



## City Council Actions

### In City Council

Tuesday, October 4, 2016

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

**Absent:** Councilor Lappin

**The City Council discussed on Second Call whether to Suspend the Rules to Accept the following late filed item to the Docket and Refer it to Committee:**

*The following item was filed after the close of the docket and requires a suspension of the Rules to be referred to Committee:*

#### Referred to Programs & Services Committee

**#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]

**Motion to Suspend the Rules to Accept to the Docket and Refer to Committee was Approved 19 Yeas, 4 Nays (Councilors Gentile, Sangiolo, Schwartz and Lennon), 1 Absent (Councilor Lappin)**

**Clerk's Note:** Councilors discussed whether the City Council was the appropriate place to hold this discussion or if it should be left to the School Committee. Concern was raised that this item had no place in front of the Council when it refers to discipline of students. It was felt by some that this item was more properly before the School Committee and they have authority to deal with this under the Massachusetts Constitution. Others felt that it was appropriate to have the discussion as long as the implementation was left to the School Committee. Concern was raised that the discussion be deliberate as it is a complex issue that has to balance Free Speech without condoning what happened at Newton North. It was also argued that this is a first amendment right for our constituents and properly before the City Council for discussion.

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

**Referred to Land Use Committee**

Tuesday, September 27, 2016

**#216-16 Special Permit Petition to continue non-conforming use & FAR at 17-19 Pulsifer St**  
**NANCY BOLANIS** petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to add rear sunrooms to first and second floor, exterior stair from third floor to grade, a one car garage at the rear, replace the front porch and add two parking stalls at 17-19 Pulsifer Street, Ward 2, Newtonville on land known as SBL 22018 0003, containing approximately 7,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 7-0-1, Harney abstaining**

**A Motion to suspend the Rules to allow the Chair of the Land Use Committee to Poll his Committee was approved by Voice Vote**

**A Motion was made in the Land Use Committee to send this item back to Committee; Land Use Approved 7-0**

**Clerk's Note:** The Chair of the Land use Committee reported that since the Committee's vote, the Committee has received requests for changes to an exterior staircase and to changes in the language of the permit about what could be done on the third floor. He is not comfortable taking it up on the floor of the Council and asked that it go back to Committee. He will put it on the Land Use Agenda for Thursday, October 13, 2016.

**#217-16 Special Permit Petition to extend nonconforming two-family use at 50-52 Rowe St**  
**NEW NEWTON, LLC./DANIEL SZETO** petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to **EXTEND NON NONCONFORMING USE** by building a rear addition to existing building and construct a second two-family dwelling at 50-52 Rowe Street, Ward 4, Auburndale, on land known as SBL 44023 0006, containing approximately 19,321 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4, 7.8.2.C.2, 3.1.3, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 6-0-2, Subject to Second Call, Laredo and Schwartz abstaining**

**A Motion to suspend the Rules to allow the Chair of the Land Use Committee to Poll his Committee was approved by Voice Vote**

**A Motion was made in the Land Use Committee to approve this item on First Call; Land Use Approved 7-0**

**Clerk's Note:** The Land Use Committee Chair reported that he was comfortable with this item being taken up on first call and asked his committee to approve it on First Call.

