



City Council Reports Docket

November 19: Real Property Reuse
November 20: Programs & Services, Public
Safety & Transportation, Public Facilities
November 21: Land Use
November 25: Finance, Zoning & Planning
November 25: Committee of the Whole

Page 596
7:45 PM, Newton City Hall
To be reported on
Monday, December 2, 2019

City of Newton In City Council Items to be Acted Upon

Unfinished Council Business

Referred to Land Use Committee

#425-18

Request to Rezone three parcels for Northland Development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, NORTHLAND OAK STREET, LLC petition for a change of zone to BUSINESS USE 4 for land located at 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), currently zoned MU1.

Land Use Approved 8-0; Public Hearing Closed 09/24/2019

Item postponed to December 2, 2019 by Unanimous Voice Vote on 11/18/2019

#426-18(2)

Special Permit to allow mixed use development

NEEDHAM STREET ASSOCIATES, NORTHLAND TOWER ROAD INVESTORS, LLC, NORTHLAND OAK STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a mixed-use development greater than 20,000 sq. ft. with building heights of up to 96' and up to eight stories, to allow a development with an FAR of up to 2.0, consisting of 800 residential units, with ground floor residential units, containing restaurants with more than 50 seats, for-profit schools and educational uses, stand-alone ATMs, drive-in businesses, open air businesses, hotels, accessory multi-level parking facilities, non-accessory single-level parking facilities, non-accessory multi-level parking facilities, places of amusement, radio or TV broadcasting studios, and lab and research facilities, to allow a reduction in the overall parking requirement, to allow tandem spaces, to allow valet spaces, to waive dimensional requirements for parking stalls, to allow assigned spaces, to waive end stall maneuvering requirements, to allow driveway entrances and exits in

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 or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

excess of 25', to waive perimeter landscaping requirements, to waive interior landscaping and planting area requirements, to waive lighting requirements for parking lots, to waive tree requirements, to waive bumper overhang requirements, to waive 1-foot candle lighting requirements, to waive general lighting, surfacing and maintenance requirements, to waive off-street loading facilities requirements, to allow the extension of a nonconforming front setback, loading docks and nonconforming retaining wall to the extent necessary and to waive sign requirements relative to number, size, location or design, to waive the number of signs allowed at all properties known as 156 Oak Street (Section 51 Block 28 Lot 5A), 275-281 Needham Street (Section 51, Block 28, Lot 6) and 55 Tower Road (Section 51 Block 28 Lot 5), Newton Upper Falls, Ward 5, on 22.6 acres of land in a proposed BU4 district. Ref: Sec. 7.3.3, 7.4, 7.8.2.C, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 4.4.1, 5.1.3.E, 5.1.4.A, 5.1.4.C, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.D.2, 5.1.8.E.1, 5.1.9.A, 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, 5.1.12, 5.1.13, 5.2, 5.2.13, 5.4.2 and of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0-2 (Councilors Markiewicz and Schwartz abstaining; Public Hearing Closed 09/24/2019)

Item postponed to December 2, 2019 by Unanimous Voice Vote

Referred to Zoning & Planning Committee

#165-19

Adoption of Washington Street Vision Plan as part of the Comprehensive Plan

DIRECTOR OF PLANNING requesting approval and adoption of the Washington Street Vision Plan as an amendment to the 2007 Newton Comprehensive Plan.

Zoning and Planning Approved 6-0-1 (Councilor Kalis abstaining, Councilor Downs not voting)

Item postponed to December 2, 2019 by Unanimous Voice Vote on 11/18/2019

Referred to Land Use Committee

Thursday, November 21, 2019

Present: Councilors Schwartz (Chair), Kelley, Markiewicz, Crossley, Greenberg; Absent: Councilors Lipof, Laredo, Auchincloss

