

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS & SERVICES REPORT

WEDNESDAY, APRIL 4, 2001

Present: Ald. Parker, (Chairman), Ald. Merrill, Johnson, Tattenbaum, Baker

Absent: Ald. Coletti, Sangiolo, Gentile

Also present: Sydra Schnipper, Chairman of Public Facilities

City officials present: Gayle Smalley (Associate City Solicitor), Jeffrey Young (Superintendent of Schools), James Marini (Assistant Superintendent of Schools), Nicolas Parnell (Public Buildings Commissioner), Verne Vance (Chairman of School Committee), Heidi Black (Assistant Principal, Newton South High School)

#101-01      HIS HONOR THE MAYOR appointing on April 2, 2001 STEVEN R. SMITH, (Republican Seat) 442 Chestnut Street, Waban, as a member of the Election Commission for a term of office to expire April 1, 2005  
(Board action date 06-01-01)

#102-01      HIS HONOR THE MAYOR appointing on April 2, 2001 FAY COHEN (Democratic Seat) 15 Cottonwood Road, Newton Centre, as a member of the Election Commission for a term of office to expire on March 31, 2005.  
(Board action date 06-01-01)

ACTION:      APPROVED 5-0

NOTE: The Committee was joined by the above appointees for the discussion of their appointments to the Election Commission. Steve Smith is a life-long Newton resident. He has high-tech industry experience and strong managerial skills. He saw the problems in the recent November election and he realized it was time for some change in Newton's electoral system and he thinks his skills are appropriate to making a difference in that regard and is glad to be able to help.

Fay Cohen, who served as a member of the Board of Aldermen from 1996 to 1997, retired last Friday from working for State Senator Cindy Creem and said she is delighted to have another opportunity to serve. She is quite knowledgeable about electoral matters and very excited about the chance to serve on the Election Commission.

Ald. Johnson said she was very upset with how the election was run last November and she is glad to see the Mayor taking action to solve some of the problems there and thinks these appointees will be excellent and Ald. Johnson moved approval.

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Ald. Tattenbaum seconded the motion and said the Election Commission is in great need of technological expertise and, therefore, Mr. Smith will be an excellent addition and she knows Fay Cohen will do a fantastic job.

Ald. Merrill said he has a couple of ideas he would like to pass along to the Commissioners. He said some states are using older high school students who are registered voters as poll workers. He also said it is possible to have partial tax abatement for election workers who are homeowners if you don't have money to pay them as much. Ald. Merrill said he is very happy to see the Mayor take action to solve what he sees as being very real and significant problems in the Election Commission. He said he would "third" the motion to approve.

Ald. Parker thanked the appointees for their willingness to serve in this time of need and urged them to note that there are several other items relating to the Election Commission on the Programs and Services Committee Agenda and asked whether one of them might be interested in serving on an inter-departmental task force looking at the City's voting equipment and thanked them for their willingness to serve in this capacity. The motion was approved unanimously 5 in favor, 0 opposed.

Re-appointments by His Honor the Mayor

# 40-01 The following individuals are re-appointed to the NEWTON COMMONWEALTH GOLF FOUNDATION (60 day Board action date 4/6/01:

B. Bart Hague, 110 Roundwood Road, Newton Upper Falls, effective 12/31/00 for a term to expire 12/31/03.

ACTION: NO ACTION NECESSARY 5-0

NOTE: Ald. Baker moved NAN on this item because Mr. Hague said he would not serve any longer, but Ald. Baker said Mr. Hague has been a faithful and diligent member of the Newton Commonwealth Golf Foundation and the City should be grateful for his service and the Chairman assured Ald. Baker that would be noted in the Committee report.

**REFERRED TO PROGRAMS & SERVICES, ZAP & FINANCE COMMITTEES**

# 64-01 ALD. PARKER, M. LIPOF, YATES, TATTENBAUM, SANGIOLO, BAKER, MANSFIELD, JOHNSON, SAMUELSON, MERRILL requesting discussion of possible implementation of the Massachusetts Community Preservation Act in Newton.

