

Program and Services Committee Minutes January 9, 2002

Present: Ald. Johnson, Sangiolo, Coletti, Parker, Lipsitt, Fischman

Other Alderman present – Ald. Mansfield and Ald Baker

Officials Present: Kathy Glick-Weil, Steve Gatrell, Jeff Knight, Joe Mulvey, Sandy Pooler, Michael Rourke, Karen Griffey, Dan Funk, and Gayle Smalley. Election Commissioners, Smith , Cohen and Moffenson

16-02

Approved: 5 –0 (Ald. Sangiolo Not Voting)

Note: The costs are for printing of the ballots due to economies of scale when printing more ballots, increased wages for poll workers and moving machines. Ald. Mansfield asked how eligible voters would be notified. They will be using the sandwich boards to advertise the election. It was suggested that there be an enclosure in either or both the Tax Bill or Water Bill. The Committee emphasized the need to communicate with eligible voters to try and get out the vote. This ultimately raised the question by Ald. Lipsitt as to who is eligible to vote, given the new ward lines. Since this election is filling a vacancy due to the death of an Alderman who was elected during the November 2001 election, we must use the ward lines that were in effect for that election. This was confirmed by Gayle Smalley who spoke with the Secretary of State's office who confirmed this as correct.

6-02(2)

Approved: 5-0 (Ald. Sangiolo Not Voting)

Note: Since this item was taken up at the time of the previous item there was little to no discussion on this item. The date of a special election is 120 days from when election is called [specified by the Charter] predicated on when the Board calls the election. There was a correction to the political calendar for this election. In that April 22, 2002 is the last day and hour for all candidates to file Campaign Finance Report with the Election Commission (8 days before the election)

#9-02

Held: 5-0 (Ald. Sangiolo Not Voting)

Note: Ald. Lipsitt explained that the Law Department's opinion of the residency requirement being set as Election day had raised an issue for her and the public as the previous understanding and practice was that a candidate needed to be a resident of a given ward at time of filing papers, along with Inauguration Day. It was the time to determine if this was the time at which to clarify if this was the desired situation. The question she wants to put before the Board whether this is the result we want or do we want another alternative. If another alternative, how do we get from here to there. Dan Funk stated that what was before the Board was a policy decision. How do we want to run our elections? We are faced with an interpretation of our own City Charter. The State does not dictate requirements in a Home Rule City Charter. He did caution that there are limitations as to "how much" restriction may be placed on residency requirements. Ald. Baker favored having the residency requirement at the time you take out papers, election day, and Inauguration Day as practiced in the past. He thought that this enabled the City to maintain diversity on the Board. Dan Funk stated that this could be done through a Charter Amendment via a Home Rule Petition but this change would not be available for the upcoming Ward 8 Alderman election. David Moffenson, stated that he agreed with the overwhelming majority that the residency requirement should be as of the filing date and that this policy should be codified by the Board.

Then there was time for citizens to comment:

Jim Epstein, 110 Manchester Rd. – He favored the date of when nomination papers were submitted. His opinion was to change the City Charter was a laborious effort and did not see why the Election Commission could not just set the date. In response, Ald. Lipsitt stated that if the Election Commission as the administrative body did this ,it would open up the possibility of having the date change each time membership of the Commission changed. Therefore the only way is to amend the City Charter. Ald. Coletti suggested that the Election Commission vote to adopt the state law of filing date as the requirement. Dan Funk explained that on the application it indicates the ward in which the candidate currently lives, it is not a statement that the candidate must live in the ward from which s/he is running.

Jack Porter, 117 Cross Street – asked What is the definition of residency? Dan Funk responded that it is where the person is registered to vote, where s/he pays taxes, where s/he has his/her license registration and their intention in the future.

George Foord, 130 Winslow Road. It was his understanding from Florence Rubin that though the City Charter does not spell out in detail the residency requirement and she was not sure why the state law did not apply. He agreed with Ms. Rubin. He also had concerns about the process of the City Solicitor being a voting member of the Election Commission during the challenge in July 2001 to the Ward 6 Alderman-At-Large election. The Chair informed Mr. Foord that the only issue before the Committee is the residency requirement.

Len Mead 27 Camden Road spoke in support of the filing date as the residency date. He also agreed that the Election Commission had the authority to set this date.

Ald. Fischman spoke in favor of the residency requirement be the date that the candidate initially “pulls” his/her papers.

Ald. Coletti also raised concerns regarding the process for securing papers and submitting them as well. Since it is now possible for those, other than the candidate him/herself to do this on behalf of the candidate. He recommends that we go back to the process that only the candidate him/herself be able to take out and file the papers and sign them. Note: This will be brought up with the Election Commission when the Committee once again takes up Docket # 442-00.

