

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 18, 2013

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

Present from Public Facilities Committee: Ald. Salvucci (Chairman), Albright, Crossley, Danberg, Lappin

Also Present: Ald. Fuller, and Yates

Others Present: Karyn Dean (Committee Clerk)

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

#286-13(2) HIS HONOR THEY MAYOR requesting authorization to appropriate the sum of thirty-seven million five hundred thousand dollars (\$37,500,000) from bonded indebtedness for the purpose of funding the replacement of the A.E. Angier Elementary School. [09/09/13 @ 2:03 PM]

PUBLIC FACILITIES APPROVED 5-0

APPROVED 6-0-1 (Ald. Sangiolo abstaining)

NOTE: A joint meeting was held with the Public Facilities Committee on this item. Please refer to the Public Facilities Committee Report for details of the discussion and any supporting materials. Both Committees voted to approve 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.

ACTION: **HELD 7-0**

NOTE: Ald. Rice explained that everything is on schedule with the Angier School project. A detailed public presentation was given last week in the Public Facilities Committee with residents present. That meeting was the third or fourth public hearing in the process. An overview was given this evening in a joint meeting with the Programs & Services Committee as well, and the funding was approved in that meeting. (See note above). The occupancy of the school has moved up from September of 2016 to February of 2016. Potentially, this could open up the availability of the Carr School significantly earlier in order to start another school project. Ald. Rice said the idea is to keep this docket item open for two years to provide continuing updates. While construction is ongoing, meetings that include the Building Construction Group and Ald. Rice will be set prior to and in conjunction with the Waban Area Council meetings for residents to bring any concerns forward relative to the project.

The Committee voted to hold this item.

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]

ACTION: **APPROVED 7-0**

NOTE: Ms. Rose joined the Committee. She explained that she was very interested in the concept of making Newton a better place for aging and that led her to attend a few meetings of the Council on Aging. She has worked extensively in her career with the elderly and she loves working with children as well. An intergenerational approach is a way to improve quality of life for all involved. She would like to create some opportunities for that experience.

Ald. Rice moved to approve this appointment and the Committee voted in favor.

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]

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

NOTE: This item was voted No Action Necessary as the originally submitted appointment did not reach the Committee before the 60 day action period. The Mayor graciously re-submitted the appointment for Committee review and was approved as noted above.

#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]

ACTION: **APPROVED 7-0**

NOTE: Maureen Reilly-Meagher and Sallee Lipshutz, representing the Waban Area Council, addressed the Committee. They explained that in addition to the voting date of November 5 for Waban Area Council officers, they would like to add three opportunities for early voting on October 31, November 1 and November 4. David Olson, City Clerk, sent word that these dates were acceptable and recommended their approval.

The Committee voted unanimously to approve the early voting dates.

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

ACTION: **HELD 7-0**

NOTE: John Freedman, Chairman of the Health Care Advisory Committee addressed the Committee. He was joined by members of the Committee, Beth Capstik and Chris Apgar. Dr. Freedman said the process has been interesting and valuable and they look forward to providing a report to the City in the very near future. He would like to speak more about the structure of

the Committee, what they expect the report to look like and some of the findings. They are not prepared to discuss any conclusions or recommendations at this point and would like to leave that to the final report.

The first meeting of the 10-member Committee took place in April, with monthly meetings since then. All the members have distinguished careers in various fields of health and health purchasing. The work was divided into areas of interest that will be chapters in the report, roughly as follows:

- Overview of the history of health purchasing in the City Newton.
- Comparisons between Newton's health plans and purchasing strategies with several other comparable municipalities as well as with the Group Insurance Commission (GIC).
- Review of spending the City has been doing over the years. Spending reached a peak in 2011 and declined in 2012 and FY13. Review included specific types of utilization and the administrative costs of managing the health benefits.
- Review of a variety of strategies to contain healthcare spending including engaging enrollees in the choices they make in their own health (i.e. wellness programs, disease management programs) as well as designs of health care benefits such as limited or tiered networks and other value based insurance designs.
- Potential role for community partnerships such as the relationship the City has with Newton-Wellesley Hospital.
- A look at benefit choice opt-out for spouses who may have options for healthcare with their spouses employer.
- Post-employment benefits specifically at OPEB related issues such as demographic trends on future spending of healthcare.
- Data necessary to do this analysis. The data has been difficult to gather particularly from the City's health plans. They are trying maximize the work they can do with the available data
- Summary statements and concrete recommendations.

