

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 7, 2007

Present: Ald. Johnson (Chairman) Ald. Hess-Mahan, Merrill, Coletti, Parker, Baker

Absent: Ald. Lipof, Sangiolo

Others Present: Fran Towle, Tom Cahill

##24-07 Dr. HOWARD S. HONIG, 236 Kenrick Street, appointed by His Honor the Mayor as a member of the NEWTON COMMONWEALTH GOLF COURSE FOUNDATION COMMITTEE for a term expiring February 5, 2010. (60 days 4-6-07) [1-19-07 @4:18 PM]

ACTION: **HELD 7-0 (Sangiolo not voting)**

NOTE: This was held as Dr. Honig must come to the meeting as he is a new appointee.

Appointment by His Honor the Mayor

#11-07 MICHAEL J. SHULEY of the Zervas After School Program, Inc. in Newton as a member of the COMMUNITY EDUCATION PROGRAM COMMISSION for a term expiring June 30, 2008 (60 days 3-17-07).[1-9-07 @4:43PM]

ACTION: **HELD 7-0 (Sangiolo not voting)**

NOTE: This was held as we have not had a determination if a non-resident can be a member of a commission.

#25-07 ALD. JOHNSON on behalf of the Green Decade Coalition requesting the designation of March 2007 as Alternative to Pesticide Month. [1-30-07 @2:02 PM]

ACTION: **APPROVED 7-0 (Sangiolo not voting)**

NOTE: This item comes before the board every year and the Committee was pleased to again approve March as Alternatives to Pesticides Month.

#20-06(2) RULES SUB-COMMITTEE proposing an amendment to the Rules and Orders of the Board stating that when the City Clerk/Clerk of the Board position is to be filled, and search committee established shall include representatives of all sectors of the Board Officers, Chairs, rank and file). [1-30-07 @9:29 PM]

ACTION: **NAN 5-0-1 (Ald. Sangiolo)**

NOTE: The majority of committee members felt that all constituencies on the board were represented on the most recent search committee and that it was not necessary or appropriate to codify this into our rules. All about one or two aldermen are chairs or vice chairs and those who were not were our most recent and inexperienced members of the Board. Ald. Merrill moved NAN and the Committee voted 5-0-1 (Sangiolo)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#14-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$30,000 from Free Cash for the purpose of making repairs to the Gath Pool. [1-9-07 @4:54 PM]

ACTION: **APPROVED 8-0**

NOTE: Ms. Towle and Mr. Cahill were both present from the Recreation Department. This request was needed to repair a leak around the top perimeter of the pool. Ald. Coletti wanted to be sure that we are keeping up with all repairs before there would be any breakdowns midseason. The Committee voted to approve 8-0.

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

#273-04(2) ALD. GENTILE requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 2 in the State Retirement System.

PST DENIED 5-1-1 (Ald. Lennon opposed; Ald. Samuelson abstaining) on 1/8/06)

FINANCE APPROVED 7-1 (Ald. Linsky opposed) on 10/23/06

ACTION: **APPROVED 6-0 (Lipof, Sangiolo not voting)**

NOTE: Ald. Gentile was present for this discussion. Ald. Johnson read the following into the record:

SECTION 1. *Notwithstanding any general or special law to the contrary, for purposes of group classification under the provisions of G.L.c.32, section 3(2)(g), the position of "Dedicated Fire Apparatus Mechanic" within the Newton Fire Department shall be included in Group 2. The Newton Retirement Board is hereby authorized to re-classify any member currently holding such position from Group 1 to Group 2.*

Ald. Parker reiterated that when this was originally filed some thought the costs were too extreme. Therefore Ald. Gentile worked with the Law Department to adjust the wording to make it fair to the mechanics and realistic for the City. The mechanics are asked to do work on the engines at the actual scenes of fire. Ald. Gentile noted that Finance voted for it and Public Safety voted against it. Ald. Gentile said that one of the more persuasive arguments was one that Ald. Harney mentioned regarding how this was done in Chicopee that unfortunately ended in a lawsuit. It was found to have been done in error. What was not pointed out to Public Safety Committee members was that the reason this ended in a lawsuit was that the Retirement Board actually made the change and by statute they were not allowed to do that. In Newton, it is the Board of Aldermen that has the right to do it. When the Retirement Board in Newton was asked, they made it clear that they were aware that they did not have the authority to try and make the change. In Chicopee the reason there was a lawsuit and the lawsuit was upheld was because the Retirement Board took an inappropriate action that they did not have the authority to take. Ald. Gentile was not sure how much influence that lawsuit had on the Public Safety Committee.