- #286-16**      **Special Permit Petition to further increase nonconforming setback at 115 Waban St**  
JOHN MULLIGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE NONCONFORMING SETBACK by building a 308 sq. ft. one story addition including a mudroom, study and half bath at 115 Waban Street, Ward 1, Newton, on land known as SBL 12004 0032, containing approximately 7,072 sq. ft. in a district zoned MULTI-RESIDENCE 1. Ref: 7.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 8-0**
- #285-16**      **Special Permit Petition to create an accessory apartment at 133 Harwich Road**  
SHEHZAD S. BASARIA/MILENA BRAGA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to CREATE AN ACCESSORY APARTMENT in an existing single-family dwelling less than 2,500 sq. ft. by building a rear addition including a kitchen and living space to the ground floor and office space to the first floor at 133 Harwich Road, Ward 8, Chestnut Hill, on land known as SBL 82037 0076, containing approximately 11,170 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 6.7.1.D, 6.7.1.F of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 8-0**
- #284-16**      **Special Permit Petition to maintain increased nonconforming FAR at 7-9 Arundel Ter**  
CARMEN FUGAZZOTTO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to MAINTAIN FURTHER EXTENDED NON NONCONFORMING USE and INCREASED FAR by maintaining the existing enclosed garage that encroaches on the rear and side setbacks, exceeding the maximum lot coverage, continuing to be below minimum open space and maintain the increased nonconforming FAR at 7-9 Arundel Terrace, Ward 1, Newton, on land known as SBL 71001 0025, containing approximately 5,100 sq. ft. of land in a district zoned MULTI-RESIDENCE 2. Ref: 7.3.3, 7.4, 3.2.3, 3.2.11, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
**Public Hearing Closed; Land Use Approved 8-0**
- Referred to Programs & Services Committee**  
 Wednesday, September 21, 2016
- #292-16**      **Mayor's appointment of Elizabeth Dugan to the Newton Council on Aging**  
HIS HONOR THE MAYOR appointing ELIZABETH DUGAN, 62 Woodcliff Road, Newton as a Commissioner of the COUNCIL ON AGING for a term to expire September 15, 2019. (60  
**Programs & Services Approved 6-0 (Councilors Schwartz and Hess-Mahan not voting)**
- #31-15**      **Proposing an ordinance to limit leaf blower use**  
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]  
**Programs & Services Approved as amended 7-0-1 (Councilor Kalis abstaining); and Referred to Finance Committee**

**Referred To Public Safety & Transportation Committee**

Wednesday, September 21, 2016

**Referred to Public Safety, Public Facilities and Finance Committees**

#324-16

**Request for \$75,000 for design services for two intersection improvement projects**

HIS HONOR THE MAYOR requesting authorization to appropriate seventy-five thousand dollars (\$75,000) from Free Cash for the purpose of funding design engineering services for the Dedham at Nahanton and Dedham at Brookline Streets Intersection Improvement Project. [09/12/16 @ 3:48 PM]

**Finance Approved 6-0 (Brousal-Glaser not voting) on 09/26/16**

**Public Facilities Approved 7-0 (Laredo not voting) on 09/21/16**

**Public Safety & Transportation Approved 6-0**

**Referred to Public Facilities Committee**

Wednesday, September 21, 2016

**Referred to Public Safety, Public Facilities and Finance Committees**

#324-16

**Request for \$75,000 for design services for two intersection improvement projects**

HIS HONOR THE MAYOR requesting authorization to appropriate seventy-five thousand dollars (\$75,000) from Free Cash for the purpose of funding design engineering services for the Dedham at Nahanton and Dedham at Brookline Streets Intersection Improvement Project. [09/12/16 @ 3:48 PM]

**Finance Approved 6-0 (Brousal-Glaser not voting) on 09/26/16**

**Public Safety Approved 6-0 on 09/21/16**

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

**Referred to Public Facilities and Finance Committees**

#323-16

**Request for \$300,000 for funding to purchase sand and salt spreaders**

HIS HONOR THE MAYOR requesting authorization to appropriate three hundred thousand dollars (\$300,000) from Free Cash for the purpose of providing funding for sand and salt spreaders for the Public Works Department's snow operations. [09/14/16 @ 1:10 PM]

**Finance Approved 7-0 on 09/26/16**

**Public Facilities Approved 6-0 (Laredo, Lappin not voting)**

**Referred to Public Facilities and Finance Committees**

#191-16

**Funding to relocate the Zervas modulars to NSHS and Brown Middle School**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) to the Public Buildings Department for the purpose of

funding the relocation modular classrooms from the Zervas Elementary School to Newton South High School and Brown Middle School from the following accounts:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Executive Office	Full-time Salaries	\$40,000
Treasury	Debt Service (010772-582A48)	\$403,784
Treasury	Debt Service (010772-582A49)	\$21,216
Financial Info Systems	Full-time Salaries	\$35,000

[05/09/16 @ 4:59 PM]