#332-19

Petition to amend Board Order #650-86(2) to alter garage at 77 Paul St/1400 Centre St
MARK F DONATO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #650-86(2) to allow alteration to an existing structure, extending the existing nonconforming use by constructing an addition for an elevator, to reduce the nonconforming lot coverage and to further extend the nonconforming parking in the front setback at 7400 Centre Street/77 Paul Street, Ward 6, Newton Centre, on land known as Section 62 Block 13 Lot 9, containing approximately 30,023 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.2.2.A.3, 4.2.3 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved Subject to Second Call 5-0; Public Hearing Closed 11/21/2019

- #268-19** **Petition to allow adult-use marijuana dispensary at 58 Cross St/1089 Washington St**
ASCEND MASS, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow retail marijuana sales and waivers to the extent necessary for minimum stall dimensions, perimeter screening requirements, interior landscaping requirements and lighting requirements at 58 Cross Street/1089 Washington Street, Ward 3, West Newton, on land known as Section 31 Block 09 Lot 07, containing approximately 25,122 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 5.1.8.A.1, 5.1.8.B.2, 5.1.9.A, 5.1.9.B, 5.1.10, 5.1.13, 6.10.3.D of the City of Newton Rev Zoning Ord, 2017.
Land Use Held 5-0; Public Hearing Continued
- #318-19** **Request to Rezone 15-21 Lexington Street to Multi Residence 3**
DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for a change of zone to Multi-Residence 3 for portions of land located at 15-21 Lexington Street (currently zoned Single-Residence 3), also identified as Section 41, Block 35, Lots 2, 3, 4 and 5.
Land Use Approved 5-0 on 10/10/2019; Public Hearing Closed 11/21/2019
- #319-19** **Petition to allow 24-unit multi-family dwelling at 15-21 Lexington Street**
DANTE CAPASSO/PICARIELLO REALTY TRUST/DSP REALTY TRUST petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls, to reduce the parking stall depth, to allow restricted end stalls in the garage parking facility, to waive the perimeter screening requirements for the outdoor parking facility, to waive interior landscaping requirements for the outdoor parking facility and to waive the minimum intensity of outdoor lighting of the parking facility on 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.
Land Use Approved Subject to Second Call 5-0; Public Hearing Closed 11/21/2019
- #317-19** **Petition to allow attached dwelling units at 67 Walnut Street**
60 WOODBINE STREET LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing single-family dwelling and construct three single-family attached dwelling units in one building, to reduce side setback requirements, to reduce the required lot area, to allow a driveway within ten feet of the side lot line and to allow retaining walls of four feet or more in height within the setback at 67 Walnut Street, Ward 2, on land known as Section 21 Block 24 Lot 15, containing approximately 14,516 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec. 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, 2017.
Land Use Approved 2-0-3(Crossley, Kelley, Markiewicz abstaining)-0; Public Hearing Closed 11/21/2019

- #259-19** **Petition to allow attached dwelling units at 264 Pearl Street**
BENEDETTO CAIRA, TRUSTEE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow construction of three single-family attached dwelling units, to allow a reduction in the required side setbacks, to allow a reduction in the required frontage, to allow a reduction in the required lot area, to allow a driveway within 10' of a side lot line and to allow retaining walls great than four feet within a setback at 264 Pearl Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 10, containing approximately 14,608 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.4.2.B, 6.2.3.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Land Use Approved 5-0; Public Hearing Closed 11/21/2019

Referred to Zoning and Planning Committee

Monday, November 25, 2019

Present: Councilors Albright (Chair), Danberg, Kalis, Brousal-Glaser, Baker, Downs, Leary, Krintzman; Also Present: Councilors Greenberg, Crossley

- #358-19** **Appointment of Martin Smargiassi to the Community Preservation Committee**
HER HONOR THE MAYOR appointing Martin Smargiassi, 20 Fern Street, Auburndale, as a member of the COMMUNITY PRESERVATION COMMITTEE for a term to expire July 10, 2022. (60 days: 12/14/19)
Zoning and Planning Approved 6-0 (Councilors Leary and Krintzman not voting)

