

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 6, 2007

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

Also Present: Ald. Burg, Linsky, Samuelson, Danberg, Fischman, Vance, Harney, Mansfield, Weisbuch

Others Present: Sandy Pooler (Chief Administrative Officer), Ouida Young (Law Dept.), Karyn Dean (Committee Clerk)

**REFERRED TO PROGRAMS AND SERVICES COMMITTEE**

Re-appointment by His Honor the Mayor

#181-07      DAVID J. MOFENSON, 6 Alban Road, Waban, re-appointed as an Election Commissioner for a term expiring April 1, 2011 (60 days 8-3-07) [05-17-07 @2:48pm]

**ACTION:**      **APPROVED 3-0-2 (Ald. Johnson, Hess-Mahan abstaining; Ald. Baker, Parker, Sangiolo not voting)**

**NOTE:**      Ald. Johnson and Ald. Hess-Mahan abstaining as the appointee provided no documentation.

Re-appointment by His Honor the Mayor

#182-07      FRANCES E. SHAER, 280 Boylston Street, Chestnut Hill, re-appointed as an Election Commissioner for a term expiring April 1, 2011(60 days 8-3-07). [05-17-07 @2:48pm]

**ACTION:**      **APPROVED 3-0-2 (Ald. Johnson, Hess-Mahan abstaining; Ald. Baker, Parker, Sangiolo not voting)**

**NOTE:**      Ald. Johnson and Ald. Hess-Mahan abstaining as the appointee provided no documentation.

Re-appointment by His Honor the Mayor

#183-07      JOHN RICE, 9 Selden Street, Waban, re-appointed as a member of the Newton Child Care Commission for a term to expire on January 1, 2009. (60 days 8-3-07) [04-21-07 @3:12pm]

**ACTION:**      **APPROVED 5-0 (Ald. Baker, Parker, Sangiolo not voting)**

Re-appointment by His Honor the Mayor

#184-07 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, 2009. (60 days 8-3-07) [05-21-07 @3:12pm]

**ACTION:** **APPROVED 5-0 (Ald. Baker, Parker, Sangiolo not voting)**

Re-appointment by His Honor the Mayor

#185-07 KATEY GROSSMAN, 47 Brookline Street, Chestnut Hill, re-appointed as a member of the Newton Child Care Commission for a term to expire on January 1, 2009. (60 days 8-3-07) [05-21-07 @3:12pm]

**ACTION:** **APPROVED 5-0 (Ald. Baker, Parker, Sangiolo not voting)**

Re-appointment by His Honor the Mayor

#186-07 MELISSA HANENBERGER, 56 Valentine Street, West Newton, re-appointed as a member of the Newton Child Care Commission for a term to expire on January 1, 2009. (60 days 8-3-07) [05-21-07 @3:13pm]

**ACTION:** **APPROVED 5-0 (Ald. Baker, Parker, Sangiolo not voting)**

#198-07 HIS HONOR THE MAYOR appointing CRAIG MANSEAU on June 4, 2007, as Executive Secretary of the Election Commission pursuant to Section 3-3 and Section 3-4 of the City Charter effective June 18, 2007 (30-day board action date June 26, 2007) [6-1-07 @5:21 PM]

**ACTION:** **APPROVED 8-0**

**NOTE:**

**Introduction**

Ald. Johnson stated that as a board member of the search committee for this position, she was very pleased to welcome Mr. Manseau. She said that they had over 20 candidates, interviewed 9 or 10, had 4 or 5 finalists, and Mr. Manseau was selected from those finalists. They went through a competency based system in this search which she felt resulted in an outstanding choice as it had in the search for the City Clerk's position. Ald. Johnson noted the following about Mr. Manseau: "He stood his ground when an elected official wanted go outside the OCPF guidelines regarding his report, and he was willing to weather the storm and take the stand that he needed to." She also noted that Mr. Manseau was able to run his department with only 2 full-time staff members and leverage his resources well. Mr. Manseau also demonstrated his commitment to inclusion which the committee found very important. She was very pleased with his selection.

