

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JANUARY 7, 2004

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

Absent: Ald. Merrill

Other Aldermen Present: Ald. Mansfield, Gentile, Vance, Harney

Others: Fran Towle (Recreation) Bob DeRubeis (Recreation) Sandy Pooler (Executive Department) Karen Griffey (Executive Department) Rosalie Myers, (Clerk's Office) Peter Karg (Elections)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#36-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$219,436 from Budget Reserve for the purpose of funding current and future snow and ice and tree emergency expenses in the Parks and Recreation Department.

ACTION: **APPROVED 6-0 (Parker not Voting)**

NOTE: Both Fran Towle and Bob DeRubeis of the Parks & Recreation Department were present for this discussion.

Issue: Contractors Ald. Coletti had questions regarding contractors that failed to submit requisite paperwork, insurance, vehicle registrations, etc., prior to being hired by the City. He noted this was unfair to unsuccessful bidders who were ready to submit the appropriate paperwork and exposed the City to possible liability. Commissioner Towle indicated that the Purchasing Department would be working with the contractors to rectify this problem. Ald. Coletti asked if proper paperwork is submitted before awarding contracts and Fran Towle said the Purchasing Department is working with contractors to be sure the paperwork is completed before the contract is awarded. Ald. Baker suggested that a recommendation be made that when these items come to Finance, that there be an appropriate explanation regarding reasons for delays in receiving requisite paperwork from successful bidders.

Issue: Amount Being Requested Ald. Johnson questioned why the request was only for a portion of the actual amounts which would be required for future snow storms. Mr. Pooler noted that a request for

funding for one more storm could safely come from budget reserve and that he anticipated that funding for future storms would come out of free cash. He indicated that free cash for this fiscal year would probably be certified by next week.

Outcome: The item was moved with the request that a communication with the documented backup information regarding contracts be available when the Finance Committee meets to consider this item. There was also a suggestion that Ald. Coletti docket an item before Post Audit, to establish a policy to ensure that all requisite paperwork be received from successful bidders before they are contracted with to do the work. It was stressed that necessary documentation must be submitted in order to level the playing field for all bidders who want to do the work. The item was approved 6-0.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#37-04

HIS HONOR THE MAYOR requesting an appropriation in the amount of \$62,925 from Budget Reserve for the purpose of funding the costs of a special election to fill the vacancy for Alderman-at-Large in Ward 6.

Note: *Election Commission suggests that the special election would take place on Tuesday, May 4, 2004.*

ACTION:

APPROVED 3 in favor, 3 abstaining (Baker, Fischman, Hess-Mahan in favor) 3 Abstaining (Sangiolo, Johnson, Coletti)

NOTE:

Rationale For May 4th Date: Peter Karg reported that after consultation with Associate City Solicitor Gayle Smalley, the Election Commission decided to recommend a date of May 4th for the Special Election to fill the vacancy for Alderman-at-Large in Ward 6. Anticipated costs for holding a Special Election on May 4 are \$62,925. In response to a question from Ald. Fischman, he indicated that it was not possible to hold the Special Election on the same day as the presidential primary on March 2 because of the time frames set by state statutes for submitting nomination papers and certifying signatures. Mr. Karg provided sections of the Charter that explained the election should be held within 120 days following the date in which the election is called and reviewed the proposed schedule for nominations and filing of papers with the Committee. (See attached)

Issue: Combining a NNHS Ballot Question and Special Election. Ald Coletti asked why the Election Commission had not considered coordinating the Special Election with an anticipated ballot question election on funding for construction of Newton North High School. Mr. Karg indicated that the election would have to be set by late March in order to print ballots by May 4th. Sandy Pooler indicated that the timing of a ballot question election depended upon obtaining approval from the state regarding SBAP funding to reimburse a portion of the construction costs.

He indicated that a home rule petition would be required to place a question on the same ballot as a Special Election unless it is a taxpayer initiative referendum. Mr. Karg also indicated that the Charter requires that an election date for a Special Election to fill a vacancy be set "forthwith." Ald. Baker noted that the process to set a special election to fill a vacancy for Ward 8 Adlerman moved quickly and that if there were no possible referendum regarding Newton North High School the timing of the Special Election would not be an issue. In response to a question from Ald. Coletti, Mr. Karg indicated that the Charter does not allow appointments to fill vacancies on the Board of Aldermen.

Outcome: The Committee voted to approve this item 3 in favor (Baker, Fichman, Hess-Mahan) 3 abstaining. (Sangiolo, Johnson, Coletti abstaining)

#15-04

ALD. BAKER requesting discussion and planning of upcoming committee agendas, process, future work, and how to streamline committee work on minor or routine approvals in order to allow time to focus on more major or non-routine matters.

ACTION:
NOTE:

HELD 6-0

The Committee discussed making the time spent on appointments more productive. The Committee was joined for this discussion by Ms. Griffey of the Mayor's office and Ms. Myers of the Clerk's office. Chairman Johnson explained that she had discussed with Michael Rourke and Karen Griffey streamlining the appointment/reappointment process.

Issues with Current Appointment Approval Process:

- . Ald. Baker observed that in his ten years on the Board, he has not seen a single appointment turned down. He felt it was not a productive use of time to bring people in and further suggested that all pertinent information could be provided in writing. His opinion would be to move this entire process from our regular work schedule.
- . In Ald. Johnson's view, new appointments should be required to come in. If reappointments are not required to be present, there should be another alternative to gather information, such as reports from the boards and commissions.
- . Rosalie Myers, Committee Clerk, noted that there are scheduling difficulties and getting the appointees to appear took significant time and effort. In the past, Ms. Myers observed that appointees were often irritated and expressed they were willing to serve but found it a hardship

to attend yet another meeting in the evening. In her view, there is a great deal of administrative time that could be put to better use.

