

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, MARCH 8, 2006

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

Other Aldermen Present: Ald. Harney, Linsky, Burg, Mansfield, Weisbuch

Also Present: Fran Towle (Recreation) Gayle Smalley (Assistant City Solicitor) Marc Welch
(Forestry) Sandy Pooler (Chief Administrative Officer)

Appointment by His Honor the Mayor

#107-06 NORMA W. FINK, 50 Beaumont Avenue, Newtonville, appointed as a member
of the ADVISORY COUNCIL OF HEALTH & HUMAN SERVICES for an a
term to expire February 1, 2009 (60 days 4-22-06).

ACTION: **APPROVED 7-0**

NOTE: Ms. Fink was present and told the Committee she has been a Newton homeowner
for over 50 years and has served on the League of Women Voters. Subsequently she was
appointed by the School Committee and the Board of Aldermen to fill a vacancy on the School
Committee, serving a total of seven years.

She noted that one of the most rewarding issues was being a founding member of Metco and
serving on the first Metco Board. She also directed a project at Northeastern University
Women's Career Project to move women with non-traditional backgrounds into entry-level
management positions. She also worked in the private sector at Gulf Oil Management Institute.
Her work there involved developing education programs and also consulting to Gulf's various
divisions on moving women and minorities into middle management positions. She also has
worked in state government in the areas of work development, education, and training.

Ald. Parker moved approval. The Committee voted 7-0 in favor of Ms. Fink's appointment.

#21-06 ELLEN KRASNEY, 79 Chestnut Street, Newton appointed by His Honor the
Mayor as a member of the Newton Council on Aging effective immediately for a
term expiring November 1, 2008.(60-day Board action date 3-18-06) \

ACTION: **APPROVED 7-0**

NOTE: Ms. Krasney was present and explained that she had been in software
development and has moved over into the fitness profession. In her opinion, there is a strong
need to focus on fitness for the elderly.

Ms. Krasney wanted to be involved in her city and felt she could contribute in this area. She has been on the Council on Aging for three years and now is moving up into the Executive Committee. The Committee approved her appointment.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#118-06 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$195,738 from Free Cash for the purpose of funding current and future snow/ice and tree emergency expenses in the Parks and Recreation Department.

ACTION: **APPROVED AS AMENDED 7-0 @ \$228,554**

NOTE: Fran Towle and Marc Welch were present for this discussion. This request was amended to an amount of \$228,554 to cover expenses since January 12th that have occurred involving emergency tree expenses as well as an additional two more storms of 4 to 7 inches.

Chairman Johnson questioned if the city has suffered badly as a result of wind. Mr. Welch noted that the tree damage is reflected in this request. Ms. Towle added that last year there were eighteen plowable storms with a large amount of department overtime. Approximately \$40,559 has been spent on department overtime. The contractual overtime amount has been \$386,858. Ms. Towle further explained that this amount covers all storms from January 4th forward.

The Committee approved this item as amended 7-0.

A MOTION WILL BE ENTERTAINED TO GO INTO EXECUTIVE SESSION ON THE FOLLOWING ITEM:

#23-06 ALD PARKER AND LINSKY requesting that the City adopt §19 of MGL Chapter 42 to allow retiree coalition bargaining of health care benefits.

ACTION: **NAN 4-0-2 (Parker, Merrill abstaining, Sangiolo not voting)**

NOTE: Please note that the relevant statute of the Massachusetts General Laws is Section 19 of Chapter 32B, not Chapter 42.

A municipality which adopts Section 19 of Chapter 32B of the Massachusetts General Law may elect to provide health coverage to its employees, retirees, surviving spouses or dependents by entering into a contract(s) with any one or more health carriers, pursuant to the provisions of that section. Section 19 provides in relevant part that:

Any such contract or contracts with any one or more health insurance carriers shall be in conformity with an agreement reached by an appropriate public authority and a public employee committee. Such election by the appropriate public authority may be renewed in conformity with any successor agreement reached with a public employee committee.

The public employee committee shall be composed of a representative of each collective bargaining unit in the governmental unit and a retiree. The retiree representative shall be a designee of the Retired State, County and Municipal Employees Association. The retiree representative shall have a ten percent vote. The remaining ninety percent vote shall be divided as follows: each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the governmental unit. Any agreement with the public authority must be approved by seventy percent of votes cast by the representatives on the public employee committee.

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An agreement so approved under this section shall be binding on all active and retired employees for whom health coverage is being purchased; shall supersede any conflicting provisions of all collective bargaining agreements and shall itself not be subject to supercedence in any statutory impasse proceeding under chapter one hundred and fifty E. Any dispute arising over the interpretation or application of the public employee committee agreement under this section may be submitted to binding arbitration under the labor arbitration provisions of the American Arbitration Association upon request of the public employee committee. Any request must be approved by seventy percent of votes cast by the representatives on the public employee committee.