Sandy Pooler said that Mike Rourke, who was also on the search committee, thought this was one of the most well-run, professional searches he had ever been a part of. Mr. Pooler thought the competency structure that was used was very helpful and he wanted to acknowledge Ald. Johnson's contribution to that. A list of the search committee members is attached to this report.

Mr. Pooler noted that Mr. Manseau has all the pertinent experience necessary to hit the ground running in this position. He has done elections, census work, and he knows all the challenges with the new voting machines. He was able to run a large elections department in Worcester despite the challenges and issues such as dealing with a multilingual community. Mr. Manseau shared with the search committee the initiatives he took to handle those issues. Mr. Pooler invited Mr. Manseau to address the Committee.

#### Craig Manseau's Comments

Mr. Manseau said he was so pleased to be coming to Newton and looks forward to the challenges ahead. He said he understood the unfortunate incident that arose from the last secretary and wanted to assure them that he was very confident in his own skills and ability. He noted that one of his strong suits is that of a team-builder. He said he was innovative in figuring out ways to get the work done by hiring college and high school interns and even used a special needs group to stuff envelopes and takes pride in his organizational skills. He said he met the elections staff and was very impressed with their knowledge and skills and looks forward to working with them.

#### Morale

Ald. Hess-Mahan wanted to know how Mr. Manseau was planning on dealing with the morale issue in the elections department. He also wanted to know if Mr. Manseau had a chance to meet with the elections commissioners yet and how he planned on building a relationship with them as well. Mr. Manseau said he has not yet met with the elections commissioners. As far as staff goes, he said he will sit down with each person individually to find out what they do and what help they might need to do their job in the best way they can. He felt that Dede Forgione would be an outstanding resource and he would capitalize on that. He also plans on familiarizing himself with City polling locations and the voter registration information systems. He wants to identify what each person is good at and create a spot for them that allow them to do the most productive work.

#### Poll Workers

Ald. Hess-Mahan asked about the issues of poll workers. He said that he felt they were up to speed on how to conduct an electronic election although some Committee members would always have concerns about machines counting votes. He wanted to know what Mr. Manseau's plan was for getting and retaining good poll workers. Mr. Manseau noted that that is always a challenge. He said he has run training sessions and has put together reference sheets that can be consulted during the election process by the poll workers. He felt that way, if there are any problems, the responsibility lies with him to handle. The individuals that are poll workers are only working a few days a year and are not involved in the whole election process. He felt that it is essential to be respectful to every worker. Things do go wrong sometimes but he thought a clear, easily worded, simple manual should curtail problems.

Ald. Parker asked Mr. Manseau what the poll workers in Worcester have been paid. Mr. Manseau said that he felt the poll workers were underpaid at \$120 for wardens and clerks

and \$90 for inspectors per day. Ald. Parker said that if Mr. Manseau ever wanted an increase for the poll workers, that he would be supportive of that. Ald. Johnson suggested to Sandy Pooler that he get Mr. Manseau working with the Democratic and Republican city committee.

Closing Comments

Ald. Johnson said that she would like to go out of order to move approval for Mr. Manseau's appointment as she was on the committee. President Baker thanked Ald. Johnson for her hard work on the committee. She did move approval and all members voted in favor.

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#193-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$25,000 from Budget Reserve for the purpose of supplementing the Law Department FY07 salary account. [05-29-07 @ 4:54 PM]

**ACTION: APPROVED 7-0 (Ald. Hess-Mahan not voting)**

**NOTE:**

Explanation of Funding

Ouida Young of the Law Department noted that after budget review, Dan Funk explained that the funding mechanism that they had used this year to provide for additional staffing in the office (to get 4/5s of a lawyer back after a position was cut) did not play out the way they anticipated. It would take \$60K which they would raise and planned on raising from several different sources. One source would be from the tax assessors when the Law Dept. actually does some of the major tax abatement cases, for which they approved up to \$30K; another source would be the money the Law Dept. gets from the CPC which is in the nature of a retainer. They then have to provide evidence of work in non-billed hours; the third source would be from the CPC for billed hours. This is work and hours that they actually put into a project - money for the law departments anticipated services.

