

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 18, 2003

Present: Ald. Johnson (Chair) Ald. Parker, Merrill, Sangiolo

Absent: Ald. Coletti, Fischman, Lipsitt, Gentile

Other Aldermen Present: Ald. Bryson, Mansfield, Stewart, Linsky, Schnipper

Also Present: Sandy Pooler (Mayor's Office) Fran Towle (Parks & Recreation Commissioner) Marc Welch (Forestry) Stephanie Pelkowsky (Recreation) Jeff Young (Superintendent of Schools) Anne Larner (Chair, School Committee)

Re-appointment by His Honor the Mayor

#237-03 DOUGLAS DICKSON, 17 Oxford Road, Newton Centre, re-appointed as a member of the URBAN TREE COMMISSION for a term of office expiring June 1, 2006 (60-day Board action date 8/1/03)

ACTION: APPROVED 4-0

NOTE: Chairman Johnson questioned what the goals were for the Urban Tree Commission. Mr. Dickson reported that one issue they were focusing on is updating the procedures manual that detail both inter-departmental inter-actions as well as policies that are followed by both city staff and contractors. The last update was 1995 and there have been many changes.

Re-appointment by His Honor the Mayor

#239-03 JAY BERKSON, 33 Old Farm Road, Newton Centre, re-appointed as a member of the URBAN TREE COMMISSION for a term of office expiring June 1, 2006 (60-day Board action date 8/1/03)

ACTION: APPROVED 4-0

NOTE: Mr. Berkson said the Commission has also been focusing on the tree manual that has been recently enacted. The Commission is also working on an equitable distribution of funds received as a result of the new tree ordinance.

Re-appointment by His Honor the Mayor

#240-03 ANN CORNARO, 75 Sheridan Street, West Newton, re-appointed as a member of the URBAN TREE COMMISSION for a term of office expiring June 1, 2006 (60-day Board action date 8/1/03)

ACTION: APPROVED 4-0

NOTE: Ms. Cornaro explained another goal is to put forth and spearhead an education piece using the web page on the Parks and Recreation site and informing citizens of tree hearings as well as educating them on the maintenance of trees.

Re-appointment by His Honor the Mayor

#238-03 ALD. POLLY BRYSON, 11 Acorn Drive, Auburndale, re-appointed as a member of the URBAN TREE COMMISSION for a term of office expiring June 1, 2006 (60-day Board action date 8/1/03)

ACTION: APPROVED 4-0

NOTE: Ald. Bryson stated that public awareness is also a big issue. She also expressed her appreciation to both Fran Towle and Marc Welch of the Recreation Department for their support.

Ald. Sangiolo noted the Urban Tree Commission has been doing a wonderful job. She made a motion to move all of the Tree Commission appointments and the Committee voted 4-0 to approve.

#22-98(2) PROGRAMS AND SERVICES COMMITTEE requesting development of a policy for preservation and replacement of trees on city-owned property. **PROGRAMS & SERVICES HELD; REFERRED TO URBAN TREE COMMISSION FOR REVIEW AND RECOMMENDATION**

ACTION: HELD 4-0

NOTE: Ms. Towle said serious thought has been given to the comments made by the Programs and Services Committee at their last meeting. Doug Dickson said they are trying to come up with a "Guideline for Expenditure of Tree Preservation Funds" that is fair and flexible so it can be shaped to the needs and opportunities as they present themselves. What has been developed is a concept of concentric circles. The start would be with the tightest circle immediately around the project that generated the funds. Trees that immediately surround the project would be the first priority. The second area would be the neighborhood where the project resides. If the funds would be sufficient to meet all the needs within that area, then the Commission could look beyond that area to other areas where there is need. The Tree Warden would consider input from the neighborhood and that could come in the form of established community groups, neighborhood associations, members of the Board of Aldermen, as well as anyone who had an interest and took a position in the expenditure of funds. In addition, these funds could be used for both planting trees and the preservation of existing trees.

Ald. Parker said he was pleased with the progress of the drafts and expressed his thanks. He did want to be sure that in the written policy everything would be addressed in a priority level before moving on. He felt it should be written that one priority be completed before starting another. He felt a large project should involve notification of the ward aldermen as well as possibly a public hearing or some public input. Mr. Dickson said the City has not been in a position to satisfy all the needs of pruning and planting in the City. Ald. Johnson agreed with Doug Dickson and felt that the trees in most need of being preserved would come to the top of the list. Ald. Sangiolo had concerns regarding the tree preservation money. Ald. Parker moved to hold the item. Mr. Dickson said he understood that Board action on the revolving account had been held. Chairman Johnson suggested that item #22-98(2) be held and that Ald. Parker will docket a new item allowing release of the revolving funds and then schedule for an early joint meeting of Programs and Services and Finance on August 11th prior to the full board.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#284-03 **HIS HONOR THE MAYOR** requesting that the sum of \$30,000 be appropriated from Marathon receipt for the purpose of purchasing new Fibar and playground equipment to replace worn, defective or unsafe playground equipment throughout the city.

