

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 17, 2009

Present: Ald. Johnson (Chairman), Freedman (Vice Chairman), Baker, Brandel, Hess-Mahan, Merrill, Parker and Sangiolo

Others Present: Marie Lawlor (Asst. City Solicitor), Marc Welch (Director, Urban Forestry), Sandy Pooler (Chief Administrative Officer), Marc Laredo (Chairman, School Committee), Reenie Murphy (School Committee), Paul Stein (Asst. Supt., Human Resources), Dolores Hamilton (Director, Human Resources), Rep. Ruth Balser, Karyn Dean (Committee Clerk)

#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]

**ACTION:**      **HELD 8-0**

**NOTE:** Marie Lawlor, Assistant City Solicitor, said she has reviewed a proposed draft of a public tree protection ordinance that the Tree Commission put together. She and Marc Welch, Director of Urban Forestry, were concerned with the draft because there were some potential conflicts with General Laws, Chapter 87 which is the public shade or street tree ordinance. There was also quite a bit of duplication between the proposed draft and the current Newton tree preservation ordinance which applies to trees on private property.

Authority of Tree Warden

Ms. Lawlor said they would like strengthen the tree warden's ability to regulate street trees within the framework of Chapter 87, as well as protect trees on city property in some manner. Ms. Lawlor said that Chapter 87 gives the tree warden very broad authority to promulgate regulations regarding street trees and trees on parklands. Those regulations, according to Section 2 of Chapter 87, have the force of a city ordinance. Chapter 87 also gives the tree warden the power to enforce the penalties for cutting, trimming or removing shade trees, injury or damage to trees of another person, and other infractions. The fines are \$500 and in some cases, there would also be costs associated to the damage of the tree. If Mr. Welch were to enact regulations, he could also set fees for permits and so forth. It is unclear at this point what the fees would be. They would likely be fairly nominal just to cover the cost of administration.

Utilities

Ms. Lawlor and Mr. Welch were also concerned about utilities that might need to cut branches. Further research was needed on whether they could regulate the utilities. Mr. Welch said they have to work with the utilities to find the right balance of keeping electricity and other utilities operating safely, and over pruning of trees. Ald. Baker pointed out that some utility poles are adding more and more wires. Mr. Welch said this required some poles to be replaced with taller poles and require further pruning of trees near them.

Noticing

Ms. Lawlor explained that they would like to have some mechanism in place to give notice to Mr. Welch when city agencies are doing projects such as road and sidewalk repair that may potentially damage a public tree. He could then work with the department to minimize any potential damage. In some cases, Mr. Welch is noticed when a tree is clearly in the way of a project. However, there are projects that are less clear cut with trees nearby that may be impacted due to trucks going over berms, for example. They would like to work with Inspectional Services and the Engineering Department to improve communication on projects.

Recommendation

Ms. Lawlor said she and Mr. Welch recommend drafting a very comprehensive set of regulations within the framework of Chapter 87. This would apply to street trees, public shade trees, and trees on city parkland. Then they would like to work on a more streamlined version of an ordinance amendment to tie in the same regulations to city owned trees on city owned property, and anything else that is not covered by Chapter 87. They would use the proposed draft from the Tree Commission as their starting point. Then they would like to get the mechanisms in place for city departments to keep Mr. Welch in the loop on projects. They will talk with John Lojek, Commissioner of Inspectional Services, and Tom Daly, Commissioner of Public Works to accomplish this.

Ms. Lawlor said she would be ready to come back in September with the draft language.

Ald. Merrill moved to hold this item and the Committee voted in favor.

**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]

**ACTION:**      **APPROVED 5-0-1 (Ald. Merrill abstaining; Ald. Freedman and Sangiolo not voting)**

**NOTE:** Ald. Johnson said her thoughts and concerns are that the City will be electing a new mayor, and the school department will be hiring a new superintendent of schools, and her view is that the Human Resources department is absolutely instrumental and

critical to a change effort. She does not believe there are sufficient resources from an FTE standpoint in either of the human resources departments in order to do what needs to be done. On the other hand, she does feel there are some redundancies in the departments. Overall, she felt there needed to be a discussion to think about the possibilities of what Human Resources could do and have some proposals for the new mayor to consider. Ald. Johnson also noted that Joe Russo will be the new Asst. Superintendent for Human Resources, replacing Paul Stein.