Unanticipated Funding Setbacks

Two things happened this year that they did not anticipate: One was that the CPC did not go forward with a major project that they assumed would be available to fund this position; the other was it looked as though were some major things down the pipeline for which they'll be able to use all the money that they anticipated getting from the CPC for this position.

There was also a delay in the tax abatement. Two commercial cases that were supposed to go forward did not but are scheduled to go forward in the fall. They anticipate being flush with cash next year, but they have an unanticipated shortfall this year that should be a one-time only thing. Ms. Young said the shortfall was actually about \$31K but they know they have \$6K in billing from the CPC. She noted that if they are able to bill more from the CPC this fiscal year, they will not spend the \$25K and it will be returned. It is to go only into their staff account and to be used for no other purpose.

Concerns

Ald. Parker was concerned that the “paying clients” get their work done first within the Law Department and others aren’t serviced as quickly. He felt the Law Dept. should treat all its clients the same and this should be funded out of the operating budget.

Ms. Young said she would like this to be funded out of the general account as well but that’s just not the reality.

Ald. Parker moved approval and the Committee voted in favor.

#94-07            ALD. LINSKY, BURG, SANGIOLO, HESS-MAHAN, DANBERG, AND SALVUCCI requesting (a) a public informational hearing relative to safety and health concerns raised in respect to the proposed level 4 bio lab to be located at Boston University in conjunction with the city’s prior request and present court mandate for further environmental impact review of the project and (b) consideration of the Board of Aldermen taking a public position on the project. [3-27-07 @5:55 PM]

**ACTION:**    **APPROVED 8-0**

**NOTE:** Ald. Johnson explained that this item had been moved from the last meeting’s agenda to this one as budget discussions had taken priority at the time. She apologized for the delay.

Ald. Linsky’s Introduction

Ald. Linsky said that he and Ald. Burg docketed this item at the request of many residents in the community and a number of those residents were present at the meeting. He called attention to the draft resolution and 2 letters from the Mayor’s office in favor of the resolution. He felt it was useful to have some information disseminated to the Committee and the public so that people could form their opinions on this issue. Ald. Linsky then invited several residents that formed a “panel” to speak on this item.

Overview of the Issue

Prasannan Parthasarathi of 5 Stuart Road, Newton Center gave a brief overview of the issue. He said that Boston University Medical School publicly announced about 4 years ago that it was applying to the NIH for research funds to build a BioSafety Level 4 laboratory where Roxbury and the South End meet. BSL4 is the highest security rating for biological research and is the kind of laboratory that is needed to work on pathogens that have no known cures. The most dangerous pathogens would be researched. When BU put in its application, there were 5 BSL4 labs in the country but not every community welcomed them. Davis CA rejected one 5 years ago on the grounds that it was a threat to public safety; NIH which is located in Bethesda, Maryland, considered building a BSL4 lab on it’s campus and because of local opposition is building it in Montana in a small town. Many in and around Boston and Newton are concerned with having this sort of lab built in a densely populated area. There have been accidents in labs of this sort and contamination could spread to surrounding towns and cities. He felt it was important that

Newton speaks out to say this type of threat is unacceptable. He then introduced the other speakers.

#### Comments by Panel in Favor of Resolution

- Lynn Klotz of 5 Duley Street, Gloucester, stated that the Newton community had to weigh the risks versus the benefits of having a laboratory like this in their vicinity. He is a former member of the Harvard biology department, a former biotech company executive and a biotech consultant. He is also active in biological weapons control issues as a member of the biological weapons working group at the Center for Arms Control and Proliferation. His presentation is attached to this report. (*Why the Boston University High Biocontainment Labs are Not Needed*)

Ald. Parker asked if they might want such a lab to research biological weaponry. Mr. Klotz thought that would be the case and that they would have a big aerosol facility and a large animal facility. He felt this would indicate that they would be looking at how these weaponized agents could be protected against, how they infected animals and people, and what they could do to cure them.