ACTION: HELD 5-0 FOR PUBLIC HEARING IN MAY

NOTE: The Committee was joined for discussion of this item by Associate City Solicitor Gayle Smalley. Associate City Solicitor Smalley said the statute is new and passed last fall. It is optional for each community. She said already Registries of Deeds are collecting funds for the pool of money that will be available to communities. She said there are three categories of local expenditure that are possible from this fund: open space, historic preservation and affordable housing. If the Board accepts, the Board sets a surcharge on the property tax rate of up to 3% and can select from a menu of up to three options; 1) real estate owned by low-income individuals and also low to moderate income

housing eligible senior citizens, 2) commercial or industrial properties, 3) up to \$100,000 of any property's value can be accepted. She said that once adopted by the voters of Newton, the Community Preservation Act could not be revoked within five years but could be amended within five years, up or down through the same process of Newton voter involvement. She said also that the Board will have to create an ordinance setting up a 5 to 9 member commission which could be elected or appointed and would appropriate funds from the Community Preservation Act funds that was created under the acceptance. She added that in each of the three categories — historic open space and affordable housing — at least, 10% of the funds would have to be apportioned each year.

Ald. Baker asked how the funds are generated. Jim Broderick, Chair of the Newton Community Preservation Alliance, explained there are two pots of dollars available. One is called the matching pot, which is 80% of the money that is being collected by the Registry of Deeds fee (about \$20 million this year), and the other is the equity pot, consisting of the remaining 20%. Every community that participates gets an equal share of the matching pot proportionate to their local collections up to a 100% match depending on availability. If there is more than that available, the excess will carry over to the next year. The equity fund gives preference to small and poor communities, and the community can only qualify for the equity fund by having a 3% surcharge. Mr. Broderick said that he doesn't think the equity fund will be a major factor for Newton based on our demographics and size.

Ald. Baker asked whether it was necessary to apply to get matching funds. Associate City Solicitor Smalley explained that, under the statute, all participating communities get automatic distributions. Ald. Baker asked whether local fund raising and other local donations count toward the match. The answer provided is no, the match is based simply on the surcharge on the property taxes. Ald. Baker asked about clarifying that contributions to the fund would be tax-deductible. Associate City Solicitor Smalley said she didn't think there was a problem with that, but she would be happy to make sure that was the case. Ald. Baker asked whether all three purposes could be addressed by a single expenditure and asked to what degree funds could be allocated between capital and operating expenses and what the relationship between conventional public funding and special funds from the Community Preservation Act would be. Associate City Solicitor Smalley explained that this committee, the 5 to 9 member committee, makes a recommendation to spend funds, but it needs the Board of Aldermen's approval and Mr. Broderick added that the fund may not be used for maintenance, it is for capital expenditures only. The fund is flexible about combined projects that address the three purposes so long as a 10% minimum for each category over the course of the years observed. Ald. Baker asked whether one could pay for debt service on a bond issue out of this fund. The answer provided was yes.

Ald. Merrill asked what effect would acceptance of this legislation have on exemptions for veterans and other current exemptions from the property tax. Associate City Solicitor Smalley explained that acceptance would not affect other exemptions and abatements, but that she would talk with the assessors about how the system would work.

Ald. Baker said that since we are moving into budget season, the Board of Aldermen schedule could be pretty busy and he wanted to move forward with this only if there was some likelihood of passage on the ballot. Ald. Johnson asked if we were in synch with the Community Preservation Alliance.

Ald. Merrill said that he was concerned that people understand what this is about, and citizens understand we are not just talking about putting a surcharge on taxes, but that there are important public purposes that would be served by CPA participation.

John Rodman, a citizen present and member of the alliance, said that the public needs to understand that this is a way of doing new things that we would not be otherwise be doing at a modest cost with matching funds.

Linda Scheib of Chestnut Hill said that the message is that we have an opportunity to start thinking about Newton in the twenty-first century to preserve a livable city. The future is not going to be like the past and this fund would be seed money to address future needs.

