

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 23, 2004

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

Other Aldermen present: Ald. Linsky

Also Present: Peter Karg (Elections) Gayle Smalley (Law) Anne Larner (School Committee) Mike Kruse (Planning Director) Sand Pooler Budget Director) Amy Yuhasz (Planning) Steve Gartrell (Planning)

#514-03 ALD. JOHNSON requesting discussion of election process, practices and hearings with new voting machines in preparation for the March Presidential Primary.

ACTION: **NAN 5-0-2 (Parker, Hess-Mahan abstaining, Johnson not voting)**

NOTE: Mr. Karg was present for the Committee discussion and was pleased to report that the last two elections have gone very well. There was extensive training of poll workers along with the recruitment of many new workers. Progress has been made on reporting results quickly. There has been extensive training of workers as well as an updated training manual.

Ald. Parker voiced concern regarding voting privacy and Mr. Karg said he would investigate how this is handled in other communities.

Ald. Sangiolo had concerns about adequacy of lighting and heat in some polling places.

Ald. Coletti suggested strong adherence to following rules for signs on Election Day.

#37-04(2) ALD. COLETTI proposing that the following **non-binding referendum** question be included as part of the proposed Special Election to be held in order to fill the vacancy for Alderman-at-Large in Ward 6: "Shall the Board of Aldermen appropriate bond funds totaling 106 million dollars plus interest for 20 years to demolish the existing Newton North High School building and construct a new Newton North High School?"

ACTION: **APPROVED 5-1-2 AS AMENDED (Hess-Mahan opposed, Baker, Parker abstaining)**

NOTE:

Ald. Coletti said that this item created an opportunity for the Mayor to be able to get his June 21st letter regarding the advisory question on the November ballot regarding constructing a new Newton North High School before the Committee in a manner to allow meeting the deadline of the General Court of August 4th. Ald. Coletti further noted that he is excited that the Mayor has agreed that this is something that can move forward and be able to gather input from the community as the next phase is planned. It was Ald. Coletti's understanding that if the project is approved, it will require 20-year bonds. Under the proposal put forward by the SBAP, the amount will be 46 1/2 million plus interest included for the life of the board (20 years minimum). Ald. Coletti reiterated that he is disturbed about demolishing the existing building and hoped that would be included in the question. He hopes that this item will meet the deadline and be approved by the legislature.

Mr. Karg has had conversations with Michelle Tassinari, General Counsel Elections Division State Secretary's Office and she has been very helpful in providing assistance in framing a question. The question would have to be at the State Secretary's office **no later than September 3rd** for the November ballot printing. The General Court goes out on an election year on July 30th. Since this question is important, it would be allowed on the State ballot. The "Help America Vote Act" which mandates that cities and towns incorporate several federal new mandates in election process, including provisional balloting. Provisional balloting allows people who show up at the polls who may not be on the voters list the opportunity to vote. Their ballot is sent back to City Hall with paperwork that has to be investigated to be sure that ballot would count. Mr. Karg stressed that it is imperative that for this to work it must go on the state ballot.

President Baker has concerns about putting this question on the ballot. However, he feels it is a board decision and must be done quickly. President Baker read the following amendment into the record:

"Should the City construct a new Newton North High School with the projected total cost of \$104.5 (?) million to be funded in part by borrowing and in part by reimbursement approximately \$46 million from the Commonwealth School building assistance program".

Chief Budget Officer Sandy Pooler noted that there needs to be much discussion about this item. The Board, the School Committee and the Community at large must talk about what is going to be in this new high school, what it will look like, what the components are, etc. What this language will hopefully do is provide a simple question. Mr. Pooler said it could be phrased in many ways, but the sense was to keep the fundamental question to the voters simple and straightforward.

Ald. Merrill suggested an addition that would show there is a reimbursement coming back. President Baker said the one issue not in the Mayor's language is the reference to the School Building assistance fund. Mr. Pooler said a simple question would be their recommendation. In his opinion, the most important issue is that the Board as a whole shows its support for having the question on the ballot and there is consensus among the members.

Ald. Johnson expressed her opinion to use a simple rather than complex approach.

Ald. Hess-Mahan said his inclination would be to go with the Mayor's proposed language as it is as simple as possible.

The Committee voted on Ald. Baker's amendment amending the language. The vote was 6 in favor (Ald. Coletti, Fischman, Baker, Sangiolo, Merrill, Parker, 2 abstaining (Ald. Johnson, Hess Mahan.)