Ald. Lipof felt common sense would dictate putting this in the middle of the desert. Ald. Burg stated that the Mayor of Rome, New York, wants to have this put on a deserted air force base there in his town. It's much more remote and not a densely populated area.

- Freda Rebelsky of 1 Billings Park, Newton Corner stated that she was a professor of psychology at Boston University. She read the testimony of Sujatha Byravan, President of The Council for Responsible Genetics, as she was unable to be at the meeting. The statement is attached to this report. (*Testimony to the Newton City Council*).
- Susan Leeman of 139 Park Street, Newton Corner is Professor of Pharmacology at Boston University School of Medicine and member of the National Academy of Scientists. She said that she watched how the school started applying for the funds and felt this was financially motivated. She felt that the school's interface with the public was condescending and insulting. The community started asking them how they would handle transport of the viruses, how would they incinerate animals they infected with viruses, what experiments would be conducted and they were unwilling (or unable) to answer the questions. She stated she was very worried about the decrease in NIH funding and the increase in Homeland Security funding. She felt this facility was not a good idea and it was made clear to the community that the school cares more about the money than about the community. She wasn't sure why Senator Kerry, Senator Kennedy, and Mayor Menino supported the building of this facility.

Ald. Burg said the state court vacated the FEIR (Final Environmental Impact Report) and told BU they had to redo their environmental impact review because it was unacceptable. Even though it was unacceptable, NIH granted BU the permit despite the lack of adequate due diligence. There was no risk analysis done and no exploration of any alternate sites.

- Louise Bruyn of 48 Glenwood Ave., Newton Center read a brief statement and supports this resolution. Written comments by two residents who could not attend the meeting and Ms. Bruyn's statement are attached to this report. (*Why should the Newton Board of Aldermen care about the BSL4 lab being built in Boston?*) She said she's been to some of the meetings in the City of Boston on this subject and understands the injustice that people of color feel at this "environmental injustice". Ald. Burg noted there is a state court case and 2 federal court cases pending. One is a civil rights case and the other is an environmental case.
- Joan Ecklein of 14 Sterling St., West Newton stated that she was with the Women's International League for Peace and Freedom. She said she was the one who contacted the aldermen for this and had a meeting with Mayor Cohen. She has been to meetings where the Boston City Council could not answer questions as how the viruses would be transported through the City.

#### Other Resident's Comments in Favor of Resolution

- Richard Krushnic of 137 Waverly Ave., Newton presented his comments and his presentation is attached to this report. (*Boston University Bio Lab Should Not Be Sited In The Center Of A Large Urban Area – The Result Could Be Catastrophic, CRG Frequently Asked Questions: Biodefense Research, BU's Bioterrorism Laboratory is Being Funded Under this RFP, Stop the BU Bioterrorism Lab*)

#### Resident's Comments Questioning the Resolution

- Keith Tornheim of 120 Hyde St., Newton Highlands stated that he is also a faculty member at the BU School of Medicine. He felt that both sides should be considered and that people from BU should be presenting their side as he wasn't sure whether the facts that were being presented were accurate. He contended that the work the lab was going to conduct would not be classified and cited a report given to the faculty on the subject.

#### Resolution as Public Statement of Concern

Ald. Parker said he felt comfortable making a public statement of concern about this lab. He said he likes the resolution because it states that Newton is opposed to this lab being constructed in a densely populated area, and then invites a dialogue.

Ald. Johnson said her company is in clinical research and she is personally very much a promoter of research. Her concerns were primarily about the location of this lab considering the type of work they might be doing.

Ald. Burg reiterated that the chance of something going wrong is always a concern. The probability may be low, but if something were to occur, the consequences could be catastrophic. Many other communities around Boston have already spoken out on this issue and she felt that Newton needed to add their voice.

State Representatives

A question was asked about all state reps and how they weighed in on this issue. Ald. Johnson said that before the Board voted on this, they would like to know what their positions were, particularly Mr. Koutoujian. Ald. Johnson asked Ald. Linsky to get statements from them to include with this report. However, no statements have been received as of the time of this report.