- #398-19** **Appointment of Visda Saeyan to the Urban Design Commission**
HER HONOR THE MAYOR appointing Visda Saeyan, 7 Marcellus Drive, Newton Center, as a member of the URBAN DESIGN COMMISSION for a term to expire on December 31, 2022. (60 days: 01/07/20)
Zoning and Planning Approved 6-0 (Councilors Leary and Krintzman not voting)

- #397-19** **Reappointment of Michael Kauffman to the Urban Design Commission**
HER HONOR THE MAYOR reappointing MICHAEL KAUFFMAN, 24 Turner Terrace, Newtonville, as a member of the URBAN DESIGN COMMISSION for a term to expire December 31, 2022. (60 days: 01/07/20)
Zoning and Planning Approved 6-0 (Councilors Leary and Krintzman not voting)

- #327-19** **Ordinance amendment to repeal Zoning Ordinance 3.4.4 Garages**
COUNCILOR ALBRIGHT requesting that Chapter 30 of Newton's Zoning ordinance be amended to repeal section 3.4.4 Garages (effective December 31, 2019 after three postponements). Garages will be discussed during Zoning Redesign next term.
Zoning and Planning Approved Deferral of the effective date of the Garage Ordinance until July 1, 2020 - 6-0, Public Hearing Closed 11/25/19

#363-19 **Amendment(s) to Chapter 30 relative to building efficiencies**
DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create exemptions to building envelope standards such as height and setback to facilitate the implementation of energy efficiency and alternative energy measures in buildings including external insulation, doorway vestibules, heat pumps, and solar panels among other features.

Zoning and Planning Held 8-0

#364-19 **Amendment(s) to Chapter 30 relative to sustainable design**
DIRECTOR OF PLANNING & CO-DIRECTORS OF SUSTAINABILITY requesting discussion and adoption of amendments to Chapter 30, the Newton Zoning Ordinance to create a new set of standards related to sustainable development design with requirements for new buildings and development projects to include environmental and energy efficiency features.

Zoning and Planning Approved 8-0

Referred to Programs and Services Committee

Wednesday, November 20, 2019

Present: Councilors Rice (Chair), Brousal-Glaser, Kalis, Albright, Greenberg, Krintzman, Baker; Absent: Councilor Schwartz; Also Present: Councilor Leary

#392-19 **Appointment of Rebecca Kramer to the Biosafety Committee**
HER HONOR THE MAYOR appointing REBECCA KRAMER, 84 Larchmont Avenue, Waban, as a member of the BIOSAFETY COMMITTEE for a term to expire December 1, 2022. (60 days: 01/01/20)

Programs and Services Approved 7-0

#365-19 **Appointment of Samuel Nathans as a Library Trustee**
HER HONOR THE MAYOR appointing SAMUEL NATHANS, 37 Kenmore Street, Newton Centre, as a LIBRARY TRUSTEE for a term to expire June 30, 2024. (60 days: 12/14/19)

Programs and Services Approved 7-0

#371-19 **Reappointment of Harry Lohr to the Jackson Homestead**
HER HONOR THE MAYOR reappointing HARRY LOHR, 157 Cherry Street, Newton, as a Trustee of the JACKSON HOMESTEAD for a term to expire May 31, 2022. (60 days: 12/14/19)

Programs and Services Approved 6-0 (Councilor Albright not voting)

#370-19 Reappointment of Jay Walter to the Jackson Homestead
HER HONOR THE MAYOR reappointing JAY WALTER, 83 Pembroke Street, Newton, as a Trustee of the JACKSON HOMESTEAD for a term to expire May 31, 2022. (60 days: 12/14/19)
Programs and Services Approved 6-0 (Councilor Albright not voting)

#369-19 Reappointment of Karen Haywood to the Jackson Homestead
HER HONOR THE MAYOR reappointing KAREN HAYWOOD, 69 Walker Street, Newtonville, as a Trustee of the JACKSON HOMESTEAD for a term to expire May 31, 2022. (60 days: 12/14/19)
Programs and Services Approved 6-0 (Councilor Albright not voting)

