

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, MARCH 4, 2009

7:45PM – ROOM 222

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor

#48-09 LESLEY SCHIER, 111 Highland Street, West Newton, appointed as a member of THE NEWTON CHILD CARE COMMISSION for a term to expire on January 31, 2012 (60 days: 4/18/09) [02/06/09 @ 1:12 PM]

Re-appointment by His Honor the Mayor

#49-09 KATHERINE DONOVAN, 46 Oakland Avenue, Auburndale, re-appointed as a member of THE NEWTON CHILD CARE COMMISSION for a term to expire on January 1, 2011 (60 days: 4/18/09) [02/06/09 @ 1:12 PM]

#64-09 TOM SHEFF et al. filing on February 17, 2009, a group petition pursuant to Section 10-2 of the City Charter for a public hearing to discuss appointing a group of volunteers to: analyze the functions of the Board of Aldermen; analyze the functions of employees at City Hall; and to lay the groundwork for any Charter Commission that is elected by the citizens of Newton in the near future. ***NB: Board action shall be taken not later than three months from the date the petition was filed with the City Clerk.*** [02/17/09 @ 12:09 pm]

#65-09 ALD. GENTILE, SALVUCCI, LENNON, CICCONE AND JOHNSON proposing a Resolution to His Honor the Mayor to reduce aldermanic salaries by 10% in the FY10 budget. [02/24/09 @ 9:31 AM]

REFERRED TO PROG.& SERV., PUB. FACIL. AND LAND USE COMMITTEES

#329-08(2) ALD. JOHNSON, ALBRIGHT AND LINSKY requesting that His Honor the Mayor implement policies and procedures that engage the Ward Alderman, as appropriate, in the determination of exemptions from the noise ordinance. [02/25/09 @ 11:24 AM]

REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES

- #329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09/02/08 @ 12:00 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
“Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05/21/08 @ 12:58 PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

- #50-09 CLERK OF THE BOARD requesting that Article IX, Section 2 of the Rules of the Board be updated to reflect the use of the most current version of Robert’s Rules Newly Revised 10th Edition (Cambridge, Mass; Perseus Publishing, 2000) [02/05/09 @ 12:21 PM]
- #33-09 ALD. LAPPIN requesting an amendment to the Rules of the Board of Aldermen so that appointments requiring confirmation to the Farm Commission be referred to the Committee on Community Preservation. [01/22/09 @ 9:03 AM]

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

- #8-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]

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.

REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES

- #391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to
(#122-92(3)) petition the General Court for an amendment to the legislation that
governs the appointment of a Police Chief in the City of Newton in order
to add two members to the committee: an additional representative of the
Newton Superior Officers Association and an additional citizen member.
[11/4/08 @ 12:31 PM]
- #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]
- #292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor
the Mayor develop a written policy of standards and processes that could
be uniformly followed by community groups for the use of the branch
library buildings. [11/07/08 @ 11:11 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His
Honor the Mayor requesting that he create a plan to move the Child Care
Commission to a self-sustaining model for FY2010.
[07/17/08 @ 9:53 AM]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.,
PUB. SAFETY AND FINANCE COMMITTEES**

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor
requesting that the Executive and Human Resources Departments develop
a comprehensive human capital strategy for the city to include:
performance management, talent development, succession planning, and
compensation. [07/17/08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor
that he work with the Board of Aldermen, School Department, and School
Committee in order to determine the most effective and efficient way to
organize the Human Resources Departments. [07/17/08 @ 9:53 AM]

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

- #271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor
requesting that he work with the Board of Aldermen, the Parks and
Recreation Department, and the Department of Public Works in order to
determine the most effective and efficient way to organize the work of
managing our public resources. [07/17/08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07/08/08 @ 1:29 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07/08/08 @ 1:28 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07/08/08 @ 1:29 PM]

- #154-08 ALD. JOHNSON requesting to establish a definition and appropriate usage of the Committee of the Whole of the Board of Aldermen as are all committees of the Board. [4/10/08 @ 9:09 AM]

