

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 23, 2002

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

Other Aldermen Present: Ald. Salvucci, Ald. Baker

Also Present: Gayle Smalley (Law Department)

APPOINTMENT BY HIS HONOR THE MAYOR

#375-02 SONIA ROBINSON, 497 Boylston Street, Newton_ appointed on October 4, 2002 as a member of the NEWTON HUMAN RIGHTS COMMISSION, effective November 1, 2002 for a term expiring July 1, 2005. (60-day Board action date 12/20/02)

ACTION: APPROVED 6-0

NOTE: Ms. Robinson came to the United States from Czechoslovakia in 1941 and attended Tufts, Columbia, and Boston College. She has lived in Newton since 1973 and worked for the Massachusetts Department of Mental Health, retiring in 1992. She has had a life-long interest in civil and human rights issues. Ms. Robinson has been on the Advisory Board for six years. She is most active in the Program Committee that recently put on the program on racism with more than in 100 in attendance.

The Committee thanked Ms. Robinson for her continued service to the community. Ald. Lipsitt moved the appointment and the Committee voted approval 6-0.

APPOINTMENT BY HIS HONOR THE MAYOR

#376-02 TED HESS-MAHAN, 871 Watertown Street, Newton appointed on October 4, 2002 as a member of the NEWTON HUMAN RIGHTS COMMISSION, effective November 1, 2002 for a term expiring July 1, 2005. (60-day Board action 12/20/02)

ACTION: APPROVED 7-0

NOTE: Mr. Hess-Mahan was present for his confirmation interview. He moved to Newton in 1996. He received a degree in psychology from Tufts University. Mr. Hess-Mahan went on to Law School and graduated in

1990. He has worked in Human Services for six years. He has done a lot of work involving people with disabilities, is a member of both CANDO and U-CHAN. He is a liaison parent between the Metco Program and the Newton PTO Council. Last year Mr. Mahan chaired the Ad Hoc Committee on Civil Liberties.

The Committee voted 7-0 to approve this item.

REAPPOINTMENT BY HIS HONOR THE MAYOR

#377-02 JENNIE DEVITO, 26 RUSTIC STREET, Newton reappointed on September 20, 2002 as a member of the PARKS & RECREATION COMMISSION, effective June 9, 2002 for a term of office expiring January 1, 2005. (60-day Board action date 12/20/02)

ACTION: APPROVED 5-0

NOTE: Jennie DeVito told the Committee that she had grown up in Newton, attended Newton schools, Newton Jr. College and then to Boston University. She was a physical education teacher. Her three sons also attended Newton schools. Ms. DeVito worked on Newton Community Development and was one of the founders of the Nonantum Committee. She was on the Recreation Commission for ten years and is very happy to serve on the Parks and Recreation Commission.

Ald. Sangiolo asked if the Parks and Recreation Commission has considered applying for CPA funds. Ms. DeVito said that an application has been submitted.

Ald. Merrill said Ms. DeVito was a wonderful member of the Commission and moved approval. The Committee voted 5-0 in approval.

#130-02 ALD. JOHNSON requesting discussion with the Executive Department regarding the establishment of a consistent process for the submission of appointments/reappointments to Boards and Commissions to Board of Aldermen for approval.

ACTION: HELD 6-0

#88-02 ALD. JOHNSON requesting discussion with Health Commissioner, Parks & Recreation Commissioner, Director of Human Services and Director of the Library about effect on operations of cuts associated with "allocation" budget.

ACTION: NAN 6-0

NOTE: There had been a public meeting on this item, but no vote was taken. Ald. Lipsitt moved No Action Necessary and the Committee voted 6-0.

#334-02 ALD. SALVUCCI requesting an amendment to the Rules and Orders of the Board of Aldermen allowing for the recitation of the Pledge of Allegiance to the flag of the United States of America at the commencement of each full Board of Aldermen meeting.

ACTION: APPROVED AS AMENDED 4-0-3 (Ald. Fischman, Johnson Lipsitt, Parker in favor, 0 opposed and three abstentions Ald. Sangiolo, Ald. Coletti Merrill) Alderman Gentile not voting

NOTE: Chairman Johnson stated this item had been forwarded to the Rules Committee and explained that when Ald. Salvucci and Chairman Johnson discussed this item, Ald. Salvucci was told that it would be taken up. It had been suggested that the Rules Subcommittee of the Programs and Services Committee be formed and this item would be placed on that agenda. Chairman Johnson did not realize the impact this would have on Ald. Salvucci and since Chairman Johnson did commit personally that the item would be taken up wanted to bring it back before the Programs and Services Committee to give Ald. Salvucci time to talk about the item and then decide what the appropriate action would be.

Ald. Salvucci feels this is a simple question of whether we want to say the Pledge of Allegiance to the flag before every meeting.