* * * *

(g) Any agreement reached between the governmental unit and the public employee committee shall provide that within the same health coverage plan the percentage contributed by the governmental unit to the premium or cost of health coverage shall be the same for all subscribers covered under this section. Said payments shall differ only by the type of coverage elected under the plan, individual, family, optional medicare extension or other; provided, however, that the percentage contributed by the governmental unit may vary among the different health coverage plans offered under the agreement reached between the governmental unit and the public employee committee. The agreement reached hereunder shall provide that the percentage contributed by said governmental unit to the premium or cost of at least one medicare extension plan available to all eligible subscribers shall be no less than the minimum percentage contributed by said governmental unit to any other health coverage plan offered pursuant to the agreement reached hereunder. Any governmental unit that accepts this section shall establish by agreement with the public employee committee a contribution

by said governmental unit to said premium or cost of health coverage that provides for a minimum of fifty percent but not more than ninety-nine percent.

Ald. Parker moved to go into Executive Session for purposes of discussing strategy with respect to collective bargaining.

Following a discussion in Executive Session, the Committee voted to go out of Executive Session. The Committee then voted NAN on this item. Ald. Parker was not comfortable with the no action necessary vote and abstained.

Ald. Johnson agreed with Ald. Lipof and encouraged Ald. Parker to pursue options outside of accepting this item.

REFERRED TO PROG. & SERVICES AND FINANCE COMMITTEES

#264-02(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.

ACTION: NAN 6-0

NOTE: Chairman Johnson wanted to check on the progress of this item.

Mr. Pooler said there is a Committee that has been formed and by statute it is comprised of Treasurer Ed Spellman, Assessor Elizabeth Dromey, and John Stewart. There is an account of the number of donations and the amounts received since January 5, 2004. To date, there has been \$16,1989.90 in donations that earned a total of \$451.84 in interest. The current amount in the fund is \$16,650.74. The average donation has been \$42.29; the smallest donation was \$1.00, and the largest donation was \$2,000. There have been two applicants this year.

The Committee does need to define some of their rules and procedures. Decisions have to be made regarding how much relief is to be given. **(See Newton Taxation Aid Committee Report dated March 17, 2006 under separate cover)**

The Committee voted NAN on this item

#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: NAN 5-0-2 (Merrill, Baker abstaining)

NOTE: Ald. Harney, Ald. Linsky, Weisbuch, Mansfield, and Ald. Burg joined the Committee for this discussion.

Introduction: Ald. Lipof noted that the structure of the board is not decided in the Charter. A body is elected and they decide the rules and structure. There are some members of the board that are open to the idea of a reduction of the size of the Board of Aldermen but do not want to accomplish this without looking down to the end of the road. If this is something that will bring a few more aldermen forward, Ald. Lipof would like to have further discussions. Ald. Lipof wants to add to this item discussion of structure as well as adding to the number. He continued to say he and Ald. Vance are open to adding some additional research work before we vote on the item.

Ald. Vance said for some people the necessary route requires a closer look at what we do and how we do it. Looking at other cities that would be most comparable in terms of size and functions for comparison is something that both Ald. Lipof and Ald. Vance would be in favor of. Hopefully that study would not have to take months and months.

Thoughts on what is needed to proceed with a home rule petition: Associate Solicitor, Gayle Smalley reported there have been various ideas regarding this issue. One of the most recent events was that in 2000, there were some advisory questions. Ms. Smalley said that following the favorable vote on advisory questions, there was some discussion at the State House where some of the proponents of the question tried to take it to the legislature.

Ms. Smalley had a discussion in 2001 with House Council Lou Rizzoli. The Clerk of the House and the Council were confronted with the legal question of whether the results of that election were the basis for filing special legislation. Some of the proponents in that situation felt that the people's vote was as good as the Board of Aldermen vote and the House simply didn't accept. It never was assigned a number and never went to a Committee. Ms. Smalley noted the Charter calls for 24 aldermen and we are talking about how to amend it. The usual route is to submit it to the legislature. Special legislation is authorized by the board and the Mayor submits a petition. We have been told over the years that the legislature would likely condition its vote. It also has to go back to the Newton voters for a subsequent approval.

Ms. Smalley has spoken to David Sullivan, Senate Council, and he said he had heard the same thing that if the petition ever got put to the legislature, that the legislature would probably insert such a condition, but he made it very clear that, in his view, it would be a policy decision for the legislature to include that referendum by the voters. It is not a legal requirement. He felt it was very clear that if the Newton Board of Aldermen petitioned, and if the legislature voted favorably, that legislature could just leave it at that without requiring any subsequent vote of the people.

Another consideration was what if the City of Newton had a city-wide advisory question that came shortly before it was submitted to the legislature, maybe the legislature in that case would

think that is good enough. No one knows the answer to that question. These are policy questions that we have heard.

Ald. Vance asked Ms. Smalley if, in her opinion, the Board of Aldermen with the approval of the Mayor could presumably pass a request for Home Rule Legislation modifying the Board but to include in the petition a request that any such home rule passed by the legislature would include a referendum by the voters. Ms. Smalley said we could put that in ourselves and probably that would be comfortable for the legislature.