- #153-08 ALD. JOHNSON requesting to establish a definition and appropriate usage of the Long Range Planning Committee of the Board of Aldermen as are all committees of the Board. [4/10/08 @ 9:09AM]

- #130-08 ALD JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen requiring that referral of any and all new business, communications, petitions and orders docketed before the Board of Aldermen be restricted to one or more of the standing committees of the Board of Aldermen: Land Use, Programs and Services, Public Safety and Transportation, Zoning and Planning, Finance, Real Property Reuse, Post Audit and Oversight, Public Facilities and Committee on Community Preservation. [03/24/08 @ 9:11 AM]

- #129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of

Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03/24/08 @ 9:11 AM]

- #111-08(2) ALD. JOHNSON and PARKER requesting regularly scheduled updates and discussion each month in regard to the offering of a RESOLUTION to the Mayor, President of the Board of Aldermen, and Chair of the School Committee that they, during the budget development and review process, identify short term tactics to improve the City's operational efficiency and effectiveness. In addition, they establish a citizen advisory group to assist in planning for additional tactics and strategies to improve the City's operational efficiency and effectiveness in future fiscal years, and report progress to the Board of Aldermen, School Committee and the public before any vote is taken by the citizens of Newton for any operational override. [04/01/08 @ 11:22 AM]

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

- #89-08 ALD. PARKER requesting the following:
- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
 - B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
 - C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.
- [02/13/08 @ 12:07 PM]
- #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]
- #262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02/27/07 @ 10:21 PM]
- #82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]
- #52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02/09/07 @ 12:36 PM]
- #422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]
- #370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial

condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

HELD 5/7/08

REFERRED TO PS&T, FINANCE AND PROG & SERV. COMMITTEES

- #273-04(3) ALD. GENTILE requesting a re-vote of a previously submitted Home Rule Petition approved February 20, 2007 by the Board of Aldermen for special legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 2 in the State Retirement System. [02/13/09 @ 4:11 pm]
- #171-04(2) ALD. HESS-MAHAN requesting a re-vote of a previously submitted home rule petition approved February 20, 2007 by the Board of Aldermen for special legislation authorizing local voting rights for permanent resident aliens residing in Newton. [02/13/09 @ 4:11 pm]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.

**REFERRED TO PROGRAMS & SERVICES, PUBLIC FACILITIES
AND FINANCE COMMITTEES**

- #309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.
- #346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

Respectfully Submitted,

Marcia Johnson, Chairman

Chapter 4

BOARD OF ALDERMEN*

- Art. I.** **General, §§ 4-1—4-19**
Art. II. **Clerk of the Board, §§ 4-20—4-49**
Art. III. **Betterment Procedures, §§ 4-50—4-51**

ARTICLE I. IN GENERAL**Sec. 4-1. Time, place for aldermanic meetings.**

Regular meetings of the board of aldermen shall be held in the months of January through June, inclusive, and in the months of September through December, inclusive, on the first and third Monday evenings of such months and in the months of July and August on the second Monday of each month at 7:45 p.m., unless otherwise ordered by the board of aldermen. Where any such Monday shall be a legal holiday, the meeting shall be held on the next following day which is not a legal holiday. Every adjourned sitting of the board of aldermen, not an adjourned special meeting, shall constitute a regular meeting, and the order of business thereat shall be the same as in the case of a regular meeting. Said meetings will be conducted in the aldermanic chambers of the Newton City Hall. (Rev. Ords. 1973, § 2-1)

Sec. 4-2. Salary of aldermen.

In accordance with chapter 39, section 6A, of the General Laws, each member of the board of aldermen shall receive annual compensation of nine thousand seven hundred fifty dollars (\$9,750.00), payable monthly. The effective date of any subsequent salary increase voted under this section shall be the date upon which the succeeding board (to that which voted the increase) is sworn into office. Any such subsequent salary increase shall require the affirmative vote of two-thirds (2/3) of the board of aldermen and be voted only between January first and September thirtieth of a year in which a municipal election is to be held. (Rev. Ords. 1973, § 2-3; Ord. No. 573, 7-5-73; Ord. No. 201, 3-7-77; Ord. No. R-314, 3-21-83; Ord. No. S-269 and S-270, 9-8-87; Ord. No. V-132, 9-15-97)

Sec. 4-3. Registration of persons receiving consideration to affect outcome of any matter pending before board of aldermen.