Friendly Amendment

President Baker was concerned about the wording of the next to last resolve. He will work with Ald. Linsky to clarify how discussions would be held around this topic. The revised resolution is attached to this report.

#437-05      ALLAN CICCONE, 22 West Street, Newton, requesting the Board of Aldermen file a home rule petition amending the Charter re filling vacancies on the Board of Aldermen and School Committee so if an alderman or school committee member resigns or dies while in office, the runner up to that person in the last election would fill that vacancy. If there is no runner up for this person the Mayor, with the approval of the Board of Aldermen, would appoint a citizen in that district to fill that vacancy.

**ACTION:      DENIED 8-0**

**NOTE:** Ald. Hess-Mahan stated that although Boston does fill their vacancies in this manner, the difference with Newton is in each Ward, candidates are only running for 2 open seats, therefore, there usually is not a runner-up. He stated that a charter review created special elections because the Board used to appoint people to fill vacancies, and that was not considered a good method. Ald. Johnson said she did not like the Mayor having the authority to fill vacancies.

#108-06      ALDERMEN LIPOF, VANCE, HESS-MAHAN, LENNON, LAPPIN, SCHNIPPER, HARNEY, WEISBUCH, PARKER, AND SANGIOLO requesting that the Board of Aldermen and His Honor the Mayor submit a Home Rule Petition to the Legislature seeking approval by the Legislature of an amendment of the charter of the City of Newton reducing the number of aldermen by at least seven, the exact number and composition of the Board specified in such petition to be determined through discussion and vote by the members of the Board.

**ACTION:      NO ACTION NECESSARY 6-2-0 (Ald. Parker and Sangiolo opposed)**

**NOTE:** Ald. Johnson invited any members of the public to comment on this issue.



Comments in Favor of Reducing Size of the Board

Greer Swiston said she appreciated this move as voters had twice voted to reduce the size of the Board. She felt that some activity from the Board on this item was warranted to respect the voters but thought that something more specific in terms of size and purpose of such a move would be better.

Anatol Zuckerman of 17 Noble Street, West Newton said he expressed his opinion on this subject several times in the past and on the blog. He said that the voters of Newton expressed their will twice, in a nonbinding referendum, to reduce the size of the Board and yet it has not been fulfilled. He said he didn't think they the Board should just be reduced automatically without reducing the functions of the Board. He thought a planning board could take on special permits and traffic issues, for example. When these functions are removed from the weekly deliberations of the Board, then the size of the Board can be reduced. He said the Board is supposed to legislate and not micromanage the city's affairs and not invade into the executive branch of the City, which he felt the Board has been doing for many years. He felt that too much money and time was spent by the Board deciding where stop signs, etc. should go. He urged the Committee to support this item.

Comments Opposed to Reducing Size of the Board

Richard Hutchinson of 160 Lincoln Street, Newton, said that the question to reduce the board was piggybacked onto the national election. He said they got many negative votes from people who do not vote in Newton. He challenged the vote to be put on a city election to see the true result. He felt that reducing the size of the board would only save enough money to hire one full time person to take on some of the responsibilities that others propose be dropped from the Board, and that would not be sufficient.

Clarification of Past Votes on this Issue

Ald. Johnson said that when she was on Mayor Concannon's advisory committee, one of the recommendations was to reduce the size of the board by seven. Back in 1996, this question was on the ballot in only the 10<sup>th</sup> and 12<sup>th</sup> districts. The no votes combined with the blanks beat out the yes votes. In 2000 it was on the ballot again, and except for Ward 1 Precinct 1, the no votes plus the blanks exceeded the yes votes. There was also some confusion with this ballot and people in Waltham actually voted on this item. She stated that she is in favor of reducing the size of the Board but just wanted the proponents to have their facts straight.

Board Survey

Ald. Johnson noted that there was a survey of the Board around the work that they do because reducing the board without looking at the work load didn't make sense. She felt people were preoccupied with Newton North and it didn't get the attention it should have, but there was a survey done. A copy is attached to this report.

