

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 23, 2010

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

Absent: Ald. Rice

Others Present: Clint Schuckel (Traffic Engineer), Karyn Dean (Committee Clerk)

#186-10 PRESIDENT LENNON recommending the re-appointment of ROBERT GERST, 51 Claremont Street, Newton, as an Aldermanic appointee to the COMMUNITY EDUCATION COMMITTEE for a term to expire 12/31/11. (60 days 8/20/11) [06/11/10 @2:31 PM]

ACTION: **APPROVED 6-0 (Ald. Fischman not voting)**

NOTE: Since this is a re-appointment, Mr. Gerst was not required to attend the Committee meeting. The Committee reviewed Mr. Gerst's resume and approved his re-appointment.

#187-10 PRESIDENT LENNON recommending the appointment of PHILIP J. STONER, 31 Colgate Road, Newton Lower Falls, as an Aldermanic appointee to the BIOSAFETY COMMITTEE for a term to expire 12/31/12. (60 days 8/20/11) [06/11/10 @2:31 PM]

ACTION: **APPROVED 7-0**

NOTE: Mr. Stoner addressed the Committee. He explained that his career has been almost entirely in the health care area and has entered the Emergency Preparedness field in the last 10 years. He currently works in the Emergency Preparedness Bureau for 12 hospitals on the North Shore and is familiar with the necessary mechanisms for emergency preparedness. He noted that the current Biosafety Committee is focused on recombinant DNA but there are other things they could be taking a look at dependent upon what is happening within the borders of the City. The Committee voted to approve Mr. Stoner's appointment with their thanks.

#188-10 PRESIDENT LENNON recommending the appointment of SHAWN FITZGIBBONS, 300 Homer Street, Newton Centre, as an Aldermanic appointee to the NEWTON CHILD CARE COMMISSION for a term to expire 12/31/11. (60 days 8/20/11) [06/11/10 @2:31 PM]

ACTION: **APPROVED 7-0**

NOTE: Mr. Fitzgibbons addressed the Committee. He said he strongly supports the mission of the Child Care Commission and finds it important to maintain a diverse

population in Newton. Part of that mission is to make it possible for families to maintain an income, afford housing and have quality, affordable childcare. The Commission caught his attention because it has a fundraising component to it which provides scholarships. Mr. Fitzgibbons has 12 years experience as a professional fundraiser and is currently the Director of Development for the Department of Neurology at Mass General Hospital. He is responsible for raising large amounts of money for the hospital and he is also involved with event based fundraising, corporate sponsorships and foundation fundraising. He is on the development committee of the Newton Community Service Center and has worked with other nonprofit organizations. He feels his fundraising experience could be helpful to the Commission.

Mr. Fitzgibbons said he believes that private philanthropy is another way the City can raise money to accomplish its goals. He feels there is a lot of opportunity to increase the amount of money that is raised by the Child Care Commission and he would like to look at ways to increase that with the goal of making the Commission more financially sustainable over the long term. Ald. Sangiolo was pleased to hear this. She has documentation showing that the original creators of the Child Care Commission had always intended that the Commission become self-sustaining and hopes Mr. Fitzgibbons can help bring that about. The Committee voted to approve Mr. Fitzgibbons appointment with their thanks.

#203-10 PRESIDENT LENNON recommending the appointment of ALISON GLASTEIN, 121 Carver Rd., Newton, as an Aldermanic appointee to the NEWTON CHILD CARE COMMISSION for a term to expire 12/31/11. (60 days 8/20/11) [06/11/10 @2:31 PM]

ACTION: **APPROVED 7-0**

NOTE: Ms. Glastein addressed the Committee. Her first introduction to the Child Care Commission was several years ago when she started looking for childcare for her daughter. She has spent most of her career in the nonprofit sector and has done quite a bit of grant writing. She understands the challenges of running a nonprofit that is very mission driven and community based. One of the missions of the Child Care Commission is to have a place for single parents to get together and she explained that she started a mother's group in Sharon and has some experience with that sort of community building. She would like to contribute her maternal as well as her professional expertise to the Commission and get more involved in her community. The Committee voted to approve Ms. Glastein's appointment.

#394-09 ALD. BAKER requesting clarification of the Rules of the Board regarding referrals to Committee of appeals of decisions of the Traffic Council. [11/30/09 @ 9:34 AM]

ACTION: **A. APPROVED 7-0**
B. APPROVED AS AMENDED 4-3-0 (Ald. Baker, Hess-Mahan and Blazar opposed)

NOTE:**Discretion of President**

Ald. Baker said that the Rule regarding Traffic Council appeals and to which Committee they would be referred needed to be clarified. Clint Schuckel, the Traffic Engineer, proposed some language that was presented to the Rules Subcommittee and was approved in April. The approved language allows the President of the Board to refer Traffic Council appeals to the committee that he/she deems appropriate. There are times when a particular issue might call for the knowledge of the Committee in which it had been heard before or the Committee that might have the most experience with that particular type of issue. Ald. Baker pointed out that any referral to committee is always subject to second call. He would like to move the Rules Subcommittee report with this language for approval.