ACTION: APPROVED 4-0

NOTE: Ms. Towle said there were approximately 42 play apparatus areas throughout the City. The money in this docket request would be used to augment the Fibar and replace any minor parts that may need repairs. Commissioner Towle wants to be sure that these play areas are as safe as possible. Ms. Pelkowsky of the Recreation Department said children's safety is certainly of the utmost importance and this money would help maintain these facilities at the optimum level.

Ald. Sangiolo asked for an itemized report after this money is spent. She moved approval and the Committee voted 4-0 in favor.

REFERRED TO PROG&SERV. PUBLI FACIL. & FINANCE

#253-03 **HIS HONOR THE MAYOR** requesting a RESOLUTION from the Board of Aldermen supporting the expenditure of up to \$100,000 from the proceeds of the bond authorization for Newton North High School to pay for professional services the School Committee will need to analyze the Newton North High School Task Force recommendation for renovating Newton North High School.

ACTION: APPROVED 3-0-1 (Ald. Sangiolo abstaining)

NOTE:

Ald. Sangiolo questioned if the money requested was only for feasibility on the large hybrid, which is the recommended approach. Anne Larner said that was the primary focus. Sandy Pooler stated that he assumes, in the School Committee's deliberations, there will be enough public input to get a sense of whether a large hybrid is either a bad idea or the best educational solution.

Ald. Sangiolo asked if the School Committee had adopted the recommendation of the large hybrid. Anne Larner responded that the School Committee has not made a formal vote on adopting the recommendation of the task force, as this is a concept that must be further studied. She went on to say the task force did not do a detailed, professional study but consisted of a group of citizens, elected officials and staff trying to do a group analysis with some staff support over the course of 15 weeks of possible options. There is much more technical work that needs to test the constructability as well as feasibility and implications of a large hybrid on that particular site.

Ald. Parker asked when the feasibility study would be completed. Ms. Larner said she believes it will take several months. Ald. Schnipper added the task force recommendation needs to be explored to see if this conceptual idea can be put into place to meet all the needs. Mr. Pooler said the letter asks for a resolution supporting an expenditure of \$100,000 for professional services.

Ald. Parker proposed the following resolution: Be it Resolved that the Board of Aldermen supports the expenditure of \$100,000 from the proceeds of the bond authorization for Newton North High School to pay for professional services for the School Committee to analyze the Newton North High School Task Force recommendation including the alternative options for renovating or replacing Newton North High School. The Committee voted 3-0-1 (Ald. Sangiolo abstaining)

#188-03

CITIZEN'S PETITION - RHONA SHOUL, 9 Exmoor Road, West Newton submitting petition pursuant to Section 10-2 of the Newton City Charter containing approximately 136 signatures requesting the Board of Aldermen to hold a Public Hearing which seeks passage of the following measure "To adopt a Resolution in opposition to USA Patriot Act."

ACTION:

APPROVED 4-0

NOTE:

The resolution presented would be a resolution of the Newton Board of Aldermen deploring those parts of the USA Patriot Act which are offensive to basic civil liberty values in our Constitution and similarly deplores actions taken by the federal government either directly under some powers given in the Patriot Act or at least in its spirit which are offensive to civil liberties to the notion of equality and free speech.

Ald. Parker agreed with the efforts of Tony Windsor, IOcto Barnett, Rhona Shoul and all the others involved in this resolution. He, too, believes the Patriot Act is an affront to the civil liberties and constitutional freedom.

He offered a friendly amendment regarding the paragraph that calls on City employees not to cooperate with federal officials. This could potentially get people in a lot of trouble so he suggests striking the phrase "to the extent such is legal, not to cooperate with federal officials," as well as "if the cooperation sought violates the constitutional principles of Equality, Due Process of Law, Freedom of Religion, Speech and Association, individual Privacy or Open Government. Ald. Parker suggested the following: "that the Board of Aldermen respectfully request the Mayor instruct the Police Department and other departments and officers of the City whether acting in the name of combating terrorism or otherwise to observe and protect the constitutional principles of Equality, Due Process of Law, Freedom of Religion, Speech and Association, individual Privacy and Open Government" so that we would not be telling them to get anyone in trouble but that these are the principles we are for. Chairman Johnson said she was in support of this docket item and agreed with Ald. Parker. She went on to say that she is concerned that the Law Department as well as other department heads be heard and have their input and be sure they are comfortable in supporting whatever might be passed before the full Board takes action. Ald. Stewart said the letter received from the League of Women Voters was excellent. (attached) He went on to say he was prepared to vote for a resolution in opposition to most of the Patriot Act but feels the language still needs work. Ald. Mansfield was also in support of the resolution and also was in support of the letter from the League of Women Voters. Ald. Merrill spoke in favor of this resolution. Ald. Sangiolo also expressed concern over some of the Whereas clauses in the present resolution. Ald. Mansfield suggested using the League of Women Voters language in the area where they asked to "request the constitutional rights of Newton citizens, including..."

Ald. Sangiolo would like to see this resolution ultimately passed unanimously by the full board.

Ald. Parker moved that page 3 of the submitted resolution be approved and Chair Marcy Johnson along with other members of the Committee who wish to assist will work on the present Whereases.

The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Marcia Johnson, Chair