

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 4, 2004

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

Also Present: Jeff Young (School Superintendent) Sandy Guryan (School) Anne Larner (School Committee) Susan Heyman (School Committee) Dori Zeleznik (School Committee) Renee Murphy (School Committee) Marc Laredo (School Committee) Gayle Smalley (Law Department)

Appointment by His Honor the Mayor

#58-04 ARTHUR MAGNI, 107 Mount Vernon Street, West Newton, appointed by His Honor the Mayor as a regular member of the NEWTON PARKS AND RECREATION COMMISSION to fill the unexpired term of James Mahoney, whose term will expire on January 1, 2005. (60-day Board action date 3/20/04).

ACTION: **APPROVED 6-0**

NOTE: Mr. Magni told the Committee that he grew up in Newton and has been using the recreational facilities all his life. He values the opportunities that Newton offers including Gath Swimming Pool, basketball facilities, and Cold Spring Park.

Ald. Parker noted that over the years there have been a number of different perspectives over the range of uses of public park spaces between passive and active recreation and asked Mr. Magni if he felt resources should be focused more on one area over the other. He questioned whether he was an advocate for active recreation or passive recreation. Mr. Magni noted he has been part of both. Ald. Hess-Mahan asked if he had any ideas to resolve the balance of needs for a mixed-use park. In response Mr. Magni said he hoped a designated space for dogs could be worked out.

Ald. Fischman mentioned what in his view was the responsibility of the Parks and Recreation Commission to scope out issues thoroughly. He noted that he had been heavily involved in the proposal for a skateboard park and felt that the Commission did not really study the issue in a thorough way prior to scheduling a Public Hearing.

Chair Johnson expressed her enthusiasm for Mr. Magni's appointment and made a motion to approve. The Committee voted 6-0 to approve.

#32-04 KENNETH REISMAN, 34 Roosevelt Road, Newton, appointed as a member of the COMMONWEALTH FOUNDATION for a term of office to expire on December 31, 2006. (60-day Board action date 03-05-04)

ACTION: **APPROVED 6-0**

NOTE: Mr. Reisman reported he was a life-long resident of the City. He has been an avid golfer and a member of the Commonwealth Country Club. He wants to help preserve the integrity of the course. Ald. Baker expressed his strong support of Mr. Reisman's appointment. The Committee confirmed his appointment with a vote of 6-0.

Re-Appointment by His Honor the Mayor

#59-04 PRESIDENT BAKER recommending ALD. MARCIA JOHNSON be re-appointed as an Aldermanic appointee to the CHILD CARE COMMISSION, term of office to expire 12/31/05 (60-day Board action date 3/20/04).

ACTION: **APPROVED 5-0**

NOTE: Ald. Johnson excused herself for this discussion. President Baker noted that Ald. Johnson has served with distinction in this capacity and was pleased to move her appointment. The Committee voted 5-0 in favor.

Re-Appointment by His Honor the Mayor

#29-04 BEVERLY STACHOWICZ, Director of Human Services, re-appointed as a member of the NEWTON CHILD CARE COMMISSION for a term of office to expire on January 1, 2006.(60-day Board action date 03-05-04)

ACTION: **APPROVED 6-0**

NOTE: All of the Programs and Services Committee members know Beverly and are familiar with her work as Director of the Human Services Department. Her reappointment was approved 6-0.

Appointment by His Honor the Mayor

#33-04 MARY PANAGGIO, 108A JFK Circle, Nonantum, appointed as a member of the NEWTON HOUSING AUTHORITY for a term of office to expire on December 31, 2006. (60-day Board action date 03-05-04)

ACTION: **HELD 6-0**

NOTE: Ms. Panaggio was not able to be present and the Committee agreed to hold her appointment.

Re-Appointment by His Honor the Mayor

#31-04 ALISON GOULDER, 73 Fairmont Avenue, West Newton, re-appointed as a member of the NEWTON CHILDCARE COMMISSION for a term of office to expire on January 1, 2006. (60-day Board action date 03-05-04)

ACTION: **APPROVED 6-0**

NOTE: Ald. Johnson has observed that Ms. Goulder has been a very active member of the Newton Childcare Commission and moved approval. The Committee voted 6-0 in favor.

#93-01(2) HIS HONOR THE MAYOR requesting authority to file Home Rule Legislation that would authorize the City of Newton to grant to the Massachusetts Water Resources Authority certain permanent easements in Edmands Park and Bulloughs Pond Park for the purpose of MWRA's construction and maintenance activities on the Weston Aqueduct, and upon enactment by the Legislature, authority to negotiate with and grant such permanent easements to the MWRA.

