

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 18, 2006

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

Also Present: Ald. Mansfield, Peter Koutoujian (Elections) Fran Towle (Parks and Rec.) David Olson (City Clerk) Sandy Pooler: (Mayor's Office) Carol Stapleton (Parks and Rec.) Lt. Hugh Downing, (Police)

Re-appointment by His Honor the Mayor

#340-06 MARTINA JACKSON, 115 Lowell Avenue, Newtonville, re-appointed by His Honor the Mayor as Chairperson of the LICENSING COMMISSION for a term to expire on the first Monday of June 2012. (60 days 12-2-06).

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

**NOTE:** Martina Jackson was first appointed to the Licensing Commission in 1982. In addition to her twenty-four years on the Board of License Commissioners, she has served as a member of the Newton Democratic City Committee for thirty years. Chairman Johnson was pleased to move her reappointment. The Committee voted 8-0 to approve.

Re-appointment by His Honor the Mayor.

#341-06 STEPHEN COLCHARMIRO, DMD, 23 Vineyard Road, Newtonville, re-appointed by His Honor the Mayor as a member of the ADVISORY COUNCIL OF HEALTH AND HUMAN SERVICES for a three year term to expire February 1, 2009. (60 days 12-2-06)

**ACTION;** **APPROVED 8-0**

**NOTE:** Ald. Parker moved to approve Dr. Colcharmiro's reappointment and the Committee voted 8-0 for approval.

Re-appointment by His Honor the Mayor

#342-06 LINDA KATZ, 81 Park Avenue Newton re-appointed by His Honor the Mayor as a member of the ADVISORY COUNCIL OF HEALTH AND HUMAN SERVICES for a three year term to expire February 1, 2008. (60 days 12-2-06)

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

**NOTE:** Ms. Katz has been a member of the Newton Health Advisory Council of Health and Human Services for more than 20 years. President Baker made a motion to approve her appointment.

#224-06(3) PRESIDENT BAKER requesting the setting of a date for a special election in the event that it becomes necessary to call an election to refer to the voters docket item #224-06, passed by the Board of Aldermen on September 5, 2006.

**ACTION:** APPROVED 7-0-1 (Parker abstaining)

**NOTE:**

**Background** President Baker reported that this item was docketed on the chance that the Aldermen would not revoke or rescind the decision of the Board on the site plan. Now that the Board has decided not to revoke or rescind, it now comes under the Charter as the responsibility of the Board to set a date for the election. The default date appears to be the first Tuesday of November, 2007, and if an election is sooner than that it would need to be recommended to the full board.

**Setting the Date to 23-January** Mr. Koutoujian, Acting Secretary of the Election Commission, indicated that it appears that the first available date is the 23<sup>rd</sup> of January. Addressing the Committee, Mr. Koutoujian stated he recommended the January date, at the earliest, as there was a good deal to do to set up for an election and close out the November gubernatorial election. With this date, the last day to register to vote would be January 3<sup>rd</sup>. Ballots would have to be ready by December 29 and this would be a crunch.

Mr. Pooler said the January 23 date is the soonest and in some ways the latest as we really need an answer on the site plan question in order to give the architects time to get enough preliminary site plan design work done so that we can begin work before July 1, 2007. President Baker said his concern is that we do have this issue before us and we have to move as quickly as possible with January 23<sup>rd</sup> being the effective date.

**Alternative Dates and Ballot Options** Ald. Parker asked what the earliest date possible would be to add something like a 2 ½ over ride vote on the same ballot. Mr. Koutoujian said it would be difficult to add something like that on the same ballot for that date and responded that the earliest would probably be the 30<sup>th</sup>.

Mr. Koutoujian believes that the City adopted Chap 273 of the General Laws which would add more stress as, in this case, would mean that you would have to notify all the voters by sending out all the questions. The over-ride question would come under general laws; there are other provisions that would also be required.

President Baker responded that his understanding was that any item that is advisory would have to have Home Rule legislation in order to be included in the special election.

Ald. Parker would like one special election that would also include the debt exclusion on the same ballot as the site plan. Chairman Johnson could not support a referendum question on a debt exclusion override until the Blue Ribbon Commission work is done.

