

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 17, 2003

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

Absent: Ald. Fischman

Also Present: Ald. Mansfield, Ald. Samuelson, Officer Aleman (Police) Catherine Farrell (Law Department) Sandy Guryan (School) Anne Larner (School)

Appointment by His Honor the Mayor:

#389-03 AUDREY COOPER, 114 Berkeley Street, West Newton, appointed as a member of the LIBRARY BOARD OF TRUSTEES for a term of office expiring June 30, 2008 (60-days 11-14-03).

ACTION: APPROVED 5-0

NOTE: Ms. Cooper has been a resident of the City of Newton for over 60 years. She has been very active in many issues in the community including helping to create the Senior Center. She has been a library volunteer for about 30 years.

Appointment by His Honor the Mayor:

#390-03 DONNA GORDON, 143 Windsor Road, Waban, appointed as a member of the NEWTON YOUTH COMMISSION for a term of office expiring June 30, 2006 (60-days 11-14-03).

ACTION: APPROVED 5-0

NOTE: Ms. Gordon has been a life-long resident of Newton and has worked in the public schools for seven years and served as an Enrichment Coordinator. Ms. Gordon has recently been appointed Assistant Principal at Newton South High School.

Appointment by His Honor the Mayor:

#391-03 SANDRA BUTZEL, 237 Mill Street, Newtonville, appointed as a member of the LIBRARY BOARD OF TRUSTEES for a term of office expiring June 30, 2005 (60-days 11-14-03).

ACTION: APPROVED 5-0

NOTE: Sandra Butzel has been a library trustee for six years. Prior to that she was President of the League of Women Voters as well as serving on other Boards and Commissions.

Re-appointment by His Honor the Mayor:

#392-03 ALBERT COSTA, 1735 Beacon Street, Waban, re-appointed as a member of the LIBRARY BOARD OF TRUSTEES for a term of office expiring June 30, 2007 (60-days 11-14-03).

ACTION: APPROVED 5-0

NOTE: Ms. Costa said the library is a very viable, educational building with unbelievable resources used by many, many people. He is glad to be reappointed and looking forward to continuing to serve.

Ald. Sangiolo moved the three library appointments and the vote was 5-0.

President Lipsitt brought to the Committee's attention that the library rest rooms were in deplorable condition.

#275-03 ALD. LIPSITT transmitting request of Jean and Michael Morrisey requesting the Newton Board of Aldermen to file for a home rule petition for Safe Placement for Newborns and Infants," also known as a Baby Safe Haven law.

ACTION: HELD 5-0

NOTE: Mr. Morrisey addressed the Committee and explained that this "Baby Safe Haven Law" started as Baby Moses Law and was passed first in 1999 in Texas. Mobile, Alabama has enacted a similar law and 45 states have passed comparable laws.

President Lipsitt stressed the importance of understanding arguments for and against this issue. Mr. Morrisey explained they have taken this request to just about every city in the Commonwealth. President Lipsitt questioned whether the legislature has acted on this and Mr. Morrisey responded that it was currently in Committee. Mr. Morrisey stated that this has passed in Boston and Westfield. President Lipsitt also wanted to know if this has ever been an issue in Newton and would like to hear from the Police Chief on how the police did/would handle an abandoned baby.

Before a decision is made President Lipsitt would also like to hear the thoughts of the legislative delegation at the state level as well as the issues on the opposing side.

Ald. Parker felt the Law Department should be consulted. Chairman Johnson suggested that this item be held. The Committee voted 5-0 to hold.

#367-03

ALD. MANSFIELD requesting consideration of ordinance(s) to allow enforcement of Parks & Recreation Commission regulations regarding swimming and boating at Crystal Lake.

ACTION: **HELD 5-0**

NOTE:

Ald. Mansfield said several residents regarding problems at Crystal Lake had approached him. Ald. Mansfield has noted that there has been illegal swimming from non-designated areas at Levingston Cove and Cronin Cove as well as an increase in boating violations. When the police were called, they found they did not have the power to enforce rules and regulations, as they are not supported by any ordinance. There were concerns expressed concerning possible drowning while swimming illegally.

Catherine Farrell of the Law Department was present and told the Committee that more research must be done on this after conferring with Parks and Recreation Department.

Mr. Sciegienny of 230 Lake Avenue said he wanted to see the existing signs made legal. Louise Levingston noted there have been drownings in the past and feels this is a serious safety issue. David Putnam of Lake Avenue encouraged that reasonable regulations be enforced.

