

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, MARCH 22, 2006

Present: Ald. Johnson (Chair) Ald. Hess-Mahan (Vice-Chair) Ald. Merrill, Ald. Sangiolo, Ald. Parker, President Baker

Absent: Ald. Coletti, Lipof

Also Present: School Committee members, Dori Zaleznik, Chair, Reenie Murphy, and Anne Lerner, Superintendent of Schools Jeffrey Young, Assistant City Solicitor Catherine Farrell, Human Rights Commission Chair Marianne Ferguson, Fair Housing Task Force members, Henry Korman, Chair, Josephine McNeil, and Phil Herr, and High Performance Building Committee member Brooke Lipsitt

Re-appointment y His Honor the Mayor

#135-06 FRANCIS RICE, 2360 Commonwealth Avenue, Apt.2-3, Auburndale re-appointed as a member of the NEWTON PARKS & RECREATION COMMISSION for a term to expire January 1, 2008. (60 days 05-19-06)

ACTION: **APPROVED 6-0**

NOTE: Mr. Rice was not present. The Committee did have documentation and it was noted that he was a long-serving member. Ald. Sangiolo moved his reappointment and the Committee voted 6-0 to approve.

Re-appointment y His Honor the Mayor

#136-06 ANDREW STERN, 56 Tyler Terrace, Newton Centre re-appointed as a member of the NEWTON PARKS & RECREATION COMMISSION for a term to expire January 1, 2008. (60 days 05-19-06)

ACTION: **APPROVED 4-0**

NOTE: Mr. Stern was present and was pleased to report that there has been creation of a Parks and Recreation needs assessment and current site evaluation of all of the department properties. The report was broken down into handicapped accessibility as well as just general improvements that are necessary for the parks. As a result of that process, Upper Falls and Newton Highlands Park have been approved by the Commission for an application for Community Preservation funding and will come up for a Working Session.

Ald. Sangiolo said some properties are located adjacent, if not contiguous with school properties. She questioned whether, if assistance were needed for the property, it would be from the Commissioner or the School Department. Mr. Stern said that for legal reasons there are boundaries that exist. There are times when half of the area is on school property and the rest on Parks and Recreation Commission property. Any proposed improvement or structure on lands

within the jurisdiction of Parks and Recreation Commission comes under their purview and they review the proposals. Even if the project were solely on School Department land, the Parks and Recreation Department would be charged with maintenance. Due to the artificial boundaries, the School Department properties tend to border on Parks and Recreation land. There should be a coordinated policy as far as the placement of structures and any other signage. Ald. Sangiolo asked if there was a question regarding access to the property, should it be directed to Parks and Recreation or to the School Department. Mr. Stern felt that, as a legal matter, whoever has title would be the entry point.

The Committee voted 5-0 to approve his appointment.

#130-06 HIS HONOR THE MAYOR requesting that §14-34 of Article IV of the City of Newton Revised Ordinances, 2001, relative to the Human Rights and Advisory Council, be amended to apply the same coverage as state and federal law in Defining housing discrimination.

ACTION: **APPROVED 5-0 (Sangiolo not voting)**

NOTE:

Sandy Pooler of the Mayor's office, Catherine Farrell of the Law Department, and Marianne Ferguson of the Human Rights Commission were present for this discussion. This item was proposed by the Human Rights Commission.

The proposed amendment is intended to be consistent with applicable state and federal fair housing laws that prohibit discrimination against protected classes of people. Presently, the Human Rights Commission does not have explicit authority to address complaints concerning housing discrimination. The law department has approved the form and language of the proposed amendment to the fair housing ordinance, which expressly incorporates the requirements and standards of the state and federal laws. Under the proposed ordinance, where either state or federal law provides greater protection, the higher standard will apply. For example, the federal fair housing law applies to owner occupied apartments with 4 or more units while the Massachusetts law applies to owner occupied apartments with 3 or more units. Under the proposed ordinance, the higher standard set by Massachusetts law would apply.

Ald. Johnson questioned what the implications were for the City. Mr. Pooler noted that since we are already mandated for these rules, this is just an enunciation of principles. Mr. Pooler went on to say that all inquiries would be handled by the Housing Department. Ald. Hess-Mahan noted that he has worked with both Planning and the Human Services Department to be sure that the responsibility for implementing the fair housing ordinance is assigned to people who know how this works. He continued to say what we are trying to do is educate realtors as well as potential homebuyers and renters.

President Baker asked what would be done if someone was found to be in violation. The response was all parties would be notified. An investigation would be conducted and the parties would be brought together to mediate a solution. President Baker asked whether, if the mediation did not succeed, the complainant would be advised of their rights in terms of taking it further.

Ms. Ferguson said that if mediation failed to resolve a dispute, the complainant would be referred to the Massachusetts Commission Against Discrimination. In summary, President Baker said what was being done was updating the substantive areas and not changing the enforcement mechanism.

