

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 9, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Baker, Rice, Fischman and Blazar

Absent: Ald. Hess-Mahan; One Vacancy

Also Present: Ald. Salvucci, Crossley, Laredo, Albright, Danberg and Fuller

Others Present: Bob Rooney (Chief Operating Officer), Bob DeRubeis (Commissioner, Parks & Recreation), Josh Morse (Commissioner, Public Buildings), Ouida Young (Associate City Solicitor), John Daglian (Engineer), Karyn Dean (Committee Clerk)

**REFERRED TO PUBLIC FACILITIES & PROGRAMS & SERVICES COMMITTEES**

#325-13 HIS HONOR THE MAYOR requesting that the Board of Aldermen seek Article 97 approval from the General Court of Massachusetts permitting the temporary use of the entrance of Nahanton Park on Winchester Street for Fire Station #10, and further requests that the Board of Aldermen enter into a Memorandum of Understanding with the Parks & Recreation Commission consistent with the motion approved by the Commission permitting temporary relocation of Fire Station #10 to the entrance of Nahanton Park. [09/30/13 4:51 PM]

**ACTION:** **PUBLIC FACILITIES APPROVED 5-0**  
**APPROVED 6-0**

**NOTE:** The Committee met jointly with the Public Facilities Committee to discuss this item. Please refer to the October 9, 2013 Public Facilities Committee report for the details of this joint discussion.

Re-appointment by His Honor the Mayor

#324-13 CAROL ANN SHEA, 24 Milo Street, West Newton, re-appointed as a member of THE BOARD OF TRUSTEES OF THE JACKSON HOMESTEAD for a term to expire February 1, 2015. (60 days 12/20/13) [09/16/13 @ 10:46 AM]

**ACTION:** **APPROVED 6-0**

**NOTE:** The Committee noted that Ms. Shea has been a long-time volunteer and was pleased that she is continuing to serve. Ald. Sangiolo moved to approve Ms. Shea's re-appointment and the Committee voted in favor.

#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]

**ACTION:** **HELD 4-0 (Ald. Fischman and Baker not voting)**

**NOTE:** Ald. Sangiolo said there had been discussions about eliminating many fees and she felt the current School Committee was not moving adequately in that direction. Some have been

reduced and some eliminated but she wanted further discussion to try to make things easier for families. She did feel the parking fee was reasonable, but should be the same for both high schools. She noted that the parking fee is the same as the bus fee (\$310). Ald. Johnson was unable to join the meeting for this discussion, therefore, the Committee voted to hold the item.

#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]

**ACTION:**      **APPROVED 5-0 AS AMENDED (Ald. Fischman not voting) TO RECOMMEND DATE OF MAY 1 TO CITY CLERK WITH NO CHARTER AMENDMENT**

**NOTE:** Ald. Sangiolo explained that the Board could recommend to the City Clerk, David Olson a particular date by which nomination papers would be made available. Mr. Olson had sent word that he would gladly honor any date they deemed acceptable and would be sure to make papers available per their request. A change in the Charter would require Home Rule Legislation and this would be a simpler way to handle this issue. This year papers were made available on May 1<sup>st</sup> and it has been traditionally at the discretion of the Executive Secretary of Elections. This became a problem during the tenure of the last Executive Secretary of Elections when a candidate had a residency issue due to a move. As a result, there has been a desire to have a set date to avoid any confusion in the future. The Committee felt May 1<sup>st</sup> would be an appropriate date, and if that falls on a legal holiday or Sunday, then the day after would take its place as is usual practice.

The Committee would like to recommend May 1st to the City Clerk as the date by which nomination papers would be made available for regularly scheduled elections. They do not wish to make a Charter amendment and approve this item as amended to reflect that.

#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.

**ACTION:**      **NO ACTION NECESSARY 6-0**

**NOTE:** Ald. Baker reported that the Home Rule Petition has been filed by Representative Balser and is going through the process in the legislature. Funds of \$30,000 have been voted to hire an engineer for an assessment of the reservoir and they are working on getting a contractor. DCAM has been waiting for the bill to pass as a first definitive step in the process. Once the bill has passed and the assessment has been done then more action can be taken.

Bob Rooney, Chief Operating Officer, joined the Committee. He explained that the state is working very collaboratively with the City. The Mayor, the Board of Aldermen, and the state

delegation met with DCAM and they are aware Newton is very interested in this reservoir. Normally, DCAM would go through the surplus process and put it out for interest so Newton did not want to be in competition in that way. DCAM has assigned a project manager for this site and has told Mr. Rooney that are waiting for the Home Rule Legislation (HRL) to be passed. At that point, right of first refusal will go to the City of Newton and the rest of the process can begin. Representative Balsler has been instrumental in getting the HRL through the process and it will be taken up next week. The City will go to testify to the importance and the intended use for Newton. The HRL when passed will trump the surplus process. This timeline is shorter than the typical timeline. After the engineering assessment an appraisal will be necessary, which is anticipated to be lower than the current assessed value because its use will be specified for public use. He estimates a value of between \$500K - \$800K and they will be letting the Community Preservation Committee (CPC) know this so they can plan out funds. Mr. Rooney expects this to come up in the FY15 budget cycle. This will be going into the Capital Improvement Plan as well. John Daglian from the Engineering Department commented that they would expect the engineering report back in early winter.

