

CITY OF NEWTON
IN BOARD OF ALDERMEN
PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 11, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Blazar, Rice, Hess-Mahan, Fischman and Baker
One vacancy

Also Present: Ald. Johnson, Fuller and Crossley

Others Present: Bob DeRubeis (Commission, Parks & Recreation), Angie Clark (Department of Public Works), David Olson (City Clerk), Elaine Gentile (Director, Environmental Affairs), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#197-13(2) BYRON DUNKER, 10 Southwick Road, Newton, appointed as a member of THE PARKS AND RECREATION COMMISSION for a term to expire August 6, 2016. (60 days 11/4/13) [08/21/13 @ 4:05PM]

ACTION: **APPROVED 7-0**

NOTE: Mr. Dunker joined the Committee. He explained that he has been working with Little League and every other sport in the City. He has been coaching and running Newton South East Little League as well as treasurer and liaison between all the parks in the City. He has seen the Parks & Recreation Commission in action for years and felt he could contribute some new ideas. Several Committee members mentioned that Mr. Dunker has been very dedicated to the work of the parks and the sports teams in the City and praised his efforts. One of his pet projects has been the new playground in the Newton Highlands, and he would like to see the existing parks upgraded and improved. He would also like to see the Commission take a more pro-active approach. The Committee asked Mr. Dunker about swimming at Crystal Lake and he acknowledged that regardless of what has been decided, people swim there in off-hours. He did not see a problem with that unless the City could be held liable for injury but he did not feel well-informed enough on that issue to comment further. When asked about dogs off-leash, he said he has noticed that Cold Spring Park is not being used as much for sports because it has become almost exclusively a dog park, and he felt that was a loss for the sports teams.

Ald. Rice moved to approve Mr. Dunker's appointment and the Committee voted in favor with thanks for his willingness to serve.

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Joel Reider at 617-796-1145 or jreider@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

Appointment by His Honor the Mayor

#240-13(2) HOLLY GUNNER, 49 Janet Road, Newton, appointed as a member of
THE NEWTON COUNCIL ON AGING for a term to expire August 6, 2016.
(60 days 11/4/13) [08/21/13 @ 4:05PM]

ACTION: **APPROVED 7-0**

NOTE: Ms. Gunner joined the Committee. She explained that Jayne Colino, Director of Senior Services, recruited her to work on the strategic planning process. This involved looking into the City as a whole to determine how the senior population could be better served. The 60+ population in the City is at approximately 27% and within several years will hit about one-third of the population. She felt issues involving mobility were particularly interesting and there were solutions to the problems seniors faced. Improving the quality of life for seniors in the City can be accomplished in many, smaller, inexpensive ways (such as timing traffic lights properly to allow slower moving residents to make it safely across the street; making sure the sidewalks are in good repair to reduce the risk of falls; benches on the sidewalks, etc.) She looked forward to working on these issues. Ms. Gunner said she has some notes from a gerontologist they have worked with on these different issues. She will forward those notes to Committee members. Ald. Johnson spoke of Dr. Miniker, a gerontologist who lives in the City and is quite an expert on these issues as well. She felt he may be a wonderful resource for the Council.

Ald. Sangiolo moved approval of this appointment and the Committee voted in favor.

Appointment by His Honor the Mayor

#241-13(2) CAROL ANN SHEA, 24 Milo Street, Newton, appointed as a member of
THE NEWTON COUNCIL ON AGING for a term to expire August 6, 2016.
(60 days 11/4/13 @ 8:45AM]

ACTION: **APPROVED 7-0**

NOTE: Ms. Shea addressed the Committee. She noted that she has been involved with programs at the Senior Center for many years. With more seniors staying in the City and aging in place, she felt solutions had to be found to support them. A needs assessment will be undertaken soon so they can understand the needs of the senior population and implement some solutions.

Ald. Sangiolo moved approval of this appointment and the Committee voted in favor.

Appointment by His Honor the Mayor

#243-13(2) DIANE SOSTEK, 41 Alderwood Road, Newton, appointed as a member of
THE NEWTON COUNCIL ON AGING for a term to expire August 6, 2016.
(60 days 11/4/13) [08/21/13 @ 4:05PM]

ACTION: **APPROVED 7-0**

NOTE: Ms. Sostek explained that her parents utilized the Senior Center and were extremely well served by the people, programs and support system there. She was so grateful and pleased

with the experiences they had she became a very avid volunteer. Ms. Sostek became involved with the Spring Fling which was an intergenerational event with students from the high school and senior citizens. The high school is quite close to the center and the students were not really aware of what went on there. It was a wonderful event and everyone enjoyed it and learned from it. There has also been involvement with the Horace Mann school. She would like to see even more outreach and engagement with other segments of the population.

