



## City Council Reports Docket

April 20: Programs & Services, Public Safety  
April 21: Public Facilities  
April 25: Finance; Zoning & Planning  
April 26: Land Use  
April 28: Public Facilities

Continued  
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Tuesday, April 19, 2016  
7:45 PM, Newton City Hall  
To be reported on  
**Monday, May 2, 2016**

### City of Newton In City Council Items to be Acted Upon

#### Unfinished Council Business

*The following item was denied by the City Council on December 21, 2015 and requires a suspension of the Rules to be referred to Committee:*

#### Referred to Public Facilities Committee

*Public hearing to be assigned for June 8, 2016*

**#124-16 National Grid Grant of Location Petition for Old Farm Road**  
NATIONAL GRID petitioning to install and maintain 200'± of 4" gas main in Old Farm Road from the existing 12" gas main in Brookline Street southerly to 12 Old Farm Road for a new gas service. (Ward 8) [03/22/16 @ 3:09 PM]  
**City Council Postponed to a Date Certain of May 2, 2016 by Voice Vote**

#### Referred to Land Use Committee

**#40-15(2) Request for Extension of Time for Special Permit at 95-97 Elm Street**  
CURTIS P. O'HARA, JOHN O'HARA & KARL J. O'HARA, TRUSTEES of the BB&G REALTY TRUST petition for an EXTENSION OF TIME to EXERCISE Special Permit #40-15 granted on April 6, 2015 construct additions to the northeast side and to the rear of an existing restaurant, which will increase the existing nonconforming Floor Area Ratio and front and side setbacks, to increase the seating from 116 seats to 146 seats, and to waive 11 parking stalls at 95-97 ELM STREET, Ward 3, West Newton, on land known as SBL 33 13 11, containing approximately 3,506 sq. ft. of land in a district zoned BUSINESS 1. Ref: 30-24, 30-23, 30-11(d)(9), 30-15 Table 3, 30-19(c)(2)a), 30-19(d)(13), 30-19(m), 30-21(b) of the City of Newton Rev Zoning Ord, 2012.  
**Land Use Approved 5-0.**

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

**#94-16 Special Permit Petition for 2171 Commonwealth Avenue**  
PHILIP HRESKO/THEODOROS VENTOURIS petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to build a two story garage/barn style addition to the rear of an existing structure to allow a private garage with a footprint of 1,169 square feet with provisions for four cars where 700 sq. ft. and three cars is allowed by right at 2171 Commonwealth Avenue, Ward 4, Auburndale on land known as SBL 41, 18, 32A containing approximately 20,952 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3.3, 7.4, 3.4.2.C.1 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.  
**Land Use Approved 4-0-1 (Laredo Abstaining)**

**Referred to Zoning & Planning Committee**

Monday, April 25, 2016

Present: Councilors Hess-Mahan (Chair), Danberg, Leary, Kalis, Baker, Sangiolo, Yates and Albright;  
 also Present: Councilor Crossley

**#121-16 Submission of the Economic Development Commission Annual Report**  
ECONOMIC DEVELOPMENT COMMISSION submitting its 2015 annual report as required by City of Newton Ordinances, **Chapter 22, Section 95**. [03/25/16 @ 2:56 PM]  
**Zoning & Planning No Action Necessary 8-0**

**#133-16 Submission of the FY17 Annual Action Plan To HUD**  
HIS HONOR THE MAYOR requesting City Council authorization, pursuant to the 2013 Revised Citizen Participation Plan, to submit to the US Department of Housing and Urban Development (HUD) the FY2017 Annual Action Plan for the City of Newton Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG) funds and the WestMetro HOME Consortium. These Plans must be submitted to HUD by May 15, 2016. [04/14/16 @ 2:14 pm]  
**Zoning & Planning Approved 4-0-4 (Yates, Kalis, Baker and Sangiolo abstaining)**

**#278-14(2) Zoning amendment to clarify definition of two-family detached dwelling**  
COUNCILOR HESS-MAHAN requesting an amendment to clarify the intent of **Chapter 30 Section 1.5.1.B** definition of Two-Family Detached Dwelling. [03/31/16 @ 11:00 AM]  
**Zoning & Planning Held 8-0**

**#22-16 Resolution requesting appropriate training of Fair Housing laws**  
COUNCILOR HESS-MAHAN proposing a RESOLUTION to the Mayor and City Council requesting that all members of municipal public bodies that have decision-making authority or an advisory role with respect to land use, zoning or housing issues be required to receive appropriate orientation or training concerning applicable rights and obligations under Fair Housing laws and regulations. [02/07/16 @ 3:01 PM]  
**Zoning & Planning Held 4-3-1 (Kalis, Albright, Leary opposed; Hess-Mahan abstaining)**

