

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 9, 2004

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

Absent: Coletti, Fischman

Other Aldermen Present: Ald. Gerst, Linsky

Others: Gayle Smalley (Assistant City Solicitor) Elizabeth Dromey (Director of Assessment Administration) Rep Kay Khan

#158-01(2) PROGRAMS & SERVICES COMMITTEE requesting ordinance to implement increase in eligibility threshold for Clause 41A Senior Citizen Tax Deferral program.

ACTION: **HELD 6-0**

REFERRED TO FINANCE AND PROGRAMS AND SERVICES

#158-01(3) PROGRAMS AND SERVICES COMMITTEE requesting Home Rule Legislation to increase the eligibility threshold for Clause 41A Senior Citizen Tax Referral program to \$60,000 per year.

ACTION: **APPROVED** 5-0-1 (Parker abstaining)

NOTE: Ms. Smalley joined the Committee for discussion and noted that in 2002, this ordinance was also discussed. Special legislation was drafted to authorize the City of Newton to set its own income limits and at that time the Board decided to wait. In Newton the water/sewer discount program is linked to eligibility for 41A. Persons who are eligible for 41A are automatically eligible for a water/sewer discount. When this was first discussed, there was a question of de-linking these two programs.

Ald. Parker was aware that the legislature passed a higher limit and that was what prompted the filing of docket item #420-02. There is no age limit on this expansion of the program that was implemented. The program is based on poverty, disability and inability to pay taxes. Taxes can be deferred for three years and the payback would be in five years. This is law and not a local option.

Rep. Khan noted that when this bill was filed as a Home-Rule Petition for the 2002 legislative session and presented to the legislature, the concern was that there was no cap and the taxation committee did not want to sign off on it. Ald. Parker proposed that the cap be put in. Rep Khan indicated that she had refiled this bill for this session and it was folded into another

bill (House Bill 4584). That bill is a larger tax bill and is presently sitting in House Ways and Means. They are recommending that the proposal would have a cap and the suggestion would be \$40,000 for a single individual, \$50,000 for a head of household or \$60,000 for a husband and wife filing a joint return.

Chairman Johnson noted that average figures for the state do not necessarily fit Newton. President Baker observed that presently only 10% of eligible seniors have taken advantage of this. If all that qualified took advantage, it would be a significant revenue issue for the City to make up. His inclination would be this should be handled in stages. The best and easiest sell, in his opinion, would be to support Wellesley with their figure of \$50,000.

Ald. Hess-Mahan asked about the other criteria for this program. Ald. Smalley said there was a residency requirement as well as owning the property for five years.

REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEES

#420-02 ALD. PARKER, GERST, LINSKY JOHNSON, STEWART, LAPPIN, BRYSON & LENNON requesting local acceptance and ordinance to implement recent 41A revisions allowing expansion of tax deferral program.
FINANCE APPROVED 7-0

ACTION: NAN 6-0

REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEES

#420-02(2) FINANCE COMMITTEE proposing a RESOLUTION to the General Court to urge the passage of Bill #2901, as proposed by Representative Kay Khan.
FINANCE APPROVED 7-0

ACTION: NAN 6-0

#171-04 ALD. HESS-MAHAN requesting home rule legislation authorizing local voting rights for permanent resident aliens residing in Newton.

ACTION: **HELD 6-0**

NOTE: Ald. Hess-Mahn explained to the Committee that this item would allow permanent resident aliens who legally live in this country to vote in local elections for aldermen, school committee, ballot issues, and neighborhood council. Ald. Hess-Mahan said that during the campaign he had talked to

a number of people who were interested in the campaign but were unable to vote because they were not citizens. Many had applied but there is a long waiting list for them to obtain citizenship. Many own their own homes, pay taxes, can serve and be drafted into the military, support our schools and city departments but the one thing they can't do is vote because under Massachusetts law you have to be a citizen. He explained that there are other communities with large immigrant populations that are now seeking the right to vote for their non-citizen residents. There is precedent for this and both New York and Chicago do allow immigrants to vote in their local elections. Between 1999 and 2000 the number of immigrants in Newton increased by 5,000.

Ms. Smalley explained that Newton has a unified system of voting. The Newton charter uses the same standard as Massachusetts law which requires that you are a citizen of the United States and 18 years of age or older. Ms. Smalley has looked at the special legislation from Cambridge and Amherst and noted that it does legally see that it is very possible to write an understandable piece of legislation to create a supplemental list. The Election Commission could have an extra list that would be used in addition to the main list for local elections only. If this goes forward, Ms. Smalley suggested that the special legislation give the Election Commission the authority to craft the rules and procedures that they would need to carry this out and noted this would be quite possible. Rep. Khan said, in her view, this would be worth putting forward and suggested that the Board take action on this issue in order to be filed for the next session.

