



## City Council Actions

### In City Council

Tuesday, February 21, 2017

**Present:** Councilors Albright, Auchincloss, Baker, Blazar, Ciccone, Cote, Crossley, Danberg, Fuller, Harney, Hess-Mahan, Lappin, Laredo, Leary, Lennon, Norton, Rice and Yates.

**Absent:** Councilors Brousal-Glaser, Gentile, Kalis, Lipof, Sangiolo & Schwartz

**The City Council voted without discussion 17 Yeas, 7 Absent (Councilors Baker, Brousal-Glaser, Gentile, Kalis, Lipof, Sangiolo & Schwartz) to take the following actions:**

#### Referred to Programs & Services Committee

Wednesday, February 8, 2017

#### Referred to Programs & Services Public Safety & Transportation Committees

#443-16(2)

##### **Ordinance amendment to protect undocumented residents**

COUNCILORS ALBRIGHT, AUCHINCLOSS, HESS-MAHAN, NORTON, CROSSLEY, BROUSAL-GLASER AND HARNEY 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 Voted No Action Necessary 8-0**

**Program & Services Voted No Action Necessary 6-0**

#### Referred to Programs & Services Public Safety & Transportation Committees

#443-16

##### **Ord. amendment re 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 Voted No Action Necessary 8-0**

**Program & Services Voted No Action Necessary 6-0**

**#336-16 Request for a Resolution embracing Free Speech**  
COUNCILOR AUCHINCLOSS requesting a Resolution reflecting the will of the City Council that punishing Newton North High School students for displaying the Confederate Flag is contrary to Newton's embrace of free speech, and that the display does not rise to the Supreme Court's standard of protecting schools from substantial disruption to educational program or discipline. [09/30/16 @ 9:45 AM]  
**Programs & Services Voted No Action Necessary 5-0 (Schwartz not voting)**

**#229-12** RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.  
**Programs & Services Voted No Action Necessary 5-0 (Schwartz not voting)**

**Referred to Public Safety & Transportation Committee**

Wednesday, February 8, 2017

**#4-17 Providing the 2016 Annual Report on the work of Traffic Council**  
TRAFFIC COUNCIL CHAIR, providing the Annual Report on the work of the Traffic Council for 2016 pursuant to Section 19-30(g) of the City of Newton Revised Ordinances 2012. [12/19/16 @ 4:53 PM]  
**Public Safety & Transportation Voted No Action Necessary 7-0 (Fuller not voting)**

**Referred to Program & Services and Public Safety & Transportation 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]  
**Program & Services No Action Necessary 6-0 on 02/08/17**  
**Public Safety & Transportation Voted No Action Necessary 8-0**

**Referred to Program & Services and Public Safety & Transportation 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]

**Program & Services No Action Necessary 6-0 on 02/08/17**

**Public Safety & Transportation Voted No Action Necessary 8-0**

**Referred to Public Facilities Committee**

Wednesday, February 8, 2017

**Referred to Public Facilities and Finance Committees**

#34-17

**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

[01/23/17 @ 5:17 PM]

**Finance Approved as Amended 7-0 @ \$2million on 02/15/17**

**Public Facilities Approved 7-0 (Danberg not voting)**

**Motion to Suspend the Rules to allow the Chair of the Public Facilities Committee to poll her committee to make the Public Facilities Report Consistent with Finance Committee Report was Approved by Voice Vote**

**Public Facilities Approved at \$2 million 6-0**

**Clerks Note:** The Public Facilities Committee amended its approval to \$2 million to make it consistent with the amount approved by the Finance Committee.

**Referred to Public Facilities and Finance Committees**

#32-17

HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty-five thousand dollars (\$55,000) from the Department of Public Works Engineering Full-time Salaries Account to the Department of Public Works Engineering, Engineering Services Account to hire engineering consultants to prepare final engineering design services for the Newton Corner ADA Ramp and Sidewalk Improvements Project. [01/30/17 @ 3:39 PM]

**Finance Approved 7-0 on 02/15/17**

**Public Facilities Approved 7-0 (Danberg not voting)**

**Referred to Public Facilities and Finance Committees**

- #33-17** HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred twenty-one thousand dollars (\$121,000) from Free Cash for the purpose of funding additional design engineering services for the West Newton Square Rehabilitation Project. [01/30/17 @ 3:39 PM]  
**Finance Approved 7-0 on 02/15/17**  
**Public Facilities Approved 7-0 (Albright not voting)**