Benefits of Current Appointment Approval Process:

Ald. Fischman felt it is an opportunity to learn about the board or commission if reappointments were expected to come in. Ald. Parker felt there was a great value in having commission and board members attend a confirmation meeting. Ald. Sangiolo understood that this process takes a great deal of time but felt that since some of these bodies are making important decisions, it was important to meet both the appointees and reappointees.

Options Considered

- . Karen Griffey felt a verbal summary could be given by the Chair of these boards and commissions.
- . Vice-Chair Hess-Mahan's preference was that all appointees and reappointees be invited by letter but that attendance should be optional for non-regulatory boards and commissions.
- . It was suggested that boards and commissions that have regulatory authority (e.g., Elections, Housing, Parks & Recreation) would absolutely have both appointments and reappointments appear before the Committee.
- . Ald. Parker wanted all new and reappointed members to be present unless they had been seen during the same aldermanic term.
- . Ald. Fischman was inclined to see reappointees as even more important than appointees. Ald. Coletti felt new appointees were worth seeing but less strongly about reappointees. There was a suggestion by Ald. Baker that scheduling any appointees to appear should be the exception rather than the rule.
- . From Ald. Johnson's viewpoint, the letter sent would be an invitation and not a requirement.

Outcome: All appointments and reappointments to committees and commissions with regulatory authority will follow the current process. For advisory only committees and commissions, members will be invited but not required to come in. Ald. Sangiolo suggested that both Karen Griffey and Rosalie Myers would work together to streamline the process and ensure proper backup documentation.

#267-02(2) LAND USE recommending the following amendment to the Rules and Orders of the Board of Aldermen in SECTION 3. REFERRAL OF BUSINESS TO COMMITTEES.

Add a new A.(1)(c) to the Section dealing with matters referred to the Land Use Committee:

(c) An application for a Special Permit and/or Site Plan Approval shall not be deemed complete and ready for filing with the City Clerk/Clerk of the Board in accordance with the provisions of Sec. 30-23 and/or Sec. 30-24 of the Revised Ordinances of Newton, 2001, unless the application(s), plans and massing model, if any, have first been reviewed by the Planning and Development Department and found to comply with the applicable requirements Sec. 30-23(b) and/or Sec. 30-24(a) and (b). The Planning and Development Department shall indicate that the application(s), plans and massing model, if any, comply with the applicable requirements of Sec. 30-23 and Sec. 30-24 by stamping and initialing the application(s). The City Clerk/Clerk of the Board shall not accept an application for a Special Permit and/or Site Plan Approval unless the same has been stamped and initialed by the Planning and Development Department.

ACTION:

APPROVED 6-1 (Ald. Coletti abstaining)

NOTE:

Rules were suspended to accept an item that was not before the Committee 48 hours prior to the meeting.

Issues: Ald. Baker reported that Ald. Mansfield and the Land Use Committee discussed the process of trying to clarify the rules of the Committee and the Board in dealing with special permits. One of the issues pointed out by the Planning Director is as special permits are currently filed, they are filed in a 65-day clock as to when a Public Hearing has to be held. The City Clerk's office traditionally asks for the plans to be stamped by the Planning Department.

The Planning Department has often been faced by developer's coming in at the very last minute on Tuesday. The Planning Department feels they do not have real authority to say that they have not had a chance to review and see if plans are complete.

In response to questions regarding the Clerk's office accepting or not accepting some petitions, Ald. Hess-Mahan noted that it was not that the Clerk's office did not want to do the work, but did not have the expertise to evaluate the paperwork required.

Recommendation: The City Solicitor's office has recommended that the Planning Department would essentially be the board's agent for determining whether all appropriate documents are filed. The Planning Department has been asked to be sure that all projects have the appropriate information. A suggestion from the Planning Department would be to develop a "primer" to help the petitioner put together an appropriate application.

Outcome: The Committee voted to approve this item 6-1 (Ald. Coletti abstaining)

#189-03(2) BOARD OF ALDERMEN proposing amendments to the Rules of the Board of Aldermen by consolidating Real Property Reuse into another Committee.

REFERRED TO RULES SUB-COMMITTEE

ACTION: **HELD 6-0**

#28-04 ALD. BAKER proposing amendments to the Rules of the Board of Aldermen by consolidating Post Audit and Oversight into other committees.

REFERRED TO RULES SUB-COMMITTEE

ACTION: **HELD 6-0**

#421-02 ALD. PARKER, LINSKY, JOHNSON, BRYSON, LENNON & MANSFIELD requesting rules amendment to improve opportunity for public participation in deliberative process.

REFERRED TO RULES SUB-COMMITTEE

ACTION: **HELD 6-0**

#230-01 ALD. PARKER requesting an amendment to the Rules and Orders of the Board re the release of confidential documents.

#44-03 ALD. STEWART proposing that the Rules and Orders of the Board of Aldermen be amended to allow a public comment period before one Board of Aldermen meeting a month.

REFERRED TO RULES SUB-COMMITTEE

ACTION: **HELD 6-0**

NOTE: #189-03(2),#28-04, #421-02, #230-01, #44-03 were referred to Rules Sub-Committee. (Members: Ald. Hess-Mahan, Ald. Baker, and Ald. Johnson)

The meeting adjourned at 10:13 PM.

Respectfully submitted,

Marcia Johnson, Chair