B process was a losing situation for the village due to a loss of control. I stated that at the meeting and that is the intended content and meaning of the memo. The size or height of a proposed 40B project was not my concern in drafting the memo nor is it part of the memo's contents. To reiterate the contents of the memo and my stated concerns at the meeting, I do not think it is in the city's best interests to have the decision making process of permits and land use taken out of the city's control.

Regarding calling a meeting, my reading of the NAC bylaws indicates that the a "special meeting" may be called by the president **or a quorum of the members** as long as proper notice is given. I do not think that a special meeting is needed but if you do it is your prerogative to call for one as long as you have a quorum of members. If you would like to call a meeting to review this again, the procedure is to contact the NAC membership to find out if a quorum is available at the proposed time and then post the time and agenda on the Newton web site with sufficient notice to meet the open meeting rules.

Thanks,
Wayne

From: Peter Bruce |
Sent: Wednesday, March 15, 2017 12:12 PM
To: wayne koch <
Cc: susan reisler · >; Colleen Minaker <
Subject: Please call an emergency meeting of the NAC

Dear Wayne,

Susan Reisler, Colleen Minaker, and I request that an emergency meeting of the Newtonville Area Council be called to reconsider the motion that was passed on Thursday, March 9.

This motion was made and passed hastily with false and misleading information. If you recall, the impetus for the motion rested on Kenneth Roberts's vociferous claims that Mr. Korff was determined to build a seven-story, 245-unit 40B development on the Orr Block parcel – no question about it, he said. He also said that he had spoken to Mr. Korff three times in the last two weeks. I requested fact-checking, because the claim sounded dubious. It turns out I was correct. During a subsequent unplanned conversation with Marc Kaufman at Star Market, he revealed that Mr. Korff told Tom Kraus on the phone that such a large building was only a possibility and that he hadn't decided on any particulars of such a development. Hence, the proposal that

propelled this hasty motion was based on erroneous information. No fact-checking was done, no public opinion was taken.

Use of the term “negotiated settlement” in the motion implies two sides talking to each other. From what we learned subsequently, Monday’s meeting will consist of merely questions from city councilors. No negotiation here. This motion makes no sense.

For these reasons, we request an emergency meeting of the Newtonville Area Council to reconsider this motion.

Respectfully,

Peter Bruce
Susan Reisler
Colleen Minaker.