**Referred to Public Facilities and Finance Committees**

- #386-16** **MWRA loan financing for homeowners to replace lead service lines**  
COUNCILORS CROSSLEY AND GENTILE proposing to establish policies and procedures for the use of approved Massachusetts Water Resource Authority (MWRA) no interest loan financing to encourage homeowners to participate in the lead service line replacement program. [10/26/16 @ 3:12 PM]  
**Finance Approved 7-0 on 02/15/17**  
**Public Facilities Approved 8-0**

**Referred to Public Facilities and Finance Committees**

- #31-17** **Ordinance Amendment to eliminate sewer cleaning fees**  
HIS HONOR THE MAYOR proposing an ordinance amendment to remove Section 29-67A, Sewer cleaning fees from the City of Newton Revised Ordinance, 2012. [01/30/17 @ 3:39 PM]  
**Finance Approved 7-0 on 02/15/17**  
**Public Facilities Approved 7-0 (Albright not voting)**

- #6-17** **Request to establish filing fee for wireless attachments in the public way**  
COUNCILORS CROSSLEY, ALBRIGHT, LAPPIN AND GENTILE requesting the establishment of a filing fee from petitioners seeking to attach wireless communications devices to existing or proposed structures in the public way. [12/23/2016 @ 8:37 AM]  
**Public Facilities Approved 6-0 and referred the item to Finance Committee (Gentile, Albright not voting)**

**Referred to Finance Committee**

Wednesday, February 15, 2017

- #27-17** **Mayor's reappointment James Shaughnessy to the Board Assessors**  
JAMES E. SHAUGHNESSY, 17 Whirly Cirle, Hopkinton, reappointed to the Board of Assessors for a term of office to expire on February 1, 2020. (60 days 04/07/17) [01-30-17 @ 12:46 PM]  
**Finance Approved 7-0**

**#28-17 Grant Acceptance to support the operations of the City Council**  
CITY CLERK/CLERK OF THE COUNCIL requesting the acceptance of a grant of two thousand nine hundred forty-seven dollars (\$2,947) from the Amelia Sillman Rockwell and Carlos Perry Rockwell Charities Fund to support the operations of the City Council.  
**Finance Approved 7-0**

**#30-17 Increase the staff at the Newton Free Library**  
HIS HONOR THE MAYOR requesting authorization to increase the authorized number of full-time employees at the Newton Free Library by one full-time employee as the part-time archivist position is being increased to a full-time position. [01-23-17 @ 5:17 PM]  
**Finance Approved 7-0**

**#114-16(2) Amendment to a previously approved Betterment Council Order**  
CITY CLERK/CLERK OF THE COUNCIL requesting that the City Council revoke the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for construction. **Note:** Council Order #114-16 was approved on April 4, 2016 but since that date, the Law Department made the Clerk’s Office aware of some required amendments that are needed before the Order could be registered with the Registry of Deeds, which requires a revoke of the item.

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
1790 Commonwealth Ave	Holland Ward, III & Christine H. Ward	59610/426	43008 0001	\$3,237.50
76 Annawan Road	Steven D. Weatherhead & Sarah M. Weatherhead	59840/001	55041 0004	\$3,237.50
88 Annawan Road	William & Stacia Baker	35754/0494	55041 0003	\$2,705.00
98 Annawan Road	Terrance F. McGowan and Mark C. Divincenzo	49883/308	55041 0002	\$2,932.50
16 Balcarres Road	Jaqueline L. Wolf & David M. Perlman	18594/151	32050 0011	\$2,745.00
19 Balcarres Road	John G. & Mary Ruggie	32712/228	32050 0007	\$2,445.00
28 Balcarres Road	Robert & Cherise Bransfield	36599/119	32050 0010	\$2,900.00
28 Lenox Street	Jane E. Obbagy & Sheldon E. Ratnofsky	23803/516	32050 0004	\$2,055.00
98 Baldpate Hill Road	William C. Hahn & Ivana K. Kim	1454/0056 Cert. 256812	82026 0011	\$5,272.50
105 Baldpate Hill Road	Janice P. Lipof	1177/196 Cert. 238389	82025 0058	\$3,745.00
30 Berwick Road	Philip E. & R. Heather Palmer, Trustees	50134/0279	52017 0001	\$2,522.50

