

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS & SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 6 , 2001

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

Absent: Ald. Gentile

Also Present: Michael Kruse, Planning Director, Elizabeth Dromey (Chair) Board of Assessors, Gayle Smalley (Associate City Solicitor)

21-01 PRESIDENT LIPSITT requesting on January 4, 2001 the re-appointment of Nikki Sibley, 12 Cotton Street, Newton 02458 as at-large representative to the Newton Child Care Commission; for a term beginning January 1, 2001 and ending January 1, 2003 (Board action date 03-17-01).

ACTION: NAN 5-0 (Ald. Baker and Merrill not voting)

NOTE: The Committee has been informed that the appointee no longer wishes to serve. Ald. Tattenbaum moved no action necessary, which prevailed 5 in favor, 0 opposed with Ald. Merrill and Baker not voting

Re-appointment by His Honor the Mayor

38-01 JOHN BOURGEOIS, 16 Brookdale Road, Newtonville, re-appointed as an Alternate member of the PARKS & RECREATION COMMISSION, effective 1/17/01, for a term to expire on 1/17/04 (60 day Board action date 4/6/01).

ACTION: APPROVED 6-0-1 (Ald. Baker)

NOTE: Mr. Bourgeois joined the Committee for the discussion of his re-appointment. He said that the major issues faced by the Commission in recent years included alcohol and signage in public parks. He said that he supports open space and he thinks more open space will be available in the near future and that money may be needed to acquire some land, which may tie in with the Community Preservation Act. The appointment was approved 6 in favor, 0 opposed, with Ald. Baker abstaining.

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.

NOTE Ald. Baker pointed out that there are two different issues involved here; one is putting something on the ballot and the other is formulating the ordinance. Ald. Coletti also agreed that we needed some action items and the Committee decided to create the following two subparens.

#64-01(2) PROGRAMS & SERVICES COMMITTEE recommending Board of Aldermen approval of ballot question to implement Community Preservation Act in Newton.

ACTION: APPROVED 6-0 (TATTENBAUM NOT VOTING)

The Committee decided that the ordinance to implement the act would be taken up at a future date and tonight's discussion would be as to whether or not the committee endorsed placing the question (#64-01(2)) on the ballot. On that subject matter, Ald. Coletti said he needed more information before he could make a decision. Ald. Tattenbaum responded to Ald. Coletti's question by describing the purposes behind the legislation. She pointed out funding for police, fire, roads and schools is the first priority of cities and towns and, as a result, there isn't adequate money available for open space, housing, and historic preservation. She said that the legislature crafted a very democratic process by putting the question on the ballot. They let communities decide whether they want to self-assess this additional property tax charge and created a vehicle to provide matching funds for communities that opt in. Ald. Coletti asked whether these funds have existed in the past. Ald. Tattenbaum explained this is a new law just passed last year.

Ald. Johnson suggested that one way of looking at CPA adoption is whether it is a cost or an investment. She suggested that it would cost her family about 22 cents a day if the 2% surcharge was implemented as suggested by the Newton Community Preservation Alliance and that it would be an investment in Newton's future and she supports moving forward. She also responded to an issue raised by Ald. Coletti about whether there was a conflict between creating affordable housing and preserving open space. Ald. Johnson pointed out that much of the housing activity that has been done recently by CAN-DO and other groups has been in existing structures, so that open space efforts can coexist with housing efforts.

Ald. Merrill said that he had some reservations when he thought of this as purely a tax increase, but that one should look at what the money will be used for and that he supports putting the question on the ballot. He wants to know what the impact would be and what the benefits would be. He agrees with Ald. Coletti that questions must be answered but he doesn't want a "delay and delay and delay" process like with the Domestic Partnership Ordinance and the Boston College Land Use process. He thinks that the questions can be answered expeditiously.

Ald. Baker suggested that the discussion should focus on the benefits of raising funds in this way as opposed to bonding or using some other way to raise funds for these purposes. He asked what the specific value of using this mechanism is, pointing out that with all the capital investments in the City, there are a variety of tools that are available,

but they are all resource constrained. For example, the City's bonding capacity will be fully committed to high schools and other projects.

Ald. Johnson asked if the Planning Director, Michael Kruse, who was present for the discussion, could provide some suggestions as to projects for which the money could be used if Newton implemented CPA. The Planning Director said an obvious answer would be the woods that are owned by NSTAR (formerly Boston Edison) and he said that some people fear that the property will be put on the market and the City will have no funds available to act. He also pointed out that if we adopt the Community Preservation Act we can get half a million dollars from the state if we spend a half a million on certain land acquisitions because there are additional matching programs and incentives that will be become available to us as a Community Preservation Community. In other words, you get extra points for being a Community Preservation Community in your application for other state open space grants. He also said those points would help applications for Forte Park and other park-related efforts in which the City is currently involved.