Ald. Johnson noted that one of her HR colleagues has extensive experience in strategic human resources and teaches a HR certification course at Northeastern. Ald. Johnson has asked her colleague if she might come to speak to a group regarding transforming human resources from operational to strategic thinking and other ideas related to this.

#### School Committee Comment

Marc Laredo, Chairman of the School Committee, said the school's human resources department is a strategic operation. He also explained that there are some areas of overlap between the school and the city HR departments, but there are also some areas that require very different expertise. He maintains that the mission of the school HR department is very different than that of the City's department.

#### Examples of Overlap in Both Departments

Dr. Paul Stein, Asst. Superintendent of Human Resources, said that their department works to foster the goals and mission of the school department. They want to highlight that what they are doing is strategic human capital planning and he noted that the city department is doing that as well. He also said he was happy to look for any economies that can be found by working together. He said both departments work together in some specific ways. The city department handles the benefits packages for both sides, for example. The computer system encompassing FinancePlus, the payroll and personnel system is jointly run. The retirement system overlaps but it also splits in some ways. Half of the school employees belong to the city retirement system, but the other half go to the teacher's retirement system which has its own rules and requirements. Administering that requires a different expertise.

#### *Compensation Analysis*

Ald. Parker asked if it would be helpful to have someone to do compensation analysis. He felt this could be useful for collective bargaining. Dr. Stein said they have done compensation studies for the non-aligned employees in the past couple of years. There was the HRS study and the Gibson report as well. In addition to that, every time they go into negotiations, they look at comparable communities to look at compensation structures. Newton wants to be competitive in order to attract great people, but they don't want to overspend either. Dr. Stein said it would be nice to periodically have a cycle in which these comparative compensation studies were completed. That might be more appropriately and economically done with a consultant instead of an employee, and it could be done for both the school and the city side.

Ald. Brandel said he would like some sort of evaluation of the productivity of city employees. The public wants to see how well employees are performing and what is their actual value proposition to the City. Also, he said that have to determine how to map the compensation and performance expectation of a municipal employee as opposed to one on the school side. This is a theme that came up during the discussion around pay raises for the H grade city employees and raises for the school employees.

#### Examples of Distinct Expertise in School HR Department

No matter what comes out of this discussion, Dr. Stein said there are things unique to the School HR department's role. First of all, there are licensure issues that require extensive knowledge of the system, rules and regulations. He also noted that working with principals and teachers requires some experience of working in those roles. There is also a "seasonal" hiring process and they take in thousands of applicants, and hire hundreds of people every year. For this, they use an applicant tracking system. Monitoring of granting professional teacher status is quite unique as well. There is also the issue of orientation and training of teachers throughout their career, which is not a "traditional" human resources function. Principals also have power to make some decisions, so it's the role of the HR department to make sure they are knowledgeable enough to make those decisions. State reporting has become a big part of their job - they have to report extensively and in detail on every teacher in the system. Mr. Laredo said it was critical to have an expert in HR at the union negotiations that the school committee undertakes to deal with money and benefits, but also work rule issues, some of which can be costly or can have an impact on the quality of teaching. He feels they would lose money in negotiations without that expertise at the table.

In summary, Dr. Stein said that although he thinks there are tremendous opportunities to come together for some economies, there is also a lot of specialization that goes on in a school department's human resources organization in terms of monitoring, educating, reporting and negotiating.

#### Starting Point

Ald. Johnson thought that a perfect place to start sharing between the departments would be with the applicant tracking system that the school department uses. She said that she was aware that there were some education specific areas to be addressed, but there were also some very broad issues that could be addressed together. Ald. Johnson noted that the school department could be a role model for the new mayor in that they have a seat at the table with the superintendent in terms of HR, and currently, that is not the case with the city HR department and the executive. This strategic relationship is essential. There is also no evaluation system at city hall as there is with the school department. Total Rewards is something that has to be looked as well as the landscape is changing. This includes all the benefits that employees get including retirement, insurance, etc.

Ald. Johnson requested job descriptions for the positions in the school's HR Department. Marc Laredo said he would provide them.