Ald. Sangiolo moved approval of this appointment and the Committee voted in favor.

Clerks' Note: Items #197-13, #240-13, #241-13, and #243-13 were all voted No Action Necessary as the originally submitted appointments did not reach the Committee before the 60 day action period. The Mayor graciously re-submitted the appointments for Committee review and were approved as noted above.

Appointment by His Honor the Mayor

#197-13 BYRON DUNKER, 10 Southwick Road, Waban, appointed as a member of THE PARKS AND RECREATION COMMISSION for a term to expire April 29, 2016 (60 days 08/02/13) [05/15/13 @ 4:59 PM]

ACTION: **NO ACTION NECESSARY 7-0**

Appointment by His Honor the Mayor

#240-13 HOLLY GUNNER, 49 Janet Road, Newton, appointed as a member of THE NEWTON COUNCIL ON AGING for a term to expire June 1, 2016. (60 days 09/06/13) [06/12/13 @ 9:02 AM]

ACTION: **NO ACTION NECESSARY 7-0**

Appointment by His Honor the Mayor

#241-13 CAROL ANN SHEA, 24 Milo Street, Newton, appointed as a member of THE NEWTON COUNCIL ON AGING for a term to expire June 1, 2016. (60 days 09/06/13) [06/12/13 @ 9:02 AM]

ACTION: **NO ACTION NECESSARY 7-0**

Appointment by His Honor the Mayor

#243-13 DIANE SOSTEK, 44 Alderwood Road, Newton, appointed as a member of THE NEWTON COUNCIL ON AGING for a term to expire June 1, 2016. (60 days 09/06/13) [06/12/13 @ 9:01 AM]

ACTION: **NO ACTION NECESSARY 7-0**

Re-appointment by His Honor the Mayor

#279-13 KENNETH REISMAN, 34 Roosevelt Road, Newton, re-appointed as a member of THE NEWTON COMMONWEALTH FOUNDATION for a term to expire June 27, 2016. (60 days 10/11/13) [07/16/13 @ 4:48PM]

ACTION: **APPROVED 7-0**

NOTE: The Committee voted to approve this re-appointment with no discussion.

Re-appointment by His Honor the Mayor

#280-13 THOMAS ELKIND, 29 Wamesit Road, Newton, re-appointed as a member of THE NEWTON COMMONWEALTH FOUNDATION for a term to expire June 28, 2016. (60 days 10/11/13) [07/16/13 @ 4:48PM]

ACTION: **APPROVED 7-0**

NOTE: The Committee voted to approve this re-appointment with no discussion.

Re-appointment by His Honor the Mayor

#281-13 STEPHEN FAUTEUX, 71 Elmhurst Road, Newton, re-appointed as a member of THE NEWTON COMMONWEALTH FOUNDATION for a term to expire June 27, 2016. (60 days 10/11/13) [07/16/13 @ 4:48PM]

ACTION: **APPROVED 7-0**

NOTE: The Committee voted to approve this re-appointment with no discussion.

Re-appointment by His Honor the Mayor

#297-13 LYNNE SULLIVAN, 74 Fountain Street, West Newton, re-appointed as a member of THE BOARD OF TRUSTEES OF THE JACKSON HOMESTEAD for a term to expire February 1, 2016. (60 days 11/2/13) [08/23/13 @ 4:12PM]

ACTION: **APPROVED 7-0**

NOTE: The Committee voted to approve this re-appointment with no discussion.

Re-appointment by His Honor the Mayor

#298-13 JOHN MORGANTI, 26 Lewis Street, Newton, re-appointed as a member of THE BOARD OF TRUSTEES OF THE JACKSON HOMESTEAD for a term to expire February 1, 2016. (60 days 11/2/13) [08/23/13 @ 4:12PM]

ACTION: **APPROVED 7-0 (Amended to February 1, 2015)**

NOTE: This re-appointment should have an expiration date of February 1, 2015 and not 2016 due to the staggered nature of the appointments of the Board of Trustees. The Mayor's office approved this amendment.

Re-appointment by His Honor the Mayor

#299-13 KAREN HAYWOOD, 69 Walker Street, Newtonville, re-appointed as a member of THE BOARD OF TRUSTEES OF THE JACKSON HOMESTEAD for a term to expire February 1, 2016. (60 days 11/2/13) [08/23/13 @ 4:12PM]

ACTION: **APPROVED 7-0**

NOTE: The Committee voted to approve this re-appointment with no discussion.