290 Central Street	Terence P. Farmer	36493/409	43023 0015	\$2,055.00
295 Central Street	Leslie David Whitham & Donna Cahaly Whitham	26726/573	43029 0011	\$2,055.00
315 Central Street	Neritan Mustafa & Mimoza Mustafa	62468/082	43029 0013	\$2,477.50
321 Central Street	Melissa H. Parente & Gregg H. Nelson	68358/576	43029 0013A	\$3,400.00
330 Central Street	James E. & Louise Kennedy Corrigan	31297/420	43024 0002	\$2,172.50
347 Central Street	Wendy R. Woodruff & Jeffrey Pike	35169/526	43029 0015	\$3,615.00
348 Central Street	Joel Shames & Janet K. Linder	22103/426	43025 0004	\$2,587.50
29 Fern Street	Dennis Howard	63271/410	43025 0008	\$2,867.50
51 Lake Ave	Marc H. Fogel & Deborah R. Fogel, Trs.	46206/501	62008 0009	\$2,587.50
7 Leewood Road	Jed M. Roberts & Suzanne Szescila	1074/024 Cert. 188774	83022 0001	\$3,120.00
12 Leewood Road	Richard Green Tr., Richard Green 1996 Revocable Trust & Esme H. Green, Tr., Esme H. Green 1996 Revocable Trust	1430/079 Cert. 253301	83023 0009	\$5,467.50
15 Leewood Road	Eugene L. Pogany & Judith Bond Pogany Trs., Pogany Family Revocable Living Trust	1449/0086 Cert. 256107	83022 0002	\$2,900.00
24 Leewood Road	Arthur T. Noonan III & Kathryn M. Noonan	857/075 Cert. 145245	83023 0007	\$2,770.00
274 Otis Street	Mary E. Kirsch	22239/298	32050 0006	\$5,817.50
70 Varick Road	Susan R Heyman & Kenneth E. Heyman	15190/447	55025 0018	\$2,347.50
362 Waban Ave	Steven M. Smith & Sarah Prager Smith	49962/367	42008 0002	\$3,505.00

**Finance Approved 7-0****#29-17****Appropriation of \$164,166 to cover costs associated with the bond sale**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred sixty-four thousand one hundred sixty-six dollars (\$164,166) from Bond Premium Receipts Reserved for Appropriation to Treasury Expenses to fund bond

issuance costs associated with the City’s January 2017 bond sale. [01/30/17 @ 12:46 PM]

**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

#31-17

**Ordinance Amendment to eliminate sewer cleaning fees**

HIS HONOR THE MAYOR proposing an ordinance amendment to remove Section 29-67A, Sewer cleaning fees from the City of Newton Revised Ordinance, 2012. [01/30/17 @ 3:39 PM]

**Public Facilities Approved 7-0 on 02/08/17**

**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

#32-17

**Transfer \$55,000 for engineering services**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty-five thousand dollars (\$55,000) from the Department of Public Works Engineering Full-time Salaries Account to the Department of Public Works Engineering, Engineering Services Account to hire engineering consultants to prepare final engineering design services for the Newton Corner ADA Ramp and Sidewalk Improvements Project. [01/30/17 @ 3:39 PM]

**Public Facilities Approved 7-0 on 02/08/17**

**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

#33-17

**Appropriate \$121,000 for engineering services for West Newton Square Project**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred twenty-one thousand dollars (\$121,000) from Free Cash for the purpose of funding additional design engineering services for the West Newton Square Rehabilitation Project. [01/30/17 @ 3:39 PM]

**Public Facilities Approved 7-0 on 02/08/17**

**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

#34-17

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

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**Referred to Public Facilities and Finance Committees**

**#386-16**

**MWRA loan financing for homeowners to replace lead service lines**

COUNCILORS CROSSLEY AND GENTILE proposing to establish policies and procedures for the use of approved Massachusetts Water Resource Authority (MWRA) no interest loan financing to encourage homeowners to participate in the lead service line replacement program. [10/26/16 @ 3:12 PM]

**Public Facilities Approved 8-0 on 02/08/17**

**Finance Approved 7-0**

A Memorial Commendation for Arthur Cohen who passed away on January 31, 2017 was presented to his widow Debbie Tolkoff Cohen by Councilors Albright, Crossley, Danberg and Fuller on behalf of the entire Council.

**Public Hearings were assigned for the following Docket Items:**

***Public Hearing assigned for March 28, 2017***

**#37-17**

**Special Permit to extend nonconforming FAR & front setback at 8 Hazelwood Ave**

JOEL AND MARGHERTIA ROBBINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and deck in front of the house, further extending the nonconforming front setback and nonconforming FAR to .62 where .50 is allowed and .55 exists at 8 Hazelwood Avenue, Ward 3, West Newton, on land known as SBL 44003 0030, containing approximately 4,750 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref:

7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing assigned for March 28, 2017***

**#38-17**

**Special Permit to exceed FAR at 1016 Centre Street**

CLAUDINE GROSSMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing garage, structure and deck and to construct an attached two-car garage and indoor sport court, exceeding the maximum allowable FAR to .38 where .33 is allowed and .31 exists at 1016 Centre Street, Ward 7, Newton Centre, on land known as SBL 73049 0010, containing approximately 19,878 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