- #55-16** **Ordinance to require fair housing statement and HUD logo on certain meeting notices**  
COUNCILOR HESS-MAHAN requesting an ordinance to require that all notices of public hearings and/or meetings concerning permitting and/or funding of any residential development contain a brief statement concerning the City's policy regarding fair housing practices pertaining thereto and HUD's Equal Housing Opportunity logo. [02/03/16 @ 1:51 PM]  
**Zoning & Planning Approved as Amended 8-0**

**Referred to Programs & Services Committee**

Wednesday, April 20, 2016

Present: Councilors Rice (Chair), Leary, Auchincloss, Kalis, Hess-Mahan, Sangiolo, Schwartz and Baker

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

- #139-16** **Appropriation to pay final installment for a quadrant of veterans graves**  
HIS HONOR THE MAYOR requesting authorization to appropriate fifty-six thousand dollars (\$56,000) from Free Cash to the Veterans Department's Veterans Benefits Account to pay the final installment for the purchase of the quadrant of graves located in the Newton Cemetery. [04/11/16 @ 11:27 PM]  
**Finance Approved 6-0 on 04/25/16**  
**Programs & Services Approved 3-0-1 (Kalis abstaining; Hess-Mahan, Schwartz, Baker and Sangiolo not voting)**

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

- #140-16** **Appropriation from Free Cash for tree services**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred thousand dollars (\$300,000) from Free Cash to the Parks and Recreation Department for the purpose of funding the removal of all known dead or dangerous trees. [04/11/16 @ 11:32 AM]  
**Finance Approved 6-0 on 04/25/16**  
**Programs & Services Approved 7-0 (Baker not voting)**

**Referred to Public Safety & Transportation Committee**

April 20, 2016

Present: Councilors Ciccone (Chair), Blazar, Norton, Yates, Cote, Harney and Fuller; absent: Councilor Lipof; also present: Councilors Albright and Baker

- #107-16** **Semi-annual tax license/public auto inspections.**  
POLICE DEPARTMENT submitting reports of semi-annual tax license/public auto inspections for review. [03/02/16 @ 1:47 PM]  
**Public Safety & Transportation Approved 6-0 (Harney not voting)**

- #197-15 Discussion on policy or ordinance to deal with the use of drones**  
ALD. ALBRIGHT, on behalf of a constituent requesting a discussion with the Chief of Police and the Commissioner of Parks and Recreation on the use of drones in the City of Newton to discuss what means and methods could become policy or ordinances to deal with an increase of privacy complaints as well as uses of more serious consequences. [08/14/15 @ 11:51 AM]  
**Item Recommitted by City Council on 04/04/16**  
**Public Safety & Transportation No Action Necessary 7-0**

**Referred to Public Safety & Transportation and Finance Committees**

- #197-15(2) Pilotless Aircraft Operation**  
Councilors Albright, Baker, and Norton proposing an ordinance regulating the operation and registration of pilotless aircraft in the City of Newton. [04/07/16 @ 4:25 PM]  
**Public Safety Held 7-0**

**Referred to Public Facilities Committee**

Thursday, April 21, 2016

Present: Councilors Crossley (Chair), Albright, Brousal-Glaser, Gentile, Lappin, Danberg, Lennon;  
absent: Councilor Laredo

**Referred to Public Facilities and Finance Committees**

- #141-16 Appropriation from Free Cash for operation and maintenance of Aquinas**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred sixty thousand dollars (\$160,000) from Free Cash for the purpose of funding the costs of operation and maintenance of the Aquinas facility for Fiscal Year 2016. [04/11/16 @ 11:32 AM]  
**Finance Approved 6-0 (Brousal-Glaser, Norton not voting) on 04/25/16**  
**Public Facilities Approved 5-0 (Danberg, Lennon not voting)**

**Referred to Finance Committee**

Monday, April 25, 2016

Present: Councilors Gentile (Chair), Ciccone, Norton, Brousal-Glaser, Rice, Blazar, Fuller, and Lappin;  
also present: Councilors Albright and Danberg

- #84-15 Discussion with NCDF on repayment of deferred payments and accrued interest**  
ALD. GENTILE requesting a discussion with the Newton Community Development Foundation (NCDF) regarding their plans for repayment of the deferred rental payments and accrued interest on their ground lease with the City for the former Warren Junior High School site. [03-03-15 @ 2:57 PM]  
**Finance Voted No Action Necessary 7-0 (Brousal-Glaser not voting)**