ACTION: **NAN 6-0**

NOTE: Since this work has already been completed, the Committee voted NAN. (See attached memo from Sandy Pooler)

#274-03 ALD. JOHNSON requesting discussion with School Committee regarding implementation of transportation fees in FY04.

ACTION: **NAN 3-1-2 (Ald. Fischman, Johnson, Tess-Mahan, in favor, Ald. Sangiolo opposed, Ald. Baker and Parker abstaining)**

NOTE: Superintendent Young, School Committee Member Anne Larner, and Sandy Guryan joined the Committee for this discussion.

Background: Ald. Johnson indicated that she had come away from meetings with a commitment from the School Committee and/or the School Department to really study the entire bus fee structure and know how it is being used. She was disappointed that this had not occurred prior to their vote to include bus fees in the FY'05 budget. She indicated it would have been helpful not only to the community but the Board of Aldermen as well to have more communication informing us that they would not be fulfilling their commitment.

School Committee & Department Commentary: It was noted by the School Department that all pertinent information was not available until November as bus passes were still being bought in October. Information that was not obtainable included the number of people riding in the morning versus riding home at night, how many were riding three

days a week versus five days a week. All of these components go into the decision of what type of bus fee structure would better serve the needs of people who are eligible to ride the buses and are not riding them. The decision concerning a bus fee is a monetary decision. Marc Laredo differs with his colleagues on the appropriateness of bus fees.

Aldermanic Concerns/Questions:

Policy vs Budgetary - Ald. Parker said that he felt it was purely a policy discussion of whether it makes good sense to charge people to ride the bus. There are a number of issues including traffic and environmental impacts. Ald. Parker feels it is bad policy to charge bus fees and encouraged School Committee members to take another look at this. Ald. Parker asked the School Superintendent to keep in mind when preparing his budget the distinct possibility that those resources would not be available in 2005.

Supporting Data From Ald. Sangiolo's viewpoint, at the very least a survey could have gone out to parents stating there would be bus fees. Another point she made was that a questionnaire could have been sent out through the PTO's that would have given survey results. Attached is a chart of Transportation School Bus Data provided by the School Department. There has not been a major loss of ridership. Ald. Fischman was interested in seeing what parts of the City are more impacted by the bus routing. In preparation for the FY'05 budget, Ald. Johnson asked the School Department to provide any information to support the decision around implementing bus fees other than just saying enough money was not received from the state.

Goal: Ald. Baker questioned Superintendent Young if the goal was to encourage or discourage students to use buses and the response was to encourage.

Vote: Ald. Baker said he would abstain on the NAN motion because he was still deciding if this is worth carrying forward beyond this point. Ald. Johnson feels that this item warrants more discussion and more exposure to the community and the Board can enable that to happen during the budget process.

The Committee voted NAN 3-1-2 (Ald. Fischman, Johnson, Tess-Mahan, in favor, Ald. Sangiolo opposed, Ald. Baker and Parker abstaining)

Resolution: Ald. Parker moved to docket the following item:
#274-03(2) PROGRAMS AND SERVICES COMMITTEE
proposing a resolution requesting that the School
Committee not charge a school bus fee in FY2005.

President Baker did not feel this item is in order and would vote against it. He also stated that he was not sure that this is something the Board of Aldermen should be taking a position on.

The motion to approve failed to carry. The Committee voted 2-4 (Sangiolo and Parker in favor; Baker, Fischman, Johnson, Tess-Mahan opposed for this item.)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#311-03 HIS HONOR THE MAYOR recommending the creation of a revolving fund with an expenditure limit of up to sixty-five thousand dollars (\$65,000). Said fund will be established in accordance with MGL Ch.44, Sec.53 ½. This fund will receive student-parking fees and expenditures will pay the wages of campus aides and administrative salaries for the parking program.

ACTION: **APPROVED 5-1**

NOTE: This item had been discussed in September and at that time it was decided that there would be a charge for parking but there was no guarantee that they would have a parking spot. Since that conversation there appears to have been additional spaces at Newton North allocated. Ald. Johnson questioned what has been happening with the parking, how has it been progressing, what the parking availability is for students. Ald. Johnson said most of the streets in the area of Newton North have had restricted parking. Ald. Johnson was disappointed that the School Department had not brought in information addressing the concerns of the Committee outlined during the meeting of September 17, 2003.

