

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 8, 2006

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

Also Present: David Olson, (City Clerk), Barbara Simkowski, Director of Newton Community Education

Re-appointment by His Honor the Mayor

#64-06 JOHN MORGANTI, 26 Lewis Street, Newton Centre, reappointed by His Honor the Mayor as a Trustee of the NEWTON HISTORY MUSEUM at the Jackson Homestead for a term expiring on February 1, 2009 (60-days 04-07-06).

ACTION: **APPROVED 7-0**

NOTE: This is Mr. Morganti's third term as a trustee. His background is in Facilities Management and has been involved with Finance Committee, Executive Committee and future planning for space issues.

Re-appointment by His Honor the Mayor

#65-06 HARRY LOHR, JR., 157 Cherry Street, West Newton, re-appointed by His Honor the Mayor as a Trustee of the NEWTON HISTORY MUSEUM at the Jackson Homestead for a term expiring on February 1, 2009 (60-days 04-07-06).

ACTION: **APPROVED 7-0**

NOTE: Mr. Lohr became associated with the Newton History Museum 16 years ago to research his present 1840's Greek Revival Farm House, built by Samuel Hyde. He has been on the board for about 10 years and is currently serving as the Chairman of the Trustees of the Jackson Homestead and serves on six of the Committees and Task Forces, including the Old Burying Grounds Committee.

Re-appointment by His Honor the Mayor

#66-06 CAROL ANN SHEA 324 Walnut Street, Newtonville, re-appointed by His Honor the Mayor as a Trustee of the NEWTON HISTORY MUSEUM at the Jackson Homestead for a term expiring on February 1, 2009 (60-days 04-07-06).

ACTION: **APPROVED 7-0**

NOTE: Ms. Shea had been on the Board of the Historical Society prior to the Jackson Homestead. She presently serves on the Nominating and Development Committee and finds it a very exciting time as so many things are happening. She also noted that with Mr. Olson, the Newton History Museum has come a long way. Ald. Parker asked if it was envisioned that the Durant Kenrick House would be another branch of the museum and wondered about the future of other facilities for the City. Ms. Shea responded that Durant Kendrick is separate from our space issue.

Appointment by His Honor the Mayor

#67-06 KAREN HAYWOOD, 69 Walker Street, Newtonville, appointed as a Trustee of the NEWTON HISTORY MUSEUM at the Jackson Homestead for a term of office expiring February 1, 2007(60-days 04-07-06).

ACTION: **APPROVED 7-0**

NOTE: She is very interested in the preserving the City's history and excited to be on the Board.

Appointment by His Honor the Mayor

#68-06 PAUL ELDRENKAMP, 667 Sawmill Brook Parkway, Newton Centre, appointed as a Trustee of the NEWTON HISTORY MUSEUM at the Jackson Homestead for a term of office expiring February 1, 2007 (60-days 04-07-06).

ACTION: **APPROVED 7-0**

NOTE: Mr. Eldrenkamp has been on the Board of Directors for ten years. He noted that the greatest achievement during his presidency was serving on the Committee that hired David Olson. He is most excited about the possibility that the Durant Kendrick offers.

The Committee approved each of the above appointments 7-0.

Re-appointment by His Honor the Mayor

#69-06 BRUCE HENDERSON, 52 Vaughn Avenue, Newton Highlands, reappointed by His Honor the Mayor as a member of the NEWTON COMMUNITY EDUCATION COMMISSION, for a term to expire on June 30, 2007 (60-days 04-07-06).

ACTION: **APPROVED 7-0**

NOTE: Mr. Henderson has been working with the Commission for about three years. He has brought his expertise in marketing and accounting to the Commission. He feels that Newton Community Education extends the benefits of the schools to the whole community. These courses are really in demand and net cash flow is generated for the City. The question is how to move things forward with the current space constraints.

Ald. Hess-Mahan asked about the space need and was told the offices are currently very small and need to be located closer to the classes being offered.

Mr. Henderson's appointment was approved by the Committee 7-0.

Appointment by His Honor the Mayor

#70-06 JOSEPH MARGLIN, 82 Kenilworth Street, Newton Corner, appointed by His Honor the Mayor as a member of the NEWTON COMMONWEALTH GOLF COURSE FOUNDATION, for a term to expire on July 20, 2008 (60-days 04-07-06).

ACTION: **APPROVED 6-0 (Ald. Parker not voting)**

NOTE: Mr. Marglin has been a Newton resident since 1938 in a house that abuts the golf course. His involvement would be a representative of the neighborhood association to the golf foundation. From the neighborhood aspect, there are some issues that irritate the neighbors as well as things that irritate the golf course and Mr. Marglin would have interest in working out these kinds of problems.

Ald. Baker moved approval of the item.

#63-06 ALD. JOHNSON on behalf of the Green Decade Coalition requesting the designation of March 2006 as ALTERNATIVE TO PESTICIDE MONTH

ACTION: APPROVED 5-0 (Parker, Coletti not voting)

NOTE: Ellie Goldberg, former Chair of the Green Decade Coalition started discussion on this item. (Please note attached draft resolution) Maeve Ward and Emily Green were also present.