Ald. Coletti asked whether the Planning Director has ever suggested putting a question on the annual survey that goes out to Newton residents regarding open space acquisition. Planning Director Kruse said that in his time as Planning Director he had not recommended any changes to the questions on that survey, but he thought it would be appropriate for the Mayor's office to be in charge of that survey and not the Election Department. Ald. Coletti made a statement that the City currently owns a thirteen acre parcel of land on Winchester Street that is not being used and could have been used for housing. He also expressed some concerns about the Newton Community Development Foundation housing and regarding potential takings of property.

Ald. Baker suggested that the Committee take a straw vote on the general question of whether we should implement the Community Preservation Act in Newton, putting off the specifics for further discussion. On the straw vote, there were 6 in favor, 0 opposed with Ald. Coletti abstaining and wanting more information. The discussion then shifted to what particular blend of percentages and exemptions and timing the Committee members favored.

Associate City Solicitor Smalley explained that there needed to be two board orders or two parts to one board order. The first board order would be to put a specific package on the ballot. That package would include a percentage for the surcharge, the exemptions for the surcharge, and an effective date. The second component would be the ordinance setting up the Committee that would make recommendations as to how to spend the fund.

Ald. Baker suggested that these three issues — the timing, the percentage and the exemptions — be taken up as follows: first discussing the effective date, then the percentages, then the exemptions. Committee members agreed to Ald. Baker's model. On the issue of effective date, Ald. Baker said that the preservation fund is available now. There is a benefit to going forward this year. There is a better chance to get a 100% match if we move forward quickly. On the percentage, Ald. Baker favors the Alliance's recommendation of 2%. He said there is a presumption in favor of 2%. In terms of exemptions, the alliance recommends \$100,000 and the low and moderate income exemption. He asked the Chair of the Board of Assessors, Elizabeth Dromey, whether

there were problems with the implementation of the low and moderate income part or the other parts. Elizabeth Dromey said it could be difficult to identify the qualifying population for the low and moderate-income exemptions. Ald. Yates said that the Housing Authority which, under the CPA statute, is required to identify the qualifying population, could probably delegate the application process to the Human Services Department, which currently has several programs it administers that are income-based, such as the fuel assistance program. In fact, the people who qualify for the CPA low and moderate income exemption would largely be the people who qualify for fuel assistance and other income-based programs.

Ald. Coletti suggested that the low and moderate-income exemptions could be handled in the same way as the Veterans exemptions. He also suggested that it could also be done as abatement. Ald. Baker asked whether Ms. Dromey thought a lot of people would even bother to come forward for a mere \$100. or so abatement. Ms. Dromey summed up her views of the low and moderate-income exemption by saying it would be a challenge to implement this year.

Ald. Merrill said perhaps the commercial exemption would be appropriate. Committee members began a discussion of possibility of implementing CPA in FY 2002 to maximize the match. Ald. Sangiolo, Baker, and Parker were in favor of doing that. Ald. Tattenbaum said she was in favor, but was also concerned about the implementation issue.

Committee member then tried to formulate a hybrid plan that would include a simpler plan in the first year without the low and moderate income exemption, but that in subsequent years would include the low and moderate income exemption.

The Committee then heard from Joyce Marchette of the Newton-Needham Chamber of Commerce who wanted to make some comments to the Committee. She said that this proposal had good goals, but she had several concerns including whether this was the right time to do this given that she thinks there has been ten good economic years and she thinks we are due for ten bad economic years now. She also said that, of course, if there was going to be a low and moderate-income exemption, she would also like to see the commercial exemption.

Ald. Baker said that perhaps one percent with no exemptions would get the City involved in this at a low level, but at least we could start implementing right away. He said as much as he would like to do a phase in that could be complicated. Other committee members agreed, although Ald. Parker suggested that it would be better to do 1 1/2% with the first \$100,000 exemption, which would raise the same amount as 1% with no exemptions, but it would do it in a more progressive way.

Ald. Merrill said that we have high property values in Newton, so that we can get enough revenue from the one or one and one-half percent rate, but he thought a commercial exemption would be good.

Ald. Coletti said everyone benefits from this including commercial properties so that he didn't think a commercial exemption was necessary, although he did suggest that repeal of the hotel/motel tax might be appropriate.

Ald. Sangiolo moved approval of one percent with no exemptions in FY2002. Ald. Sangiolo, in making the motion, said that she would prefer a higher percentage, like 2% but she sees that the possibility of getting 2% accomplished seems fairly limited.

Ald. Coletti suggested that we look into the legal possibility of allowing some people voluntarily to pay at a higher rate at 2% or 3% and see if we could still get the state match for those funds if people did that.

Ald. Johnson said she would like to see 2% but wants something sellable and doable, although she would like it to be higher, she understands that it may be necessary to go with 1%.

Ald. Merrill said he wants the commercial exemption, but that he too will support the 1% without the commercial exemption in the spirit of compromise.

Ald. Baker said he would like the percentage to be higher, but he is going to support the 1% with no exemptions motion. Ald. Sangiolo's motion was approved unanimously 6 in favor, 0 opposed with Ald. Tattenbaum not voting.

#64-01(3) PROGRAMS & SERVICES COMMITTEE recommending ordinance to implement Community Preservation Act in Newton.

ACTION: **HELD**

Respectfully submitted,

Ken Parker, Chair