#368-19 Reappointment of Treff LaFleche to the Jackson Homestead
HER HONOR THE MAYOR reappointing TREFF LaFLECHE, 1603 Commonwealth Avenue, West Newton, as a Trustee of the JACKSON HOMESTEAD for a term to expire May 1, 2022. (60 days: 12/14/19)
Programs and Services Approved 6-0 (Councilor Albright not voting)

#399-19 Reappointment of David A. Olson as City Clerk
PRESIDENT LAREDO AND VICE PRESIDENT KALIS, pursuant to Section 2-7 of the City Charter, recommending that the City Council re-appoint David A. Olson as the City Clerk; said term will begin on January 1, 2020 for a term of two years or until a successor is duly qualified
Programs and Services Approved 7-0

#387-19 Transfer of \$207,500 for tree damage cleanup
HER HONOR THE MAYOR requesting authorization to transfer the sum of two hundred seven thousand and five hundred dollars (\$207,500) from the Budget Reserve – Snow and Ice Removal Account to the following account:
 Forestry Tree Services
 (0160253-524300) \$207,500
Finance Approved 5-0 on 11/13/19
Programs and Services Approved 7-0

Referred to Programs & Services and Finance Committees

#415-19 Transfer \$69,000 for the cost of six months of the City Council’s new salary
HER HONOR THE MAYOR requesting authorization to transfer the sum of \$69,000 from Acct# 0110498-579000 Current Year Budget Reserve to Acct# 0110111-511103 City Council Officials with Benefits to cover the costs of six months of the City Council’s new salary.
Finance Approved 6-1 (Grossman opposed) on 11/25/2019
Programs and Services Approved 7-0

#167-19 **Amendment to the noise ordinance related to rock saws and similar devices**
COUNCILORS BAKER, GROSSMAN, & LAREDO recommending amendment to Chapter 20, Article II. Noise to clarify the appropriate sound and other limit for rock saws and similar devices used in construction work in residential areas.
Programs and Services Held 6-0 (Councilor Albright not voting)

#503-18 **Discussion of handling of trash and recyclables by private haulers**
COUNCILORS LEARY, CROSSLEY, GREENBERG AND DOWNS requesting discussion and adoption of best practices, including a mandate to separate recyclables from trash and include recycling pick up to meet Massachusetts Waste Ban regulations, 310CMR 19.017, for private haulers doing business in the City of Newton.
Programs and Services Held 7-0

#273-19 **Resolution to support to Green New Deal**
COUNCILORS BROUSAL-GLASER, DOWNS, KELLEY, KRINTZMAN, GREENBERG, LEARY, NOEL AND NORTON requesting a RESOLUTION from the City Council to officially support the Green New Deal.
Programs and Services Approved 6-0-1, Councilor Kalis abstaining

Referred to Public Safety and Transportation Committee

Wednesday, November 20, 2019

Present: Councilors Ciccone (Chair), Downs, Auchincloss, Lipof, Cote and Markiewicz; absent: Councilors Noel and Grossman

Referred to Public Safety & Transportation and Finance Committees

#420-19 **Transfer \$1,900,000 and \$600,000 for the retroactive pay of Newton Police**
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million and nine hundred thousand (\$1,900,000) from Prior Year Carry Forward for Wage Reserve and six hundred thousand dollars (\$600,000) from Current Year Wage Reserve to pay for the retroactive salaries and stipends due to the members of Newton Police Superior Officers' for the period covering July 1, 2014 through FY2020.
Finance Approved 7-0 on 11/25/2019
Public Safety Approved 5-0, Councilor Downs not voting

#330-19 **Request for a discussion regarding the Commuter Rail Communities Coalition**
COUNCILORS NORTON, AUCHINCLOSS AND CICCONE, requesting a discussion regarding the Commuter Rail Communities Coalition and the City of Newton's participation goals.
Public Safety No Action Necessary 5-0, Councilor Downs not voting