**Override Question** Ald. Coletti asked if the Executive Department anticipated the necessity for an additional election to approve the money needed for next year's operating budget. If there needs to be an over-ride, as a result of the work of the Blue Ribbon Commission, there would have to be another election to request that sometime in April. There are those who would like to broaden the referendum and have additional questions e.g. relating to financing,

Ald. Coletti does not feel we should be waiting for the Blue Ribbon Commission to say we need an override. Mr. Pooler would not speculate on an override question.

**Ballot Question** Ald. Coletti is more concerned about the rescission item. He wondered if it would be one question or perhaps five questions. He has the sense that citizens are trying to clarify what is going to be approved. If work does not begin by July 1, it is doubtful that the City would be in compliance with the law that states substantial progress must be made by July 1, 2009.

Ald. Johnson questioned the process that Mr. Koutoujian's office would take in the wording for the item and Mr. Koutoujian responded that he would recommend that the full text of the Board Order be on the ballot as well as on the mailer. He also said it should be at each polling location.

The Committee voted 7-0-1 to approve a January 23 date for the special election. (Parker abstaining)

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

#224-06(5) **HIS HONOR THE MAYOR** requesting an appropriation in the amount of \$70,000 from Budget Reserve for the purpose of funding the costs of holding a special election for the referendum considering the site plan for Newton North High School.

**ACTION:** **APPROVED 6-0 as amended to \$81,000 (Sangiolo, Lipof not voting)**

**NOTE:** **Amended by the Mayor** This docket item was amended, by a letter from the Mayor, to **\$81,100** from budget reserve for the purpose of funding the costs of holding a special election for the referendum considering the site plan for Newton North High School.

**Cost Analysis** Mr. Koutoujian indicated that the best he could do on judging costs would be to go back to 2004 and take that special election to compare costs:

- If 24,000 people come out to vote, that would be about 46% or 47% of voters. In a special election, 7500 ballots were printed and approximately 5,000 voted in that election. This is a difficult one to estimate.
- If 20% turn out, that would be 10,400 voters with a cost of \$2392. for printing of the ballots.
- If you figure 30%, then 15,600 that have to be printed. (That could include absentee ballots that have to be printed separately)

- The figures run about \$230 per thousand. An estimate on the turnout would be approximately 24,000 voters.

Ald. Parker asked what we would do if we ran out of ballots. Mr. Koutoujian said he would make copies and have them manually counted.

**Funding** Ald. Parker questioned why turn backs in the Election budget could not be used as the funding source. Mr. Pooler said the turn backs become free cash at the end of the year. The amount of the turn backs are not known at this point. Mr. Pooler responded that it is better to come in with a realistic appropriation request so you can see the full cost.

Ald. Baker made a motion to approve and the Committee voted to approve 6-0 (Sangiolo, Lipof not voting.)

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

#224-06(4) **HIS HONOR THE MAYOR** requesting an appropriation in the amount of \$30,000 from Budget Reserve for the purpose of supplementing the salary account of the Election Department to compensate Mr. Peter Koutoujian for his service as temporary Acting Department Head.

**ACTION:**     **HELD 6-0 (Sangiolo, Lipof not voting)**  
                  **#224-06(4) Part A - \$15,000 APPROVED 6-0 (Sangiolo, Lipof not voting)**  
                  **#224-06(4) Part B - \$15,000 HELD (Sangiolo, Lipof not voting)**

**NOTE**

**Initial Request** Mr. Pooler told the Committee that the amount of money was requested when the assumption was that they would be paying Mr. Koutoujian through the beginning of the year. The estimate given by Mr. Pooler was based on the last time Mr. Koutoujian was here and the amount of hours it was thought necessary to complete job. If he has to extend his time, Mr. Pooler said he would have to amend the item or come back for supplemental money.

**Aldermanic Questions/Concerns** Ald. Coletti does not like the idea of paying two people to do the same job. In his opinion, he would not like to see Mr. Koutoujian continuing with the City beyond the November election. He felt the petition issue was not as serious as something like election fraud. If Ald. Coletti had his way, he would not keep Mr. Koutoujian beyond the November election and try to get the department back functioning again before it would become impossible for Mr. Karg to manage, upon his return. Ald. Parker noted that if Mr. Karg is reinstated, we don't need to pay two people to do the same job.