There was a motion to approve by Ald. Hess-Mahan and the Committee voted approval 5-0.

REFERRED TO PROG/SERV. ZONING & PLANNING & FINANCE COMMITTEES

#119-06 ALD. SALVUCCI requesting revocation of the Community Preservation Act (accepted by the Board of Aldermen as item #64-01(2) on 7/9/01 and approved by public vote at the 11/6/01 election) by vote by the Board of Aldermen and referral to the voters of Newton, pursuant to GL chapter 44B, Sec.16.

ACTION: **HELD 5-0 (Sangiolo not voting)**

NOTE: Chairman Johnson and Ald. Salvucci had talked about a Public Hearing on this item to be scheduled on April 19th. This would allow the Board to hear the public before decisions are made.

There was a motion to hold this item.

REFERRED TO PROG.SRV. AND FINANCE COMMITTEES

35-06 ALD. JOHNSON AND HESS-MAHAN requesting discussion with the School Department and School Committee members regarding the results of the studies addressing compensation for management and executive personnel and organizational structure of central administrative salaries.

ACTION: **HELD 5-0 (Sangiolo not voting)**

NOTE: Jeff Young and Dori Zaleznik were present for this discussion. Chairman Johnson and Ald. Hess Mahan introduced the item by stating that this study was a result of the resolution passed by the board during FY'06 budget discussions. This request was made due to the number of questions and concerns about the staffing of the administration function. They thanked Dr. Young and Chairman Zaleznik for conducting the study

Introduction Ms. Zaleznik told the Committee that the Gibson Consulting Group who did this study, (“Newton Public Schools Study on Management Structure”) was interested in learning more about Massachusetts. The consultants said they had never come into a place and failed to find ways to save money. They were quite surprised to find themselves in that position here in Newton. They were recommending that money be spent in order to accomplish what they thought would be a superior structure; one that made more sense and was logical from a budgeting point of view. She continued to say that we are all interested in this type of structure and how it might work here and what aspects might not work in Newton. It is very clear from the financial point of view that we can't afford this right now. Ms. Zaleznik feels we should take a step back once the budget is finished, look through the report carefully, think about the aspects that ring the most true and then decide on ways to phase in some of the recommendations.

Management Structure The table (page 20 of report – changes to the management structure that includes salary impact) was not done with a market analysis and was based on existing salaries which happen to be 2005 salaries. She said that it is likely that the salaries in the chart are low. Another consultant has done a market analysis and has been asked to use those figures to recreate a table that would list what is probably a higher but more market driven set of recommendations. The School Committee ask Gibson’s representative “If we could only do two things, which two would be recommended?” One idea was to have an Assistant Superintendent for secondary and an Assistant Superintendent for elementary. There are plans to share some of that responsibility until a future time when we can hire someone. Another recommendation was to put in place a Public Information Officer. This was discussed because a considerable amount of time was taken up with complaints which they felt should not occupy as much time. A Public Information Officer, in addition to being the face for the media, could be a central repository for farming out some issues.

If the schools were to go with a public information officer, it would be up to the School Committee and administration to define what they wanted. She felt the better parallel was the nine or ten major school systems that use this sort of structure and it appears to be a new model that a number of school systems have tried out. One of the things the School Committee would do to apply the best structure to Newton is to investigate web sites of other school systems to see how they work. In discussing this report, it was pointed out that Ms. Zaleznik had been told that the level of transactions, i.e. direct communications with parents and other stakeholders, at the top level of management in the administration surpassed what had ever been seen in other places. It was felt that a mechanism was needed to deal with these issues.

Ald. Hess-Mahan noted that the administration has been pared down and even with reorganization it was clear from the recommendations in the report that additional staff is needed in order to provide excellent quality schools. He supports most of the recommendations in the report.

Chairman Johnson said that one thing that was particularly interesting to her was around metrics and she wondered if any benchmarks had been given regarding this. If not, the question should be asked as benchmarks would be very helpful to measure the effectiveness of the school department.

The other areas where there are potential increased efficiency, effectiveness and savings are with the consolidation of the purchasing department with that of the city and implementing a swing shift to provide better maintenance support to school building.

Ald. Parker moved hold on this item in order to wait for the upcoming results of the Compensation Study

Chairman’s Note: All members of the board are encouraged to read this report before budget discussions begin. The report may be downloaded from www.newtonpublicschools.com

REFERRED TO PROG & SERV, PUBLIC FACILITIES & FINANCE COMMITTEES

#453-05 HIS HONOR THE MAYOR requesting that the sum of \$150,000 be appropriated from bonded indebtedness for the purpose of funding a space needs study for the elementary schools throughout the City.

