

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JULY 21, 2004

Programs & Services Committee members present: Ald. Johnson (Chair), Parker, Baker, Hess-Mahan (Vice-Chair), Coletti, Fischman, Sangiolo
Absent: Ald. Merrill

Zoning & Planning Committee members present: Ald. Yates (Zoning and Planning Chair) Ald. Lappin, Baker, Hess-Mahan, Johnson, Sangiolo, Danberg
Absent: Ald. Mansfield

Also Present: Mayor Cohen, Anne Larner (Chair, School Committee) Jeff Young (Superintendent) Mike Kruse (Planning) Gayle Smalley (Law) Steve Gartrell (Planning) Amy Yuhasz (Planning) Jean Levesque, Loraine Kohr (Chamber of Commerce)

REFERRED TO ZONING & PLANNING & PROGRAMS & SERVICES COMMITTEES
ITEM DISCUSSED JOINTLY WITH ZONING AND PLANNING COMMITTEE

#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 NCDA and the NHA.

ACTION: APPROVED AS AMENDED 7-0

NOTE: This item was previously discussed in June by Programs and Services. Since there are jurisdictions by the two authorities, the item was taken up jointly with Zoning and Planning.

Mike Kruse, Steve Gartrell and Amy Yuhasz of the Planning Department and Gayle Smalley of the Law Department joined the Committee for this discussion.

Purpose

Ms. Smalley reported that what was trying to be solved in these changes include the elimination of the rule regarding acquiring property. NCDA powers will be updated to help property owners and tenants with housing rehab, assist organizations and persons carrying out programs of affordable housing, and help with owner acquisition assistance. NCDA will be allowed, on a temporary basis, only to manage property. If units couldn't be sold in the market place and NCDA had to come in buy them, this would give authorization to the Housing Authority.

Background Mr. Kruse explained that when this legislation was first looked at, there were amendments that primarily talked about the relationship between the NCDA (Newton Housing Authority) and the Housing Authority (NHA). This is legislation that links the Housing Authority with the NCDA. It was first adopted in 1975 with an amendment in 1982 that essentially made the Housing Authority part of the City and in 1989 when they became the Housing Authority again. Mr. Kruse reported that the roles have changed over time. He noted that Ms. Smalley has done a great job of putting the three ordinances together as one. Discussions took place with the Housing Department and the Housing Authority. The Housing Authority wanted to make sure the changes would do no harm to them and, in fact, would clarify issues.

Changes Ms. Smalley went over the changes made to the draft. She explained that when there were prior versions involving a Housing Authority, there was an attempt to delineate which type of projects the NCDA had authority over and which kind NHA had authority over. This throws out the terms of “family and elderly housing” and just says “affordable housing.”

Ms. Smalley pointed out the **biggest** change was when the original NCDA was created, there was a limitation that NCDA could not acquire property from anybody but the City. Affordable housing acquisitions frequently involve rights of first refusal, holding other covenants and restrictions and having the need to be able to exercise the rights under those provisions. It has become awkward to not be able to have NCDA be able to acquire property. This change does not give NCDA eminent domain power. This would allow NCDA to acquire property as is reasonably necessary and then it could transfer its ownership. This would happen if a first-time home buyer first buys a property, resides there for a time and decides to move on, that person can sell it to someone else who is eligible, but after marketing it for a certain period of time and going through certain procedures, the seller is allowed to sell and move on. All of these provisions would allow the City to step in and acquire the property.

Mr. Kruse explained that the notes that are held by the NCDA allow for the right of first refusal for a first time homebuyer unit. In a worst case scenario if a first time homebuyer is not found, the NCDA would have the right of first refusal.

Ald. Sangiolo questioned if there is funding available would NCDA have the power or the authority to manage the property even on a temporary basis. Mr. Kruse responded that funding would be available from federal funds.

Conclusion: President Baker concluded that language has been updated and efforts made to remove impediments regarding buying only from the City and clarifying provisions regarding low, moderate, and upper moderate income households.

The Committee suggested some amendments that included (o) on page 6 which would add upper-moderate income to the home buying assistance program, removing (l) on page 5 and an edit on the upper-moderate income.

The first amendment to be voted on was Ald. Baker's amendment on (o) on page six to add upper-moderate income to the home buying assistance program. There is a minor edit on page 9 to 100% area median income and to strike (l) on the bottom of page 5. .

Action Taken Programs and Services voted to approve as amended 7-0. Zoning and Planning voted to approve as amended 6-0.

REFERRED TO PROG. & SERV., PUB. FACILITIES AND FINANCE COMMITTEES

#320-04 **HIS HONOR THE MAYOR** requesting authorization for the issuance of 20-year bonds in the amount of \$10,250,000 for design fees, legal fees, and project management costs associated with constructing a new Newton North High School.

ACTION: **PROGRAMS & SERVICES APPROVED AS AMENDED @\$3.8 MILLION 6-0-1 (Sangiolo abstaining)**

NOTE: SEE PUBLIC FACILITIES COMMITTEE REPORT

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

NOTE: It was suggested that Michael Cronin be present when this item is next discussed. This item will be scheduled for discussion in October.

#137-03(3) **PROGRAMS AND SERVICES COMMITTEE** requesting revisions to the "Smoke-Free Newton" ordinance to prohibit smoking in private clubs".