Ald. Johnson asked when the investigation by Mr. Mitnick would be completed and Mr. Pooler felt it should be very soon. Ald. Johnson agreed with Ald. Coletti regarding separating the amounts.

Ald. Baker added that Mr. Koutoujian would be doing several things; getting through the November election and the special election as well as the possibility of a recount. He feels it is important to have the resources available.

Ald. Hess-Mahan would propose the cutoff would be through the upcoming gubernatorial election plus some time to certify the results. He further emphasized that it was important to know that Mr. Koutoujian would be with the city through this election cycle.

**Proposal** Ald. Hess-Mahan proposed a cutoff date of November 17<sup>th</sup>, for this funding. Ald. Coletti said what is needed is enough money at the end of the year in order not to have a deficit in the personal services account. He would like to see a timetable established to go back and revisit the item. Mr. Pooler agreed to this.

The Committee voted to split the item into Part A and Part B. The discussion will be revisited in December

- Part A \$15,000 was approved
- Part B, and additional \$15,000. will be held.

#326-06      ALD. HESS-MAHAN requesting discussion with the Commissioner of Parks & Recreation, Director of Urban Forestry, and the Chair of the Urban Tree Commission regarding policies for planting and maintaining city-owned trees.

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

**NOTE:**      **Background** Ald. Hess-Mahan said he is aware that the Urban Tree Commission is working on guidelines for planting and maintenance of trees. The reason for docketing this item was that Ald. Hess-Mahan had been requested by Carol Corbet, who has since passed away, to find out why all the trees in West Newton that were planted had died.

Mr. Welch presented a very informative slide show which clearly articulated the number of trees that we have lost and been unable to replace. The greatest gains in trees are due to the Tree Ordinance where there is the greatest amount of development. More than 400 trees a year are removed. Community development and block grants have been helpful in some of the areas. A new approach is Chap. 90 funds which will help Winchester Street. Contribution payments have also been advantageous. Mr. Welch uses a creative approach by having citizens help with the watering. Part of the reasons trees are dying include salt, kids destroying them, as well as the possibility that some were not installed properly or were planted too closely together.

Ald. Hess-Mahan moved NAN on his item.

#367-03 ALD. MANSFIELD requesting consideration of ordinance(s) to allow enforcement of Parks & Recreation Commission regulations regarding swimming and boating at Crystal Lake.

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

**NOTE:** Ald. Mansfield said this item had been docketed on the request of the Parks and Recreation Department as there was difficulty with the police being able to enforce the swimming and boating regulations. Assistant City Solicitor McGettigan had spoken to Ald. Mansfield and informed him that the bottom line to his request is that we can't have an ordinance for regulating swimming and boating in Crystal Lake. If the Board of Aldermen were to have an ordinance, it would have to go through home rule legislation to over-rule the Parks and Recreation Commission.

Lieut. Dowling was present and said one of the primary complaints was of people changing at Crystal Lake. The police have the authority to arrest during the day time. Enforcement action included a verbal warning, the second was a written warning, fine is \$20.00 (established in 1924) and the last was arrest. Break-ins and complaints have diminished since increased police presence at the lake. The Police Chief, who could not be present, wanted the Committee to know that whatever is decided will be enforced.

There was a motion of no action necessary and the Committee voted 6-0 (Sangiolo, Lipof not voting)

**REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES**

#276-06(2) HIS HONOR THE MAYOR requesting an appropriation in the amount of \$1,800,000 from bonded indebtedness for the purpose of funding the construction of a new synthetic turf recreation complex at Newton South High School (these funds will supplement the requested CPA funds for this project under item #276-06).

**ACTION** **HELD 8-0**

**REFERRED TO PROG. & SERV., PUB. FAC. AND FIN. COMMITTEES**

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

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

**NOTE:** Ald. Parker reported that in 1993 the threshold was raised for the water and sewer discount from \$20,000 income to \$40,000 in income. Ald. Parker asked for a straw vote of the Committee in support of the concept of adjusting this up to what the current poverty level would be. The Planning Director would give us the appropriate standard.

Respectfully submitted,

Marcia Johnson, Chair