

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 22, 2004

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

Absent: Fischman, Coletti

Also Present: Peter Karg (Elections) Deb Crossley, Florence Rubin (Newton League of Women Voters) Edwin Resnick, Steven Meyer, Robert Quirk

#307-04(2) HIS HONOR THE MAYOR re-appointing the following individuals to the NEWTON COMMONWEALTH FOUNDATION (Board action date November 6, 2004).

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)

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)

H.. Alan F. Green
403F Dedham Street
Newton, Ma 02459
(Term to expire 04-01-07)

ACTION: **APPROVED #307-04(2)A ,B, D, E #307-04(2) H, F, HELD**

NOTE: Edwin Resnick, Robert Quirk, Steven Meyer were present for their reappointments to the Newton Commonwealth Foundation.

Issues discussed involved changing the course from Par 70 to Par 68 for safety reasons. The irrigation system will be replaced as the older one has had problems. There is also a plan to put in an inclement weather warning system.

There was a recommendation to **APPROVE** Edwin Resnick, Robert Quirk, and Steven Meyer and Jorge Quiroga. Since Stephen Small, Alan Green, and Jorge Quiroga had not submitted background information and were not present, their appointments were **HELD**.

Chairman Johnson thanked all those members who were present for their time and efforts.

Re-appointment by His Honor the Mayor

#310-04(2) 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 11-03-04)

ACTION: **APPROVED 6-0**

NOTE: Katherine Howard submitted very extensive information on her background.

She informed the Committee that a tree manual was being updated, as well as upgrades in technology. Currently a Tree Management Plan is being worked on with the state. There are three open positions on the Commission.

Ald. Hess-Mahan suggested that possibly CDBG or CPA money could be used to buy trees as well as increase neighborhood involvement.

Ald. Sangiolo questioned whether the Urban Tree Commission is currently involved in any negotiations with Cornerstone on Kessler Woods. Ms. Howard reported the project is being actively monitored.

Ald. Sangiolo moved approval and the Committee voted 6-0 in favor.

#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 6-0**

NOTE: Mr. Karg joined the Committee for this discussion. This issue has been discussed with Gayle Smalley, Associate City Solicitor, and Chairman Johnson. There is strong feeling that the preliminary election should be held in September. Mr. Karg noted he comes before the board some time in the early winter with a docketed item which allows the Board to set the date. Ald. Johnson said there was a suggestion to take out the timing and put in a new provision allowing the Mayor and the Board to set the time. Mr. Karg said he was open to whatever the Board would like to do. From Mr. Karg's viewpoint, the most sensible date would be the second or third Tuesday in September.

Chairman Johnson suggested that the item be held until November when Associate City Solicitor Gayle Smalley could come back to the Committee with language. The Committee voted in favor of hold 6-0.

#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 6-0**

NOTE: This item had been previously held until Chairman Johnson could be in touch with the League of Women Voters.

League of Women Voters Opinion Both Florence Rubin and Deb Crossley of the League of Women Voters joined the Committee for discussion. Ms. Crossley reviewed materials from the Law Department and after discussion; she does not feel there is any substantive differences between the word “forthwith” and the phrase “as soon as reasonably practicable”. In other cases, the decision would be left up to the Board which is how the Charter reads now in terms of when the election would be held. The League’s position would be to support the Charter the way it is currently written. The other thought raised by Ms. Crossley is how long would we want to leave people with inequitable representation. If there are to be three representatives elected from each ward, then leaving a ward without a representative; however people might feel about how many aldermen are necessary to represent that ward well enough or not – it is not equitable.

Opinion of former Charter Commission Member Florence Rubin reported that prior to the current Charter, the process was to have the Board fill vacancies and there was significant abuse. With a large board, incumbents had an advantage in running and they ran whether they were going to serve or not. They would then resign shortly after being elected allowing the Board the opportunity of filling the vacancy with a candidate of their choice. This seemed to be an abuse of procedure so that “forthwith” was not the problem but the real concern was changing the procedure and making it equitable to the voters and the general public. Ms. Rubin indicated that, in her opinion, it was not desirable to have the vacancies filled by the Board because that had been significantly abused. There appears to be a significant difference between “forthwith” and “as soon as is practicable.”

Ms. Rubin said that if the Board of Aldermen would want to file home rule legislation, the legislature would most likely look at it with favor.