Ald. Parker stated there were numerous reasons why things were sent to the Rules Sub-Committee. There are many issues that would have to be discussed in order to be formulated into a rule that clearly states the intent. The Committee could vote yes or no on that amendment. The Rules Committee serves a function of putting it into a good form. Ald. Parker felt it would be a reasonable approach to send this to the Rules Sub-Committee scheduled for November 7th.

Chairman Johnson asked if the rules sub-committee should vote in favor of denial, and the item comes back to Programs and Services, can it be overturned and the response was yes. Ald. Fischman commented that it was his understanding that it would just be framed by the Rules Committee. Ald. Merrill felt Ald. Salvucci's position was very clear simply asking if this Board should recite the Pledge of Allegiance and he could see no reason for a subcommittee. He went on to say he advocated saying the Pledge of Allegiance. Ald. Lipsitt would like to keep separate the substance of the issue which is whether or not the Board should be

saying the Pledge of Allegiance before any meeting and the other is the process piece. She felt any item, whether it is simple or a complex drafting issue should be handled in a consistent manner. In her opinion the idea of a sub-committee doing the drafting is good. Ald. Coletti felt this is a simple issue and does not need to be sent to the Rules Committee.

Ald. Gentile did not think there is anything that states that a proposed rules change has to go to a Rules Sub-Committee. He said he would like to see the item discussed in a reasonable amount of time. Ald. Salvucci said he felt it would delay this item if it were agreed to send it to the Rules Committee.

Ald. Lipsitt reiterated that it was difficult to make decisions based on the substance as opposed to the type of decision it is. It was her opinion that the Committee should decide if they want the Rules Sub-Committee or just take up these items at Programs and Services. Ald. Parker said it was his opinion that the Rules Committee would be helpful. Ald. Fischman sees no purpose served for this to go to a Rules Committee. Ald. Sangiolo agreed with Ald. Fischman. Ald. Gentile moved approval of the item as written. President Lipsitt had been asked by a number of people when this item would be discussed and had responded that it was scheduled for the Rules Committee and would like to see it scheduled for November 7th.

Mr. Root of 672 Beacon Street asked if the public who were present at meetings would also have to recite the pledge if this item were approved. He feels that the difference in opinion does not make people unpatriotic if they disagree with this item. Beth Capstick of 77 Lakewood Road, Newton Highlands addressed the Committee and said she would not say she was against the item but did not know what was being accomplished.

Ald. Gentile stated that since the item has been docketed, a position will have to be taken. Alderman Johnson said the motion on the table is to approve the item as written.

Ald. Parker said he felt this was a complicated item. He felt it was more patriotic to pledge the flag when you want to out of your heart and making it mechanical it makes it less inspiring and meaningful.

Ald. Gentile said he had to leave for childcare responsibilities but wanted to say if he were present when the vote was taken, he would vote in favor of the motion as it had been docketed.

President Lipsitt stated as well as being the wife of a proud World War II Veteran and also old enough to be a veteran of the years of the un-American Activities Committee, remembers family members facing extremely difficult choices- when they were forced to swear their loyalty or lose their jobs and being forced to make choices between naming the names of people who were members of the Communist Party or leaving the country. She said she is not for a moment saying that reciting the Pledge is the equivalent of Joe McCarthy, but it is the memory of the kind of uniformity of acceptable social and political behavior; the memory of the 1950's that makes her so resistant to patriotic ritual. She is aware that it has been a difficult time since September 11th. In her opinion, the more ritualized symbolism becomes, the more symbolic it is and the less meaningful. President Lipsitt said there had been a discussion in the past about hanging flags in our village square and this Committee decided that while we would hang flags in village squares but not as a permanent installation because when hung permanently, they would become invisible. They would be hung around Memorial Day or Veterans Day. The Pledge of Allegiance is said when the Aldermen are inaugurated, when we swear allegiance to the constitution and swear allegiance to the City Charter. She felt to insert a Pledge of Allegiance at the beginning of a meeting when people are just wandering in and out and, having side conversations, etc. seems unnecessary as well as unappealing. She went on to say that the ritualized recitation is no different than the ritualized recitation of prayer. President Lipsitt reiterated what Mr. Root had said that there are people in this community, who for whatever reasons, whether religious or national, or just intrinsically related to their ideals think that reciting the Pledge of Allegiance is not the norm. President Lipsitt does not find that wrapping herself in the flag helps her to be a better Alderman and does not help her to serve her community better. She said she would not support this if it comes to a yes or no vote on the floor and hopes that this Committee will vote to take no action. She would understand if the Committee did want to vote yes. If all 23 voted yes, she will still vote no.

