



# **Programs & Services Committee Agenda** **Special Joint meeting with Finance Committee**

## **City of Newton** **In City Council**

**RECEIVED**  
By City Clerk at 4:30 pm, Sep 07, 2017

**Monday, September 11, 2017**

**POSTED**  
City Clerk

**7:00PM – Note Early Start**  
**Room 211**

### **Items Scheduled for Discussion:**

**Note:** Finance and Programs & Services Committees will jointly discuss #138-17(2) and #220-17, as they are related items. Please note that that they are not jointly referred items and will require votes in their respective Committees only.

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

**#138-17(2) Request to place question of new Charter on the November ballot**  
CITY CLERK requesting the City Council, as required by MGL 43B, Section 11, order the Newton Charter Commission's proposed new charter to be submitted to the voters of the City of Newton for their approval on the November 7, 2017 municipal ballot. The ballot question to read: "Shall the City of Newton approve the new home rule charter recommended by the Charter Commission as summarized below: Yes. No." [06/14/17 @ 2:42PM]

#### **Referred to Finance Committee**

**#220-17 Transfer \$6,400 from Budget Reserve to mail Charter Commission Report**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of six thousand four hundred dollars (\$6,400) from Budget Reserve to supplement funds previously appropriated to the Charter Commission in order to distribute a printed copy of the Charter Commission's final report to all voter households, as required by Massachusetts state law. [07/06/17 @ 9:03 AM]

#### **Referred to Programs & Services and Finance Committees**

**#259-17 Increase the number of years the City can lease Weeks House**  
HIS HONOR THE MAYOR requesting consideration of a request to petition the General Court for special legislation to increase the number of years the City of

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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.

Newton is authorized to lease the Weeks House from the current period of sixty-five years, as authorized by the Acts of 1981, Chapter 330, to a period of up to ninety-nine years. [08/07/17 @ 2:23 PM]

**Items Not Scheduled for Discussion at this Meeting:**

- #265-17**      **Mayor's re-appointment of Bethel Charkoudian to the Parks & Recreation Comm**  
BETHEL CHARKOUDIAN, 18 Maple Avenue, Newton, re-appointed as the Ward 1 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #266-17**      **Mayor's re-appointment of Arthur Magni to the Parks & Recreation Commission**  
ARTHUR MAGNI, 107 Mount Vernon Street, Newton, re-appointed as the Ward 2 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #267-17**      **Mayor's re-appointment of Peter Kastner to the Parks & Recreation Commission**  
PETER KASTNER, 49 Woodbine Street, Newton, re-appointed as the Ward 4 member of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #268-17**      **Mayor's re-appointment of Byron Dunker to the Parks & Recreation Commission**  
BYRON DUNKER, 10 Southwick Road, Newton, re-appointed as the Ward 5 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #269-17**      **Mayor's re-appointment of Andrew Stern to the Parks & Recreation Commission**  
ANDREW STERN, 56 Tyler Terrace, Newton, re-appointed as the Ward 6 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #270-17**      **Mayor's re-appointment of Richard Tucker to the Parks & Recreation Commission**  
RICHARD TUCKER, 23 Woodman Road, Newton, re-appointed as the Ward 7 member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #271-17**      **Mayor's re-appointment of Patrick Palmer to the Parks & Recreation Commission**  
PATRICK PALMER, 37 Arapahoe Road, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2019. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]
- #272-17**      **Mayor's re-appointment of Jack Neville to the Parks & Recreation Commission**  
JACK NEVILLE, 68 High Street, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2020. (60 DAYS 11/4/17) [08/09/17 @ 11:18 AM]