Ald. Coletti said it is also important to note that all of these reclassifications are being held up in the legislature in a committee chaired by Rep. Jay Kaufman of Lexington. There is currently a proposal for a uniform method of doing this statewide. There is cost with this but Ald. Parker felt we should be fair to our people and treat them well. Please note the following information received in a memo received from David Wilkinson: *“The additional cost consists of two parts – a recurring normal cost, and a past service liability amortization cost. The annual normal cost differential between group 1 and group 2 status for the two mechanics is \$5,368. Under the terms of the funding schedule this cost will increase by 4.5% per year. In order to fund the new past service liability that will result from the change in classification, we will also have to make up payments of \$12,583 per year for each of the next twenty one years remaining on our funding schedule.”* (Please note attachments)

Ald. Coletti noted that there is a proposal for a uniform effort for doing this statewide. The Committee voted approval 6-0 (Sangiolo, Lipof not voting).

#171-04 ALD. HESS-MAHAN requesting home rule legislation authorizing local voting rights for permanent resident aliens residing in Newton.
Item recommitted by Full Board on February 7, 2005

ACTION: **APPROVED 6-1-1 (Johnson, opposed Coletti abstaining)**

NOTE:

Background This item was recommitted to the Board on February 7, 2005. Ald. Hess-Mahan said he had met several times with the former Executive Secretary of the Election Commission and the Election Commission to go over the concerns the Board expressed when the item was recommitted. A number of aldermen proposed amending the item to require that an application had been made to apply for citizenship.

Alternatives Ald. Hess-Mahan presented two alternatives, see attached. Most committee members preferred alternative #2. The primary change in alternate #2) tries to address the concern of Ald. Vance and others regarding allowing immigrants to vote who had not yet sought citizenship. This change would require that any permanent resident alien meet all other requirements to register to vote except for US citizenship and was more in line with what Ald. Hess-Mahan’s original idea had been. Alternative #2 is modeled on the enabling act. The preferred wording requires a declaration that the individual resides in the city, is lawfully admitted and intends in good faith to become a U.S. citizen and begin that process, if eligible.

Concerns There was concern about how it could be determined that people were in the process of obtaining citizenship. That is the major reason to ask for a declaration signed under pain and penalty of perjury. If you commit perjury, you may be deported.

Ald. Johnson has a problem with Alternate #2. She said you are assuming that everybody who is a resident alien has a desire to become a U.S. citizen and there could be reasons why some can’t or don’t want to.

There was a motion by Ald. Parker to approve alternative 2 with the amendment, “s/he intends in good faith to become a U.S. citizen and has begun that process, if eligible.”

There was reconsideration to clarify. The motion was to approve alternative. 2 with the amendment to recommend to full Board.

#242-05 ALD. SANGIOLO requesting the Executive Department and IT Departments post all city board and commission meeting agendas and minutes on to the City Website.

ACTION: **HELD 6-0**

NOTE: President Baker recommended hold on this item

#79-04 ALD. PARKER & GERST requesting discussion of the development of a Citywide wireless internet access network in Newton.

ACTION: **APPROVED 8-0 TO REFER TO PUBLIC FACILITIES AND LAND USE.**

NOTE: Ald. Parker said an RFP had been issued on the web site in January. It was up for about a week and then listed cancelled as it should have been RFI. Eileen McGettigan of the Law Department and Ald. Parker worked out the timetable. There are 2 applications. One is Galaxy Internet and the second is Homeland Security Wireless. (See attached)

Chairman Johnson explained that the Programs and Services Committee had no further function on this item and would be happy to refer to Public Facilities and Land Use.

Ald. Parker moved to refer this item to Land Use and Public Facilities.

#20-06 ALD. YATES, & ALD. SCHNIPPER proposing an amendment to the Rules and Orders of the Board stating that when the City Clerk/Clerk of the Board position is to be filled, a search committee shall be established consisting of representatives of all sectors of the board (officers, chairs rank and file) employees of the department, department heads who frequently interact with the Clerk’s office and lawyers and other representatives of the public who frequently interact with the Clerk’s office.

ACTION: **NAN 5-0-1 (Parker, Lipof not voting)**

NOTE: This item was NAN’d as it had been replaced by #20-06(2)

Respectfully submitted,

Marcia Johnson, Chairman