There was a vote on approving the Board Order as amended to be put on the ballot. The Committee voted 5-1-2 (Ald. Johnson, Coletti, Fischman, Sangiolo, Merrill in favor) 1 opposed (Hess-Mahan) 2 abstaining (Baker, Parker.)

#214-04

ALD. JOHNSON requesting that the City Charter relative to the schedule for Preliminary Municipal Elections be amended in order to make the Charter consistent with state election statutes.

ACTION:

HELD 8-0

NOTE:

Ms. Smalley explained that the Charter that has been in effect for more than 30 years calls for a preliminary election four weeks prior to the regular municipal election. As a practical matter, it is not workable because of the absentee ballot procedures which require printing and distributing ballots far enough in advance of the regular election. The Board of Aldermen has set by vote the date of the preliminary election. She indicated one way to change it would be to not four weeks before but six or seven weeks. Another Possibility would be to take out the timing and put in a new provision allowing the Mayor and the Board to set the time.

Peter Karg said there is an issue of printing absentee ballots and sufficient time is needed to get the absentee ballots out to people. The state strongly suggests that they be available at least three weeks before each election. There would be allowance for a two-week period for a ballot-printing, etc. Normally the preliminary elections have been following either the second or third Tuesday in September. In Mr. Karg's opinion that seems to be the timeframe that works best. Chairman Johnson asked Mr. Karg how he would like to see this worded and the

response was a provision that expressly says how it would be set (by action of the Board and Mayor.)

#215-04 ALD. JOHNSON requesting that the City Charter be amended to allow more flexibility when filling a vacancy for Mayor, Board of Aldermen, and School Committee.

ACTION: **HELD 8-0**

NOTE: Ms. Smalley reiterated that there were three identical provisions in the Charter; one for the Mayor, one for the School Committee and one for the Board of Aldermen that basically state that if a vacancy occurs prior to nine months before the end of the term, there will be a special election and the Board of Aldermen shall **forthwith** call it. Surveys for other cities and towns was done and found a finite field of the following choices: Appointment - the Board itself or someone else appoints a person to fill out the vacancy; a special election - the special election could be **forthwith** or it could be under some separate timeframe. (In Barnstable the Council is required to schedule a special election as soon as is practical.) The provision **forthwith** shows up often.

Chairman Johnson said her sense was to not use the contentious word of "forthwith" and liked "as soon as practical". Committee Chair Anne Larner would have no objection to a change in wording. Ald. Fischman felt that maybe there could be a provision for a runner-up. Ald. Hess-Mahan felt the to key things were **discretion** and **as soon as practical**. Ald. Merrill felt the vacancy of the Board is the responsibility of the Election Commission.

The Committee agreed to hold the item.

REFERRED TO ZONING & PLANNING & PROGRAMS & SERVICES COMMITTEES

#265-04 HIS HONOR THE MAYOR requesting Home Rule legislation to amend the statutes that govern the Newton Community Development Authority (NCDA) and the Newton Housing Authority (NHA) relative to the NCDA acquiring affordable housing and to update the enabling acts in order to have them more accurately reflect the current operations of the NDCA and the NHA.

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

NOTE: Planning Director Michael Kruse explained that the NCDA acts as a vehicle to hold mortgages when money is lent because the City can't do that and it wasn't until first time home buyer units came along when it was questioned when one first time home buyer decides to move on, are we going to have another first time homebuyer there or should have the right of first refusal. The City probably can't act quickly enough to do that, should we ask the Housing Authority if they want a right of first refusal. The Housing Authority could say they don't want to hold

onto this property temporarily, we want housing that we can own and rent. The special legislation that exists now says that the NCDA can't acquire property except from the city. After reading three separate documents containing three separate acts approved by the legislature, Mr. Kruse expressed confusion. Ms. Smalley put them together into one making sense of them. Time has been spent with the Executive Director and Board of the Newton Housing Authority discussing this issue.

Since all of the appropriate back up information was not received, the Committee decided to hold the item.

#190-03 PROGRAMS AND SERVICES COMMITTEE requesting discussion with Human Services regarding the implementation of the Senior Volunteer program.

ACTION: **NAN 7-0 (Merrill 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 7-0 (Merrill not voting)**

#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: **NAN 7-0**