#489-18 **Traffic study and discussion of Angier School parking and traffic**
COUNCILORS DOWNS, CROSSLEY & RICE requesting a traffic study and discussion of parking and traffic at the arrival and dismissal times at the Angier Elementary School.
Public Safety No Action Necessary 6-0

Referred to Public Facilities Committee

Wednesday, November 20, 2019

Present: Councilors Crossley (Chair), Leary, Norton, Kelley, Danberg, Lappin, Gentile, and Laredo; also present: Councilor Downs

#492-18 Complete Streets Update to the Public Facilities Committee
THE PUBLIC FACILITIES COMMITTEE requesting an update on the Complete Streets Program pursuant to the City’s Complete Streets Policy, Section C8.
Public Facilities Held 7-0 (Norton not Voting) on 11/07/18
Public Facilities Held 7-0 (Councilor Laredo not voting)

Referred to Public Facilities and Finance Committees

#418-19 Appropriate \$3,000,000 for the City’s Pavement Management Program
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million dollars (\$3,000,000) from Certified Free Cash for the purpose of funding the City’s Pavement Management Program.
Finance Approved 7-0 on 11/25/2019
Public Facilities Approved 7-0 (Councilor Laredo not voting)

#412-19 Relocation of sewer and drain easement on Needham Street
HER HONOR THE MAYOR requesting authorization to relocate an easement for sewer and drain purposes on private properties located at 151-153 and 181 Needham Street originally granted on March 19,1951 under Board Order #98789.
Public Facilities Approved 7-0 (Councilor Laredo not voting)

Referred to Public Facilities and Finance Committees

#416-19 Approve a \$500,000 for snow and ice removal
HER HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Rental - Vehicles
(0140123-527301) \$500,000

Finance Approved 7-0 on 11/25/2019
Public Facilities Approved 7-0 (Councilor Laredo not voting)

Referred to Public Facilities and Finance Committees

#417-19 **Appropriate \$12,334,366 for renovations for Newton Early Childhood Program**
HER HONOR THE MAYOR requesting authorization to appropriate twelve million three hundred thirty-four thousand and three hundred sixty-six dollars (\$12,334,336) from bonded indebtedness for the purpose of funding renovations of the Newton Early Childhood Program, 687 Watertown Street and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.
Finance Approved 7-0 on 11/25/19
Public Facilities Approved 7-0 (Councilor Leary not voting)

#411-19 **Requesting an update on Horace Mann Improvements**
COUNCILOR CROSSLEY on behalf of the Public Facilities committee, requesting an update from the administration and school department on the plans, proposed schedule and any funding needed to correct recently identified deficiencies and improvements to the Horace Mann school at Nevada Street, including addressing classroom space needs, mitigating acoustics, providing sinks for the second floor classrooms, improving proximity of bathrooms to activity areas, etc.,
Public Facilities Held 8-0

Referred to Public Facilities and Finance Committees

#419-19 **Appropriate \$200,000 for the Comm Ave Carriageway Greening Improvements**
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand dollars (\$200,000) from Certified Free Cash to be managed by the Planning Department for the design/engineering of the Commonwealth Ave Carriageway Greening Improvements from Lyons Field west to the Charles River Bridge.
Finance to Meet
Public Facilities Approved 5-0-1 (Councilor Gentile abstaining and Councilors Laredo and Lappin not voting)

Referred to Public Facilities and Zoning & Planning Committees

#143-19 **Discussion/Adoption of Climate Action Plan/Citizens Climate Action Plan**
COUNCILORS ALBRIGHT AND CROSSLEY on behalf of the Zoning & Planning and Public Facilities committees, requesting discussion and adoption of items within the Climate Action Plan and the Citizen’s Climate Action Plan with the Sustainability Directors, Climate Action Planning team led by Jennifer Steel (Planning Department staff, MAPC and volunteers) and the Citizens’ Commission on Energy. The focus will be to understand the synergies between the two complimentary plans and how items within the plans can be integrated to achieve the significant reductions in greenhouse gas emissions called for in recent national and international reports.
Zoning & Planning voted No Action Necessary 11/14/2019
Public Facilities voted No Action Necessary 7-0 (Councilor Laredo not voting)