ACTION: **APPROVED 4-1 (Baker not voting, Sangiolo abstaining)**

NOTE: Ms. Zaleznik felt this would be a good opportunity to look at all buildings and have a database created to monitor what is presently available. When the appropriate time to reopen applications for SBAP funds, the School Department would be in a position to look at what top priorities would be. Whatever turns out to be of critical importance in 2006, might or might not in 2008 still be the highest priority items. She explained that it would be good to develop a process that would allow the schools to be headed in the right direction. For many reasons, it was felt this would be a good use of money and perhaps could be a model for the city to adopt. This would be proactive and it was written into the RFP that the consultant would come back after three buildings were assessed so we could refine what was being gathered. Other people involved with long-range facilities planning have said it is important to build in an intermediate step. The docket item states that the appropriation would be from bonding but that will not be possible.

Ald. Hess-Mahan supported this concept providing that attention is paid to high performance building standards, energy efficiency, and ADA compliance.

Mr. Pooler said that when the item was docketed, the item notes the money would come from bonding but that is not presently the case. This will have to be worked out as it goes to the other committees.

Chairman Johnson felt it was important to communicate and set realistic expectations given the financial situation we are in. She expressed that this needs to be done for the whole city and would like to see a city-wide data base. We need to think broadly about comfort and safety for citizens as well as employees. In conclusion, Chairman Johnson supports this but feels it needs to be broader.

Former Alderman Lipsitt spoke and felt we should be prepared to consider things that can be done to reduce operating costs. It was her hope and expectation that the architecture team hired to do the facilities study would include expertise in sustainability and life-cycle costing to help the school and public buildings departments make appropriate recommendations.

Chairman Johnson said in February 2006, "The Beacon" had an article regarding electricity and said we should investigate getting some free available information.

Ald. Sangiolo has come to a different conclusion and does not feel this study is nearly as focused on the kind of energy study we had been advocating for.

#79-04 ALD. PARKER & GERST requesting discussion of the development of a

Citywide wireless internet access network in Newton.

ACTION: **HELD 5-0 (Baker not voting)**

NOTE: Ald. Parker observed there has been exciting progress in respect to this item. There is a parallel docket item on the floor of the board which is a \$10,000 appropriation request that the Mayor has filed. One question that came up at the Full Board which was not addressed in Ald. Parker's memo was the timetable for the consultant. Mr. Rourke thought the timetable was two months; a one month process to work with department heads to educate them to what could be done with WiFi and the second month used for coming up with a list of priorities. Another question raised is to figure out what exactly we want done. Potentially there is the possibility of automatic meter reading, as well as a WiFi option on parking meters and possibly synchronizing traffic lights. In order to see how realistic these things are, we would work with a consultant and put all the questions on the table.

Chairman Johnson was interested in the best use of our money and was not sure she could support this. In her opinion, there were enough things to do in the city and her focus would be in setting something up that has a real benefit, return on investment, along with making us more effective and efficient within the operations of the city.

Mr. Pooler explained there are two separate docket items. One focuses strictly on the business end of city government operations and an evaluation and education of our department heads on what uses we would have for wireless. There appear to be many ways to use wireless technology to enhance the business of the government of the City of Newton.

Ald. Parker said the original intent of the docket item was to make departments work better as well as the ability of paying for itself by having citizens or businesses pay for access. Ald. Parker has been meeting with Ann Cornaro, Karen Griffey, Bob Rooney, Eileen McGettigan, Mike Rourke, and Joe Mulvey. Theresa Park of the Planning Department had put a question on the city census asking if citizens would be willing to pay or are interested in WiFi. The focus of much of that discussion was what can we do to make city government work better and as an outgrowth of that is the item the Mayor filed.

Ald. Merrill made a motion to hold.

#47-05 ALD. SANGIOLO requesting amendment to the Tree Preservation Ordinance to provide a provision for notification to the Board of Aldermen of any price adjustment for payment for trees removed in accordance with the ordinance.

ACTION: **APPROVED 5-0 (Baker not voting)** (Note removal of the word "Ward" and removing the "e" from therefore.)

NOTE: Ald. Sangiolo wanted to be sure that the board would be apprised of any type of appeal that has been granted, as well as if there may be a possibility of an appeal. During the Kessler Woods discussion, there seems to have been an issue involving the number of trees and possible price. Ald. Sangiolo raised that issue with the Law Department suggesting that maybe the negotiations should be left to the tree warden and the developer. From her viewpoint, maybe

there should be consideration to take the appeal process to a different body. Ald. Sangiolo wanted to see how the Committee felt about some language she had drafted.

Ald. Parker suggested striking the word “Ward” in two places (see attached). Ald. Sangiolo has been advised by Solicitor Funk that there was a final determination by the tree warden on Kessler Woods and there was an appeal. Ald. Sangiolo explained that therein lies the problem because the aldermen did not know that there even was an appeal. It was suggested that we go forward with this portion first and see if there is still an issue.

Ald. Parker noted that the price of the trees involved in the Terraces proposal seemed to be subject to negotiation rather than letting the tree warden explain the cost of trees. The Committee approved the item.

The Committee adjourned at 10:35 p.m.

Respectfully submitted,
Marcia Johnson, Chair