For the past ten years, there has been an Alternative to Pesticide Month in March. There are displays and events regarding caring for lawn in a healthy way for all including pets. (The theme this year is pets and pesticides.) The idea is to make sure that lawns are healthy for pets as well. NewTV will also be showing award-winning videos on this subject. Ald. Sangiolo questioned if they had gone to the Conservation Commission meetings every time the MBTA comes in to ask permission to spray. The response was that they had not but have communicated with Martha Horn regarding the current pesticide spraying. Ms. Goldberg said they are working on improving this and letters of protest have been sent to the state.

The Committee voted to approved the item 5-0 (Parker, Coletti not voting).

#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: HELD 5-0 (Coletti, Parker not voting)

NOTE: Former Alderman Allan Ciccone was present for this discussion. He had observed that in the past, Ald. Susan Basham left, and Ald. Richard McGrath and Ald. Wendell Bauckman passed away, resulting in costs of approximately \$62,000 per special election. In Mr. Ciccone's opinion, this has become a money issue. In his opinion, this item would be a money saver for the city.

Chairman Johnson said there was charter change to remove the word "forthwith" to give the Board more flexibility in scheduling special elections. This was a result of Ald. Basham's

resignation and debate over setting the date of the special election to fill her seat. Chairman Johnson had a concern whether if a vacancy occurs further in the term, the runner up would still be available. When that item was discussed in committee, there was a huge concern about political appointees expressed by Ms. Rubin and Ms. Crossley of the League of Women Voters.

Mr. Ciccone said there is movement to create a Charter Commission. Ald. Sangiolo asked if the biggest motivating factor was cost and was told that it was.

President Baker appreciated former Ald. Ciccone's concern regarding the cost but thinks it is important to have representation as early as possible through the electoral process and would feel uneasy about the appointment process but would be interested in experiences in other communities.

Chairman Johnson said it Mr. Karg and Ms. Smalley should be involved in discussion of this item. After some discussion, the Committee agreed to hold.

#431-04 ALD. LIPOF, HESS-MAHAN, HARNEY recommending the reduction of the size of the Board of Aldermen from 24 members to 16 members: 8 Ward Aldermen and 8 At-Large Aldermen.

ACTION: NAN 5-0

NOTE: Ald. Lipof said this docket item would be voted no action necessary as a new and improved item would be coming forward. The new item will ask for home rule petition to reduce the size of the Board of Aldermen by no less than seven members with the number and composition of ward and at-large aldermen to be determined by the Board of Aldermen through working session and final vote.

Ald. Lipof moved to vote NAN this item and explained that a new item will be brought forward.

#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: HELD 5-0

NOTE: Ald. Hess-Mahan has spoken to Election Commissioner Peter Karg and Associate Solicitor Gayle Smalley at length regarding Ald. Vance's proposed amendment. Neither Mr. Karg nor Ms. Smalley were present at the meeting. The proposed amendment would limit local voting rights to resident legal aliens who have applied for citizenship. When Ald. Hess-Mahan went before the Election Commission there were several concerns. The first one was how many people would this involve. The rough numbers used were 2500 non citizens, who are permanent resident aliens in Newton who are of voting age. Presuming they have lived here for five years, roughly one-sixth of those would be eligible even to apply for citizenship and not all of them would. This would result in only a small amount of people being able to vote and would involve a large amount of paper work.

Ald. Hess-Mahan said there is a piece of enabling legislation that is presently before the House of Representatives which would allow cities and towns to opt in for local voting rights for non-citizens. At this point, the Secretary of State's Office provides all the support and voter lists, etc. for cities and towns and is based on people who are citizens. Information for non-citizens is also available. When state senate and state rep seats are apportioned, it is based not on the number of citizens but the number of resident included in the census (including non-citizens). The Secretary of State's Office has the information to create non-citizen voter lists but is not required to do so. A main concern is the burden imposed on the Election Commission staff and volunteers at each polling place if the proposed amendment were approved, given the additional paperwork and the relatively small number of voters who would be involved.

Ms. Smalley told Ald. Hess-Mahan that the Secretary of State, which oversees local elections, were unlikely to approve a separate polling place for all eligible non-citizens to vote in local elections because it runs counter to the intention of state election laws that all voters can vote in the polling place for their ward and precinct. In discussion with Ms. Smalley it was noted that the structure of the election laws was not to create a special for class of voters with different voting rights. For example, the Secretary of State's office would not be willing to do create a separate polling place only for disabled people. The smaller group of people that would benefit from this, the more cumbersome it becomes for the City to handle. Another issue is proving that you have applied for citizenship. To prove that you are a permanent resident alien, you can show your green card. Proving you have applied for citizenship is somewhat more difficult. Another issue is voter fraud. If you are a permanent resident alien or if you are applying for citizenship, if a non-citizen tries to vote when he or she is not legally allowed to vote, deportation can occur. President Baker said he could not support the item as it is currently framed. Chairman Johnson noted that she does support this as written.

The Committee voted to hold.

The meeting adjourned at 9 pm.

Respectfully submitted,

Marcia Johnson, Chair