

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

WEDNESDAY, SEPTEMBER 18, 2013

7:15 PM - PLEASE NOTE EARLY START TIME
Room 209, then Room 222

ITEMS SCHEDULED FOR DISCUSSION:

There will be a joint meeting with the Public Facilities Committee on the following item at 7:15pm in Room 209. Please refer to the Public Facilities Committee Agenda for supporting materials for this item:

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process.

Appointment by His Honor the Mayor

#242-13(2) CAROL ROSE, 865 Boylston 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) [08/21/13 @ 4:05PM]

Appointment by His Honor the Mayor

#242-13 CAROL ROSE, 865 Boylston 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 @ 9:01 AM]

#198-13(3) THE WABAN AREA COUNCIL requesting that early voting for officers to the Waban Area Council be held on October 31, November 1, and November 4, 2013, in the Elections Office at Newton City Hall. [09/03/13 @ 11:46AM]

95-13(2) THE PROGRAMS & SERVICES COMMITTEE requesting an update from the Health Care Advisory Committee. [09/12/13 @ 9:49AM]

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.

#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]
AMENDED ON 9/11/13 TO INCLUDE SECTION 4-6 FILLING OF VACANCIES FOR SCHOOL COMMITTEE

#34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]
REFERRED TO SUBCOMMITTEE

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

#256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @ 4:46 PM]
REFERRED TO SUBCOMMITTEE

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton.
[07/18/12 @ 4:34 PM]
REFERRED TO SUBCOMMITTEE

#335-12 DAVID OLSON requesting a discussion of Mayor Warren’s Executive Order #1 which authorizes the use of remote participation for City Boards and Commissions as it relates to and effects the Board of Aldermen’s Committee and Full Board meetings, and to make any necessary changes to the Board Rules to allow and regulate remote participation should it be deemed acceptable.
[10/3/12 @ 4:56PM]
REFERRED TO RULES SUBCOMMITTEE

#130-13 ALD. JOHNSON & LAPPIN requesting a change to the Board Rules, Article I, Section 3. Referral of business to Committees, paragraph D., to increase the majority vote to a greater than majority vote. [03/18/13 @ 9:39 PM]
REFERRED TO RULES SUBCOMMITTEE

#111-13 CLERK OF THE BOARD requesting a change in the Board of Aldermen Rules & Orders to define which committee Community Preservation Committee appointments should be referred. [03/05/13 @ 12:46 PM]
REFERRED TO RULES SUBCOMMITTEE

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #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]

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]
- #199-13 ALD. JOHNSON AND SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]
- #95-13 HIS HONOR THE MAYOR, SETTI WARREN AND BOARD PRESIDENT, SCOTT LENNON seeking an amendment to Chapter 12, Section 68 of the Newton City Ordinances to increase the number of members of the Health Care Advisory Committee if there are any concerns relative to the composition of the committee. [02/25/13 @ 2:24 PM]
- #336-12 HIS HONOR THE MAYOR, ALD. BAKER, FULLER AND LAREDO, requesting a discussion to include possible uses, process, timeline, opportunity for community input and funding sources, with the affected neighborhood community and with members of the Board of Aldermen, on the potential acquisition for passive or active recreational uses of the five acre parcel in Ward 7 on Manet Road currently held by the MWRA as an obsolete open water reservoir.
- #334-12 ALD. SWISTON AND LINSKY requesting a discussion with the Licensing Board regarding the licensing and permit requirements for non-profit organizations. [10/10/12 @ 3:52 PM]
- #230-12 ALD. SANGIOLO requesting the establishment of guidelines and policies regarding the creation of Neighborhood Area Councils particularly with respect to (1) boundary delineations and (2) description of area council authority. [08/06/12 @ 4:39PM]

- #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.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #165-12 HIS HONOR THE MAYOR submitting (1) the report prepared by Kopelman & Paige PC, the consultant engaged to review the city's election procedures, and (2) proposing that Charter Sections 2-1(b) and 4-1(b) be amended to establish a particular date by which nomination papers are made available. [05/25/2012 @ 1:35PM]
- #145-12 ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]
- #144-12 ALD. HESS-MAHAN proposing to repeal the time restrictions for filing special permit applications/site plan reviews for Major Projects during July and August in Article X Section 5 of the Rules and Orders of the Board of Aldermen.

REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES

- #312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]
FINANCE VOTED NO ACTION NECESSARY on 10/12/11
PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 11/18/11

Respectfully Submitted,

Amy Mah Sangiolo, Chairman



SETTI D. WARREN
MAYOR

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Office of the Mayor

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August 6, 2013

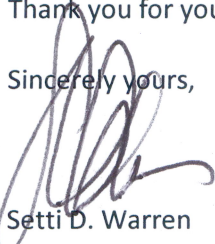
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to appoint Ms. Carol Rose of 865 Boylston Street, Newton Highlands as a member of the Newton Council on Aging. Her term of office shall expire on August 6, 2016 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely yours,


Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2013 AUG 21 PM 4:05
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

#242.13
1/4/05 1:00PM
with Marion

APPLICATION FOR APPOINTMENT

NEWTON COUNCIL ON AGING Advisory Board

Name: Carol Rose
Home Address: 865 Boylston St. #3
Newton MA 02461

Why are you interested in joining the Council On Aging?

I am interested in the concept of liveable cities and relish the thought of being part of making Newton into one. There are so many excellent things about living in Newton, and I see room for improvement with both simple ideas as well as more complicated ideas. I would find it enormously gratifying to work with others who are equally interested.

Community activities, committees, etc. in which you have participated in the past five years:

I have been active on committees in my congregation including leading social action, working with a group becoming a community of kindness, and singing in the chorus. In the larger community I have worked with advisory boards in my professional capacity working with the Boston Public Schools in their School-to-Career program.

Other pertinent information (i.e. education, experience with seniors, legal, medical, financial, etc.):
I have worked for 24 years running a department that was in charge of the recreational activities for elderly for residents with a wide range of cognitive and physical impairment. Previous to that I was an elementary school teacher. One of my areas of expertise is running intergenerational programs.

CITY OF NEWTON
IN BOARD OF ALDERMEN
RULES SUBCOMMITTEE REPORT

MONDAY, JUNE 17, 2013

Present: Ald. Baker, Hess-Mahan, Linsky and Blazar
Others Present: David Olson

#335-12 DAVID OLSON requesting a discussion of Mayor Warren's Executive Order #1 which authorizes the use of remote participation for City Boards and Commissions as it relates to and affects the Board of Aldermen's Committee and Full Board meetings, and to make any necessary changes to the Board Rules to allow and regulate remote participation should it be deemed acceptable.
[10/3/12 @ 4:56PM]

ACTION: **HELD 4-0**

NOTE: There was a previous discussion in Programs & Services on May 22, 2013 and David Olson outlined the Executive Order.

Remote participation requires that the members who are participating remotely must be able to hear those present in the room and vice versa. This is more easily accomplished in the meeting rooms of City Hall and less so in the Aldermanic Chamber. The Committee rooms have access to conference phones but the Chamber does not have a phone line at all. Using Skype would also be challenging in the Chamber. The *Join Me* software is on the computer in the Chamber but other devices that are brought into the Chamber do not have access to it unless it is loaded on the device. However, the person on a device can see what's happening on the other end, but cannot respond to it or interact.

The Committee asked if it was possible to *not* use remote participation and Mr. Olson said yes. The Executive Order gives City Boards and Commissions the rights and option to use this type of communication if they so desire but they can decide not to. There was opinion that it was very important for members of the Board of Aldermen, specifically, to be physically present at discussions. There are often issues that require visualization of materials in order to understand thoroughly what is going on in order to make good decisions. Ald. Hess-Mahan, Chair of the Land Use Committee noted that his Committee is especially reliant on visual information. There are documents online, but there are often updated plans and documents that show up at meetings that are not yet filed with the City and are not online at the time of the meeting. He would ask the Mayor to fund the technology to make it possible to have full remote participation and the ability to have visual accessibility to documents and presentations. He does not think it would work otherwise.

