



City Council Actions

In City Council

Monday, November 20, 2017

Present: Councilors Albright, Auchincloss, Baker, Blazar, Brousal-Glaser, Cote, Crossley, Danberg, Fuller, Gentile, Harney, Hess-Mahan, Kalis, Lappin, Laredo, Leary, Lipof, Norton, Rice, Sangiolo, Schwartz, Yates, and Lennon.

Absent: Councilor Ciccone

The City Council discussed the following items on Second Call:

Referred to Public Facilities Committee

#216-17

Approval of Building Design and Construction Sustainability Guidelines

HIS HONOR THE MAYOR requesting approval of the "City of Newton – Public Buildings Department – Building Design and Construction Sustainability Guidelines." [07/03/17 @ 12:28 PM]

Public Facilities Approved 6-0

Item Chartered by Councilor Gentile at the 10/16/17 Council Meeting

Item postponed to a date certain of November 20, 2017.

Approved by Voice Vote

Clerk's Note:

Referred to Land Use Committee

#228-17

Special Permit to extend non-conforming use at 69-71 Cherry Street

CAPPADONA CHERRY GROUP, LLC/ROSSANA CAMPOS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to legalize third unit and non-compliant lot area per unit in the existing non-conforming two-family at 69-71 CHERRY STREET, Ward 3, West Newton, on land known as Section 34, Block 42, Lot 15, containing approximately 23,511 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.3 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 5-0-1 (Auchincloss abstaining)

Motion to Recommit to Land Use Committee was Approved by Voice Vote

Clerk's Note:

Referred to Programs & Services and Zoning & Planning Committees

#276-17

Ordinance amendments to allow food trucks

THE ECONOMIC DEVELOPMENT COMMITTEE, COUNCILORS FULLER, HESS-MAHAN, KALIS, LENNON, LIPOF, NORTON, AND SANGIOLO requesting to amend Chapter 17, Sections 17-46 through 17-50 to allow Food Trucks to locate and operate on public streets in Newton subject to licensing by the Health Department and to location permitting requirements, initially restricted to Wells Avenue; to introduce new rules applicable to all Food Trucks operating in the City; and requesting to amend Chapter 30 to allow Food Trucks in the Public Use District subject to the same restrictions and requirements. [08/24/17 @ 4:17 PM]

Programs & Services Approved 5-0-1

Public Hearing Closed; Zoning & Planning Approved 7-0

Motion to Postpone to a Date Certain of December 4, 2017 was Approved by Voice Vote

Clerk's Note:

Referred to Programs & Services Committee

#313-17

Amendment to City Charter to change the composition of the City Council

COUNCILORS BROUSAL-GLASER, BLAZAR, CICCONE, COTE, DANBERG, HARNEY, KALIS, LAPPIN, LAREDO, LIPOF, NORTON, RICE, SANGIOLO AND SCHWARTZ requesting that if the Charter Commission proposal is not approved by voters on November 7, 2017, the City Council seek Home Rule Legislation to amend the City Charter to change the composition of the City Council from 16 Councilors-at-Large and 8 Ward Councilors, to 8 **Programs & Services Approved 5-2-1 (Leary and Hess-Mahan opposed; Auchincloss abstaining)**

Motion to Postpone to a Date Certain of December 4, 2017 was Approved by Voice Vote

Clerk's Note:

Referred to Public Safety & Transportation Committee

#338-17

Proposed Ordinance amendment to Chapter 19 Section 190 Overtime Parking

DAVID KOSES, TRANSPORTATION COORDINATOR, requesting revision to **Sec. 19-190. Overtime parking**. To be clearer and more enforceable. [10/23/17 @ 3:50 PM]

Public Safety & Transportation Approved 4-0, Fuller, Lipof, Norton and Harney not voting

Motion to Recommit to the Public Safety & Transportation Committee was Approved by Voice Vote

Clerk's Note:

The City Council voted without discussion 23 Yeas, 1 Absent (Councilor Ciccone) to take the following actions:

Referred to Land Use Committee

Tuesday, November 14, 2017

- #273-14(5) Request for Extension of time for Special Permit at 5-7 Elm Street (#40-07)**
NICORE CONSTRUCTION CORP. request for an EXTENSION of TIME in which to EXERCISE special permit #273-14(2), granted on February 17, 2015, to construct four attached single-family dwellings in two buildings and to locate a driveway within 10 feet of a side lot line at 5-7 ELM STREET and 114 RIVER STREET, Ward 3, West Newton and to amend the site plan approved in special permit #40-07, dated May 21, 2007; said EXTENSION will run from February 17, 2017 to February 17, 2018. Ref: 30-24(c)(5) of the City of Newton Rev Zoning Ord, 2012.