Gayle Silverstein, Chair of the Waban Hill Reservoir Working Group, said the CPC had many issues they wanted resolved before they would consider funding this project. They asked the Planning Department to come up with plans and drawings and other items as well. She asked if those requests were being satisfied. Mr. Rooney said this was the first step and they have good dimensional measurements with more to come from the engineering study. That will inform any future design considerations. They want to get through the due diligence first and then will address the concerns of the CPC. The Committee asked where the funding would come from and Mr. Rooney said CPA funds would be involved and they do like to see some private-public partnerships. Ms. Silverstein wondered if now would be the time to start talking with the community about fundraising. It was felt that this is a long-term vision and there needs to be a showing of how this parcel will be maintained over time. It was suggested that pledges might be helpful. Then the CPC can hear about the support that would be forthcoming from the community over time. The Newton Conservators have been a clearinghouse for contributions on other projects in the past and perhaps could be used in this instance as well.

Ald. Baker said the CPA has a dedicated amount for Open Space which has not been used yet this year and there are no other candidates for that right now. Perhaps the Planning Department should be consulted to see if there is anything pressing that needs to be addressed. Ald. Sangiolo mentioned there is a need for acquisition money as well as renovating and maintenance money. She asked that that formula be evaluated in order to get the maximum amount allowed from CPA funds for any and all of those.

Ald. Sangiolo wondered if this needed to stay on the Programs & Services agenda. It seems this Committee has done what it needed to do. The next step would be another docket item for CPA funding or a resolution to put this on the CIP, or some other action. The Committee agreed that a vote of No Action Necessary was appropriate and voted in favor.

#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]

**ACTION:** **NO ACTION NECESSARY 6-0**

**NOTE:** Ald. Sangiolo asked Ald. Linsky and Rice to report on what has been happening with the area councils in their wards. This item arose from issues relative to Newton Centre attempting to form an area council. The organizers thought they were following the rules for the creation of an area council but ultimately, the Board did not agree and would not accept it.

Ald. Rice explained that he and Ald. Linsky have met several times and the consistent problems seem to be in the boundary lines and in creating uniform policies and procedures from the Board of Aldermen. Each council has its differences and dealing with different issues, but some uniform policies need to be set. Understanding where villages lie is tricky and is not necessarily fixed by Ward lines or zip codes. The Highland Area Council changed over a 25 year span to include sections of Newton Highlands, Waban and Newton Centre. The Upper Falls Area Council spilled into the Highlands as well because gaps were left. The Waban Area Council started off with a much larger district that had to be decreased somewhat. He said the Board of Aldermen needs to evaluate on a case-by-case basis how the rules and procedures would work for each area council as separate entities.

Ald. Linsky reported that by the end of this year, four area councils will be up and running. He hopes that those councils will determine a way to relate to each other in some form or fashion. This would be a way to share ideas and find out which rules and procedures are working and which are not. Ald. Linsky also noted that the Newton North Parking Plan required drawing of boundaries and there was a public process. After getting past the initial boundaries was the issue of how to make changes going forward. People who are on the periphery of the zone either want in or out of the zone and can petition Traffic Council for their choice and that process has worked. A similar process may work for area councils. In Newton Centre, for example, Ald. Sangiolo felt that an initial process has to be set up as guidance so the residents don't feel they are going down the wrong path again. Perhaps there could even be smaller councils within a larger council. Ald. Rice felt that could be divisive if the smaller councils were in conflict with each other, then the Mayor and the Board would not know whose opinions to consider. It was felt that some process needs to be made clearer to avoid these issues in the future. Ald. Linsky said now that there are four area councils up and running, other parts of the City can look to them to see how best to delineate boundaries, add and subtract from it, and other best practices. It was felt that the Aldermen need to be involved in the process from the beginning.

#### Area Council Authority

Area councils have no control over zoning issues but otherwise the Charter is fairly wide open on council authority. Each area council will form its own charter and most activities are community building activities (Village Days, skating rinks, etc.) In Upper Falls and the Highlands, The Community Development Corporation will do community building activities and the area council will work on parking and traffic issues and interface with the business community. The Waban Improvement Society and the Waban Area Council both have plenty to be involved with without much crossover. The interests are different and it works out well. The area councils participate in various meetings on parking issues, Traffic Council items, Land Use and special permit items and can make recommendations. The Board can then either accept or reject those

recommendations. The area councils have standing within the government and provide village wide feedback to the Board and the administration and have access to them.

Ald. Rice reported that area councils have small amounts of money to work with and these do not hit any City audits. This money is used for flowers, hats, t-shirts etc. The Financial Audit Subcommittee is going to evaluate how these small accounts factor into the City's finances.

#### Public Comment

*Peter Clote, 173 Waban Hill Rd.* commented that mathematical concepts can be brought to bear upon maps of an area to determine where most people visit and use those clusters to determine some boundaries. This would avoid any gerrymandering.

*Janet Sterman, Newton* said that it would be helpful to know the desires of the people who are actively working to form a particular area council.

*Sallee Lipshutz, 24 Radcliffe Rd* commented that she started seeing articles in The Tab about the formation of area councils. She felt with 24 Aldermen there were enough representatives in the mix for the City and it seems superfluous. But she continued to see articles about more meetings so she went and never left. It turns out there are issues that were important to her life in Waban that she wasn't even aware of. The issues of the village and her neighbors are important to her and the area councils give them all a voice and a voice is power. It is definitely grassroots and covers many issues.

The Chair recommended voting No Action Necessary on this item and re-docket it in the new year. There may be new issues to explore and that seemed like the best course. The Committee voted No Action Necessary for this item.

#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]

**ACTION:**      **NO ACTION NECESSARY 4-0 (Ald. Fischman and Baker not voting)**

**NOTE:** Ald. Linsky explained that this item was docketed to assess the composition of the Health Care Advisory Committee. It has been determined that they are satisfied with the current numbers and membership. Ald. Sangiolo moved No Action Necessary and the Committee voted in favor.

Respectfully Submitted,

Amy Mah Sangiolo, Chairman