Ald. Sangiolo mentioned that Lowell is also interested. Ald. Merrill wondered if in some way this proposal might discourage some to seek citizenship. Ald. Hess-Mahan said this has not been an issue in Chicago and New York.

Ald. Gerst said he could not imagine, in any circumstances, supporting this item. Ald. Sangiolo asked Kay Kahn to explore the possibility of a local option.

The Committee voted to hold 6-0

#216-04 ALD. GERST submitting a RESOLUTION requesting His Honor the Mayor to include in any new operating agreement between the City of Newton and NewTV an updated community service clause directing NewTV to: a) broadcast Newton community-producer materials and other community-producer sponsored materials not otherwise available to Newton viewers of broadcast, cable, satellite, or Internet television; and b) restrict on-air fund raising to Newton organizations.

ACTION: **NAN 4-0-2(Merrill, Sangiolo abstaining)**

NOTE: Chairman Johnson pointed out that at the time this item was docketed, the contract between NewTV and the City had not been signed. Since then, the contract was signed. Ald. Gerst noted that in the agreement there is a provision that says there could be modification. This petition was sponsored by hundreds of residents and reiterated that there are a number of people who are deeply concerned about this. He said that what this resolution does is preserve NewTV as a unique community resource in and for Newton. Presently there are hundreds of broadcast channels and the need for something uniquely Newton based seems even greater. If NewTV implemented this plan, Newton viewers who were watching what they believed was a commercial free station would not be subjected to fund raising.

Chairman Johnson felt that restricting people's freedom of speech is a problem. There is alternative programming that presents other views and at this point she could still not support this item. Ald. Hess-Mahan echoed Ald. Johnson's sentiments. He feels that constitutionally you can't ask that access be cut off and could not support this item.

Ald. Gerst said that this particular resolution is content neutral and makes no reference whatever to any particular shows nor would it operate in any particular way. He feels it is preposterous to say that there can be no change in the operation of a television station. For the record, Ald. Gerst stated this particular resolution has no reference whatever to a particular thing and would treat all entities equally. Ald. Johnson said if this resolution passed and were to be adopted, "Mosaic" would be taken off.

Ald. Gerst said he brought this to the Board of Aldermen because he felt there was a right as well as an obligation to advise the Mayor on how to conduct these kinds of relationships with other entities like NewTV.

Ald. Parker moved NAN on this item. The vote 4-0-2 (Merrill, Sangiolo abstaining)

#217-04 ALD. GERST submitting a RESOLUTION requesting His Honor the Mayor seek an advisory ruling from the US Department of Treasury on the Al-Manar (Hezbollah terrorist television) component of Mosaic, a satellite television program now broadcast by NewTV.

ACTION:

NAN 6-0

NOTE:

Ald. Gerst stated that this Resolution is about the Al-Manar component for the show "Mosaic". He further noted that Hezbollah is classified as a terrorist organization by the federal government. The federal government put out a ruling that those who assist terrorist organizations are violating various provisions of federal law. He feels this is a serious question and hoped the Board would ask the Mayor to seek this ruling.

Ald. Hess-Mahan strongly felt the City should not be asking for a ruling. Ald. Johnson said there has been confusion on NewTV's funding and explained that Newton does not contribute money to NewTV; only through their subscribers; it is not tax dollars.

Chairman Johnson read the following email from Rabbi Paul Levinson: "I am one of those who agree with Ald. Gerst that it is wrong to broadcast programming on a public television channel that is produced by an organization of Islamic Terrorists dedicated to the violent murder of Americans and Israelis. I do not understand what your reasoning might be not to seek a Treasury Department ruling on the matter. In addition, it is my understanding that until the NewTV contract ran out in the recent past, rebroadcast of most programs that are available on other channels, particularly commercial ones were prohibited. Children's programs seem to have been the only exceptions. I will try to come to the meeting and I hope you will accept this letter and accept this letter as though I have attended and read it myself. For the record, I will ask someone else to do so."

Ald. Gerst said some discretionary votes were made last year in which the Board decided yes or no to pass money along to NewTV. Therefore, we were and are involved so to describe this, as something where the City plays no role is simply wrong. Ald. Gerst concluded by saying we frequently ask the federal government to clarify positions and feels for these reasons, the Board would support this request to the Mayor.

The Committee voted NAN 6-0 on this item.

The Committee adjourned at 100 p.m.

Respectfully submitted,
Marcia Johnson, Chair