Josephine MacNeil of 12 Prospect Street, also a member of the coalition, said she wants to pass the act this year—the sooner we get in line for the matching funds, the more we are going to get and even if the act doesn't pass, just by putting it on the ballot we start a conversation about important issues facing the community.

Michael Clarke of 38 Halcyon Road, also a member of the coalition, pointed out that up to 30% of the fund could also be used to purchase active recreation space, like soccer fields. That is another group that might be interested in supporting the ballot item.

Anna Maria Abernathy of Islington Road in Auburndale, a League of Women Voters representative to the alliance, said it would be better to have aldermen vote on this and put this item on the ballot rather than just having signatures collected because it would be like the high school item where the aldermen were supporting it before it came to the public.

Doug Dickson, of Oxford Road, also a supporter and member of the Community Preservation Alliance, said he wants to build momentum and the timing of the Public Hearing is very important.

Ald. Baker said he wanted to indicate his general support for the act and its implementation. He thinks the board support in advance would be important to the ballot question. The issue is not unique to Newton. He wants to know what is happening in other communities. Mr. Broderick said eight communities have voted on this so far, 4 in favor, 4 opposed. Thirty communities are scheduling ballot questions at present.

Ald. Baker said he wanted other technical questions to be addressed. For example, could there be a phase in of the surcharge start it at say 1% and moved up to 1.5% the next year and so on and so forth.

Associate City Solicitor Gayle Smalley said she didn't think there could be a phase-in under the current wording, but she would look into the possibility. Ald. Baker said it would be useful to have a working proposal before the Public Hearing.

Ald. Tattenbaum asked about the feasible timing of a hearing and the analysis of which is if the Board is to take action in time for there to be a campaign for this item, the Board would need to act in June which means we have to have the hearing in May.

Ald. Johnson said she wants to have the hearing but she wants there to be a specific proposal coming from the alliance by then. Ald. Baker would also like the Law Department to answer some of the other questions that he has raised before the Hearing.

Ald. Merrill said he likes to deal in practicalities and he said he is a supporter of the item and wants to make sure that it passes and, in fact, he commented his name was not included in the list of co-sponsors. The lead sponsor of the item explained that because when the item was filed, Ald. Merrill was still out of town in Florida, but that he would request that the Clerk's office add Ald. Merrill's name to the list.

Ald. Tattenbaum moved hold for purposes of having a public hearing. Ald. Baker spoke on the motion asking whether a hearing was an important part of this process as far as the alliance was concerned. Ald. Johnson said we need to have a Public Hearing on something that affects people's pocketbooks. Ald. Tattenbaum said that a Public Hearing is an important piece of that discussion and Ald. Parker said he thought it was important to hear from the public about whether there was support for this and if so, which permutations would be worthwhile to put on the ballot, in terms of rates and exemptions. Doug Dickson said that putting this on a Public Hearing would be a good opportunity to hear the arguments for and against so that it would help to formulate the arguments for the advocates.

**REFERRED TO PUBFACIL, PROG&SERV, AND FINANCE COMMITTEES**

#268-00(B) HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$89,220,407 for the purpose of funding the construction and renovation of Newton North and South High Schools, which source of funding will be the issuance of long-term debt.

**(Public Hearing Held 1-10-01)**

ACTION: APPROVED 5-0

NOTE: Ald. Johnson began the discussion by moving approval. Sydra Schnipper, Chair of the Public Facilities Committee, gave a report of her committee, which approved both the site plan and the money unanimously 7-0. She said before it goes out to bid, it goes back to Design Review and the money was voted subject to second call by Public Facilities because there were questions remaining.

The Committee then invited Commissioner Parnell to follow up on questions that were raised at our previous meeting. He said that they are continuing to work on the issues of photovoltaics and have included a full sketch in the packet. Ald. Schnipper added that one of the issues raised unequivocally in Public Facilities was that the final

drawings from the architect would come back to the board for more review before going to the state.

