

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 19, 2001

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

Absent: Ald. Gentile

Also Present: Fran Towle (Parks and Recreation Commissioner) Bob DeRubeis (Deputy Commissioner Recreation) Sandy Pooler, (Chief Budget Officer) Fred Guzzi (Veterans Agent) Gayle Smalley (Associate City Solicitor)

#228-01 HIS HONOR THE MAYOR reappointing on June 11, 2001 John Long, 56 Nehoiden Road as a member of the JACKSON HOMESTEAD MUSEUM; term of office to expire on 07-01-04. (Board action date 08-17-01)

ACTION: APPROVED 7-0

NOTE: Mr. Long has served the City in relation to the Homestead for nearly a decade, first on a task force appointed by Mayor Mann and later on the board of the museum. He said he is very impressed with the new Director and enjoys working with him. Ald. Coletti moved approval of Mr. Long's reappointment.

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#276-01 HIS HONOR THE MAYOR requesting that the sum of \$110,000 be appropriated from Overlay Surplus and that the sum of \$95,000 be appropriated from the Capital Stabilization Fund in order to fund the following capital projects:

<u>DEPARTMENT</u>	<u>PROJECT</u>	<u>COST</u>
a) Conservation Commission	Marty Sender Path	\$ 5,000
b) Parks & Recreation	Tree Planting	\$ 50,000
c) Parks & Recreation	Field Renov/Water Control	\$ 25,000
d) Parks & Recreation	Turf Control	\$ 50,000
e) Public Works	Sidewalk Betterments	\$ 50,000
f) Veterans/Licensing	Veterans Graves	\$ 25,000
TOTAL		\$205,000

ACTION: APPROVED 7-0 (Items b, d and f)

NOTE: First, the Committee dealt with (b) Parks and Recreation Tree Planting and (d) Parks and Recreation Turf Control which are each \$50,000 appropriation requests. The Committee was joined for this discussion by Parks and Recreation Commissioner Fran Towle, Deputy Commissioner Bob DeRubeis and by Chief Budget Officer Sandy Pooler.

Commissioner Towle explained that the \$50,000 for tree replacement would be used towards replacing trees that the City had previously removed. However, there is a deficit each year so that the lag time between when a tree is removed and replaced gets longer each year and, in fact, there is quite a backlog. Ald. Johnson asked how the City decides which trees get replaced. Commissioner Towle replied that they are replaced in chronological order of when they are removed, so that lag is expanding and it is now in the two or three year range. Ald. Tattenbaum asked whether the trees that this money was intended for could be planted this Fall or whether they would have to wait for the Spring planting season. Commissioner Towle replied that Fall was a good time to plant trees and that about half of them would be planted this Fall and the other half next Spring.

Ald. Johnson suggested that perhaps we could make up some of the lag by having partnerships with landscaping companies. Ald. Coletti suggested the City could give out acorns. Ald. Baker suggested that the City could distribute smaller trees that people could plant themselves. Ald. Tattenbaum asked whether we could have a "sponsor a tree" program, on which question Ald. Johnson followed up by saying it might be possible for citizens to pay for a tree as long as the City plants it. The Commissioner said she would look into these ideas and looked forward to further discussions with the Committee.

The Forestry position remains unfilled because the current occupant of that position is on a health-related leave and the position is not officially vacant at this point she informed the Committee.

The \$50,000 for turf control covers fertilization, seeding and other maintenance activities at eighteen fields throughout the City. The program is done in cooperation with the soccer league, which makes a contribution. (Attachment)

Ald. Coletti pointed out that backup material was not provided in advance of the meeting relating to these items. Other Committee members also expressed their opinion on the importance of having access to this information prior to meetings. The Committee decided to adopt a future policy of not taking up financial items without receiving some documentation in advance, the Mayor's appropriation letter at the very least.

