

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, DECEMBER 8, 2004

Present: Ald. Johnson (Chair), Ald. Hess-Mahan (Vice Chair), Merrill, Sangiolo, Parker, Coletti, Fischman, Baker
Other Aldermen Present : Ald. Harney, Lipof, Gerst, Danberg
Also Present: David Shein, M.D., Susan Siroky, Melissa Brody Hanenberger, Officer Paul Bianchi

Appointment by His Honor the Mayor

#460-04 SUSAN SIROKY, 114 Bellevue Street, Newton, appointed as a member of the NEWTON COMMUNITY EDUCATION COMMISSION a term of office expiring June 30, 2006. (60-day Board action 2/4/05).

ACTION: **APPROVED 7-0 (Sangiolo not voting)**

NOTE: Ms. Siroky told the Committee she had been on the Community Education Commission for eight years. She noted that she has lived in Newton for over 30 years and her three children have gone to Newton public schools. She has been employed as a Guidance Counselor, worked for Warmlines and the Child Care Commission.

Appointment by His Honor the Mayor

#461-04 DAVID M. SHEIN, M.D. 441 Ward Street, Newton appointed as a member of the ADVISORY COUNCIL OF HEALTH, a term of office expiring February 1, 2007. (60-day Board action 2/4/05).

ACTION: **APPROVED 8-0**

NOTE: Dr. Shein was present and told the Committee he was an internist and primary care physician and has always been interested in public health and helping out our City. He ran for alderman this past election and had the opportunity to work with David Naparstek of the Health Department. He currently works at MIT's medical department. His work involves outbreaks on campus and education regarding public health measures to prevent illness. He would like to become involved in how our community responds to public health concerns. He is also Director of the Student Ambulance at MIT.

Chairman Johnson noted Ald. Yates has docketed an item regarding better distribution of flu vaccine to seniors and suggested that Dr. Shein be aware of this item.

Ald. Sangiolo made a motion to approve the appointment and the Committee voted 8-0 to approve.

#462-04 PRESIDENT BAKER reappointing Ald. Marcia Johnson as a member of the CHILD CARE COMMISSION for a term to expire January 1, 2007. (60-day Board action date 2/4/05)

ACTION: **APPROVED 6-0 (Sangiolo, Johnson not voting)**

NOTE: President Baker reported that Ald. Johnson has served with distinction on this Commission and is gracious enough to serve again.

Chairman Johnson noted that she had observed on the "Today Show" that a child had died at a day care center due to recalled equipment. This particular day care center had not discontinued its use. There are only about 11 states that have any sort of legislation requiring day care centers to do something about that and we are not one of those states. Chairman Johnson had approached our delegation and had received a nice memo from an aide for Senator Creem that said the Office for Children notified day care centers and the Executive Director of the Commission, Barbara Sullivan, said she has not heard of any recall. Ald. Johnson noted that clearly something must be done. She has begun to work with Senator Creem's office and the Commission to work on this.

The Committee voted 6-0 in favor of approval.

#463-04 PRESIDENT BAKER appointing Meilissa Brody Hanenberger, 56 Valentine Street, West Newton as a member of the CHILD CARE COMMISSION, a term of office expiring 1-1-07 (60-day Board action date 2/4/05)

ACTION: **APPROVED 7-0 (Sangiolo not voting)**

NOTE: Ms. Hanenberger was previously a guidance counselor in Medfield and told the Committee that she was anxious to serve on this Commission.

President Baker made a motion to approve. The Committee voted 7-0 to approve.

#464-04 PRESIDENT BAKER appointing CARISA OLIVO, 251 Pearl Street, Newton Corner as a member of the CHILD CARE COMMISSION for a term to expire January 1, 2007. (60-day Board action date 2/4/05)

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

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

ACTION: **HELD 8-0**

NOTE: Ald. Parker said ongoing discussions have taken place to come up with a compromise draft that can be endorsed by all concerned. There is one remaining controversial piece regarding the times in which the ordinance does not apply. Boston College and Chamber of Commerce representatives did not want the ordinance to apply before 9:30 pm. There was some discussion as to what a good time to start enforcing the ordinance would be. It is Ald.

Parker's hope that a new hearing can be scheduled early in the New Year. Chairman Johnson wanted to be sure that there would be an exemption for seasonal lighting and was told there would be.

The Committee voted to hold.

REFERRED TO PUB. SAFETY/TRANS. FINANCE & PROG. AND SERV.
#273-04 **ALD. GENTILE** requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 4 in the State Retirement System.

ACTION: **HELD 8-0**

NOTE: Ald. Harney and Officer Bianchi were present for this discussion. Ald. Harney said this item was to reclassify two mechanic positions dedicated to the Fire Department. These positions are in the Firefighters Union. There is an enhanced benefit if you are in group 4 versus group 1. When you start to work in a municipality, Retirement Boards classify all employees in one of four groups. (General employees, clerical/ administrative, technical workers, laborers, mechanics and all others classified in Group 1.) Group 2 deals with electrical issues. Group 3 is State Police. Group 4 is mainly firefighters and police officers. If you are not listed in Groups 2, 3, or 4, then you would fall into Group 1. President Baker said he wanted more information on this item and the Committee voted to hold. This item is going before the Retirement Board on Wednesday, December 15th. **The decision of the Retirement Board will determine what additional steps the Board of Aldermen will need to take, if any, see David Wilkinson's memo.**

#431-04 **ALD. LIPOF, HESS-MAHAN, HARNEY** recommending the reduction of the size of the Board of Aldermen from 24 members to 16 members: 8 Ward Aldermen and 8 At-Large Aldermen.