Referred to Finance Committee

Monday, November 25, 2019

Present: Councilors Gentile (Chair), Norton, Cote, Grossman, Rice, Lappin and Noel; absent: Councilor Ciccone; also present: Councilors Crossley, Leary and Krintzman

Referred to Zoning & Planning and Finance Committees

#384-19

Appropriate \$15,000 for a grant to the Newton Conservators

COMMUNITY PRESERVATION COMMITTEE requesting the appropriation of fifteen thousand dollars (\$15,000) to the Planning & Development Department for a grant to the Newton Conservators, for the costs associated with holding the required conservation restriction on open space acquired with community preservation funds at Kessler Woods.

Zoning and Planning Approved 8-0 on 11/14/19

Finance Approved 7-0

Referred to Public Facilities and Finance Committees

#391-19

Authorization to revise White Goods and Bulky Items City Ordinances

HER HONOR THE MAYOR requesting authorization to revise ordinances pertaining to solid waste and recycling definitions, management of bulky waste items, management of white goods, including amendments to the fees and management of residential moveouts and cleanouts.

Finance Approved 5-0 on 11/13/2019

Public Facilities Approved 5-0-1 (Councilor Lappin abstaining and Councilor Gentile not voting) on 10/06/2019

City Council Recommitted the Item to Finance on 11/18/2019

Finance Held 7-0

Referred to Public Facilities and Finance Committees

#418-19

Appropriate \$3,000,000 for the City's Pavement Management Program

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million dollars (\$3,000,000) from Certified Free Cash for the purpose of funding the City's Pavement Management Program.

Public Facilities Approved 7-0 (Councilor Laredo not voting) on 11/20/19

Finance Approved 7-0

#413-19 Rescinding of curb betterments

HER HONOR THE MAYOR requesting authorization to rescind the assessment of the curb betterments at 77 Pembroke Street and 86 Waban Hill Road dated November 5, 2018, Council Order #532-18

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
77 Pembroke Street	Vitagliano Kenneth & Mccann-Vitagliano Nancy	32580/290	72021 0005	\$1,632.50
86 Waban Hill Road	Grossman David M & Sisk Marja J	Certif. 258417 1465/41	63008 0037	\$1,165.00

Finance Approved 6-0 (Councilor Grossman Recused)

Referred to Public Facilities and Finance Committees

#416-19 Approve a \$500,000 for snow and ice removal

HER HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Rental - Vehicles
(0140123-527301) \$500,000

Public Facilities Approved 7-0 (Councilor Laredo not voting) on 11/20/19

Finance Approved 7-0

Referred to Public Facilities and Finance Committees

#417-19 Appropriate \$12,334,366 for renovations for Newton Early Childhood Program

HER HONOR THE MAYOR requesting authorization to appropriate twelve million three hundred thirty-four thousand and three hundred sixty-six dollars (\$12,334,336) from bonded indebtedness for the purpose of funding renovations of the Newton Early Childhood Program, 687 Watertown Street and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes

Public Facilities Approved 7-0 (Councilor Leary not voting) on 11/20/19

Finance Approved 7-0

Referred to Public Safety & Transportation and Finance Committees

#420-19 Transfer \$1,900,000 and \$600,000 for the retroactive pay of Newton Police

HER HONOR THE MAYOR requesting authorization to transfer the sum of one million and nine hundred thousand (\$1,900,000) from Prior Year Carry Forward for Wage Reserve and six hundred thousand dollars (\$600,000) from Current Year Wage Reserve to pay for the retroactive salaries and stipends due to the members of Newton Police Superior Officers' for the period covering July 1, 2014 through FY2020.