Other opinions were that participation would be allowed but not for the purpose of voting. One would have to be physically present in order to vote. It was unclear whether that could be allowed and then what would be the point if the member could not cast a vote. This would allow

people to understand that there are limitations to not being physically present. There was also concern that members could then use this as a way to grandstand and then have the excuse of not being able to vote on an issue. It states however in the Attorney General's regulations that members who participate remotely *may* vote and shall not be deemed absent for purposes of the Act. Does that mean they may vote but don't have to vote? They would like some clarification on this. They don't allow members to abstain from voting at the Full Board, but members do walk outside the rail to avoid voting at times.

Perhaps they could try to do this in Committee meetings first to see how it worked and then a decision could be made to expand it to Full Board meetings or not, or to not use it at all after a trial period in the Committee meetings.

There was a recommendation to not "opt in" on this and not amend the Rules. However, the subcommittee decided to hold this item and have a conversation with the Law Department to clarify the questions that were brought up regarding voting and what "present" means in order to be able to vote, or whether one has to vote at all. There is also a question about whether the Board can define what "present" means. The Subcommittee voted unanimously to hold this item.

#111-13 CLERK OF THE BOARD requesting a change in the Board of Aldermen Rules & Orders to define which committee Community Preservation Committee appointments should be referred. [03/05/13 @ 12:46 PM]

ACTION: **MOTION TO RECOMMEND ZONING & PLANNING COMMITTEE 4-0**

NOTE: When the Committee on Community Preservation was eliminated in the Board of Aldermen, it was not made clear to which committee appointments to the Community Preservation Committee (CPC) should be referred. Individual CPC projects are going to a variety of Board Committees depending on the type of project. The City of Newton Ordinances state that the composition of the CPC is as follows:

Sec. 2-351. Composition; eligibility.

(a) The committee shall consist of nine members, as follows:

- 1) The conservation commission, planning and development board, housing authority, historic commission and parks and recreation commission shall each designate one of its members, who may be an alternate member, to serve as a member of the committee (the "statutory members").*
- 2) The remaining four members (the "appointed members") shall be appointed in accordance with section 2-8. The appointed members shall include at least one citizen who has expertise or demonstrated interest in open space, at least one citizen who has expertise or demonstrated interest in recreation, at least one citizen who has expertise or demonstrated interest in historic preservation and at least one citizen who has expertise or demonstrated interest in affordable housing. In making such appointments, the mayor shall be guided by the goal that the membership of the committee include persons with professional expertise in real estate development, finance, architecture and law.*

(b) There shall be a ward residency requirement for the appointed members. One appointed member shall be appointed from ward 1 or 2; one from ward 3 or 4; one from ward 5 or 6; and one from ward 7 or 8.

There was sentiment that the appointments should go to the Zoning & Planning Committee because it approves the CPA administration budget and would therefore provide yearly oversight. In addition, the CPA is housed within the Planning Department which is also under the purview of the Zoning & Planning Committee. The other possible Committee would be Programs & Services as it covers many appointments to Commissions and Boards and Community Preservation started as an ad hoc committee under Programs & Services when it was first established. However, so many appointments go through that Committee that it would be helpful not to have these appointments there as well.

The subcommittee concluded unanimously that the Zoning & Planning Committee was the most appropriate committee to refer CPC appointments.

#130-13 ALD. JOHNSON & LAPPIN requesting a change to the Board Rules, Article I, Section 3. Referral of business to Committees, paragraph D., to increase the majority vote to a greater than majority vote. [03/18/13 @ 9:39 PM]

ACTION: **HELD 3-0**

NOTE: It was believed that this issue came out of a recent item regarding whether to hold a special election for the Ward 1 seat that was left vacant. The item was voted out by the Full Board but was referred back to the Board two weeks later. It was such a brief period of time that there was concern. There should be a distinction made between a true reconsideration which requires only a majority of those present and voting, and taking up something again and requiring a greater than a majority vote.

The subcommittee would like a recommendation from Ald. Johnson and Lappin as to what the greater than a majority vote should be (2/3, 3/4, etc). (Please see attached report of the May 22 Programs & Services Committee in which they recommended a 2/3 vote). The subcommittee voted unanimously to hold this item.

Respectfully Submitted,

R. Lisle Baker, Chairman