

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 20, 2004

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

Absent: Ald. Johnson, Coletti

Also Present: Gayle Smalley (Assistant City Solicitor) Joseph Mulvey (Information Technology)

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

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

**ACTION:** **APPROVED 6-0**

**NOTE** Alan Green was present for his confirmation interview for his reappointment to the Newton Commonwealth Foundation. He told the Committee he has lived in Newton since 1930. His interest is appreciating all of the nice things that happened to him growing up in Newton and now he is trying to pay back. He said down the line there perhaps will be choices on whether the golf course should be municipally operated or not. There could be possibilities for the city to control the operation and make more money. Presently there are issues on the golf course involving safety, security, and irrigation.

President Baker pointed out there was a process that the City had negotiated with the MWRA when work was done as there is an easement on the property as well as negotiating the new arrangement with the Foundation which is really the City's agent to administer the course. He indicated Mr. Green was very important in that process. The Committee voted to approve 6-0.

#503-03 ALD. PARKER AND STEWART requesting discussion of the possibility of including re-importation from Canada in City of Newton health plans, as pioneered by the City of Springfield, MA.

**ACTION:** **HELD 5-0 (Sangiolo not voting)**

**NOTE:** Ald. Parker noted that the Mayor had announced this program is already being implemented. He said there are many details to be worked out and would like to have a Committee discussion at another time.

#191-03 ALD. SANGIOLO requesting a discussion with the Information Technology and Clerk of the Board Departments re increasing efforts to source reduce the amount of paper to be duplicated and to disseminate more information via the Internet.

**ACTION:** **HELD 5-0 (Sangiolo not voting)**

#379-04 ALD. PARKER & GERST requesting discussion of the development of a citywide wireless internet access network in Newton.

**ACTION:** **HELD 4-0 (Sangiolo, Baker, not voting)**

**NOTE:** Joseph Mulvey of the Information Technology Department was present for this discussion. Ald. Parker told the Committee that the reason he docketed this item was to have a city-wide internet wireless access "hot spot" in Newton. This would allow one to use their computer with a wireless card to access their internet anywhere in the City. Ald. Parker feels wireless internet access will be a valuable service to Newton residents. The technological standard that could be used is tried and true and used in many other places. He went on to say there is low setup as well as operational costs and would be revenue positive to the City; useful to Newton businesses, also supplement the City's existing institutional network. Ald. Parker said there is extensive computer use in Newton. The library wireless network has proven to be very popular. He further noted that on-line educational programs could be accessed. He felt the price for setting this up for the whole city would approximately be under a half a million dollars. Operating expenses would be in the range of \$10,000 a year. Maintenance and Customer Service could be between \$100,000 to \$200,000 a year. Ald. Parker indicated it could be revenue positive if there would be a charge \$9.99 per connection monthly. In his opinion, in only a few years the initial investment would be paid back. If an internet connection fails, this type of system would be a backup. It would be also be useful for emergency communications.

Ald. Hess-Mahan told the Committee he thought there would have to be a tariff filed which is basically an open contract that allows everyone to know what the terms are. He suggested that more information be gathered regarding the requirements involved in filing a tariff.

Joe Mulvey of Information Technology said he felt it was a good idea. In Ald. Merrill's view, this concept had merit for further discussion. Ald. Fischman had questions for the future regarding staffing, public vs. private, liability and budget issues.

In conclusion, Ald. Parker said he hoped there would be more feedback as well as suggestions and he would continue to work with the Administration, Law Department, and Information Technology to get answers and keep an informal group working on this.

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

**ACTION:**      **HELD 5-0 (Baker, Sangiolo not voting)**

**NOTE:**      This item was last discussed in June and it was agreed to hold until Assistant City Solicitor Smalley had some draft language. The rules were suspended to allow Ald. Hess-Mahan to submit a memo from Harvard Immigration and Refugee Clinic of Greater Boston Legal Services, Inc. and Harvard Law School for home rule legislation seeking local voting rights for non-citizens. A case study time line was compiled for various different types of immigrants. Some think there are only legal immigrants and illegal immigrants, but the status can vary with many in between. Ald. Hess-Mahan said a green card is necessary to work in this country. This means you can live and work here and within five years after receiving a green card, application can first be made for citizenship. In a number of cities such as Chicago and New York where they do allow voting for non-citizens, the waiting period has gone way up. The primary reason appears to be that more people are moving to this country and seeking citizenship making a greater and greater backlog. The second reason is post 911; the Homeland Security Department incorporated what was the INS and now called the CIS. Basically there is a much more thorough vetting of every single application that comes through. In the past it was 18 months to 2 years after you apply for citizenship, it is now anywhere up to 5 years before it is processed and in some instances people have been waiting even longer, depending on their nationality. There are many different quotas and requirements based on nationality, where you came from and why you are here, etc. The attached memo shows how long one can live in this country, work here and finally get their citizenship. This can range from 5+ years and in one case almost 30 years. Often, that person might be living here legally, paying taxes, working and employing other people and not even able to get their citizenship. The other issue, in terms of proposed language for home rule petition that would comply with state and federal laws as the home rule requirement. (Ald. Hess-Mahan noted that a Public Hearing on this item has been scheduled for November 17<sup>th</sup>)

Ald. Fischman asked if a memo could be available explaining approximately how many people in Newton could be affected. Ald. Hess-Mahan said he would have information available at the Public Hearing. Ald. Hess-Mahan further explained that a permanent resident alien would be someone who is lawfully admitted for permanent residence in the United States. A copy was distributed that included a long definition section from the statute defining terms. (Copy attached)

Gayle Smalley said at present the state law does not allow any aliens to vote and it would take a home rule act in order to modify that for local elections. The version Ms. Smalley had for the Committee would provide for voting for resident aliens and now the discussion seems to be if

they were permanent resident aliens. The green card people would come under either version. She added that it would be a policy decision on how far the law would extend.

Ald. Parker felt the proposal should pertain only to permanent resident aliens. First of all, if there would be any chance to have this approved, it would need to be a more limited version. As a supporter, Ald. Parker would like to see it applied to the permanent resident aliens. Ald. Hess-Mahan also pointed out that if you were a college student, you could come with no intention of staying and if you were a citizen you could register to vote.

Ald. Hess-Mahan said part of the justification for docketing the item initially was to benefit people who are living here legally, can work here, own property, pay taxes, employ people, send children to public schools, participate in the community in every other way and voting would give them a voice. (Copy of draft attached) He went on to say that the compelling reason he docketed this item was when he was campaigning for alderman last year, he noted a number of people who came from other countries living here for five, ten , or fifteen years. Some had applied for citizenship, others, for various reasons, are not able to get it. They all wanted to know why they couldn't vote. They indicated they pay their taxes, kids go to the public school and said what the Board of Aldermen and School Committee decide does affect their life and would really like to vote. Ms. Smalley noted that redistricting is based on census figures.

The Committee agreed to hold the item.

#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:**      **NAN 5-0**

Respectfully submitted,

Ted Hess-Mahan, Vice Chair