Public Safety & Transportation Approved 5-0 (Councilor Downs not voting) on 11/20/19

Finance Approved 7-0

Referred to Programs & Services and Finance Committees

#415-19

Transfer \$69,000 for the cost of six months of the City Council's new salary

HER HONOR THE MAYOR requesting authorization to transfer the sum of \$69,000 from Acct# 0110498-579000 Current Year Budget Reserve to Acct# 0110111-511103 City Council Officials with Benefits to cover the costs of six months of the City Council's new salary.

Programs and Services Approved 7-0 on 11/20/19

Finance Approved 6-1 (Councilor Grossman Opposed)

#414-19

Reappointment of Susan Dzikowski as Comptroller

PRESIDENT LAREDO, VICE PRESIDENT KALIS AND COUNCILOR GENTILE, pursuant to Section 2-7 of the City Charter, recommending that the City Council reappoint Susan Dzikowski as Comptroller; said term will begin on January 1,2020 for a term of two years or until a successor is duly qualified.

Finance Approved 7-0

#421-19

Appropriate \$85,000 to settle a discrepancy

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of eight-five thousand dollars (\$85,000) from Certified Free Cash to settle a discrepancy in the amount of 2017 Massachusetts State Income Taxes paid versus the amount owed.

Finance Approved 7-0

Referred to Real Property Reuse Committee

Tuesday, November 19, 2019

Present: Councilors Danberg (Chair), Cote, Albright, Downs and Kalis

#295-19(2)

Joint Advisory Planning Group for West Newton Armory

THE CITY COUNCIL PRESIDENT submitting pursuant to §2-7(2)b) of the City of Newton Revised Ordinances, 2017 the following list of City Council appointees to serve on a Joint Advisory Planning Group (JAPG) to make recommendations on the future use of the West Newton National Guard Armory at 1135 Washington Street, which was declared available for sale or lease on September 17, 2019:

(E) Mitchell Fishman, 41 Brush Hill Road, Newton – **Real Property Approved 4-0**

(G) Lawrence Bauer, 42 Eliot Memorial Road, Newton – **Real Property Approved 4-0**

The Committee set an Initial Public Hearing Date of Thursday, January 23, 2020.

#349-19 Reuse of parcel of land on Brackett Road

DIRECTOR OF PLANNING & DEVELOPMENT submitting on September 13, 2019 a letter recommending that a 1200 sq. ft. parcel of land on Brackett Road, Ward 7, Newton Centre, known as Property ID: 73005 0002A be made available for sale or lease pursuant to Ordinance Section 2-7.

Public Hearing Opened and Closed.

Motion to sell property Approved 4-0 with the recommendation that it be sold to a person who resides in the neighborhood.

Motion to set the minimum financial consideration for the property to be at market rate, no less than \$5,000 Approved 4-0

Referred to Committee of the Whole

Monday, November 25, 2019

Present: Councilors Albright, Baker, Brousal-Glaser, Cote, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Kalis, Kelley, Krintzman, Lappin, Leary, Lipof, Markiewicz, Noel, Norton, Rice, Schwartz and Laredo (Chair)

Referred to Committee of the Whole

379-19 Acquisition of 300 Hammond Pond Parkway (Webster Woods)

HER HONOR THE MAYOR requesting the City Council approve the acquisition of approximately 17.4 acres of woods at 300 Hammond Pond Parkway by eminent domain to be used for conservation and open spaces purposes.

The President of the Council requested the Committee of the Whole enter into an Executive Session in accordance with the Provisions of Chapter 30A, sec 21(a) (3) & (6) for the purpose of considering the purchase, exchange, lease or value of Webster Woods and strategy with regards to litigation.

He announced that there would be no votes taken in the Committee of the Whole and that the Councilors would not be returning to open session.

Motion to Enter Executive Session Approved by Roll Call Vote 21 Yeas, 3 Absent (Councilors Ciccone, Gentile & Kalis) on October 21, 2019.