Ald. Parker's Plan

Ald. Parker said he supports reducing the Board. He felt it would not be a simple process. They have to have a plan to phase it in, how to shift responsibilities. This is not a panacea to solve all the City's problems and will not change the quality or type of City government. What he felt it would do is provide is more accountability by reducing the number of at-large aldermen. There would be more choices when they were all in one pool. He said he put together a specific plan with 7 charter changes that would be necessary to implement this. He proposed 15 aldermen, with 7 aldermen at-large elected from anywhere in the City. He suggested creating a 9-member elected planning board with one member elected from each ward, and one at-large member for a 4-year term in a non-mayoral election year. He suggested removing special permit granting authority from the Board and giving it to the elected planning board, and several other changes as well. He also felt reducing to an odd number would make leadership votes more clean because they wouldn't come down to 50/50 votes.

Charter Review and Reform Solution

Ald. Lipof said this debate could go on forever. There have been discussions and surveys and 15 or so different structures suggested by Board members. He felt they would never be able to come to consensus with so many different opinions of how this should be done. He felt they needed to take it out of the hands of the aldermen and put it into the process of charter review and reform. He said he is not relinquishing this lightly but felt it was impossible, as a Board, to get this done. This way the citizens are fully involved and can make the largest impact. He felt a charter reform was the only way to get this done well.

Ald. Vance concurred with Ald. Lipof's sense of the situation. He felt there was a high degree of interest in the citizenry to reduce the size of the Board. The survey of the Board that was taken showed that there was significant support to eliminating some of the functions the Board currently exercises. He felt a Charter Commission would be able to examine and consider all the issues necessary to make these decisions. He was persuaded to continue with this issue in the Board of Aldermen would be time consuming and ultimately un-resolvable in any satisfactory way.

Ald. Coletti also agreed that not going through the legislature to make this happen is the smart thing. He was the last person to serve on a Charter Commission in Newton. They eliminated, through that process, an entire layer of government – the county government structure. It took 2 years and he was one of 15 elected. If a new Charter Commission were to be established, members need to run, get signatures, and be elected. There will be many, many public hearings. It's not an easy process, it's hard work, and that's good because these things should not be taken lightly. He felt it was a great opportunity to review the Charter and make some much needed improvements and clarifications to it. He felt that they shouldn't get back to the town meeting type of government with many different boards. He felt that good decisions don't get made under that system.

Ald. Hess-Mahan agreed with going with a Charter Commission. He felt there needed to be structural reform not just a simple reduction in size. One way to get it done is through

the conventional way of going through the legislature and going to a vote from the people; the other is from Charter reform. Ultimately, the vote always goes to the people. Ald. Merrill agreed that Charter reform was the best way to handle this situation. President Baker said that he didn't share the view that things were broken and a Charter Commission was needed. He felt that when changes were needed, they were able to make the changes and felt they could continue successfully in that way. A copy of the procedures for adopting or revising home rule charters is attached to this report. (*Home Rule Charter Adoption or Revision*)

Vote Choices

Ald. Sangiolo said that she would like to keep this item on hold until the time the Charter Commission comes online. The Commission has not been set up yet, so she would like to keep this item open until then. Ald. Lipof said this would be just a symbolic measure and didn't see the reason for it. Ald. Vance agreed.

Ald. Parker said he was going to vote no because he thought they should pass the resolution and put the Board of Aldermen on record in favor of reducing the size of the Board without working out all the details, and pass that resolution on to the Charter Commission.

Ald. Lipof moved to vote No Action Necessary. The Committee voted in favor.

**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#174-07      ALD. PARKER requesting a RESOLUTION to the state legislature in support of Governor Patrick's Municipal Partnership Act. [05-09-07 @ 11:56AM]

**ACTION:**      **APPROVED 8-0**

**NOTE:** Ald. Parker said the Municipal Partnership Act would give Newton the flexibility it needed to deal with challenges that might face the City.

Motion to adjourn.

Respectfully submitted,

Marcia Johnson, Chairman