Dr. Freedman explained that they have gathered a wealth of data and they have accomplished quite a bit of work and will be bringing some beneficial recommendations back to the Mayor. He does expect that this information will likely raise more questions for the future and what other work might need to be done.

Committee members asked if the report could show what the trade-off would be of being part of a larger pool (like the GIC) and taking advantage of the economy of scale that offers, versus being able to manage our own smaller pool and tailor things to the City's needs. There was also a question regarding the way different types of enrollees might be treated in the healthcare system of the City. Perhaps new hires can be absorbed in a different way than current employees who may be tied into a certain model due to union contracts or longevity; and employees who have riskier types of jobs might be another classification; and the current retirees who have a higher risk profile due to age and accelerated health needs would be the third. Some committee members wondered if there would be a different type of structure that might be more cost effective and beneficial to each group. Dr. Freedman said this was an interesting concept. Currently, retirees who are pre-Medicare are on the same plan as active employees. If they are

looked at as a group, they are higher risk and tend to have more chronic illnesses, etc. That means the spending will be higher under the same plan but there has been no segregation of them by plan. Ms. Capstick spoke of retiree health and explained there is legislation pending that would add additional tools to cities and towns to keep the level of costs from rising at the level they are now. It would also encourage more advanced spending into a fund for the purpose of funding retiree health plans.

The Committee asked about catastrophic cases that might decimate a health plan fund in a year. Dr. Freedman explained that the City has reinsurance to handle these very complicated and expensive cases. The HCAC looked at the costs of the City's reinsurance and what the recoveries are and in only two out of the last ten years, the City had recoveries that exceeded the amount that was paid in reinsurance premiums. This bears looking at to decide what the proper reinsurance premium should be. The challenge is that the reinsurance market is small and there are few options. On average about 60% of what is paid comes back to the City in reinsurance recoveries. Is the 40% profit to the reinsurance legitimate for providing this protection, or should the City find another option. That will be addressed in the report. There was a suggestion from Committee to take the reinsurance premiums and put them into a fund under City control to use for the catastrophic cases.

Dr. Freedman said the City is self-insured. In effect the City "rents" the plans network of doctors and hospitals and pays a fee to have access, pay claims, issue cards and handle customer service. The payment of all the medical claims comes out of an account that the City maintains. The report will have a description of that and what the trade-offs are. The City shifted about 20 years ago to the self-insured model and benefits were obtained in doing so.

It was asked if Workers Compensation would be a part of this report. Dr. Freedman explained that they have been looking at what total Workers Compensation spending has been. Based on the preliminary information there does not seem to be any big problem to address. He also noted that some parts of the Workers Compensation program have been provided through Newton – Wellesley Hospital and Partners Occupational Health.

There was concern from the Committee that perhaps the City had not been cooperative in giving the HCAC the data and information they need. Dr. Freedman explained that it was not a matter of being uncooperative. The data has not been tracked in the way that would allow for easy access to it for their purposes. This has been more of a problem with the healthcare providers and he did not feel they were being purposely difficult. The problem seems to be in the gathering of the data in an organized way and in a timely manner. They have also received data that does not seem complete, or received differing versions and this raises the question of how data is gathered and maintained. Having said that, Dr. Freedman said the group is confident they have adequate data to produce a very valuable report and recommendations. They will also lay out a more explicit and formal organization for what data needs to be made routinely available in the future to make this work more efficient. It was asked if the state's Division of Insurance had any role in structuring information gathering. Dr. Freedman said the City's plan was exempt from the state regulations and falls under federal law. It was thought by Committee members that there might be some issues remediated at a forum beyond the ability of the City, such as at the state level.

The Committee expressed their desire to have the HCAC take the time they need to work on the report as they felt this work was extremely important. Dr. Freedman said the Committee has taken the amount of time necessary to produce a valuable report with the data they have gathered and the terms of the membership are in effect for a few years.

The Committee voted to hold this item.

#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

ACTION: APPROVED AS AMENDED 6-0 (Ald. Linsky not voting)

NOTE: Ald. Hess-Mahan reminded the Committee that at the last discussion, there was sentiment that the School Committee should be included in this amendment in the interest of conformity. **(See note below from last discussion on 9/11/13 for more background)**. The Board of Aldermen is the body that calls a special election for the Board as well as for the School Committee. The School Committee was contacted through Dede Reade and she replied that no one would be attending the meeting this evening.