ACTION: HELD 6-0 (Fischman not voting)

NOTE: The Committee is awaiting further information from the Law Department.

ITEM RECOMMENDED TO PROG.AND SERV. BY FULL BOARD ON 4/6/04

#336-98 ALD. PARKER, MANSFIELD, SANGIOLO proposing an ordinance to limit light trespass across property lines.

CLERK'S NOTE: Confidential memo from Law Dept. dated 4/2/04 under separate cover.

ACTION: HELD

NOTE: **Background** Chairman Johnson explained that the purpose of scheduling this item was to keep the Committee informed. The last time this six-year old item was discussed was March 17th. It was sent to the Board and was again recommitted .

Chairman Johnson has been working with the aldermen who sponsored the item, Jean Levesque of Boston College, and Lorraine Kohr of the Chamber of Commerce to do some light testing. The formal report from the lighting engineer is not yet available but some information was available for Committee members.

Light Testing Ald. Parker said there had been a tour of 12 sites selected by the aldermanic docketers of the item in consultation with the Newton/Needham Chamber of Commerce and Boston College. Ald. Parker wanted to see if the .2 ft. candle standard was the right one. In his opinion the really offensive ones were over .2 ft. candles and the ones below did not need regulation. The lights not in compliance fell into two categories. One is that they were not shielded from abutting properties. An example of that was the entrance to Mt. Ida College where a light shined into an abutting house. Ald. Parker stated that an opaque panel on that side could bring the lighting into compliance. He also stated that Boston Ballet had poorly placed illumination that could be either relocated or altered to shield the offensive light.

Issues Raised Ms. Levesque of Boston College noted that there appeared to be issues surrounding the standard and also the pollution standard. Among the sites visited were Mt. Ida, Boston College Soccer Field, CVS, Frost Motors, Boston Ballet, West Newton Movie Theatre. The majority of the properties were over the .2 standard and would require measures for them to be acceptable. Ms. Levesque would like to see a working committee to try to solve some issues including the standard itself and is it appropriate. Lorraine Kohr expressed concern regarding financial considerations. Chairman Johnson noted that Denver has looked at communities that have different standards for different sections.

Next Steps Chairman Johnson concluded that she will invite the sponsors of the item, representatives of Boston College, Chamber of Commerce along with the Committee to schedule a Working Session sometime in August and hopefully bring it back to Committee in October.

Ald. Sangiolo told the Committee that she had a docket item before the Zoning and Planning Committee to change the standard of lights in city parking lots.

Action Taken: The Committee voted to hold 5-0 (Baker, Parker, Johnson, Hess-Mahan, Sangiolo; Fischman, Colletti not voting)

#307-04

HIS HONOR THE MAYOR re-appointing the following individuals to the NEWTON COMMONWEALTH FOUNDATION (Board action date 09/10/04).

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| A. Edwin Resnick
62 Manet Road
Newton, Ma 02467
(Term to expire 12/26/06) | B. Steven Meyer
154 Woodchester Drive
Newton, Ma 02467
(Term to expire 12/31/06) |
| C. Robert Perruzzi
25 Warwick Rd.
Newton, Ma 02465
(Term to expire 12/31/06) | D. Robert Quirk
1019 Washington St.
Newton, Ma 02460
(Term to expire 12/31/06) |
| E. Jorge Quiroga
204 Ward Street
Newton, Ma 02459
(Term to expire 03/31/05) | F. Stephen J. Small
833 Commonwealth Ave.
Newton, Ma 02459
(Term to expire 12/31/06) |
| G. Constance Kantar
382 Kenrick Street
Newton, Ma 02458
(Term to expire 12/31/06) | H. Alan F. Green
403F Dedham Street
Newton, Ma 02459
(Term to expire 04-01-07) |

ACTION: NAN 6-0

NOTE: Since complete backup information was not available on the above reappointments, the Mayor will be asked to resubmit the above docket item.

Re-appointment by His Honor the Mayor

#308-04 ANDREW STERN, 56 Tyler Terrace, Newton Centre, re-appointed as a member of the NEWTON PARKS AND RECREATION COMMISSION, for a term of office to expire 01/01/05. (Board action date 09/10/04)

ACTION: APPROVED 6-0

Re-appointment by His Honor the Mayor

#309-04 WALTER BERNHEIMER II, 75 Winslow Road, Waban, re-appointed as a member of the NEWTON PARKS AND RECREATION COMMISSION, for a term of office to expire 01/01/05. (Board action date 09/10/04)

ACTION: APPROVED 6-0

NOTE: Ald. Sangiolo noted that both Andrew Stern and Walter Bernheimer have done excellent work and made a motion to approve.

Re-appointment by His Honor the Mayor

#310-04 KATHERINE HOWARD, 84 Fenwick Road, Waban, re-appointed as a member of the URBAN TREE COMMISSION, for a term of office to expire 07/30/05. (Board action date 09/10/04)

ACTION: NAN 6-0

NOTE: There was no documentation on Ms. Howard. The Committee voted 6-0 for no action necessary and a request for resubmittal by the Mayor.

The Committee adjourned at 11:35 p.m.

Respectfully submitted,
Marcia Johnson, Chair