Chairman Johnson said she had asked Representative Kay Khan her opinion of what we needed to do to bring the concept of reducing the size of the Board before the State Legislature, She understood from Representative Khan that if the 24 members of the Board of Aldermen did not support this, that it would likely not pass in the State Legislature because they don't like to address local politics without the full support of the local elected officials. Chairman Johnson wanted to reiterate this was just one person's opinion.

Committee Member Thoughts:

Ald. Merrill noted that the League of Women Voters had a petition to reduce the size of the board and Ald. Gerst, Coletti, and Merrill were in opposition. The members of the legislature took a position that they do not intend to be involved in a local problem.

Ald. Baker emphasized that there has been extensive discussion regarding overhauling different issues of the board. About ten years ago, there was a Committee that looked at a lot of shifting of rules such as should we keep our Special Permit authority. Finally, the conclusion was the system we have and the allocation of resources was still the most efficient and most effective one we could come up with. When we were trying to move to smaller numbers of committees, we were ending up not having enough people dealing with matters and issues would come back to the full board whereas right now, the Committee structure seems to be working to a point where ideas and questions debated on the floor are now becoming the exception.

He said if that would be the scope of the study, he would have to respectfully descent from it. If the question is, what we need to do and if the size of the board comes as an output, that is fine. He is interested in institutional reform that improves the quality of our work on behalf of the public to start by saying we are going to figure out how to do it smaller, that predisposes the outcome then he could not support that study. He could certainly be open to ways that we could things more efficiently. He stated that he could support at looking at what we do and asking questions about whether we can do it better. He concluded by saying if the thrust of the process is to find a way to reduce the size of the board he cannot support that. Also, if there is not a majority of this board who supports the item, he questioned whether it would be a good use of everybody's time and sees no reason to pursue something that is a fruitless exercise.

Ald. Burg agreed with Ald. Baker. She felt that you don't start off with a preconceived notion or statement of fact. You do the research and see what it leads to. Ald. Baker said perhaps the

Long Range Planning Committee could look at this. She asked why the reduction of the board issue is so critical right now. Ald. Lipof said it is just happenstance and it was not urgency since his first item was docketed in 2004. In Ald. Burg's view, some of the inefficiencies observed have nothing to do with board size. She is not opposed to reducing the size if that would make things work better. Some of the issues that she has seen really have nothing to do with size itself. She questioned why the Dockets and Reports Docket look the way they do. She felt those are things that just grew up over the years as the changes that were needed were not made.

Ald. Vance said he would ask people like Ald. Burg, Ald. Johnson, and Ald. Linsky to submit the types of things they would like to see included in this study and then perhaps take suggestions and put them together into a scope of study. Ald. Vance is willing to look at the details of how we do things, and look comparatively at others and make a judgment on the basis of what we learn.

Ald. Mansfield indicated that, in his opinion, Ald. Johnson's memo laid out very important, sequential information. Rather than look at other communities he agrees we need a needs assessment from the public. Ultimately when we know how we can do things better, it will be much easier to work on how many aldermen we do need.

Ald. Sangiolo said if we go through this study and find out that to be more responsive, we might actually need more board members. She questioned that you might even consider that as a possibility. She also feels the voters have said what they have to say and feels it would be a waste of time to go back to the voters.

From **Ald. Lipof's** viewpoint, we are looking to see how other communities manage with a smaller group. He also said some aldermen do not want to bring this to the people. However some of them are the same aldermen who want to bring the Newton North vote to the people. He questioned how you give it to them for some things and not for another.

Chairman Johnson suggested phrasing it, "Can we?" She went on to say that she does not want to see this as a three-year project. She said that regardless of what comes out of this process, whether we reduce the size or not, we need to conduct this analysis. It will show actions that this board, even if it stays at 24, can do better

Ald. Vance said he does not plan to do a generalized, unfocused study of the shortcomings of the board and generally how can we improve it. That is not what this docket item is; rather, it focuses on testing a particular hypothesis. Many scientific studies start out with a hypothesis that they then test. He went on to say that as he sees the item, the focus is an aspect that goes beyond the work of the board, how do we do it, etc. An important element is public awareness and a sense of accountability. There is a problem of public accountability and what impact a 24-member board has on that accountability. Ald. Vance suggested looking at other communities with smaller legislative bodies and whether the smaller body promotes greater public knowledge and awareness of the individual legislator. Also, a smaller legislative body may produce more competitive races for seats.

In **Ald. Hess-Mahan's** opinion, we should look at what we can live with and wanted to note again that the people have voted in favor of reducing the board by a significant, substantial majority twice. He feels we need to show the voters that we do care and answer whether it is or is not possible to do. If the people tell us we should reduce the number, we should look at doing that.

Ald. Weisbuch had concern over the cost of elections, from the candidate's perspective, going up and is very concerned about campaign finance reform. He would like to volunteer for this committee and would take the lead on the study of campaign finance.

Motion: Ald. Lipof moved hold on this item pending study to be done by the Long Range Planning Committee regarding the board structure in comparisons to other communities.

The Committee agreed to hold 5-0-2 (Merrill, Baker abstaining)

The meeting adjourned at 9:40 pm.

Respectfully submitted,

Marcia Johnson, Chair