***Public Hearing assigned for March 28, 2017***

**#39-17**

**Special Permit to locate a daycare center at 45-47 Bryon Road**

LARISA BANKOVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to terminate the residential use at the property and use it for a day care center to enroll 34 children,



requiring a waiver of four parking stalls, a waiver for parking in the setback, a waiver for the parking stall dimensions, waiver for the minimum aisle width for two-way traffic, waivers for lighting requirements for parking, a waiver for the outdoor play area vegetative buffer at 45-47 Bryon Road, Ward 8, Chestnut Hill, on land known as SBL82043 0007, containing approximately 10,050 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Dover Waiver, 7.3.3, 7.4, 7.4.5, 6.3.4.3, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.2, 5.1.10, 6.3.4.B.3.a, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**The City Council voted without discussion 16 Yeas, 1 Nay (Councilor Ciccone), 7 Absent (Councilors Baker, Brousal-Glaser, Gentile, Kalis, Lipof, Sangiolo & Schwartz) to take the following action:**

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

**#443-16(3)**

**Ordinance amendment to create a “Welcoming City” Ordinance**

HIS HONOR THE MAYOR, CHIEF OF POLICE, PRESIDENT LENNON, COUNCILOR ALBRIGHT, AUCHINCLOSS, BLAZAR, BROUSAL-GLASER, CROSSLEY, DANBERG, FULLER, HARNEY, HESS-MAHAN, KALIS, LAREDO, LEARY, LIPOF, NORTON, RICE, SANGIOLO, SCHWARTZ AND FORMER MAYOR COHEN requesting an ordinance amendment that reaffirms the City’s commitment to fair treatment for all and codifies current community policing practices. One of the city’s most important objectives is to enhance relationships with all residents and make all residents, workers and visitors feel safe and secure regardless of immigration status.

**Public Safety & Transportation Approved 6-2 (Ciccone and Cote opposed)**

**Program & Services Approved 6-0**

**Motion to Suspend the Rules to allow the Chair of the Programs & Services Committee to Poll his Committee.**

**Programs & Services Approved as amended 4-0**

**Clerk’s Note:** Changes to the language of the definitions of Agency and Agent were approved in Committee on First Call. The amendments approved are marked in red:

“Agency” means the City Council, Executive Office and every City department, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.

“Agent” means any person employed by or acting in on behalf of an agency in an official capacity, but shall not include independent sub-contractors of the City.

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

**#443-16(3)**

**Ordinance amendment to create a “Welcoming City” Ordinance**

HIS HONOR THE MAYOR, CHIEF OF POLICE, PRESIDENT LENNON, COUNCILOR ALBRIGHT, AUCHINCLOSS, BLAZAR, BROUSAL-GLASER, CROSSLEY, DANBERG, FULLER, HARNEY, HESS-MAHAN, KALIS, LAREDO, LEARY, LIPOF, NORTON, RICE, SANGIOLO AND FORMER MAYOR COHEN requesting an ordinance amendment that reaffirms the City's commitment to fair treatment for all and codifies current community policing practices. One of the city's most important objectives is to enhance relationships with all residents and make all residents, workers and visitors feel safe and secure regardless of immigration status.

**Program & Services Approved 6-0 on 02/08/17**

**Public Safety & Transportation Approved 6-2 (Ciccone and Cote opposed)**

**Motion to Suspend the Rules to allow the Chair of the Public Safety & Transportation Committee to Poll his Committee.**

**Public Safety and Transportation Approved as amended 7-0**

**Clerk's Note:** Changes to the language of the definitions of Agency and Agent were approved in Committee on First Call. The amendments approved are marked in red:

“Agency” means the City Council, Executive Office and every City department, division, commission, council, committee, board, other body, or person established by authority of an ordinance, executive order, or City Council order.

“Agent” means any person employed by or acting in on behalf of an agency in an official capacity, but shall not include independent sub-contractors of the City.

**The City Council voted without discussion 16 Yeas, 1 Nay (Councilor Lennon), 7 Absent (Councilors Baker, Brousal-Glaser, Gentile, Kalis, Lipof, Sangiolo & Schwartz) to take the following action:**

**#26-17**

**Ordinance Amendment to allow City to shut water to allow access**

COMMISSIONER OF PUBLIC WORKS proposing revisions to Article II Sec. 29-26 Inspection of water taker's premises to include language to allow the City to shut water off to properties with proper notice in order to allow for the City to inspect, repair or replace Water Meters. [01/30/2017 @ 3:39 PM]

**Public Facilities Approved 5-0-1 (Gentile, Albright not voting, Lennon abstaining)**