Land Use Approved 5-0 (Auchincloss not Voting)

- #305-17 Special Permit Petition to allow build factor of 28.08 at on Goddard Street**
PITSICK, LLC/JOSHUA SHRIBER/PATIENCE OROBELLO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to redraw lot lines of three existing lots into two irregular shaped lots, creating a higher than allowable build factor of 28.08 where 20 is allowed at an unnumbered lot, 22 & 26 Goddard Street, Ward 8, Newton Highlands, on land known as Section 83, Block 34, Lots 12, 13, 13A containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 1.5.6 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed; Land Use Approved 6-0

Referred to Zoning & Planning Committee

Monday, November 13, 2017

- #335-17 Mayor's appointment of Anne M. Killilea to Commission on Disability**
ANNE M. KILLILEA, 789 Watertown Street, West Newton appointed as a member of the COMMISSION ON DISABILITY for a term to expire December 31, 2018. (60 days 1/5/18)
[10/13/17 @ 3:23 PM]

Zoning & Planning Approved 7-0

Referred to Programs & Services Committee

Wednesday, November 8, 2017

- #322-17** Mayor's appointment of Peter Doherty to Newton Commonwealth Foundation
PETER DOHERTY, 66 Harvard Street, Newtonville appointed as a member of the NEWTON COMMONWEALTH FOUNDATION for a term to expire December 31, 2020. (60 days 12/15/17) [10/06/17 @ 8:47 AM]
Programs & Services Approved 6-0 (Kalis not voting)
- #323-17** Mayor's re-appointment of Marietta Marchitelli to Jackson Homestead
MARIETTA MARCHITELLI, 100 Waverly Avenue, Newton re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire November 1, 2020. (60 days 12/15/17) [09/27/17 @ 3:33 PM]
Programs & Services Approved 6-0 (Kalis not voting)
- #324-17** Mayor's re-appointment of Russel Feldman to Jackson Homestead
RUSSEL FELDMAN 85 Langley Road, Newton Centre, re-appointed as a Trustee of the JACKSON HOMESTEAD for a term to expire November 1, 2020. (60 days 12/15/17) [09/27/17 @ 3:33 PM]
Programs & Services Approved 6-0 (Kalis not voting)
- #336-17** Mayor's re-appointment of Thekla Diehl to Biosafety Committee
THEKLA DIEHL, 102 Parker Avenue, Newton re-appointed as a member of the BIOSAFETY COMMITTEE for a term to expire December 31, 2020. (60 days 1/5/18) [10/13/17 @ 3:23 PM]
Programs & Services Approved 6-0 (Kalis not voting)

Referred to Public Safety & Transportation Committee

Wednesday, November 8, 2017

Referred to Public Safety & Transportation and Finance Committees

- #354-17** Bond authorization for \$106,000 to upgrade computer equipment in police vehicles
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred six thousand dollars (\$106,000) from bonded indebtedness for the purpose of upgrading the Toughbooks equipment in the Police Department's first line response vehicles. [10/30/17 @ 2:14 PM]
Finance Approved 5-0
Public Safety & Transportation Approved 7-0, Yates not voting

Referred to Public Safety & Transportation and Finance Committees

- #355-17** **Bond authorization for \$1.2 million to replace Fire Ladder Truck #2**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one million two hundred thousand dollars (\$1,200,000) from bonded indebtedness to replace the Fire Department's Ladder Truck #2. [10/30/17 @ 2:17 PM]
Finance Approved 5-0
Public Safety & Transportation Approved 7-0, Yates not voting
- #209-17** **Appeal of Traffic Council Decision #12-17 Fairway Drive**
WILLIAM DILWORTH, 34 Fairway Drive, West Newton appealing the denial of Traffic Council petition TC12-17 on June 22, 2017 for a four-way stop sign at the intersection of Fairway Drive and Bunker Lane in West Newton. (Ward 3) [06/29/17 @ 11:40 AM]
Public Safety & Transportation Approved the Appeal 3-0-2, Yates and Blazar abstaining, Lipof, Fuller and Norton not voting.
- #71-17** **Amendment relative to docketing Traffic Council petitions**
PUBLIC SAFETY & TRANSPORTATION COMMITTEE, proposing to amend **Sec. 19-29. Docketing of petitions; determination of eligibility for hearing.** by deleting section (c) (3). [03/10/17 @ 4:54 PM]
Public Safety & Transportation Approved As Amended 4-0, Fuller, Lipof, Norton and Harney not voting
- #339-17** **Proposed Ordinance amendment to Chapter 19 Section 196. Enforcement**
DAVID KOSES, TRANSPORTATION COORDINATOR, requesting to modify **Sec. 19-196. Enforcement.**, for the Melrose Avenue parking area, so to be consistent with Traffic and Parking Regulations **Sec. TPR-194. Time limits in municipal off-street parking areas.**, which indicates that the parking meters are in effect Monday through Saturday from 8:00 a.m. to 6:00 p.m. [10/23/17 @ 3:50 PM]
Public Safety & Transportation Approved 4-0, Fuller, Lipof, Norton and Harney not voting