- #135-16**      **Transfer of funds for veterans' benefits**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty thousand dollars [\$20,000] from Veteran Services Full-time Salaries Account to the Veterans' Benefits Account and to appropriate and expend forty-seven thousand five hundred dollars (47,500) from Free Cash to the Veterans' Benefits Account to supplement the account. [04/11/16 @ 11:27 PM]  
**Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**
- Referred to Programs & Services and Finance Committees**
- #139-16**      **Appropriation to pay final installment for a quadrant of veterans graves**  
HIS HONOR THE MAYOR requesting authorization to appropriate fifty-six thousand dollars (\$56,000) from Free Cash to the Veterans Department's Veterans Benefits Account to pay the final installment for the purchase of the quadrant of graves located in the Newton Cemetery. [04/11/16 @ 11:27 PM]  
**Programs & Services Approved 3-0-1 (Kalis abstaining) on 04/20/16**  
**Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**
- Referred to Programs & Services and Finance Committees**
- #140-16**      **Appropriation from Free Cash for tree services**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred thousand dollars (\$300,000) from Free Cash to the Parks and Recreation Department for the purpose of funding the removal of all known dead or dangerous trees. [04/11/16 @ 11:32 AM]  
**Programs & Services Approved 7-0 on 04/20/16**  
**Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**
- #137-16**      **Appropriate funds from Free Cash to the Rainy Day Stabilization Fund**  
HIS HONOR THE MAYOR requesting authorization to appropriate six hundred fifty-four thousand four hundred thirty-five dollars (\$654,435) from Free Cash to the Rainy Day Stabilization Fund. [04/11/16 @ 11:32 AM]  
**Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**
- Referred to Public Facilities and Finance Committees**
- #141-16**      **Appropriation from Free Cash for operation and maintenance of Aquinas**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred sixty thousand dollars (\$160,000) from Free Cash for the purpose of funding the costs of operation and maintenance of the Aquinas facility for Fiscal Year 2016. [04/11/16 @ 11:32 AM]  
**Public Facilities Approved 5-0 (Danberg, Lennon not voting) on 04/21/16**  
**Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**

**Referred to Public Facilities and Finance Committees**

**#143-16**

**Funding to supplement DPW accounts for snow and ice removal**

HIS HONOR THE MAYOR , requesting authorization to transfer the sum of two hundred seventy six thousand one hundred thirty-five dollars (\$276,135) from Budget Reserve – Snow and Ice Removal Account and to appropriate five hundred thousand dollars (\$500,000) from Free Cash to the following accounts:

Personnel Costs – Overtime

(0140110-513001).....\$276,135

Rental Vehicles

(0140110-5273-5273) .....\$500,000

[04/11/16 @ 11:32 AM]

**Public Facilities to meet on 04/28/16**

**Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**

**Referred to Zoning & Planning and Finance Committees**

**#115-16**

**Funding for Zoning Reform Phase 2**

HIS HONOR THE MAYOR requesting authorization to appropriate one hundred twenty five thousand dollars (\$125,000) from Free Cash and authorization to transfer the sum of two hundred thousand dollars (\$200,000) from the Planning Department’s Full-time Salaries Account to ~~the Planning Department’s Consultants Account~~ *create a special appropriation fund in the Planning Department* for the purpose of funding Zoning Reform Phase 2. [03/15/16 @ 4:52 PM]

**Zoning & Planning Approved 7-0 -1 (Yates abstaining) on 04/11/16**

**Finance Approved as Amended 5-0-1 (Blazar abstaining)**

**#138-16**

**Appropriation to fund busing Zervas School students to Carr School**

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from the Override Capital Project Stabilization Fund to the Newton Public Schools for the purpose of funding the busing costs associated with the transfer of the Zervas Students to the Carr Elementary School for the January 2016 – June 2016 timeframe. [04/11/16 @ 11:32 AM]

**Finance Held 6-0**

**#136-16**

**Transfer of FEMA Grant Funds to Inclement Weather Fund**

HIS HONOR THE MAYOR requesting authorization to ~~transfer~~ *appropriate* the sum of nine hundred thirty-nine thousand nine hundred eighty-six dollars and sixty-four cents (\$939,986.64) from the January 2015 Federal Emergency Management Agency Grant to ~~a Receipts Reserved for Inclement Weather Fund~~ *the General Fund as a special appropriation for inclement weather*. [04/11/16 @ 11:32 AM]

**Finance Approved as Amended 6-0**