The Committee then discussed (f), for which it was joined by the Veterans Agent Fred Guzzi who explained that the \$25,000 for Veterans graves was in response to the need that was generated by the using up of the existing lots available for veterans graves as part of the City's program of

providing graves to indigent veterans. This item was filed in response to a resolution passed unanimously by the Programs and Services Committee and later by the full Board of Aldermen in conjunction with the FY2001 City budget. Mr. Guzzi is counting on another \$25,000 to come in next year to complete the \$50,000 purchase of 31 lots. He provided a map of where those lots would be (see attachment). Ald. Merrill pointed out this program was for single veterans only and married veterans had other options where they had plots together with their spouses.

Ald. Merrill moved approval, which passed at first 6-0 and eventually 7-0 after reconsideration when all were present.

REFERRED TO PROGRAMS & SERVICES, ZAP & FINANCE COMMITTEES

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

ACTION: APPROVED 7-0

NOTE: Associate City Solicitor Gayle Smalley presented some information to the Committee (attached) outlining the composition of some of the other committees and commissions in the City are and also had some draft ordinance language.

The Committee worked through the areas of consensus and then the areas that needed more discussion. The first area of consensus was that there be four appointed members appointed by the Mayor and approved by the Board of Aldermen. The next issue discussed was how long the term should be.

There was some discussion that there should be term limits for consecutive terms served to encourage new blood on the Community Preservation Committee. Ald. Tattenbaum suggested two three-year terms. Ald. Johnson agreed. Ald. Sangiolo supported the term limit idea and Ald. Baker suggested that the terms be two years for the ex-officio positions.

It was then suggested that the terms be the same for all the positions. There was consensus on that point with the exception of Ald. Merrill who abstained because of his concern that two years was too short a time period for people to accomplish things and he preferred a three-year term.

On the subject of the term limits, Ald. Parker suggested that term limits would be appropriate for the members if they could be for all members, not just the appointed members and the Law Department had said that we could certainly limit consecutive terms to the appointed members, but it was unclear as to whether we had the authority under the Statute to limit the consecutive terms for the statutory five members that served on the Conservation Commission, Historical Commission, Parks and Recreation Commission, Housing Authority, and Planning and Development Board. The motion to include term limits contingent upon those limits applying a limit of three two-year terms to all nine members was approved unanimously.

The next issue discussed was whether the terms ought to be staggered. Ald. Baker suggested that for institutional memory it would be valuable to stagger the terms, so that not everybody left at the same time. He suggested starting the statutory members with one-year terms and appointed members with two-year terms and in that way they would finish up in different years. Ald. Merrill reiterated his concern that two years is not enough time to get things done. Ald. Tattenbaum said she supports the Baker recommendation for staggering the terms and that passed on a straw vote of 6 in favor, 1 abstention (Ald. Merrill). Ald. Baker suggested a compromise plan that would encourage that each of the advocacy areas be represented.. Ald. Johnson presented a draft compromise plan that had that concept as well as requiring geographic distribution of the membership, one appointed member from each of the quadrants of the City; as follows: one from Ward 1 or 2, one from Ward 3 or 4, one from Ward 5 or 6 and one from 7 or 8. The Committee discussed these options and then opened it up for public comment.

Jim Broderick, Chair of the Newton Community Preservation Alliance expressed his view that it would be important to have a balance of representation from among the four advocacy issues; open space, recreation, affordable housing, and historic

preservation. Josephine McNeil, also of the Alliance, said that if you didn't have expertise from each of the areas, there could be a slow learning curve and it could take a long time before you could get up and running doing things, so she thought the balance was important. Doug Dickson expressed a view that the geographic distribution was a good idea and made sense but he also thought you need a balance among the four advocacy areas. The Programs and Services Committee discussed these ideas and decided to require both the geographic distribution and that each of the appointees represent one of the four areas so that there would be a guarantee that the four interest areas would be balanced.