Referred to Public Facilities Committee

Wednesday, November 8, 2017

Referred To Public Facilities and Finance Committees

- #320-17** **Request to construct fence around Rumford Avenue solar site**
COUNCILORS SANGIOLO, HARNEY AND GENTILE requesting that His Honor the Mayor take the necessary steps to construct a 9 ½' chain link fence with ivy around the exterior of the Rumford Avenue solar site. [09/29/17 @ 2:18 PM]
Finance Approved 5-0
Public Facilities Approved 5-0 (Brousal-Glaser, Danberg not voting)

- #331-17** **Acceptance of a drainage easement at the end of Lake Terrace**
HIS HONOR THE MAYOR requesting acceptance of a 20' wide drainage easement from the Lake Terrace Right-of-Way extending to the shore of Crystal Lake, as noted on the proposed drainage easement plan.

Public Facilities Approved 5-0 (Brousal-Glaser, Danberg not voting)

Referred to Public Facilities and Finance Committees

- #356-17** **Bond authorization for \$280,000 to purchase a Gradall for DPW**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred eighty thousand dollars (\$280,000) from bonded indebtedness to purchase a Gradall vehicle for the Public Works Department. [10/30/17 @ 2:17 PM]

Finance Approved 5-0

Public Facilities Approved 5-0 (Brousal-Glaser, Laredo 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 Voted No Action Necessary 5-0 (Brousal-Glaser, Danberg not Voting)

- #313-15** **Request for an update on the Second Water Meter Program**
ALD. LAPPIN requesting an update from the Department of Public Works on the second water meter program including: the progress of the inspection and programming of the approximately 900 new outdoor irrigation meters provided by the City to property owners that have yet to be inspected and/or programmed by the City; the process going forward for the issuance, inspection, programming and tracking of second meters; and the notification of residents who already had second meters regarding the process for registering their meters. 10/26/15 @ 7:15 PM]

Public Facilities Voted No Action Necessary 6-0 (Laredo not Voting)

Referred to Public Safety & Transportation And Public Facilities Committees

- #413-11** **Updates on the renovations to the City's fire stations**
ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @11:07 AM]

PS&T Voted No Action Necessary 6-0 (Fuller, Norton not Voting) on 10/18/2017

Public Facilities Voted No Action Necessary 7-0

A motion to suspend the rules to allow the Chair of the Finance Committee to report out the following 11 items taken up earlier in the evening without a written report was approved by voice vote:

- #348-17 Appropriate \$7,000 for police enforcement of accessible parking regulations**
HIS HONOR THE MAYOR requesting authorization to appropriate seven thousand dollars (\$7,000) from the Handicapped Parking Fine Fund to be used to pay for special police detail enforcement of the accessible parking regulations. [10/30/17 @ 2:12 PM]
Finance Approved 4-0 (Lappin, Rice not voting)

Referred to Public Safety & Transportation and Finance Committees

- #354-17 Bond authorization for \$106,000 to upgrade computer equipment in police vehicles**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred six thousand dollars (\$106,000) from bonded indebtedness for the purpose of upgrading the Toughbooks equipment in the Police Department's first line response vehicles. [10/30/17 @ 2:14 PM]
Public Safety & Transportation Approved 7-0 on 11/08/17
Finance Approved as Amended 5-0 (Rice not voting)

Referred To Public Facilities and Finance Committees

- #320-17 Request to construct fence around Rumford Avenue solar site**
COUNCILORS SANGIOLO, HARNEY AND GENTILE requesting that His Honor the Mayor take the necessary steps to construct a 9½' chain link fence with ivy around the exterior of the Rumford Avenue solar site. [09/29/17 @ 2:18 PM]
Public Facilities Approved 5-0 on 11/08/17
Finance Approved 5-0 (Rice not voting)

- #343-17 Accept a grant from Mass Housing to support the work of the Hoarding Task Force**
HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Department of Housing for hoarding services in the amount of three thousand five hundred dollars (\$3,500) to support the work of the Newton Hoarding Task Force. [10/20/17 @ 9:46 AM]
Finance Approved 5-0 (Rice not voting)

- #346-17 Request to transfer funds for a 1-year collective bargaining agreement with AFSME**
HIS HONOR THE MAYOR requesting authorization to transfer the necessary funding the from Current Year Wage Reserve Account to various department budgets in order to fund the cost items set forth in the one-year labor contract agreement with the American Federation of State, County and Municipal Employees (AFSME), City Hall Associates, Local 3092. [10/30/17 @ 2:17 PM]
Finance Approved 5-0 (Rice not voting)

- #349-17** **Appropriate \$41,080 from Inclusionary Zoning Funds to repay HOME funds**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend forty-one thousand eighty dollars (\$41,080) from the Inclusionary Zoning Fund and the Newton Housing Authority will contribute an equal amount for the purpose of repaying HOME funds in the amount of \$82,160.