- #273-17 Mayor's re-appointment of Michael Clarke to the Parks & Recreation Commission**  
MICHAEL CLARKE, 1115 Beacon Street, #9, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire September 30, 2019. (60 DAYS 11/4/17)[08/09/17 @ 11:18 AM]
- #274-17 Mayor's re-appointment of Sam Figler to the Parks & Recreation Commission**  
SAM FIGLER, 63 Summer Street, Newton, re-appointed as an alternate member of the PARKS & RECREATION COMMISSION for a term to expire October 31, 2018. (60 DAYS 11/4/17) 08/09/17 @ 11:18 AM
- #483-14 Resolution to promote cooperative programs with food establishments**  
PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56 PM]
- #193-17 Rules amendment: Referral of business**  
CITY CLERK requesting a Rules amendment to Section 3, Referral of business to Committees, Item D by replacing the word "petition" in the first sentence with the words "docket item." [06/09/17 @ 4:02PM]
- #194-17 Rescission of date and time notation on docket items**  
CITY CLERK requesting rescission of Council Order #369-06 ALD. JOHNSON requesting that all newly docketed items, when appearing on the new docket, shall include the date and time that the item was received by the Clerk's office and the name of the clerk who received the item. [06/09/17 @ 4:02PM]
- #246-17 Citizens Petition requesting a resolution supporting later high school start time**  
JEFFREY PONTIFF ET AL. submitting a petition, pursuant to Section 10, Section 2 of the City of Newton Charter, requesting a Resolution from the City Council acknowledging the scientifically documented benefits of a later school time and supporting the Newton Public Schools to take action to delay high school start times.[07/28/17 @ 1:30 PM]
- #247-17 Citizens Petition requesting measures limiting City Council action to city issues**  
JANET STERMAN ET AL. submitting a petition, pursuant to Section 2 of the City of Newton Charter, for the City to adopt measures so that all new matters taken under discussion by the City Council pertain solely to the operation of the City; that all matters presented to the City Council pertaining to the operation of the Commonwealth of Massachusetts be referred to state Representatives and Senators representing the City of Newton; and that all matters pertaining to the operation of the United States federal government be referred to the United States

Representatives and Senators representing Massachusetts. (90 days: 11/12/17)  
[07/31/17 @ 10:10 AM]

- #56-16**      **Ordinance amendment to add statutory references to policy on housing practices**  
COUNCILOR HESS-MAHAN requesting an amendment to Chapter 12, Section 50(b) *Policy of the city regarding housing practices*, to add statutory references to Title VI of the Civil Rights Act of 1964; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act; and any other applicable state or federal laws that were inadvertently omitted from the current ordinance.  
[02/08/16 @ 1:51 PM]
- #300-16**      **Ordinance to register lobbyists**  
COUNCILORS COTE, NORTON AND HARNEY proposing an ordinance to register lobbyists in the City of Newton. [08/10/16 @ 3:11 AM]
- #158-16**      **Ordinance to require notice on gas pumps relative to climate change**  
COUNCILORS NORTON AND SANGIOLLO requesting an ordinance that requires a notice posted on retail gas station pumps within the City of Newton that informs consumers that burning gasoline contributes to climate change; and a link to a City website page offering information regarding alternatives to gasoline powered transportation, including walking, biking, public transit and electric vehicles.  
[04/25/16 @ 9:02 AM]
- #31-15(6)**      **Amendment to noise ordinance relative to leaf blowers**  
COUNCILOR LEARY proposing to amend Chapter 20, Restrictions on use of leaf blowers, to specify permitted hours of use of electric and battery powered leaf blowers from Memorial Day through Labor Day and to exclude, at all times, the use of gasoline or fuel-based generators to charge leaf blower batteries or to power electric leaf blowers. [03/13/17 @ 3:26PM]
- #34-13**      **Ordinance to prohibit polystyrene food/beverage containers**  
ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

**Referred to Programs & Services and Public Safety & Transportation Committees**

- #46-17**      **Discussion regarding how community policing works**  
COUNCILOR ALBRIGHT requesting a discussion with the Chief of Police and/or members of his department to explain to the City Council how “community policing” works in Newton, how it differs from traditional policing, how staffing differs from traditional departments, and how it benefits Newton. [02/20/17 @ 3:21 PM]

- #363-16**      **Amendment to the City Council Rules for yearly review of City Clerk’s salary**  
PRESIDENT LENNON AND VICE PRESIDENT LAPPIN requesting an amendment to Article XI of the Rules and Orders of the City Council to require an annual review of the salary of the City Clerk/Clerk of the Council. [10/26/16 @ 3:58 PM]