**Finance Approved 6-0 as amended @ \$600K from Free Cash (Brousal-Glaser not voting) on 09/26/16**

**Public Facilities Approved 7-0 as amended @ \$600K from Free Cash (Laredo not voting)**

**Referred to Public Facilities Committee**

Wednesday, September 7, 2016

#304-16

**Verizon petition for grant of location at Greenwood Street**

VERIZON NEW ENGLAND petitioning for a grant of location to relocate Pole #6 on Greenwood Street approximately 19'+ southeast to accommodate a new driveway at house #56. (Ward 8) [08/25/16 @ 8:45 AM]

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

**Referred to Finance Committee**

Monday, September 26, 2016

#321-16

**Request to appropriate \$10,488.03 to settle a claim**

HIS HONOR THE MAYOR requesting authorization to appropriate settle a claim of ten thousand four hundred eighty-eight dollars and three cents (\$10,488.03) from the Judgments and Settlements Account as full and final settlement of Commerce Insurance Company's claim against the City of Newton. 09/14/16 @ 1:10 PM]

**Finance Approved 7-0**

**Referred to Public Facilities and Finance Committees**

#323-16

**Request for \$300,000 for funding to purchase sand and salt spreaders**

HIS HONOR THE MAYOR requesting authorization to appropriate three hundred thousand dollars (\$300,000) from Free Cash for the purpose of providing funding for sand and salt spreaders for the Public Works Department's snow operations. [09/14/16 @ 1:10 PM]

**Public Facilities Approved 6-0 (Lappin, Laredo not voting) on 09/21/16**

**Finance Approved 7-0**

**Referred to Public Safety, Public Facilities and Finance Committees**

#324-16

**Request for \$75,000 for design of two intersection improvement projects**

HIS HONOR THE MAYOR requesting authorization to appropriate seventy-five thousand dollars (\$75,000) from Free Cash for the purpose of funding design engineering services for the Dedham at Nahanton and Dedham at Brookline Streets Intersection Improvement Project. [09/12/16 @ 3:48 PM]

**Public Safety Approved 6-0 on 09/21/16****Public Facilities Approved 7-0 (Laredo not voting) on 09/21/16****Finance Approved 6-0 (Brousal Glaser not voting)****Referred to Public Facilities and Finance Committees**

#191-16

**Funding to relocate the Zervas modulars to NSHS and Brown Middle School**

HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) to the Public Buildings Department for the purpose of funding the relocation modular classrooms from the Zervas Elementary School to Newton South High School and Brown Middle School from the following accounts:

<u>Department</u>	<u>Account</u>	<u>Amount</u>
Executive Office	Full-time Salaries	\$40,000
Treasury	Debt Service (010772-582A48)	\$403,784
Treasury	Debt Service (010772-582A49)	\$21,216
Financial Info Systems	Full-time Salaries	\$35,000

**Public Facilities Approved 7-0 as amended @ \$600k from Free Cash (Laredo not voting) on 09/21/16****Finance Approved 6-0 as amended @ \$600k from Free Cash (Brousal-Glaser not voting)**

#318-16

**Mayor's reappointment of Shawn Murphy as a Constable**

SHAWN T. MURPHY, 11 Morrill Street, West Newton reappointed as a Constable for the City of Newton for a term of office to expire September 15, 2019. (60 days 11/17/16)  
[09/12/16 @ 4:27 PM]

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

**Motions were Approved by Voice Vote to accept to the Docket and Refer to Committee the following two late-filed items:**

#333-16

**Request to temporarily increase the number of Police by one position**

HIS HONOR THE MAYOR requesting authorization to temporarily increase the authorized full-time complement of by 1 FTE for the period beginning April 1, 2012 through December 31, 2012. Currently, a full time employee is out on extended medial leave on a "no pay" status. This request enables the department to cover the dispatch

center with a technician as opposed to paying overtime to a sworn officer. [09/29/16 @ 9:41 AM]

- #66-16(2) Site Plan Approval for the Cabot Elementary School Project**  
DESIGN REVIEW COMMITTEE petitioning, pursuant to Sec 5-58, for schematic design and site plan approval to construct an addition and renovate the Cabot Elementary School located at 229 Cabot Street, Newtonville, the city's newly acquired property at 23 Parkview Avenue, Newtonville and a portion of Parkview Avenue abutting the school site in the east. [09/29/16 @ 12:30 PM]