(a) Any person who has received or will receive a fee or any other consideration to effect positive or negative action by the board of aldermen on any matter pending before it shall register with the city clerk his name, address and the name of the person or persons on whose behalf he is seeking such action before commencing such activity.

(b) This section shall not apply to attorneys of record for petitioners to the board of aldermen, provided their names and addresses are clearly set forth on the petition.

(c) No violation of this section shall affect the validity of any action of the board of aldermen. (Rev. Ords. 1973, § 2-6)

Secs. 4-4—4-19. Reserved.

*Cross references – Ward boundaries established, § 1-15; administration generally, Ch. 2; notification to officers and boards of certain orders of the board of aldermen, § 6-1

The General Laws of Massachusetts

[Search the Laws](#)

PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 39. MUNICIPAL GOVERNMENT

CITY GOVERNMENT

Chapter 39: Section 6A. Municipal salaries; increases and decreases; procedure

Go To
Next Section
Previous Section
Chapter Table of Contents
MGL Search Page
General Court Home
Mass.gov

Section 6A. Notwithstanding the provisions of any city charter to the contrary, the mayor and the members of the city council, or other legislative body of a city, shall receive for their services such salary as the city council or other legislative body of a city shall by ordinance determine, and shall receive no other compensation from such city, except that a member of a city council of said city may receive a salary for serving as an instructor in a municipal college of such city, except that a member of a city or town council in a municipality with a city or town council form of government may receive a salary for serving as a municipal employee of said municipality in lieu of receiving compensation for serving as a member of said council and except that, in accordance with the provision of the seventh paragraph of section twenty of chapter two hundred and sixty-eight A, any elected municipal official, other than a mayor, may choose to receive either the compensation for such service or compensation for service as an employee of a housing authority in such municipality, but may not receive both. No increase or reduction in such salaries shall take effect during the year in which such increase or reduction is voted, and no change in such ordinance shall be made between the election of a new council or other legislative body and the qualification of the new council or other legislative body. Such ordinance shall be subject to the provisions of sections forty-two, forty-three and forty-four of chapter forty-three.

PROGRAMS & SERVICES COMMITTEE REPORT
NOVEMBER 11, 2008

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
“Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05-21-08 @ 12:58 PM]

ACTION: **HELD 7-0 (Ald. Baker not voting)**

NOTE: Ald. Brandel said he thought this was still the best vehicle for funding the bonds for the high school. He said they did not know what the bonds were going to cost at this point because they will not go out until the spring. He asked that this item be held as they still had to go through the budget process to see what the financial landscape would be. Ald. Brandel noted that several municipalities in the Boston area had projected-related overrides and none were for an operational override.

Ald. Parker noted that the Newton North project would happen whether or not a debt exclusion passed and that eliminated much of the incentive to vote for it. He felt it was the best way to pay for the project but wondered if the public would be in agreement. Instead, he felt it would be best to use a debt exclusion for prospective projects. Ald. Brandel thought they should start thinking about a multi-question ballot item in case they wanted to use a debt exclusion for an elementary school project, for example. Ald. Sangiolo felt that as people saw the impact the high school cost was having on the city’s operating budget, they might feel differently about a debt exclusion for the high school.

Sandy Pooler felt that any proposal for an override would need people in the community to campaign for it. He noted that the Board had turned down the idea of a debt exclusion in the spring and wasn’t sure what the public support would or would not be. He said

that excluding debt gives a short break to the operating budget in a given year, but that break goes away and is not permanent. He felt it allowed for more capital spending not necessarily more money in the operating budget.

Ald. Yates moved to hold this item and the committee voted in favor.