**Referred to Programs & Services and Public Facilities Committees**

- #344-16**      **Discussion regarding oversight of all city/school buildings to improve efficiencies**  
COUNCILOR LAPPIN requesting a discussion regarding the Public Buildings Department overseeing all public buildings, including School Department facilities, to improve efficiencies. [10/07/16 @ 10:47 AM]

- #301-16**      **Amendment to the Tree Preservation Ordinance**  
COUNCILOR SANGIOLO requesting an amendment to the Tree Preservation Ordinance so that any tree removal requested by a city department be forwarded to the Urban Tree Commission and all tree removal requests under the Tree Preservation Ordinance be posted online to give residents and interested citizens notification. [08/09/16 @10:30 PM]

- #264-16**      **Ord. requiring Councilor notice of and involvement in street tree waiver requests**  
COUNCILORS HESS-MAHAN, NORTON, KALIS, COTE, DANBERG, HARNEY, SANGIOLO, LEARY AND YATES requesting an ordinance requiring that Councilors from each respective ward be given notice and a meaningful opportunity to object to granting a hardship waiver or permit to remove a street tree. [07/21/16 @ 11:40 AM]

**Referred to Land Use, Programs & Services, and Finance Committees**

- #256-16**      **Request to extend notification area of notice for special permit petitions**  
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300’ required by Massachusetts General Law Chapter 40A to also include property owners within 600’ of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300’ will be entitled to the rights conferred by Massachusetts General Law Chapter 40A [07/01/16 @2:09 PM]

**Referred to Programs & Services and Public Facilities Committees**

- #141-15**      **Discussion on tracking the gas utility infrastructure in Newton**  
ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair

work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues.

05/26/15 @ 2:53 PM]

### **Referred to Programs & Services and Public Facilities Committees**

**#201-15**

#### **Discussion of the condition of the Kennard Estate on Dudley Road**

ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]

### **Referred to Programs & Services and Finance Committees**

**#216-14**

#### **Ordinance amendment for notification of vacancy of unit and/or condo conversion**

ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO

proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:

- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
- require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
- require a fee for certification; and
- impose a fine for violation of these provisions. [05/14/14 @11:51 AM]  
FINANCE VOTED NO ACTION NECESSARY 7-0 12/14/15

**#398-13**

#### **Discussion of complementary ordinance or regulations for Marijuana Dispensaries**

ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

**UPDATE ITEMS:**

**Referred to Programs & Services Committees and Public Facilities**

- #12-17 Request for updates on the Library Expansion Project**  
COUNCILORS CROSSLEY, ALBRIGHT AND BLAZAR requesting periodic updates from the Library Trustees and Library Director on the Library expansion project. [01/03/2017 @ 3:55 PM]

**Referred to Programs & Services Committees and Public Facilities**

- #13-17 Request for updates on the Archive Expansion Project**  
COUNCILORS CROSSLEY, ALBRIGHT, AND BLAZAR requesting periodic updates from the City Clerk on the Archives expansion project. [01/03/2017 @ 3:56 PM]

**Referred to Programs & Services and Public Facilities Committees**

- #27-16 Updates from the Administration on the renovations at the Aquinas site**  
PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or Executive Department provide updates on removal of asbestos and other toxic materials that were identified at the Aquinas site, the scope and timing of window replacement in particular, and renovations that may be necessary to facilitate short and long-term plans for uses and operations at the site. [01/10/16 @ 1:14 PM]

**Referred to Programs & Services and Public Safety & Transportation Committees**

- #312-15 Update from Health Department on opiate overdose epidemic**  
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide

- #377-14 Discussion of proposed changes of use of the Senior Center**  
THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43 PM]

**Referred to Programs & Services and Public Facilities Committees**

- #119-14 Update from Inspectional Services on ADA compliance of City properties**  
ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than



\$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14  
@ 4:18 PM]

**Respectfully Submitted,**

**John B. Rice, Chair**