Re-appointment by His Honor the Mayor

#300-13 PAUL ELDRENKAMP, 667 Saw Mill Brook Parkway, Newton Centre, re-appointed as a member of THE BOARD OF TRUSTEES OF THE JACKSON HOMESTEAD for a term to expire February 1, 2016. (60 days 11/2/13) [08/23/13 @ 4:12PM]

ACTION: **APPROVED 7-0**

NOTE: The Committee voted to approve this re-appointment with no discussion.

Re-appointment by His Honor the Mayor

#301-13 HARRY LOHR, 157 Cherry Street, West Newton, re-appointed as a member of THE BOARD OF TRUSTEES OF THE JACKSON HOMESTEAD for a term to expire February 1, 2016. (60 days 11/2/13) [08/23/13 @ 4:12PM]

ACTION: **APPROVED 7-0 (Amended to February 1, 2015)**

NOTE: This re-appointment should have an expiration date of February 1, 2015 and not 2016 due to the staggered nature of the appointments of the Board of Trustees. The Mayor's office approved this amendment.

Appointment by the President of the Board

#91-13 MARK WENNEKER, 223 Upland Road, Newtonville, appointed as a member of THE HEALTH CARE ADVISORY COMMITTEE for a term to expire February 25, 2016. (60 days 05/03/13) [02/25/13 @ 5:06 PM]

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: This appointment's 60 day action period has expired. The Health Care Advisory Committee is fully appointed. The Programs & Services Committee has asked that the HCAC come in for an update. The Committee asked that a discussion item be docketed, which has been done. The HCAC will be coming in to the September 18th meeting to deliver an update.

The Committee voted No Action Necessary on this item.

#198-13(2) THE WABAN AREA COUNCIL requesting that the election for officers to the Waban Area Council be held on November 5, 2013 at the Zervas School in conjunction with the municipal elections. [07/26/13 @ 11:01AM]

ACTION: **APPROVED 7-0**

NOTE: David Olson, Clerk of Elections, joined the Committee. He explained that the area council elections would take place on November 5, 2013 at the Zervas School. This all works well for the Elections Department and he recommended this date be approved. There will be another request forthcoming for early voting days of October 31, November 1, and November 4th at City Hall in the Elections Department. That is on the September 18th Programs & Services Agenda. Early voters coming into the Elections Department will be checked off the voter list. The ballot box and the voter list will then travel to Zervas for the regular election day of November 5th. It was asked if non-registered voters could vote for the area councils. The Charter requires, however, that the voters be registered.

The Committee voted to approve this item unanimously.

#223-13 ALD. HESS-MAHAN proposing an amendment to the City of Newton Charter, **Section 2-5 Filling of Vacancies**, to delete the requirement that “the Board of Aldermen *shall forthwith* call a special election to fill a vacancy” and replace it with “the Board of Aldermen *may* call a special election to fill a vacancy.” [06/07/13 @ 1:31 PM]

ACTION: **AMENDED ON 9/11/13 TO INCLUDE SECTION 4-6 FILLING OF VACANCIES FOR THE SCHOOL COMMITTEE**
HELD 7-0

NOTE: Ald. Hess-Mahan said this item was prompted by the special election to fill Ald. Merrill’s seat in Ward 1. The current default position is that the Board must have a special election through April of the second year of the term unless special legislation is obtained not to do so. He is proposing that the special election be optional and at the discretion of the Board. He communicated with the Law Department and did not see any obstacle to this and it is a policy issue. Special legislation would be required to change it. In days past, before Charter reform, a vacancy was filled by the majority of the board choosing a successor. The current rule was put in place to stop that practice.

A worry that has been expressed is that a Ward would not have sufficient representation for too long a period of time, and that could be a problem particularly in a special permit application in Land Use if there is not a full complement of Board members. Ald. Hess-Mahan said there are so few of those kinds of battles anymore where one or two vacancies would make much of an impact. This last special election broke into a couple of factions: practicality versus principal. This change gives the option to still argue both sides of that argument when making a decision, but in the end the Charter would not compel an action on one side, or require special legislation on the other.

David Olson, Clerk of Elections, wondered if having different language for the Board of Aldermen and the School Committee is appropriate. The Board of Aldermen still calls the election whether for the Board or the School Committee. He understood keeping the language as is for a Mayoral special election, but felt the Board and School Committee should be consistent. Ald. Hess-Mahan said he considered that, but there was no clamor from anyone on the issue of the School Committee. Also, the School Committee has only one representative from each ward and a compelled election might make more sense, whereas the Board has three representatives from each ward so there would be no lack of representation. He did not want to dictate any changes for another legislative body.

Ald. Baker moved to amend the item to include the School Committee and the Committee voted in favor 7-0. Members of the Committee agreed that there should be consistency. The Clerk will amend the item, notify the School Committee and invite them to the next meeting for further discussion.