Ald. Baker further suggested that the legal, financial, real estate or architectural skills be sought from among the total nine members, such that when the Mayor made his or her appointments of the four additional seats, in addition from picking one from each quadrant of the City and in addition to making sure that one represented each of the four advocacy issues that he should strive to the extent feasible when filling seats on the Community Preservation Committee to make sure that each of those skill areas (legal, real estate, financial and architectural) are represented by at least one of members of the Community Preservation Committee.

Ald. Parker expressed the view that this was quite a burden on the appointing authority and that it is tough enough to find people who live in the right part of the City who have interests in an area that isn't already represented but also to make sure that person has a particular set of skills could make it very difficult to fill a vacancy where one could in fact be looking for a lawyer from Ward 1 or Ward 2 who will advocate on behalf of historic preservation. On the amendment, there were five in favor, none opposed with two abstentions, Ald. Parker and Merrill abstaining.

There was then consensus for the compromise which would have the first and second criteria be binding, the geographic and constituency criteria. The first criteria would be there would be one appointee from each of the four sections of the city represented by a pair of wards, Wards 1 and 2, 3 and 4, 5 and 6, 7 and 8. The second criteria is that those four individuals represent one each the four purposes of the act, open space, historic, recreation, and affordable housing. The third criteria was that the Mayor strive to make sure that there is at least one member of the nine on the CP committee with skills in each of the four following areas: law, architecture, real estate, and finance. There was consensus on that package.

Then there was discussion of what would happen if one of the statutory members of the Community Preservation Committee failed to attend meetings because of absence or disability. The consensus was the appointing commission can replace that member and they can set up their own rules for doing so. The question was raised whether alternate members of boards and commissions can serve as representatives of those boards and commission on the Community Preservation Committee. The Programs and Services Committee decided unanimously to allow those alternate members to serve. There was also a change in the language of the draft ordinance, changing the term ex-officio to statutory with respect to the five members specified by the state statute.

There was also a discussion of the tape recording and minutes of the Community Preservation Committee meetings and it was clearly the unanimous feeling of Committee members that those things ought to be done. There was discussion as to whether distribution of minutes to members of the Board of Aldermen ought to be specified in the

ordinance and the Committee decided that didn't need to be specified in the ordinance, but should be made clear when the committee members are being approved that they need to comply with the Open Meeting Law and to provide copies of their reports to the Board of Aldermen and that if that became problem, the Board could always amend the ordinance later to add that requirement.

Ald. Sangiolo moved approval of the ordinance, which motion prevailed 7 in favor, 0 opposed.

REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEES

#158-01 ALD. GERST seeking Home Rule Legislation for the purpose of raising qualifying income level for the Newton 41A (Senior Citizen real estate tax deferral) program.

ACTION: HELD

NOTE: The Committee decided to do two things: 1) Draft a Home Rule Legislation that would allow the City to set the income level for participation in the Senior Citizen Property Tax Deferral Program by ordinance, rather than just setting a new level by home rule petition and having to go back to the legislature every time we wanted to make a change and 2) proposing an ordinance to set that level, as follows:

#158-01(2) PROGRAMS & SERVICES COMMITTEE requesting ordinance to implement increase in eligibility threshold for Clause 41A Senior Citizen Tax Deferral program.

ACTION: HELD

NOTE: That ordinance would be effective when the legislature approved the home rule legislation. It was suggested by Committee members, at least for drafting purposes, that the income level would be \$70,000, but then the Board could go back and change that number later. The Committee decided that when it next took this item up, it would like to hear from Elizabeth Dromey, Chair of the Board of Assessors as to what the likely level of participation in the program would be, but she did specify the \$70,000 was an appropriate level (see attached memo). The Committee asked Associate City Solicitor Smalley to draft the Home Rule Legislation and the Ordinance for the October 17 meeting, so the Board would have a chance to have those documents in advance of that meeting at least by the Friday before, so they could be considered together at that meeting.

Respectfully submitted,

Ald. Ken Parker, Chair