Committee of the Whole Approved 21 Yeas, 1 Abstention (Councilor Cote), 2 Absent (Councilors Auchincloss & Ciccone)

#379-19(2) Con Com Request to take Webster Woods by Eminent Domain (#385-19)

CONSERVATION COMMISSION requesting pursuant to M. G. L. c.40, sec. 8C that the City of Newton, in accordance with M.G.L. c. 79 take the fee in approximately 17.4 acres of wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (referred to as Webster Woods) by eminent domain for open space and conservation purposes.

Committee of the Whole Approved 21 Yeas, 1 Abstention (Councilor Cote), 2 Absent (Councilors Auchincloss & Ciccone)

- #379-19(3) CPC Recommendation to appropriate \$725,000 for Legal Fees for Webster Woods**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of seven hundred twenty-five thousand dollars (\$725,000) from the CPC Preservation Fund's Fiscal 2020 Open Space Reserve and restricted fund balance for open space, to the control of the Law Department for legal services and other costs required for the acquisition by the City of Newton of approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (known as Webster Woods).
- Committee of the Whole Approved 21 Yeas, 1 Abstention (Councilor Gentile), 2 Absent (Councilors Auchincloss & Ciccone)**
- #379-19(4) CPC Recommendation to appropriate \$15,000 for costs relative to conservation restriction**
COMMUNITY PRESERVATION COMMITTEE recommending appropriation of fifteen thousand dollars (\$15,000) from the CPC Fund's Fiscal 2020 Open Space Reserve to the control of the Planning Department for a grant to the Newton Conservators, Inc. for costs associated with the holding the conservation restriction required by G.L. c. 44B sec. 12. For approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, at the rear of 300 Hammond Pond Parkway (known as Webster Woods).
- Committee of the Whole Approved 22 Yeas, 2 Absent (Councilors Auchincloss & Ciccone)**
- #379-19(5) CPC Recommendation to Acquire and appropriate \$15,000,000 for Webster Woods acquisition**
COMMUNITY PRESERVATION COMMITTEE joining with the Conservation Commission in recommending that the City of Newton take in fee, by eminent domain, for open space purposes, the approximately 17.4 acres of undeveloped woodlands located at 300 Hammond Pond Parkway and further recommending authorization of the City Treasurer to borrow fifteen million dollars (\$15,000,000) for the acquisition of such undeveloped woodlands, including trees, waters and structures as authorized by G. L. c. 44B, sec. 11, for a period of 30 years, as required by G. L. c. 44, sec. 11, all proceeds from general obligation bonds or notes issued under this authorization shall be deposited in the Community Preservation Fund, any premium received upon the sale of such bonds or notes, less any such premium applied to the payment of issuance costs of the bonds or notes shall be deposited in the CPC Fund's restricted fund balance for open space.
- Question divided into: A) to Appropriate and Bond \$15,000,000; and B) to Acquire by Eminent Domain.**
- Committee of the Whole Approved A) to Appropriate and Bond and Bond \$15,000,000, 22 Yeas, 2 Absent (Councilors Auchincloss & Ciccone)**
- Committee of the Whole Approved B) to Acquire by Eminent Domain, 21 Yeas, 1 Abstention (Councilor Cote), 2 Absent (Councilors Auchincloss & Ciccone)**

#379-19(6) Acceptance and Expenditure of \$200,000 from Friends of Webster Woods

HER HONOR THE MAYOR requesting the City Council approve the acceptance and expenditure of a donation of the sum of \$200,000 by members of the Friends of Webster Woods, in accordance with the requirements of G.L. c. 44, sec. 53A, to be used for the purpose of acquiring approximately 17.4 acres of undeveloped wooded land, including trees, waters and structures located on the property, known as Webster Woods (located at the rear of 300 Hammond Pond Parkway). Said amount should be paid to Boston College for acquisition of Webster Woods and returned to the donors should the City not acquire Webster Woods.

Committee of the Whole Approved 22 Yeas, 2 Absent (Councilors Auchincloss & Ciccone)