Committee members assumed that since there was no representation from the School Committee this Committee had presumptive ability to do what they think is appropriate. There was agreement that there should be conformity between the Board and the School Committee in this regard. Home Rule Legislation is required for changes to the Charter.

The Committee voted to approve the changes to Section 2-5 and Section 4-6 as stated.

September 11, 2013 Programs & Services Committee meeting 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.

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.

#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]

ACTION: **HELD 6-0 (Ald. Linsky not voting)**

NOTE: Items #34-13 and #254-12 are discussed in this note. Ald. Sangiolo explained that she had an intern do some research and passed it along to Ald. Linsky. There is more work to be done, but she is expecting to take action on these items before the end of the term. If that cannot happen, she would like to vote No Action Necessary at that time and the items may be re-docketed when ready for Board action. Ald. Danberg reported that she has been working with Environmental Affairs to visit a recycling sorting facility to get some insight to alternatives and options for the polystyrene and plastic bag issues. Ald. Sangiolo said that Wegman's supermarket also offered a tour of their plastic bag recycling process. Ald. Danberg is working on a date and will provide an update later in the year

The Committee voted to hold both items.

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]

ACTION: **HELD 6-0 (Ald. Linsky not voting)**

NOTE: See #34-13 note above.

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]

ACTION: **HELD 7-0**

NOTE: Ald. Hess-Mahan noted that there have been several meetings with the Chamber of Commerce, restaurant owners and others who are interested in the food truck issue. There has not been a tremendous amount of interest from those looking to have food trucks in the City, but it was felt that the City should have some sort of policy in place as they are becoming more popular in the surrounding communities. He would like a policy to encompass safety inspections as well as locations allowed. There have been reports of illegally operating food trucks in the City. Ald. Linsky reported that the latest information from Dori Zaleznik, Commissioner of Health and Human Services, is that the administration is not excited about the idea of food trucks in the City. There was some discussion relative to allowing food trucks to existing brick and mortar establishments in the City as a means to provide vitality as opposed to competition.

Some Committee members did not want food trucks in the City. There were concerns about traffic and the added congestion these vehicles could cause. Others thought they would be a great amenity to businesses that do not have cafeterias in their building, or food establishments nearby.

Follow Up

Ald. Baker would like it communicated to the administration that a moratorium should be enacted until a policy can be formed. The Committee agreed to put a letter together to that effect. The Committee also mentioned inviting Michelle Wu to a meeting. She is a candidate for Boston City Council and has been quite involved with this issue in Boston.

The Committee voted to hold this item.

#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]

ACTION: **HELD 7-0**

NOTE: The Rules Subcommittee met to discuss this item. Ald. Baker reported that he is not persuaded that this would be a good idea for the Board. The Law Department's opinion is that if a member is participating remotely, they must have the option to vote. This seems contrary to the policy of having members present in order to vote. David Olson had explained at the last discussion of this item that there are some technological challenges at this time. Conference phones can be used in Committee meeting rooms, but the Chamber does not have a phone line at all. There is also a challenge with remote participants seeing documents that are being reviewed at meetings. His recommendation was to 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. Ald. Sangiolo noted that there was an instance with the School Committee at which a remote participant was allowed to join the conversation, but was not allowed to vote. Participating in the conversation or just listening to the conversation is allowed. The question here seems to be around voting. Companies engage in remote participation routinely, but they do have equipment that makes it possible. The technology needs to meet the need. The Rules Subcommittee will meet again soon to continue this discussion and come back with a recommendation. The Committee voted to hold this item.

#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 7-0**

NOTE: The Rules Subcommittee held this item after a recent discussion. This item is relative to the number of votes necessary to reconsider an item. They were waiting on clarification from the docketers as to what the greater than majority vote should be. The docketers reported they would like to see a 2/3 vote. The policy questions needs to be clarified as to what instances of reconsideration would require the greater than majority vote. The Rules Subcommittee will meet soon to continue the discussion. The Committee voted 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: **APPROVED 7-0**

NOTE: The Rules Subcommittee is making a recommendation that the appointments to the Community Preservation Committee should be referred to the Zoning & Planning Committee for review. The Committee voted in favor of this recommendation.

Respectfully Submitted,

Amy Mah Sangiolo, Chairman