

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY APRIL 25, 2012

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

Absent: Ald. Merrill

Also present: Ald. Albright, Ald. Lennon

City Staff: Rebecca Smith (Committee Clerk)

#96-12 ALD. ALBRIGHT & HESS-MAHAN requesting that Article I, Section 3.A. (1) of the Board of Aldermen Rules and Orders 2012-2013 be amended to provide for the referral to the Land Use Committee of community housing projects recommended for funding by the Community Preservation Committee. [04-06-2012 @ 4:22PM]

ACTION: **APPROVED 7-0**

NOTE: Ald. Albright and Hess-Mahan addressed the committee on this item. Ald. Albright explained that the path for referral of community preservation items was discussed back when the three committees were being eliminated. At that time it was unclear where Community Preservation items would end up. Recently, a CPA item was referred to the Zoning and Planning Committee, but because it is a housing item, Ald. Albright believes it would be more appropriate to refer the item to the Land Use Committee, since Land Use is more accustomed to reviewing similar issues. Ald. Hess-Mahan agreed stating that the Land Use Committee has the expertise in reviewing site plans, understanding impacts, and evaluating projects. Ald. Hess-Mahan also clarified that the intent of this item is to provide an option to refer such projects to Land Use, since the list of items that is allowed to go to Land Use is very specific and does not include community housing items. There is no current provision that would allow referrals to Land Use even if that path was desired and, therefore, an amendment to the rules is required.

Ald. Baker expressed his desire for the Board to assure the public that the Land Use Committee will thoroughly vet these issues with the same scrutiny as all other projects that appear before the Board and that there are no exceptions to the rule simply because these projects serve a public purpose.

Ald. Albright and Ald. Hess-Mahan assured Ald. Baker that in the reason why so many things make it through Land Use is because the Planning Department leads rigorous vetting process to ensure that the projects are complete, before the Land Use Committee takes up the item. He stated he is impressed with the Planning Department's performance and gave special commendations to the design review team. He explained that the same people who get projects in shape for special permits will also be reviewing these housing projects and assured the Committee that these projects will receive the same level of scrutiny.

Ald. Baker stated that there are site specific community preservation projects as well as non-site specific. He agreed that site specific projects should be referred to the Land Use Committee, but that any non-site specific project should go to the other committees. Ald. Baker proposed a friendly amendment to clarify the language so that the rules allow for the referral of *site-specific* housing projects to be reviewed by the Land Use Committee. The friendly amendment was accepted by the docketers and the Committee.

Ald. Baker moved approval of the item as amended, which carried unanimously.

#85-12 ALD. LENNON & LAPPIN requesting a review and possible ordinance amendment to review and adjust the salary of the Clerk Clerk/Clerk of the Board of Aldermen pursuant to Article XI of the *Rules and Orders of the Board of Aldermen 2012-2013* [03/26/12 @10:25 PM]

ACTION: **HELD 7-0**

NOTE: Ald. Lennon explained to the committee that he and Ald. Lappin are still gathering information on this item. He informed the committee that they have some meetings scheduled for this week with the Director of Human Resources, and with Ald. Johnson, a human resources professional. He requested that the item be held. Ald. Sangiolo and Ald. Lennon will discuss a good time to next take up this item. The motion to hold was made and was carried unanimously.

Respectfully Submitted,

Amy Sangiolo, Chairman

Amendment to Article I, Section 3.A. (1) of the Board of Aldermen Rules and Orders 2012-2013:

Section 3. Referral of business to Committees.

A. Unless objection is made and except as otherwise provided herein the President shall refer all new business, communications, petitions and orders to the several committees as follows:

(1) To the Committee on Land Use.

- (a) Matters relating to Special Permit and Site Plan Approval petitions; utility petitions relating to Special Permit and Site Plan Approval projects; zone change petitions relating to individual, specific parcels; sign permits; lodging house and dormitory licenses; licensing of automobile dealers; permits for storage of towed vehicles; monitoring and enforcement of Board Orders; **requests for appropriations from community preservation funds for the acquisition, creation, preservation or support of community housing relating to specific sites, as provided in Board Order #64-01(2) pursuant to General Laws chapter 44B or its successor**; and consistency rulings relating to any of the foregoing.

Rebecca Smith

To: **Subject: (Fwd) Re:**
Date sent: **Fri, 04 May 2012 09:09:12**

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

Date sent: **Fri, 4 May 2012 13:03:58 +0000 (UTC)**
From: **aldermanbaker@comcast.net**
To: **thessmahan@newtonma.gov**
Copies to: **rsmith@newtonma.gov, salbright@newtonma.gov**
Subject: **Re:**

Dear Ted:

I think the language is fine, but my suggestion is that the parallel language removing the reference to specific sites be inserted in the rule for Zoning and Planning.