Finance Approved 5-0 (Rice not voting)

Referred to Public Facilities and Finance Committees

- #356-17** **Bond authorization for \$280,000 to purchase a Gradall for DPW**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred eighty thousand dollars (\$280,000) from bonded indebtedness to purchase a Gradall vehicle for the Public Works Department. [10/30/17 @ 2:17 PM]

Public Facilities Approved 5-0 on 11/08/17

Finance Approved 5-0 (Rice not voting)

- #357-17** **Request to authorize a lease for software for the School Department**
HIS HONOR THE MAYOR requesting authorization for the city to enter into a lease agreement for the delivery, implementation, management, and support of the Student Information Systems (SIS) for the Newton Public Schools. [10/30/17 @ 2:15 PM]

Finance Approved 5-0 (Rice not voting)

Referred to Public Safety & Transportation and Finance Committees

- #355-17** **Bond authorization for \$1.2 million to replace Fire Ladder Truck #2**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one million two hundred thousand dollars (\$1,200,000) from bonded indebtedness to replace the Fire Department's Ladder Truck #2. [10/30/17 @ 2:17 PM]

Public Safety & Transportation Approved 7-0 on 11/08/17

Finance Approved 5-0 (Rice not voting)

- #345-17** **Accept a grant from MEMA for equipment for the Emergency Operations Center**
HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Emergency Management Agency Grant in the amount of twenty-two thousand four hundred sixty dollars (\$22,460) for the purchase of equipment for the City's Emergency Operations Center. [10/17/17 @ 1:06 PM]

Finance Approved 5-0 (Rice not voting)

- #359-16(5)** **Request for approval of FY 18 Property tax levy distribution percentages**
DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for City Council review and approval the FY 18 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property.

Approved Unanimously by Voice Vote at .916274

A motion to suspend the rules to allow the Chair of the Real Property Reuse Committee to Poll her committee to vote to hold the following item in committee was approved by voice vote.

Referred to Real Property Reuse Committee

- #92-16 Amendments to the Real Property Reuse Ordinance**
COUNCILORS ALBRIGHT AND KALIS requesting amendments to Chapter 2, Section 7. Sale or lease of city owned real property, of the City of Newton Revised Ordinance, 2012 (The Real Property Reuse Ordinance) to clarify how properties are classified in regards to purpose, use, and ownership; the procedure to handle reused properties; and to address any other changes that might be needed. [02/17/16 @ 12:04 PM]
Real Property Reuse Recommended Approval 3-0
Real Property Reuse Held in Committee 8-0

Motions to suspend the rules to accept and refer to committees the following two late filed items were approved by Voice Vote:

Referred to Land Use Committee

- #147-15(3) Request for an Extension of Time to exercise Special Permit #147-15**
BSL NEWTON DEVELOPMENT LLC request for an EXTENSION of TIME in which to EXERCISE special permit #147-15, granted on December 8, 2015 to rehabilitate Farwell Hall, construct an addition and grant a parking waiver and associated relief from parking lot requirements at 157 Herrick Road, Ward 6, Newton Centre, said EXTENSION will run from December 8, 2017 to December 8, 2018. Ref: 7.4.5.D, of the City of Newton Rev Zoning Ord, 2015.

Referred To Public Safety & Transportation and Public Facilities Committees

- #338-16(2) Request to extend trial program for removal of snow from sidewalk**
COUNCILORS ALBRIGHT AND DANBERG requesting an amendment to City of Newton Ordinances Chapter 26 Section 8D **Trial program for removal of snow and ice from sidewalks.** by extending the expiration date of the trial from November 1, 2017 to November 1, 2019.

Public Hearings were assigned for the following Docket Items:

Public Hearing assigned for December 11, 2017

- #109-15(2) Zoning amendment to increase inclusionary zoning units from 15% to 25%**
HIS HONOR THE MAYOR requesting consideration of changes to the inclusionary housing provisions of the Zoning Ordinance to increase the required percentage of affordable units to 25% for larger projects; require that some affordable units be

designated for middle income households; and to create a new formula for calculating payments in lieu of affordable units. [10/31/17 @ 4:42 PM]

A Commendation was offered by President Lennon, Vice President Lappin and President Emeritus Baker to Newton resident Rainer Weiss for winning the 2017 Nobel Prize in Physics.

DRAFT