

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 22, 2010

In Attendance: Ald. Sangiolo (Chairman), Baker, Fischman, Merrill, Linksy, Hess-Mahan, Blazar

Absent: Ald. John Rice

City Staff: Marc Welch (Director of Urban Forestry), Katherine Howard (Urban Tree Commission), Rebecca Smith (Committee Clerk)

Appointment by His Honor the Mayor

#239-10 CAROL KELLY, 44 Walker Street, Newtonville, appointed as a member of the HUMAN RIGHTS COMMISSION for a term of office to expire September 7, 2013 (60 days 10/6/10). [8/30/10 @5:14PM]

ACTION: **APPROVED 7-0**

NOTE: Ald. Sangiolo welcomed Carol Kelly to the table for the discussion of her appointment. Ms. Kelly introduced herself, sharing that she has been a resident of Newton for 5 years and has been an active member of the Human Rights Advisory Board for the past 2 years. Ms. Kelly would like to be appointed to the Human Rights Commission so she can be as effective as possible at addressing human rights issues.

Ald. Hess-Mahan asked what issues Ms. Kelly would like to address as a member of the Human Rights Commission; Ms. Kelly responded by expressing her concern about the recent tone that the country has developed about immigration and about the growing discrimination of the Muslim population. Ms. Kelly wants the commission to be a very open and accepting place where people are not intimidated by the tenor of the discussions and where discussions can be held freely without people fearing their opinions won't be well received or appreciated. The Committee and Ms. Kelly continued to discuss how important this goal is, especially as these issues will likely become more prevalent in time.

Alderman Linksy then moved approval of the appointment.

Appointment by His Honor the Mayor

#255-10 RICK LIPOF, 105 Baldpate Hill Road, Newton Centre, appointed as a member of the Election Commission to fill the unexpired term of David Mofenson, which expires on March 31, 2011 (60 days 11/19/10). [9/13/2010 @ 5:46pm]

ACTION: **APPROVED 7-0**

NOTE: Ald. Sangiolo welcomed Rick Lipof to the table for the discussion of his appointment to the Election Commission. Mr. Lipof would like to join the Commission as a way to stay involved in city government. Ald. Linksy asked what kinds of things Mr. Lipof would like to pursue or change within the Commission, which sparked a discussion between Mr. Lipof

and the Committee. Ald. Sangiolo shared a couple ideas with Mr. Lipof. She first proposed the possibility of having Election Day as a holiday to ease parents' concerns about having the schools open to the public during the school day; she also suggested having a member of the Commission to represent the unenrolled constituents. Mr. Lipof appreciated the exchange of ideas with the Committee and is enthusiastic about contributing to the Commission.

Alderman Fischman then moved approval of the appointment.

Re-appointment by His Honor the Mayor

#256-10 KENNETH HARTFORD, 30 Clarendon Street, Newtonville, re-appointed as a member of the Election Commission for a term of office to expire March 31, 2013 (60 days 11/19/10). [9/13/2010 @ 5:46pm]

APPROVED 7-0

Re-appointment by His Honor the Mayor

#257-10 FAY COHEN, 25 Cottonwood Road, Newton Centre, re-appointed as member of the Election Commission for a term of office to expire March 31 2013 (60 days 11/19/10). [9/13/2010 @ 5:46pm]

APPROVED 7-0

NOTE: Items #256-10 and #257-10 were discussed and voted upon together. The Aldermen had previously reviewed the resumes of the re-appointments and swiftly moved their approval.

Appointment by His Honor the Mayor

#240-10 KAREN LISCHINSKY, 230 Walnut Street, Newtonville, appointed as a member of the YOUTH COMMISSION for a term of office to expire September 7, 2013 (60 days 10/6/10). [8/30/10 @5:14 PM]

HELD 5-0 (Hess-Mahan, Baker not voting)

NOTE: Karen Lischinsky was not in attendance. The appointment was held until October 6th.

#125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

HELD 6-0 (Hess-Mahan not voting)

NOTE: Marc Welch, Director of Urban Forestry, joined the Committee to discuss the draft of the Public Tree Protection Ordinance. Mr. Welch began by addressing Ald. Baker's question about what this ordinance would provide that the state law does not. He explained that the state law, Chapter 87, outlines certain rules and regulations about what can and can't be done with a Public Shade Tree (also known as a Street Tree). Our ordinance, of course, could not alter or void anything outlined in the state law. The adoption of this ordinance would have three key additions to the state law. First, it would make the repercussions of damage to Public Shade Trees more significant by increasing the fines associated with that damage. Currently the fines are so insignificant that they don't provide a disincentive to damage. Second, it would provide

the same protections to Public Trees that are applied to Public Shade Trees under state law. Public Trees are trees located on any city-owned property (parks and schools for example). Third, it would solidify a permitting process for work on Public Trees and Public Shade Trees; this is especially important for avoiding excessive trimming by utility companies. Under this ordinance the utility companies would be required to obtain a permit for the area that they plan to work on should they believe that those trees need to be trimmed, removed, or altered.

Under the proposed ordinance, the Tree Warden has authority to determine whether there is a hazard on any city property and then waive the permit process in order to quickly address those hazards. Furthermore, the Tree Warden can establish the format of permits and have different permits for different purposes.

Ald. Baker questioned how this proposed ordinance would affect Golf Courses in the city. Mr. Welch explained that the Commonwealth Golf Course is city property and therefore subject to the permit requirements outlined in this proposal. All other golf courses are private property and are regulated by the existing Tree Preservation Ordinance.

Ald. Blazar questioned the fine associated with failure to replace a tree. Mr. Welch explained to the Committee that the fine outlined in the proposed ordinance is fashioned after existing ordinances. This ordinance would require that if you remove a tree you must then plant a tree within 1 year from the date of removal. Should that not occur, the person would pay a penalty fee of \$300 per tree for each day that they have gone over the 1 year mark.

Mr. Welch closed the discussion by ensuring the Committee that in no way is the permit process intended to be burdensome. There are no hearings required and there is nothing to prohibit removal. A person must simply submit a permit application to Parks and Recreation for any alterations, removal, trimming or pruning of trees, and should a tree be removed, replace it in 1 year's time.

Actions to be taken:

- 1) Mr. Welch made it clear that the permit fee would not apply to the City or to citizens who are doing something good (pruning or planting a tree that the City would not otherwise prune or plant). He and Attorney Lawlor will discuss the possibility of including a waiver in this proposed ordinance.
- 2) Ald. Baker would like Mr. Welch to talk with the groundskeeper at the Commonwealth Golf Course. He'd also like Mr. Welch to look into conservation restrictions.
- 3) Attorney Lawlor is looking into whether or not this item needs to be addressed in the Finance Committee as well.

The Committee voted to hold this item

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#230-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight hundred twenty- one thousand six hundred sixty-four dollars (\$821,664) from FY'11 Revenue for the purpose of supplementing the FY11 School Department budget. This sum represents a portion of the state aid for the City of Newton in the Commonwealth's adopted FY'11 budget. [08/02/10 @ 4:59 PM]

HELD 6-0 (Hess-Mahan not voting)

NOTE: David Wilkinson, City Comptroller, joined the Committee to discuss this item. Mr. Wilkinson explained to the Committee that the City had been awaiting state aid when the budget was put together, the exact amount of aid to be received was unknown at the time. The Mayor had an understanding with the School Committee that if the amount received was more than the amount anticipated the difference would go to the School Department. This item is being held until the October 6 meeting when a member of the School Committee can join the Programs and Services Committee and explain exactly how they plan to appropriate this money within the School Department.

Respectfully Submitted,

Amy Sangiolo, Chairman