ACTION: **HELD 5-3 (Sangiolo, Johnson, Fischman, Parker, Hess-Mahan in favor, Ald. Coletti, Baker, Merrill against)**

NOTE: **Background:** Ald. Lipof and Ald. Harney were present for this item.

Ald. Lipof started the discussion by explaining that there was no hard and fast number to reducing the Board members to 16. He noted there are some who think an odd number is appropriate. Equal representation has been discussed. There possibly could be two ward aldermen from each of the wards. One concern he had heard raised was that with a smaller number of aldermen, there could be a problem with structuring the work. Options, in his opinion, could be to possibly combine issues as well as transferring some functions back to the City. He strongly felt that there were ways to restructure what the Board does. The League of Women Voters has pushed to do this for many years. Two-thirds of the voters in the City voted in favor of the referendum question to shrink the size of the Board.

Ald. Harney said when he decided to run for Alderman three years ago, he ran for a number of reasons. When he campaigned the first time, what he constantly heard was that the Board is too

big. During his second campaign he heard the same thing over and over again -- the Board size should be reduced. He has never heard that the Board should not be reduced. As a Ward Alderman, his job is to listen to his constituents. He feels it is time to explore the possibilities of reducing the size of the Board.

Ald. Hess-Mahan said he had also had the same feedback strongly suggesting that the Board be reduced when he ran for Alderman. His primary reason for reducing the size of the Board is efficiency. He does not think it could be done properly without a Charter Commission. He is not against going for another form of government, possibly a City Manager. Since the last Charter Commission in 1972, the needs of the City have changed, the demographics have changed, and representation has changed. The quasi-judicial function of the Land use Committee has always concerned him. He would like to see this go to a Charter Commission to see whether the City of Newton still wants the Board of Aldermen to have the special permit granting authority.

Mechanisms to Reduce the Size: President Baker explained that in order to reduce the size of the Board, there would need to be a home rule petition to amend the Charter or it would be part of the charge of the Charter Commission as a whole. The Charter Commission has been resisted as it opens up many issues. As President Baker understands it, the way it would have to happen would be to amend our Charter through a special act which would be a request passed by the Board and signed by the Mayor that would go to the state legislature.

Reactions of Committee Members and Others

Ald. Gerst agreed with Ald. Hess-Mahan that there is great importance involved in the granting of special permits

Ald. Parker noted that he had proposed in the past to have five or seven counselors from anywhere in the City and eight district counselors. He does see the arguments on both sides. He felt there would be a higher level of democratic accountability with a smaller, more representative board.

Ald. Coletti said this Board has made rules so strict that often people subvert the process by doing things that take the power out of the Board. He indicated that he would be open to the Charter Commission and that the Charter should be opened to discussion. He noted that other communities that are looking to change their legislative bodies are actually adding people. Both Needham and Framingham are adding more.

President Baker feels the Board has done a good job and the proposed change is not going to produce the same quality of representation. He would not support a Charter Commission. He would worry about fixing something that wasn't broken. He feels the quality of development in Newton is far superior to elsewhere. Contrary to Ald. Harney, he hasn't heard a ground swell of opinion that wanted less people on the Board. His concern is a smaller Board would change the character of the institution and probably not for the better. He respects his colleagues who view this as a positive change, but could not support this. President Baker noted there had been

thoughts about consolidating committees down to three but it was decided it wouldn't work. If the Board did decide to get rid of Land Use, it would be a different story

Chairman Johnson has experienced down-sizing in her day job. She said financial reasons are why companies have to down size and the Board is not in this position. She doesn't feel it is necessary for 24 people to argue over stop signs and parking spaces. That, in her opinion, is not the best use of time. Her preference would be to step back and analyze ourselves by looking at the kinds of things that come before the Board, look at Committee structure, and question if that work belongs in front of the Board or better suited to go to another commission or committee.

Ald. Fischman said in his ward he has faced small issues (stop signs) as well as large issues (radio towers in Oak Hill). He noted that all three of the aldermen really dug into it in different ways. In his opinion if there weren't three people working on the radio towers, the outcome would not have been as effective. He concluded by saying there would have to be a much stronger case for him to support this reduction.

Ald. Merrill said he not heard from constituents that the Board is too large.

Next Steps:

Ald. Lipof indicated that maybe this item should have been docketed as a discussion on reducing the size of the Board, but he just wanted to get the ball rolling. He indicated that he would start to have meetings with appropriate city officials to start to come up with a structure that a smaller board could handle. He concluded that, in his opinion, there could be a restructure that would be a smoother operation.

There was much discussion regarding whether the item should be held or voted NAN. For many Committee members, it was felt that by voting NAN we would be sending the wrong message to citizens and that by holding this item, we would keep it the item alive while Ald. Lipof et al would do the work to come up with a viable proposal or alternatives to present to the committee.

President Baker did not see that any additional information would have any change in his point of view regarding the size of the Board. He continued to say he didn't see any value in holding.

The Committee voted to hold 5-3 (Sangiolo, Johnson, Fischman, Parker, Hess-Mahan in favor, Ald. Coletti, Baker, Merrill against)

The meeting adjourned at 10:16 p.m.

Respectfully submitted,

Marcia Johnson, Chair