

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, DECEMBER 6, 2006

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

Also: Susan Burstein (Chief Budget Officer)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#460-06 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$210,000 from bonded indebtedness for the purpose of purchasing heavy equipment and heavy duty trucks for the Parks and Recreation Department. [11-28-06@4:29 PM]

ACTION: **APPROVED 6-0 (Baker and Coletti not voting)**

NOTE: Commissioner Towle and Deputy Commissioner DeRubeis were present for this discussion. This is a request for a trash packer that will pick up all the trash in the squares and all the parks. Approximately 4,000 trash barrels are picked up throughout the city and Commissioner Towle noted that the present 1990 truck needs to be replaced. Ms. Towle emphasized that they would like to be able to replace this vehicle before a complete breakdown.

Ald. Parker noted that trash has been over-flowing trash in parks and questioned whether this truck would be enough to solve the problem or whether additional personnel would also be needed. Ms. Towle explained that often people put their private trash in city barrels.

The Committee voted to approve this item

REFERRED TO ZONING & PLANNING & PROGRAMS & SERVICES COMMITTEES

#265-04(2) HIS HONOR THE MAYOR requesting that Home Rule Legislation approved by the Board of Aldermen on June 1, 2004 to amend statutes governing the Newton Community Development Authority (NCDA) and the Newton Housing Authority (NHA) re the acquisition of affordable housing by the NCDA and to update the enabling acts reflecting more accurately the current operations of both the NCDA and the NHA, be upon the suggestion of the Senate Counsel's office further amended and re-voted by the Board of Aldermen for re-filing in December 2006 for the new legislative session.

ACTION: **APPROVED 7-0 (Coletti not voting)**

NOTE: Steve Gartrell, Associate Director for Housing and Community Development, explained that the Community Development Authority can only acquire property from the City.

In the last ten years, there have been a number of programs that have had affordable housing with deed restrictions. In foreclosure situations, Mr. Gartrell said they would like to have the right of first refusal. The Law Department has informed Mr. Gartrell that the City cannot step in that case so the Community Development Authority is the next best model for doing that. There was a question raised in the past by Jonathan Hacker (Director of Newton Housing Authority) regarding the way the legislation was written. Currently if the Community Development Authority develops any rental housing projects on behalf of the Housing Authority, the Housing Authority **shall oversee and manage the construction job**. It has been requested that the word “**be**” be changed to “**may**” so that would allow **but not** require them to oversee and manage construction jobs that the Community Development Authority would undertake.

The Committee voted to approve 7-0

#79-04 ALD. PARKER & GERST requesting discussion of the development of a Citywide wireless internet access network in Newton.

ACTION: **HELD 7-0 (Coletti not voting)**

NOTE: Chairman Johnson has had a conversation with the Mayor regarding this item. She noted that the Mayor was interested in this. In view of the fact that the Galaxy Internet offer runs out on January 1, Chairman Johnson explained that was why it was again scheduled for discussion.

Ald. Parker noted that there have been two action items. One was the Chair communicate to the Mayor the Committee support for this concept and the other was Ald. Parker working with the Law Department on developing a timetable. Ald. Parker has been working with Eileen McGettigan from the Law Department and Ald. Mansfield and told the Committee that if the Mayor signs the agreement, there is an approval process. Ald. Parker has also talked with Re Coppoli, City Procurement Officer. Galaxy Internet is on the City bid list. There should be a presentation available from Theresa Park of the Planning Department at the next committee meeting. Ald. Parker indicated that if the agreement is finished by the end of this year and the Mayor approves, we would then submit a grant of location document that would need to be submitted to the Public Works Commissioner for his comments. He added that there is a possibility that this spring we could possibly have this operating in two village centers.

President Baker added that, in his opinion, this item should be presented by Ald. Parker to the Public Facilities Committee. Ald. Parker responded that it would be premature to send this to Public Facilities and would rather wait for the Mayor’s approval.

The Committee voted to hold.

REFERRED TO PS&T, PROG &SERV & FINANCE COMMITTEES

#273-04(2) ALD. GENTILE requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 2 in the State Retirement System.

ACTION: **HELD 8-0**

NOTE: Ald. Gentile joined the Committee for this item and wanted to add to the discussion that there have been conflicting reports. Finance voted in favor and Public Safety voted against the item. There was discussion on a particular case where an action was taken, similar to this in the town of Chicopee, and it was eventually struck down by the courts. It appears the reason why it was struck down by the courts was because the Retirement Board had actually taken the action and switched from one class to another. It seems that the Retirement Boards do not have the authority to make those switches and it is actually the Board of Aldermen or a City Council that has the authority to do so. When this was last discussed, Ald. Gentile did not speak up because he did not know the complete legal argument. He wanted to make sure that the aldermen know that they do have the authority to approve this. (Our Retirement Board does say they do not have the authority to do this.)

Ald. Coletti said that the substantive committees have taken action on the item. This Committee does need to draft a home rule petition and the problem is there is a moratorium on these types of classification changes because there are so many requests. There is a one year delay while new parameters are being established.

Chairman Johnson is going to check with the Law Department on language and this item will be scheduled at a future meeting.

The Committee agreed to hold the item.

Respectfully submitted,
Marcia Johnson, Chair