Mr. Ray Kurzweil of Lake Avenue felt the existing regulations should have the ability to be enforced.

President Lipsitt felt there were further issues to discuss including clarifying where policy decisions would be made and addressing the issue of disturbing the peace. She also raised the concern of potential discrimination in terms of the use of this public asset.

Chairman Johnson suggested the Programs and Services Committee hold this item until more appropriate options be considered after working with the Law Department, Parks/Recreation Department, Police, and neighbors. Some questions to be answered are as follows:

What kind of enforceable regulations exist/could be adopted?

Would an ordinance restricting swimming/boating prohibit property owners from using the lake?

What can Parks and Recreation do versus the Board?

Can we control the hours of swimming?

What is the definition of an abutter?

What issues can be covered by existing laws?

What is the City's liability?

What regulations can be put on docks?

Would these ordinances apply to Crystal Lake alone or to all Great Ponds?

Ald. Mansfield and Ald. Parker agreed to work with the Law Department, Parks/Recreation, Police Department and neighbors and come back to discuss this item.

The Committee voted to hold 5-0.

#134-03 ALD. JOHNSON requesting discussion with the School Department regarding the air quality in all of our schools.

ACTION: HELD 5-0

NOTE: Ald. Gentile said the testing levels done showed the results higher than desired; however the danger areas would be significantly higher. Univents were checked, and 46% had been shutoff. They have now been opened and adjusted so they cannot be shut off without a special tool. Filters are being changed and dating them so there will be a tracking record. Custodians are checking 171 univents daily to be sure they are in proper working order. As a result of all of this remediation, a second round of tests will be done in October and November that hopefully will be improved.

There was no one from the School Department present for this item and Chairman Johnson moved to hold until there was representation from the School Department. The Committee voted to hold.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#311-03 HIS HONOR THE MAYOR recommending the creation of a revolving fund with an expenditure limit of up to sixty-five thousand dollars (\$65,000). Said fund will be established in accordance with MGL Ch.44, Sec.53 ½. This fund will receive student-parking fees and expenditures will pay the wages of campus aides and administrative salaries for the parking program.

ACTION: HELD 5-0 (Lipsitt& Sangiolo not voting)

NOTE: Sandy Guryan and Anne Larnar were present for this discussion. Ms. Larnar explained that 50 spaces were located at Newton North for students. The limit had been based only on Newton South so an adjustment has been requested. It was explained that the parking fees are for both high schools. The parking fee is \$360.00 for the year, \$2.00 a day being sold as half-year stickers at \$180.00. A major concern of members of the Committee is that a student could buy a parking pass and

never/rarely ever be able to park in the lot. How would the School Department monitor this to ensure that this would not occur?

Ald. Coletti questioned why there was not just a request to the Mayor to reallocate from turnbacks, money to offset this. Ms. Lerner said this could be brought back to the School Committee for reconsideration. Ald. Coletti suggested that spaces at the Austin Street Parking Lot be considered as a possibility. Alderman Johnson stated that Aldermen Ciccone and Linsky are already working on this. Ald. Merrill said because there are so many unanswered questions, that he felt it was difficult to be supportive of this request.

Ald. Parker felt a further study be done on parking and not charge anything this year. Ald. Coletti suggested removing the meters from the back of the Austin Street Parking Lot and selling passes to students.

The Committee agreed to hold 5-0 . (Ald. Johnson abstaining)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#96-01(2) PROGRAMS & SERVICES COMMITTEE requesting discussion of the budget deficit in the School Department.

ACTION: NAN 5-0.

#242-03 ALD. JOHNSON, SAMUELSON AND SANGIOLO requesting a discussion to determine times and places where dogs may be off leash on public grounds excluding schoolyards.

ACTION: HELD 5-0

NOTE: Chairman Johnson felt it was important to hear from people who were dog-owners who would like the opportunity to let their dogs off leash as well as the opposite view. Chairman Johnson indicated she would like some feedback from the Committee regarding scheduling a Public Hearing to hear the public concerns, questions, desires and needs around having the dogs off leash. Ald. Coletti felt there should be an area for dogs to be off leash. Ald. Gentile expressed concern regarding allowing dogs off leash. Several residents from the public were present to express their views. The Committee agreed to hold the item.

Chairman Johnson wanted to explore the policy of specific hours for dogs to be off leash. Ald. Parker would support a compromise of designated fenced-in areas, 24 hours a day, for dogs.

The meeting adjourned at 11:40 p.m.

Respectfully submitted,

Marcia Johnson, Chair