Executive Secretary of the Election Commission Mr. Karg noted that there were many phone calls and emails from people who were very concerned with spending an exorbitant amount of money for a special election when the Board had just been voted in a few months earlier. Mr. Karg questioned if there was some solution that affords greater flexibility to the Board when setting the date of a special election.

Mr. Karg told the Committee that in discussion with the General Counsel of the Election Division, they would not support us piggybacking a state primary because that is considered a partisan election. The state would have no problem signing on to piggyback a November election because in that scenario, the contest that was vacant could be added to the state ballot.

Committee Member Opinions Ald. Hess-Mahan recognizes the need for flexibility in scheduling the next election to both save money as well as bring up the turnout. Ald. Merrill felt the system is working and could be left where it is. Chairman Johnson said much time and energy was expended over the problem and would like to see if some options can be pursued that would allow a little more flexibility.

President Baker said he is moving back to the position that maybe the Charter is acceptable because the burden it places is the financial burden of holding a special election. On the other hand, he said, it does make sure we do fill the position. Filling the vacancy, in his opinion, is the most powerful issue. The approximate cost was \$60,000, would be the price of having a full complement of people.

Chairman Johnson would like to have Ms. Smalley present some options as she still has questions regarding holding the election “forthwith” since it would create problems for the Election Department.

Ald. Hess-Mahan mentioned a concern that he has regarding Special Permits. If there were less than a full complement of aldermen, citizens seeking zoning relief could have a dramatic negative effect.

The Committee agreed to hold.

#94-03(4) ALD. PARKER requesting His Honor the Mayor submit Home Rule Legislation to create a separate rate structure for water and sewer rates for condominiums and apartments.

ACTION: NAN 6-0

REFERRED TO PROG&SERV, PUB. FAC & FINANCE COMMITTEES

#320-04(3) **PRESIDENT BAKER AND ALD. SANGIOLO** requesting discussion of elements of a resolution to help shape the scope of work for initial design services for the construction of a new Newton North High School, including, in addition to the program of educational elements, consideration of the experience of similar projects elsewhere, including problems and successes; long term operating costs; design team engineering experience and expertise; neighborhood input; adaptive reuse, if any, of the existing facilities; and how, in light of these and other relevant factors, the designers would propose to respond to the challenge of a new high school building.

ACTION: **APPROVED AS AMENDED 4-0 (Sangiolo, Johnson not voting)**

NOTE: President Baker stated that this item has been passed in Public Facilities and explained that the item is designed to insure, as much as possible, that various options are looked at to enhance the quality of the ultimate result.

Ald. Parker suggested something like: “Programs and Services Committee requesting as part of the design process for the new Newton North High School that in addition to the program of educational elements, consideration of the expertise of similar projects elsewhere..... The City schedule and conduct a design charette as part of the process.” President Baker respectfully disagreed. He told the Committee that he had been part of a building committee for Suffolk University and thinks holding a charette was different from what he had in mind and could not support this. Ald. Parker suggested a (4) for this item asking to hold a charette. The Committee did not support this. Ald. Parker then suggested some changes to this resolution. Ald. Baker said it had been passed in this form in Public Facilities and felt it would be best not to make changes. Since President Baker wanted to avoid the problem of inconsistent reports, he wanted to minimize the confusion by not altering the item. Ald. Hess-Mahan agreed with President Baker. He did suggest inserting “resolution to the Mayor “ and leave the rest as is. There was a motion to approve the following:

#320-04(3) **PRESIDENT BAKER AND ALD. SANGIOLO** requesting resolution to the Mayor requesting that the scope of work for initial design services for the construction of a new Newton North High School, include in addition to the program of educational elements, consideration of the experience of similar projects elsewhere, including problems and successes; long term operating costs; design team engineering experience and expertise; neighborhood input; adaptive reuse, if any, of the existing facilities; and how, in light of these and other relevant factors, the designers would propose to respond to the challenge of a new high school building. *The Committee voted in favor to approve as amended.*

#335-04 PRESIDENT BAKER requesting an amendment to the Board of Aldermen Rules and Orders 2004-2005 to allow the majority of reappointments to be made without discussion so as to avoid duplication of effort.

ACTION: **REFERRED TO RULES COMMITTEE 5-0 (Sangiolo not voting)**

NOTE: President Baker docketed this amendment change to help to streamline the reappointment process. There was a motion to send to Rules Committee which was approved 5-0.

Respectfully submitted,

Marcia Johnson, Chair