The Committee voted to hold this item unanimously.

#200-13 ALD. JOHNSON requesting a discussion with the Parks & Recreation Department and the Department of Public Works to establish a process for managing the placement and removal of City, for-profit, and non-profit signs advertising events. [05/28/13 @ 9:26 AM]

ACTION: **HELD 7-0**

NOTE: Ald. Johnson joined the Committee for the discussion. She explained that she has noticed a proliferation of signs throughout the City. These are signs related to the City such as NewtonServes, the Newton Community Farm, Newton Community Ed, Touch-a-Truck, various school events, etc. The signs go up but they don't seem to come down in any kind of organized or timely manner and it is unpleasant to look at. These include sandwich boards, as well as signs that are stuck in the berms and around the City parks. She felt there needed to be some sort of organized process for communicating where, how long and what type of signs can be erected. She noted that the staff of Parks & Recreation and the Department of Public Works is out and about in the City every day which puts them in a good position to keep an eye on this issue. They need the guidelines to know what is legal and allowed and what is not. Perhaps there should be an amendment to the sign ordinance.

Angie Clark of the Public Works Department explained that any signs from private businesses that are stuck in the berm are illegal. In the past, the former Commissioner of Public Works would take those signs when he saw them and call the business owners to come pick them up at City Hall. There is an ordinance to regulate the sandwich boards and banners. She explained that people have to fill out a form in order to use sandwich boards and banners for non-profit organizations only and administers that process. The signs are allowed to be displayed for two weeks and then need to be removed within 24 hours of that time. There are sandwich boards around the City that have not been registered and DPW does what they can to find them and have them removed. Sandwich Boards for private businesses are not allowed, but they have let some of them go if they aren't obstructing the walkway. Any signs on Linden Street are controlled by the MBTA and not under City jurisdiction.

Elaine Gentile, Director of Environmental Affairs, noted that there are many signs that are popping up all over the City. Any sign in a public way is not allowed without permission from the Commissioner of DPW. She has instructed her village crews to remove any and all signs they see in the berms and bring them to City Hall. There is also an issue with signs and flyers stapled and taped on telephone poles because they are never taken down. Her crews have also been told to take those signs down. They do exercise some discretion if it's for a non-profit entity or if a flyer is for a lost animal. She took down countless signs along the Marathon Route prior to the Marathon. She agrees that there has to be an organized process but it is not easy to enforce and monitor this. She thought perhaps there should be a fee for permission to put up a sign and maybe even a fine for violating the rules. People tend to respond when a fine comes into play.

Bob DeRubeis, Commissioner of Parks & Recreation, said he has seen a problem as well. His crews take down signs as they come across them but there can always be a random sign that is left up. He felt putting some parameters around the use of these signs would be helpful. His crews would then be able to know which signs can be taken down and which have permission to stay.

Many Committee members agreed with the problem and have witnessed this all around the City from private contractors, as well as City related signs and Real Estate open house signs.

Follow Up

Ms. Gentile said they could contact some of these organizations and make them aware the Board is looking at tightening up the regulations. In the future, they need to be more organized in their placement and removal because if the Board enacts an ordinance, there could be fees and fines involved. Ald. Johnson plans to meet with Ms. Gentile, Ms. Clark and Commissioner DeRubeis to further work on a solution.

The Committee voted to hold this item.

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

#36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.

- A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
 - B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
- [01/24/12 @ 8:07 AM]

ACTION: **HELD 7-0**

NOTE: Ald. Crossley explained that this item is an important part of the strategic plan and the Water, Sewer, Stormwater Working Group is meeting quite regularly. They are waiting for a

decision from the Law Department regarding whether or not a Home Rule Petition will be necessary for this. Although this is being worked on, they are not ready to present in Committee at this time. There are many other parts of this puzzle being worked on in conjunction with this as well. The docketers have asked that this item be held. Ald. Sangiolo said she would like to hear back from them before the end of the year for an update. Ald. Fuller said it was unlikely this item would be fully concluded before the end of the year, however.

The Committee voted to hold this item.

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#245-10 ALD. SCHNIPPER requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

ACTION: **NO ACTION NECESSARY 7-0**

NOTE: Committee members mentioned they have all seen areas in the City where gas leaks are killing the trees and expressed frustration with the utility companies. The Law Department has explained that they have a meeting planned with National Grid next month and will bring an update to the Board. This item is still docketed in the Public Facilities Committee if another discussion is necessary.

The Committee voted No Action Necessary on this item.

Respectfully Submitted,

Amy Mah Sangiolo, Chairman