Summary and Follow up

Ald. Baker said they have to remember that the school department is not just another department of the city. The School Committee has the responsibility for making decisions for the school department. The only role of the Board is to vote funds. He said he was happy to vote the resolution as stated, but wondered what Ald. Johnson hoped the response would be.

Ald. Johnson said she wants there to be collaboration regarding all of these issues and more to find the most productive way to manage the human resources of the city and the schools. Change is coming to both the school and city side and it is the time to come together over the next few months. However, if there will be no response from the executive or the school committee, she sees no sense in voting the resolution.

Mr. Pooler said the Mayor feels the best way to respond to a resolution is to get a resolution. Mr. Pooler said the kind of conversations that Ms. Hamilton and Dr. Stein have about these issues are ongoing. There are reasons that some things are not shared, such as applicant tracking. The school department gets thousands of applicants with resumes, while the city gets 70% of their applicants from civil service or labor service lists, and only 30% from advertising with submitted resumes. Mr. Pooler said that most productive conversations are with people with knowledge of a subject, like Ald. Johnson, with the executive office. The school has unique needs and there are certain things they can not give up, but he also feels there are ways to work together. He would welcome having these conversations. Mr. Laredo echoed that sentiment and was open to having these conversations as well. He said they were open to helping in any way they could and receiving information and suggestions. Ald. Johnson will report back to the committee what develops in these conversations. There may be another docket item that comes out them, but that remains to be seen.

The Committee voted to approve this item.

#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]

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

**NOTE:** Ald. Yates said that the General Court could give the City the right to more money by allowing the taxation of telecommunication facilities in the city. Thus far, the General Court has failed to allow that to happen. Representative Ruth Balsler said she filed this legislation for many terms. In this session, the House originally wanted to take the municipal relief package up after the budget and separate from the budget. The Senate then put the telecommunications tax as well as the meals tax and hotel tax in the budget. Therefore, the House has not taken it up as a separate item because it is now in Conference. It is her understanding that the telecommunications as well as the local meals and hotels tax will come out of Conference soon.

Rep. Balser said the telecommunications bill that she filed would allow municipalities to tax poles, wires, and the switches. But the bill that the Senate passed, and what is in Conference, does not include the switches, just the poles and wires. The Court decision sided with the municipalities to tax the poles and wires, so the Senate mirrored the Court's decision to make it less vulnerable to challenge. The legislation should get to the Governor by July 1<sup>st</sup>. She thinks this will become law and Newton will get the money. She also believes that the meals and hotels tax will pass (up to a 2% option) and she thought the money would stay locally.

Ald. Yates said that the Massachusetts Municipal Association has been lackadaisical in pushing this legislation. He went to an MMA meeting and there was no discussion of this issue. He felt it was outrageous that they were not also getting the taxation on the switches. Rep. Balser said that she heard colleagues say they had not been hearing from their local officials on this issue, unfortunately.

Ald. Parker said that what he has read from the MMA website paints a different picture. It was his understanding that the Governor's Municipal Partnership Act included all three of the components – the lines, the landline equipment and the wireless equipment. The Senate won the point that the wireless equipment would be taxable. However, they are now responding to the wireless companies' lobbyists and may take away the \$300,000 revenue from wireless that was already won. If the Senate language passes, that revenue will be lost. Ald. Parker said he spoke to Mr. Robertson of the MMA and they are putting out advisories on their website for all municipal officials explaining this. Ald. Parker said they also need to win the taxation of landline equipment to reap the estimated \$1.4M per year for Newton.

Rep. Balser said she has been pushing to get the switches included in this package as they represent a lot of money. Verizon does have a powerful lobby, and she has heard from her colleagues in the western part of the state, that Verizon threatens to not give them good access and/or it will be more expensive.

Ald. Yates said that the language has not been adopted by the Conference Committee or the House, so he suggested holding this item. Rep. Balser suggested writing a letter from the Board of Aldermen to the Conferees urging support for the correction of the language and support for the rest. Ald. Yates said they want to keep the poles and wires and they don't want to lose the wireless equipment part. Ald. Yates and Rep. Balser would work together on a letter for President Baker to sign. Rep. Balser said this would have to happen in the next couple of days as the Conference Committee would be concluding shortly.

The Committee voted to write the letter and hold this item.

Respectfully Submitted,

Marcia Johnson, Chairman