Ald. Lipsitt asked for a straw vote of the Committee as to creating a Charter Amendment in order to specify the residency requirement as of the last day and hour to file nominations papers for certification by the Election Commission, traditionally around July 5th for an Election in November. All members of the Committee were in agreement that this is the correct date. Therefore, she made a motion to follow the advice of our Law Department and submit Home Rule Petition to amend charter in order to specify residency requirement for candidacy for Board of Alderman and School Committee as the date of submission of papers. Dan Funk added that what he is hearing is that there are three points that count: submission of papers, election date, and Inauguration Day to lock in the ward of the candidate, at an earlier time. Ald. Coletti expressed reservation of a Charter Amendment. His thoughts were that changing the charter should not be taken lightly. Dan Funk did explain that a Charter Amendment does require a vote of the Legislature and they would not change the Charter without what they saw as the will of the voters. There was a straw vote on this of 5-0 for approval for this concept - Sangiolo not voting. We voted to hold so that the Law Department can bring a draft of an amendment at our next meeting.

8-02

Note:

Setti Warren [Approved 5-0, Sangiolo not voting]

He is the Former Regional Director FEMA, for the 6 New England states Part of his responsibility was to approve every project for federal disaster relief funding and mitigation. Part of the requirement for approval for this funding was preservation of open space and historic sites and to make sure that the project was environmentally sound. He also was in Clinton’s Administrative Office of Cabinet Affairs. In this capacity he was liaison to the EPA and Housing & Urban Development that worked to fund low income housing. As a life long resident of Newton, he is very concerned with maintaining open space as was a focus when he worked for FEMA.

Claudia Sauermann Wu [Approved 6-0]

She is resident of Newton for 8 years. She is an Alternate Member of the Newton Historical Commission. Currently is a Consultant to non-profit historic preservation organizations. For ten years, she worked for the National Trust for Historic Preservation. When working on the Trust, she was involved in trying to get the CPA passed at the State level.

Doug Dickson – unable to attend

Hallie Pinta [Approved 6-0]

She has lived in Newton for 10 years. She is a joint Law and Preservation degree and is a member of the Newton Housing Partnership. Ms. Pinta is a Principal of Compass Housing and in this capacity is developing five units of 100% affordable housing in Needham. She is also an advocate for Historic Preservation. Ald Lipsitt and Coletti recommended that she speak with the Law Department to ensure that her membership of the Community Preservation Committee will not prohibit her Firm from participating in the development of affordable housing in Newton.

#113-01(8B) Approved [Ald. Lipsitt, Johnson, Fischman, and Parker voting in the affirmative; Ald Coletti and Sangiolo Abstaining]

See Public Facilities Minutes for notes as this docket item was taken up jointly

#229-01(d) Approved 6-0

Deborah Howard

This is a reappointment for Ms. Howard. She has lived in Newton for 55 years and was on the Conservation Commission for 15 years. She is concerned about the City's trees and open space. The challenge for the long term is the funding for trees. The immediate challenge is how the Tree Ordinance applies to the Terraces in Newton Center. When asked if she was aware of the status the City-wide tree ordinance, it was her opinion that this was being taken up this year.

#229-01(A)

Jacob Jacobson was unable to attend.

#400-01 Approved 6-0

Andrew Stern

He is a life long resident of Newton Centre, on the Board of Newton Conservators, and is the Chair of the Landscape Commission. He is a Real Estate and Construction Attorney. His goal is to provide Parks with a voice in what is today a heavily recreation dominated Commission. He hopes to lend a different point of view. He also supports more public – private partnerships for the maintenance of our parks. As a personal endeavor, he is working to establish a Parks Foundation, similar to the Newton Schools Foundation in order to raise money to support our parks. The Aldermen present raised several issues for Mr. Stern to consider as a member of the Commission: The process for naming parks; preservation of the Bath House at Crystal Lake and hence the continuation of swimming at this location; and the currently well maintained location at the intersection of Centre and Sargent streets.

#442-01 Approved 6-0]

Note: There is a deficit of \$64,000 in the overtime account. The Mayor recommended that she request an appropriation of \$32,000 at this time to see if anything changes between now and the end of the fiscal year. Every year a sum of money is put in the overtime account. Last year she did not need any additional funding since the Library had so many vacancies so the money for these positions could be put into the overtime account and she was able to make up the \$70,000. This year, the good news is that she does not have the vacancies, but this means that there is not the money that can be used for overtime due to vacancies. Also the cost of the Sunday hours increases about 5% due to increases in compensation. In the past this Committee has passed a resolution urging the Mayor to increase this account since there is a continued practice of needing to add additional dollars. It makes sense to more accurately fund this account. Ald. Coletti expressed a concern that the Budget Reserve line is typically used for unanticipated/unforeseen expenses. Since this is a reoccurring event, for the past 4 years, this does not seem an appropriate use of the Budget Reserve and that she [the Library] should be budgeting appropriately.