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

*Public hearing assigned for October 5, 2016:*

- #330-16 Petition for Grant of Location gas main in Levbert Road**  
NATIONAL GRID petitioning for a Grant of Location to install and maintain 225' ± of 4" gas main in LEVBERT ROAD from the exiting 4" gas main at 87 Levbert Road easterly to 73 Levbert Road. (Ward 8) [09/21/16 @ 12:03 PM]

*Public hearing assigned for October 5, 2016:*

- #331-16 Petition for Grant of Location to install conduit in Stein Circle**  
COMCAST OF MASSACHUSETTS petitioning for a Grant of Location to install 120' ± of 3" conduit from Pole 376/1 in Stein Circle northeasterly thence turning northwesterly on to Chinian Path to an existing vault in Chinian Path. (Ward 8) [09/15/16 @ 10:23 AM]

*Public hearing assigned for October 19, 2016:*

- #66-16(2) Site Plan Approval for the Cabot Elementary School Project**  
DESIGN REVIEW COMMITTEE petitioning, pursuant to Sec 5-58, for schematic design and site plan approval to construct an addition and renovate the Cabot Elementary School located at 229 Cabot Street, Newtonville, the city's newly acquired property at 23 Parkview Avenue, Newtonville and a portion of Parkview Avenue abutting the school site in the east. [09/29/16 @ 12:30 PM]

*Public hearing assigned for November 7, 2016:*

- #332-16 Request for approval of FY 17 Property tax levy distribution percentages**  
DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for City Council review and approval the FY 17 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property. [09/26/16 @ 3:06 PM]

*Public hearing assigned for November 15, 2016:*

- #326-16 Special Permit petition for 89 Hyde Ave for an accessory apartment**  
ORLY MISHAN AND TIMOTHY CRAWFORD petition for Special Permit/Site Plan Approval to use 945 sq. ft. of the existing basement as an accessory apartment and construct a

parking stall less than 5' from the street at 89 HYDE AVENUE, Ward 7, Newton, on land known as SBL 72, 26, 8, containing approximately 13,889 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4.5, 6.7.1.D, 6.7.1.F, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015

**The City Council voted without discussion 22 Yeas, 1 Nay (Councilor Auchincloss), 1 Absent (Councilor Lappin) to take the following action:**

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

**#322-16**

**Request for \$500,000 for removal of 2,500 tree stumps**

HIS HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from Free Cash for the purpose of funding the removal of approximately 2,500 tree stumps located throughout the City, as a result of the city's aggressive tree removal program to remove the most dangerous trees throughout the City. [09/12/16 @ 3:48 PM]

**Programs & Services Approved 6-1 (Auchincloss opposed)**

**Finance Approved 7-0**

**The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Ciccone), 1 Absent (Councilor Lappin) to take the following action:**

**Referred to Public Safety, Public Facilities and Finance Committees**

**#325-16**

**Request for \$250,000 for design services for the West Newton Square rehab**

HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from Free Cash for the purpose of funding design engineering services for the West Newton Square Rehabilitation Project. [09/12/16 @ 3:48 PM]

**Public Safety Approved 4-0-1 (Ciccone abstaining, Lipof not voting)**

**Public Facilities Approved 6-0 (Laredo, Lappin not voting) on 09/21/16**

**Finance Approved 5-0 (Ciccone recused; Brousal Glaser not voting)**

**The City Council voted without discussion 22 Yeas, 1 Recused (Councilor Laredo), 1 Absent (Councilor Lappin) to take the following action:**

**Referred to Finance Committee**

**#319-16**

**Acceptance of \$3,497 from the Middlesex Attorney's Office for overtime costs**

HIS HONOR THE MAYOR requesting authorization to accept and expend three thousand four hundred ninety-seven dollars (\$3,497) which was allocated on February 23, 2016



from the Middlesex District Attorney's Office to fund overtime costs for conducting an inventory of evidence under the NIJ Post-conviction Testing of DNA Evidence to Exonerate the Innocent Program. 09/12/16 @ 3:48 PM]

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