Without documentation, Sandy Guryan stated that \$30,000 had been collected between the two high schools for the first semester. Parking passes are being sold at the two high schools.

Ald. Baker felt parking fees were a perfectly rational way to allocate these parking spaces.

A committee approved this item 5-1 (Ald. Baker, Fischman, Johnson, Hess-Mahan, Parker in favor, Ald. Sangiolo Opposed)

REFER TO PROG&SERV, PUBLIC FACILITIES & FINANCE COMMITTEES

#369-03 ALD. SANGIOLO requesting a presentation of the findings and results of the *Newton North Feasibility Study* to the Board of Aldermen in a public forum to allow a greater number of the public to hear the presentation and offer public comment.

ACTION: **HELD 6-0 (Fischman not voting)**

REFERRED TO PUB. FACIL. & PROGRAMS & SERVICES COMMITTEES

#83-03 ALD. GENTILE, BRYSON, COLETTI AND LIPSITT requesting that the Health Commissioner conduct/oversee a testing program to evaluate the air quality at Newton North High School and, if necessary, make recommendations to ensure the safety of all students and staff in the building.

ACTION: **HELD 6-0**

NOTE: See Public Facilities Report dated 2-4-04.

#37-04(3) ALD. SANGIOLO requesting Home Rule Legislation to permit the City of Newton to set the date of Special Election for the Ward 6 At-Large vacancy for the fall of 2004.

ACTION: **MOTION TO APPROVE FAILS TO CARRY 2-3-1. (Ald. Sangiolo and Johnson in favor, Ald. Baker, Fischman, Ted-Hess Mahan opposed and Ald. Parker abstaining)**

NOTE: **Background:** Associate City Solicitor Gayle Smalley joined the Committee for this discussion. Ald. Sangiolo said she originally docketed this item because in her opinion this was a way to get the referendum question out there. Ald. Sangiolo pointed out that in terms of cost savings for the City it would be a good idea to postpone the election until the fall. In terms of more voter participation it would also be better to schedule for the fall.

Ms. Smalley indicated that the Charter has two relevant provisions. One requires the Board to call the special election *forthwith* and the second provision calls the special election to be held within four months of the call. She continued to say the word "forthwith" is not defined; however, legal definitions uniformly say that it means as soon as possible. In 1994, the City ended up in court on this issue. The Mayor died on April 9th, the Election Commission immediately held a special meeting and they voted to recommend to the Board of Aldermen that the election in August was not such a good idea in terms of voter participation. The Board of Aldermen rather swiftly voted to seek special legislation to put it on the ballot in September and November. The Secretary of State was able to give permission for Newton to be on the State ballot. In that situation, a lawsuit was promptly filed by unhappy aldermen. In order to seek a swift resolution before Superior Court, the plaintiff asked for a preliminary injunction. Meanwhile special legislation was going through rapidly at the State House. It had passed one side of the legislature when the matter went before the judge exactly one month to the day after the death. The court then said they were not sure what "forthwith" would always be but we can say "forthwith" is now in the past. The court basically said to come back for trial in three days and in that three-day period, the City was able to get the legislature to conclude. The election

was then held in September and November on the state ballot. In Ms. Smalley's view "forthwith" probably means less than one month.

Opponents to the election in the Fall. Ald. Hess-Mahan said his biggest concern was that for zone changes and special permits, 16 votes are needed and if someone comes along with a multi-million dollar development at a time when there is not a full complement of aldermen on the board, it could prejudice their chances to get a Special Permit when they really deserve to get it. Ald. Harney reiterated that the Charter says there should be 24 aldermen and an election shall be held forthwith and would be in favor of a May date.

Vote: Ald. Sangiolo moved approval of the item with a September 14th date to replace the word fall. The vote to approve failed to carry 2-3-1. (Ald. Sangiolo and Johnson in favor, Ald. Baker, Fischman, Ted-Hess Mahan opposed and Ald. Parker abstaining.)

REFERRED TO PROGRAMS AND SERVICES AND LAND USE

#267-02 ALD. BASHAM requesting creation of rules for Board of Aldermen acting as Special Permit granting authority.

ACTION: **HELD 6-0**

NOTE: President Baker asked that this item be held as progress is being made but the work is still ongoing.

The Committee adjourned at 11:23 pm.

Respectfully submitted,

Marcia Johnson, Chair