

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY JANUARY 4, 2012

Present: Ald. Sangiolo, Linsky, Rice, Merrill, Blazar, Hess-Mahan

Absent: Ald. Baker, Fischman

Also present: Ald. Danberg

City Staff: Carol Stapleton (Parks and Recreation), Rebecca Smith (Committee Clerk)

REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES

#474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.

LAND USE VOTED NO ACTION NECESSARY on 11/1/11

RULES SUBCOMMITTEE RECOMMENDED NAN ON 12/7/11

ACTION: NO ACTION NECESSARY 5-1 (Linsky opposed)

NOTE: Ald. Hess-Mahan explained that this item was born out of the desire to streamline the process for special permits that don't require the same level of review as other larger projects and to create a clear divide of the review/approval process of these projects. After discussing this with the Planning Department and the Law Department it was determined that, though this is possible, there may not be significant time savings. Additionally there isn't the proper expertise required on the ZBA and Planning Board at this present time to make this change a logical one. Ald. Hess-Mahan explained that an alternative could be an option that was presented during a meeting of the Zoning Reform Group which would be to take a look at having administrative reviews of certain types of special permits. Whether or not this is the direction taken, Ald. Hess-Mahan explained that there are other ways to go about this goal of expediting more standard-issue special permits.

Ald. Linsky expressed his support of this idea and doesn't believe that the composition of people that make up the Planning Board and ZBA should be considered a hurdle since these seats are appointed, making this a fixable issue. Because he thinks this is such a great concept, Ald. Linsky moved approval of the item.

Ald. Sangiolo agreed that this is a great idea but heard what was being said about the level of expertise necessary and the potential for going in the direction of administrative reviews in the future. She agreed that there should be a distinction between different levels of special permits but stated that she feels this is an arbitrary line to draw and it should be a more situation specific process.

The motion to approve failed to carry 1-5 (Ald. Sangiolo, Hess-Mahan, Rice, Blazar, Merrill opposing)

Ald. Rice then made the motion of No Action Necessary which carried 5-1 (Ald. Linsky opposed).

#306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]

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

NOTE: Carol Stapleton, Parks and Recreation Department, joined the committee for the discussion of this item. Ms. Stapleton explained that since the creation of this item the Parks and Recreation department has extended the swimming season by 1 week, usually until the 23 or 24th of August. She also explained that the efforts to extend the season even further by staffing the public swimming area with more lifeguards until the very end of the month are investigated annually, but have not been successful. The search for additional lifeguards generally begins at the start of the year at colleges, high schools, camps, etc. Ald. Danberg suggested that a strong effort be put into trying to recruit college seniors to carry out the remainder of the season as they are one category of potential lifeguards that will not need to return to college early for athletics.

It was decided that the item could be voted No Action Necessary since the item is a discussion item, not an action item, and because there have been multiple discussions relating to this and the effort is consistent at the Parks and Recreation department to locate lifeguards. Furthermore, the goal of the discussion item has been addressed as the swimming season has been extended by a week from mid-August to late August. The motion to vote No Action Necessary was made and carried unanimously in committee.

#287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]

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

NOTE: Former Ald. Ken Parker introduced the item explaining that there is support by the public for a revolving fund to be set up so that donations can be made for this effort. Before this could be done though, it would need approval from the parks and recreation commission. Mr. Parker would be interested in having a more formal and official account established, but Ald. Rice explained that creating a revolving fund is not exactly necessary and perhaps too cumbersome for the scale of this project. Ald. Merrill expressed his support for a creating a marker to honor Ms. Albright and to have it done sooner rather than later. Ms. Stapleton was present at the table for the discussion of this item as well. She explained that she has been in discussions with Ald. Baker about creating a marker or plaque for Ms. Albright and asks that the committee to allow her to continue to work with him on this. One favorable option is to have a bench installed in Ms. Albright's honor. The price of a bench would be about \$1200 and the family would be responsible for taking care of the grounds around it. It was said that the Albright family is very interested in this opportunity.

Ald. Sangiolo suggested that, since Ms. Stapleton is working with Ald. Baker and since everyone must wait until storm drain construction is complete at the site for anything to move forward, the committee vote No Action Necessary on this item as it's clear that there is a commitment to do something to this end. The Committee unanimously agreed that this is a worthy effort; they are fully committed to seeing this

complete by the end of 2012. After this discussion, the Committee voted unanimously in support of the motion to NAN.

#370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

ACTION: **APPROVED SUBJECT TO SECOND CALL 3-0-3 (Merrill, Hess-Mahan, Blazar abstaining)**

NOTE: Former Ald. Parker explained that Newton has a long history of special elections for prop 2 ½ overrides in the spring. Often there is an interest in having an advisory question added to this ballot but, as the law is now, the Board cannot add advisory questions to special election ballots without special permissions. This is nonsensical as binding questions are allowed on special election ballots, and advisory questions are allowed on regular ballots. Mr. Parker expressed his opinion that this is a quirk of the system, explaining that if you are already spending the money to have an election, why not make the most of it and have advisory questions to give guidance to such potential overrides.

Ald. Sangiolo expressed her support for this item. She sees more special elections occurring in the future and believes that this would provide a benefit especially because the turnout for special elections are generally higher than regular elections. Ald. Sangiolo moved approval of the item subject to second call so that she may discuss with the Law Department whether permissions/home rule legislation is required for a change such as this. The motion carried 3-0-3 (Ald. Merrill, Hess-Mahan, Blazar abstaining).

Respectfully Submitted,

Amy Sangiolo, Chairman

Rebecca Smith

From: "Linda Finucane" <lfinucane@newtonma.gov>
To: rsmith@newtonma.gov
Date sent: Fri, 13 Jan 2012 11:22:14 -0500
Subject: (Fwd) Advisory Questions
Priority: normal

----- Forwarded message follows -----

From: "Ouida C.M. Young" <oyoung@newtonma.gov>
To: aldermansangiolo@gmail.com
Date sent: Fri, 13 Jan 2012 11:20:24 -0500
Subject: Advisory Questions
Copies to: lfinucane,
dkahn@newtonma.gov
Priority: normal

Ald. Sangiolo, the general counsel for the Elections Division called back. There's no legal problem with seeking home rule authority to place a sec. 18A public opinion advisory question on either a regular or special municipal election. She did suggest drafting the legislation carefully to avoid a suggestion that the proposal to place the nonbinding question on the ballot could actually force a special election. My understanding is that you simply wanted the ability to put the nonbinding question on a special election that had already been scheduled (or if important enough, the board could also decide to call for a special election on the nonbinding question).

So this item can be reported out to the Board for a vote. Ouida I'll need to draft the actual text of the home rule petition. That legislation would seek authorization to allow a non-binding public opinion advisory question to be placed on either a regular or special municipal election pursuant to the provisions of c. 53, sec. 18A.

Thanks. Ouida

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