Ald. Sangiolo said if the Board decides that this is good thing, she would be in agreement. She did not think it was going to be a major issue for municipal employees to do something before a formal, governmental function that she presumes would be a full board meeting. In her opinion, it would be unfortunate if it goes to the Full Board without hearing from other members of the community that may have the opposite views that were just expressed.

Ald. Fischman and Johnson agreed that if something the Aldermen do would be offensive to the public that would be a problem. Ald. Johnson would abstain once thinking about the role of the public in the saying of the Pledge. Ald. Fischman said it might be better to debate this issue at the full Board.

Ald. Baker said there were two issues that seem to make people uneasy. One is the sense of compulsion that some people don't share. The second is the issue of repetition. We meet every two weeks and Ald. Baker would feel less awkward about this if at the first meeting of the year, a moment was taken to stand and say the Pledge of Allegiance. He feels that repetition could make this a meaningless ritual for a lot of people.

Ald. Parker said that in his opinion reciting the Pledge of Allegiance at every meeting would demean the pledge. Therefore, there was an amendment that would allow saying the Pledge at the first meeting of every calendar year, budget address, State of the City address, Inauguration, and any other time the Mayor comes to address the full Board. This amendment was approved 4-2-1 (Coletti, Merrill opposed, Sangiolo abstaining.) The Committee voted to approve the main item as amended 4-0-3 (Ald. Fischman, Johnson Lipsitt, Parker in favor, Ald. Sangiolo, Coletti, Merrill abstaining and Alderman Gentile not voting.)

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

ACTION: APPROVED 6-1-1 (Ald. Gentile not voting, Ald. Merrill abstaining)

NOTE: Ald. Parker explained this item has been on the agenda for a long time and hoped it was ready to be voted. He said what was trying to be done was to decrease the amount of light that shines across property lines into people's windows disturbing their quality of life and reduce the amount of light that shines up into the sky. This is both an environmental issue and a quality of life issue he said. The goal is to do it in such a way as not to put any kind of undue burden or imposition on anyone. He went on to say there are hundreds of communities of all sizes, of all levels of affluence and socio-economic diversity that have light ordinances. There are instances where people call the police and people complain about light shining across their property lines. Several public hearings have been held with a good deal of public comment. He feels this is good public policy and hoped the Committee would vote on it. Ald. Johnson also felt it would be of tremendous benefit to be able to implement a light ordinance. There was lengthy discussion regarding many aspects of the proposed light ordinance as well as who would be the enforcing authority. Ald. Baker

would like to see incorporated into the ordinance something like Commissioner of Inspectional Services with the advice of the Planning Department and Planning and Development Board shall provide owners or users of land, guidelines and examples of lighting fixtures and practices which would be for purposes of this ordinance. Ald. Baker suggested some of these guidelines incorporated into this ordinance.

President Lipsitt questioned the two types of waivers; one involving substantial financial or other hardships and the other concerns hardship. Ms. Smalley said that hardship might be health or family situation. She had concerns regarding the portion of the waiver that deals with safety and security of the applicable site. President Lipsitt said the response for the reason to have lights would always be safety and security.

Ald. Sangiolo asked about the impact this ordinance would have on City lighting requirements. President Lipsitt responded that the city lighting rule requires that the light on the surface of the parking lot and does not require 14 ft. light fixtures.

Ald. Merrill wanted to be on record as saying that in a prior meeting President Lipsitt suggested that it might be appropriate to exempt single, four family houses from the ordinance. President Lipsitt recalled that came up because at the time she made that suggestion as a way to permit the Committee to move forward.

Ald. Fischman questioned who the enforcement officers would be. The response was the Commissioner of Inspectional Services and the Police Department. Ald Parker responded that the Police would come out with a light meter and stand on the property and point the meter at the source of the light problem and a reading is obtained of how bright the light is.

Ald. Baker agreed with Ald. Lipsitt and said a simple waiver process made the most sense.

Gayle Smalley went over the changes. (See attached draft ordinance reflecting the revisions approved at the Programs and Services Committee Meeting.)

Residents present for this discussion were Jim Sullivan of 487 Boylston Street, Ambrose Donovan of 15 Rochester Road, Steve Bart of 26 Rochester Road and Daniel Krasa of 221 Langley Road. These residents strongly support this ordinance and hoped it would be approved.

Ald. Sangiolo moved approval with a resolution to send to the Executive Department requesting that either Inspectional Services with the assistance of Planning or Planning with the assistance of Inspectional Services implement some sort of guidelines to handout with the ordinance.

#294-02 ALD. JOHNSON, SANGIOLO AND PARKER requesting discussion regarding public disclosure via the internet/newspaper, etc. regarding how each member of the Board votes on docketed items.

ACTION: HELD

The meeting adjourned at 11:35 p.m.

Respectfully submitted,

Marcia Johnson, Chairman