I will be tied up this morning, but in the office this afternoon. - LB

From: "Ted Hess-Mahan" <thessmahan@newtonma.gov>
To: AldermanBaker@comcast.net, salbright@newtonma.gov
Cc: rsmith@newtonma.gov
Sent: Thursday, May 3, 2012 10:58:55 AM

Dear Susan and Lisle:

I attach a draft of the amended language of Board Rule I.3.A(1) to allow for referral of requests for CPA funds for site specific community housing projects to the Land Use committee. I modeled the language on the previous rule for referrals to the committee on community preservation and adapted to relate solely to site specific community housing projects.

I don't believe that we need to amend the rule for referrals to Finance, since the recently added Rule I.3.H provides that CPA items "will be referred to the appropriate standing committees" and Rule I.3.A(6) provides that any item concerning "authorization to spend funds" must be referred to Finance. Before Rule I.3.H was added, the only specific rule relating to CPA projects provided that they must be referred to the Committee on Community Preservation. I am attaching a copy of the existing and previous rules for your convenience.

Thanks. Please let me know whether you have any comments or questions. Rebecca needs the final language by tomorrow for the Friday packet.

Sincerely,

Ted Hess-Mahan
Alderman-at-Large Ward 3
871 Watertown Street
West Newton, MA 02465
508-847-4855

thessmahan@newtonma.gov

When responding, please be advised that the Secretary of the Commonwealth has determined that email may be considered a public record.

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

----- End of forwarded message -----

ARTICLE I
COMMITTEES

Section 1. Establishment of Committees.

A. The standing committees of the Board of Aldermen are as follows:

1. Land Use
2. Zoning & Planning
3. Programs and Services
4. Public Safety & Transportation
5. Public Facilities
6. Finance

B. The President may appoint special committees as required by ordinance or Massachusetts general law such as the real property reuse, re-precincting, and re-codification committees, as well as special committees deemed necessary to deal with matters that affect the jurisdiction of more than one committee, or to deal with temporary matters, or both.

Section 2. Composition of Committees.

A. The President shall appoint as soon after the organization of the Board as may be convenient, except as otherwise provided by ordinance, one member from each Ward to serve on each of the six committees.

B. The President shall designate from among the members of each committee the Chairman, who shall serve at the President's pleasure. When committee members of any committee are chosen other than by the President, the Chairman shall be selected by the members of the committee, unless the Board otherwise determines.

C. The Chairman of each committee shall appoint a Vice-Chairman, subject to the approval of the President.

Section 3. Referral of business to Committees.

A. Unless objection is made and except as otherwise provided herein the President shall refer all new business, communications, petitions and orders to the several committees as follows:

(1) **To the Committee on Land Use.**

- (a) Matters relating to Special Permit and Site Plan Approval petitions; utility petitions relating to Special Permit and Site Plan Approval projects; zone change petitions relating to individual, specific parcels; sign permits; lodging house and dormitory licenses; licensing of automobile dealers; permits for storage of towed vehicles;

monitoring and enforcement of Board Orders; and consistency rulings relating to any of the foregoing.

(2) **To the Committee on Programs and Services.**

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters relating to the Human Services Department, Library Department, Recreation Department, Law Department (except for claims), Veterans' Services Department, Licensing Commission, City Clerk, Clerk of the Board, Rules of the Board, Election Commission, Health Department, City Physician, Newton Public Schools, Community Schools, Newton Housing Authority.
- (b) Appointments to and policy oversight and review of the Library Board of Trustees, Jackson Homestead, Recreation Commission, Election Commission, Youth Commission, Housing Authority, Council on Aging, Cultural Affairs Commission, Human Rights Commission and Child Care Commission, and appointments to the Cousens Fund and to the Farm Commission.
- (c) Matters relating to the inter-relationship of the School Committee, Newton Public Schools, and other areas of City government; inter-governmental relations; cable television contract; maintenance of public grounds; Home Rule petitions; Neighborhood Area Councils; ward and precinct boundaries; housing and housing services; elder services; children's services; and services for persons with special needs.

(3) **To the Committee on Public Safety and Transportation.**

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters relating to the Fire Department, Police Department, and Civil Defense Department.
- (b) Matters relating to traffic and parking, Traffic Council; taxi routes, stops and licensing; bus routes, stops and licensing; public transportation; and utility petitions relating to specific traffic signals.

(4) **To the Committee on Public Facilities.**

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters related to the Department of Public Works, including the Water and Sewer Division, Engineering Division; and Public Buildings Department.
- (b) Appointments to and policy oversight and review of the Solid Waste Commission, Designer Selection Committee, Design Review Committee, and Energy Commission.