Ald. Hess-Mahan said he would like to be even more specific in the rule so that if a special permit is contingent upon a traffic regulation that is appealed, then it should go to the Land Use Committee. He realizes that most appeals would most appropriately be sent to Public Safety and Transportation, but he has been persuaded that the President should have the discretion to refer appeals to any committee he/she deems appropriate. Ultimately, the issue gets voted on by the entire Board and he didn't feel anything would be lost in this method.

Referral to Public Safety and Transportation Committee

Ald. Linsky reiterated his opposition to this interpretation. He would like all appeals from Traffic Council sent to the Public Safety and Transportation Committee (PS&T). He feels that people should know in advance what the appeal process will be and where it will be going. He also feels that keeping all appeals in one committee will keep the process consistent and would allow for experience and expertise to grow within one committee. Ald. Linsky said this could also be subject to second call if the Board felt strongly that the item should go to a committee other than PS&T.

Ald. Sangiolo agreed with Ald. Linsky because she felt people should know what to expect when they file an appeal. Leaving the referral to the discretion of the President could lead to forum shopping. She believes the appeals should be referred to PS&T, but she is not opposed to referring an appeal to a second committee that might have appropriate knowledge or experience. Ald. Baker said the language would have to allow a joint referral otherwise a suspension of the Rules would be required. Mr. Schuckel said that scheduling had to be taken into consideration with joint referrals as Committees meet on different nights and there could also be joint membership for some aldermen.

Ald. Sangiolo is also concerned that an item might be referred back to the committee that sent it to Traffic Council in the first place. How likely would it be that the committee would change its mind upon appeal? Ald. Fischman agreed with this. Ald. Sangiolo reminded the Committee that when Ald. Vance first recommended sending items to Traffic Council, a compelling component of that was that appeals would go to PS&T. She believes that gave solace to some people that voted for the move because PS&T would still have some oversight in some cases.

Amended Language

Ald. Sangiolo moved to amend the recommended language of the Rules Subcommittee so that PS&T would be the committee to which any appeal from the Traffic Council would go, and in the event that there is another committee that had some sort of substantive jurisdiction over the item, it would also be referred to that committee as well at the discretion of the President.

Votes

The Committee voted unanimously to split this item into parts A: all the amendments which are noncontroversial and mainly technical and housekeeping changes; and B: the amended language as noted above relative to the referral of appeals.

The Committee voted to approve part A with a unanimous vote. The Committee voted to approve part B with a vote of 4-3-0 with Ald. Linsky, Sangiolo, Merrill and Fischman in favor; and Ald. Baker, Blazar and Hess-Mahan opposed.

Follow Up

Ald. Sangiolo will work with Law Department to develop the appropriate language for the amendment. Ald. Baker asked that the language that was approved by the Rules Subcommittee as well as the amended language be included with the report.

Please see attached for both versions.

#95-09(2) PROGRAMS & SERVICE COMMITTEE requesting establishment of an Advisory Committee to review processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. Members of the Advisory Committee shall be appointed by the Chairman and Vice Chairman of the Programs & Services Committee and the President of the Board. [11/16/09 @ 3:59 PM]

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

NOTE: Ald. Hess-Mahan explained that Tom Sheff docketed an item that was heard in a public hearing and was ultimately re-docketed as this parens (2). The Long Range Planning Committee spent some time discussing this and submitted a report with some recommendations. Mr. Sheff was expected at the meeting but was not in attendance. Ald. Hess-Mahan said that Ald. Lennon and Ald. Lappin were working on some ideas related to this item and they asked that the Committee hold this item until they can present their proposal. Ald. Hess-Mahan said he would very much like Mr. Sheff to be present at any discussion for his input. The Committee voted to hold this item.

Respectfully Submitted,

Amy Sangiolo, Chairman

Rules Subcommittee Approved Language

- E. The President shall refer appeals from a Traffic Council decision to such committee or committees as the President deems appropriate, based on the President's assessment of the nature of the appeal, any possible past involvement of a committee in the same or similar subject matter, or committee expertise involved, subject to second call as provided in subsection C above.

Programs & Services Approved Amendment Draft Language:

- E. The President shall refer appeals from a Traffic Council decision to the Public Safety and Transportation Committee. At the discretion of the President, any such appeal may also be jointly referred to an additional committee or committees in the event such committee has, or committees have, substantive jurisdiction over the subject matter of the appeal.