Jim Marini, Assistant Superintendent, addressed the issue of Newton North High School traffic congestion flowing into and out of the parking lots. He said they have taken drawings that were done by NNHS students of separate entrances and exits for the parking lot and given them to the architects for their consideration, but haven't heard back from them yet on it. [Chairman's Note: Building Commissioner Nick Parnell later clarified that the drawings were not to be delivered to the architect until a April 10 meeting.] In terms of networking technology and power in the classrooms, Assistant Superintendent Marini said they have a high school technology committee with teachers from both Newton North and Newton South High School looking at classroom layouts and the installation of technology and that they would be taking Ald. Baker up on his offer to visit Suffolk Law School to see how they have designed their new building. Mr. Marini also responded to the issue that has been raised at the previous meeting of security and he said that they have discussed typical high school security options— outside doors being electronically wired and also putting wiring in place so that cameras could be added in the future if necessary. Also, they are going to have outside lighting and they will have some level of electronic security.

The chair quickly ran down some of the issues that were addressed at the previous weeks meeting to see if there was further information available in response to the committee members' questions. In terms of outside groups using community space, Mr. Marini said that they want to grow Newton South High School's community education program to the size of the program at Newton North High School and they expect an active and vigorous use of the athletic facilities at Newton South by the public. He said that an internet café per se is not currently planned as dedicated space, but there would be the possibility of using computer facilities that are used during the day by students as an internet café in the evening and also the possibility of using meeting rooms in other facilities within the school buildings would be possible, but of course the primary use would be educational.

Public Buildings Commissioner Nick Parnell joined the Committee to address the drainage questions and the questions of standing water on the field and he said work on the field is not currently included in the project, even though it would be state reimbursable if it were, but he will do what he can to try to get the fields to be usable and they are continuing to look at the issue of standing water in the field, drainage of the field, and also making the fields more level.

Carl Franchesci, the head architect, addressed the issue of alternate power generation. Ald. Baker clarified that he wants the building to be designed for minimum burden with minimum disruption to develop a distributed power system and Mr. Franchesci said that, of course, they wanted to do that and they would like to sell power back to the grid if possible, during non-peak school usage times. For example, during the summer, when the building is not being used, they think they might be able to take solar power and sell it back to the grid.

Ald. Baker asked about prototypes for educational options being studied. Heidi Black, Assistant principal at Newton South High School said she wanted as much technology as possible to be incorporated into the design and that they were setting up a prototype classroom in the science wing including iMacs, iBooks, and other computers and to let teachers experiment with the space.

Superintendent Young said that this is an outstanding project that will meet the needs of students for years to come.

Chair Verne Vance of the School Committee said that the programmatic needs that are being addressed by the project included input from many sources, including teachers and parents and most of the changes are driven by desire to equalize populations in the high schools and that the project will do what is needed to meet the needs of students. Ald. Baker pointed out that things are missing from the project and to the extent that it is feasible these options should not be foreclosed.

The Chair of the Committee asked for clarification as to exactly what level of detail was necessary to be submitted by the June 1 deadline and whether there would be further flexibility in refining plans to incorporate aspects that are not yet addressed. The answer was provided by Building Commissioner Nick Parnell that there would be further opportunity for refinement over time so long as the basic footprints of buildings were not changed and we could go back to the state requesting changes so that it is possible to resolve more issues.

Ald. Parker said that while the renovations to the high school serve important educational purposes and he enthusiastically supports the project going forward, the concern that he raised a year earlier of corners being cut might come back to haunt us is starting to come true and he urged the Building Commissioner, Administration, School Department, School Committee and Architects to attempt to address some of the budding problems before the project is completed so that when the renovated buildings are ready, it is possible to drive in and out of them without traffic jams and is possible to use their athletic fields and facilities and hopefully they will both have functioning swimming pools and the other issues that have been raised be addressed over the course of time. With that, the Committee voted on the motion to approve, which prevailed unanimously 5 in favor, 0 opposed.

Respectfully submitted,

Ken Parker, Chair