

CITY OF NEWTON

IN BOARD OF ALDERMEN

ZONING AND PLANNING COMMITTEE REPORT

THURSDAY, OCTOBER 9, 2003

Present: Ald. Yates (Chairman), Ald. Lappin, Gentile, Mansfield, Lennon, and Baker

Absent: Ald. Johnson and Sangiolo

#354-03 HIS HONOR THE MAYOR submitting pursuant to Sec. 6-2 of the City Charter a proposal to reorganize the Inspectional Services and Planning & Development Departments.

ACTION: APPROVED 3-0-2 (Baker, Mansfield, Yates in the affirmative; Lappin, Lennon abstaining; Gentile not voting)

NOTE: A public hearing was held on October 1st. Present from Zoning and Planning were Ald. Yates (Chairman), Ald. Johnson, Lennon, Lappin, Baker, Sangiolo, and Mansfield. Other Aldermen in attendance were Ald. Merrill, Salvucci, Stewart, Samuelson, Linsky, Fischman, and Parker. The hearing concluded at approximately 10:40 PM and the item was held for on October 9th. This report summarizes both the hearing and subsequent working session.

Public Hearing

Chief Administrative Officer Michael Rourke presented the plan with further details given by Planning Director Mike Kruse and Inspectional Services Commissioner Mark Gilroy. The plan had been significantly revised from the first version of total merger of the two departments based on input from the President, Vice-President, and the Chair and Vice-Chair of the Land Use and Zoning and Planning Committees. One key element of the plan as heard was the development of a Customer Service Desk staffed by retrained clerical staff of the Inspectional Services Department. These Customer Service Clerks would be the first persons to deal with citizen inquiries. They will do simple information and referral and assist applicants to fill out basic application forms. They will be backed up by the Chief Plans Examiner, Chief Zoning Code Official, and a rotating system of Building Inspectors. Their training is supposed to make them familiar with all aspects of the development process so that they can easily refer applicants who need more than a Building Permit to the officials in charge of Conservation, Historic Preservation, Zoning Board of Appeals, etc. These positions will free up a major amount of time for the Inspectors who will now be able to visit permit sites to make sure that construction is being done properly and to carry out the inspections of multi-family properties required by law but never completed in the city.

The Customer Service Supervisor, a transformation of the Executive Assistant from the Planning Department, will supervise the Customer Service Clerks. The Inspectional Services Commissioner will give up supervisory responsibility for all of these positions giving him more time for Inspections, enforcement and decision-making. The Senior Wire and Plumbing Inspectors as well as the Chief Building Inspector will now report to the Plans Examiner/Chief Inspector giving him full responsibility to the Commissioner for the functioning of all the Inspectors and the Commissioner fewer direct reports and more time to do the core elements of his job.

The final major element of the re-organization will be the establishment of the position of Zoning and Land Use Enforcement Officer. This person will be under the direct supervision of the Commissioner and will be responsible for handling all new enforcement complaints and for eliminating the backlog of more than 100 complaints. A new Administrative Assistant reporting to the Commissioner will work closely with the Enforcement Officer and the Commissioner to make sure that all complaints requesting enforcement are acted on promptly and responses to citizen complaints has long been a prime concern of the Committee and the Board at large.

At the public hearing two citizens spoke against the re-organization as perhaps letting the fox take complaints about the lax protection of the chicken coop. It was explained that the Enforcement Officer would take complaints about violations of ordinances and of granted permits. Citizens who disagree with rulings of individual Inspectors will have the right to complain to the Chief Inspector and to the Commissioner who has the right to rescind improperly given permits. Citizens who disagree with the rulings of the Commissioner will still have the right to appeal to the Zoning Board of Appeals *as state statute stipulates*. The Customer Service Clerks will be able to refer complainants to the Zoning Board of Appeals. To avoid even the appearance of conflict of interest, copies of complaints will actually be filed with the Senior Planner who staffs the Zoning Board of Appeals, not anyone subject to the Commissioner's supervision. Nevertheless, many Board members were skeptical about the effectiveness of the re-organization. Many of the details were not clear in the materials handed out at the Public Hearing. No curriculum for the Customer Service Clerk's training was available. Alderman Parker said that ISD was the most dysfunctional department in the city. Several Aldermen questioned the reporting relationships and the new workloads. Some said they could not vote for the re-organization without many more details.

Working Session

The administration attempted to provide many of those details in a package at the working session in various charts they displayed. They included comparisons of the current amount of time inspectors now spend at the counter and the lessened amount of time they will under the re-organization. At least two hours per Building Inspector per week will be freed up for multi-family inspections per week for a total of eight hours per week. (Even at this rate, it will take two years to inspect all multi-family properties in the city.) Large and simplified organizational charts of the two departments made the functions and interrelationships somewhat clearer and easier to understand though questions still remained. These new materials made Aldermen Mansfield, Baker, and

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Yates more willing to vote for the re-organization. Aldermen Lappin and Lennon were more kindly disposed towards the item than they had been but still wanted to reflect further on the matter and review materials from the administration. All agreed that the presentation had significantly improved their opinion of the re-organization and that skeptical members of the full Board and absent members of the Committee might well need to participate in a similar presentation before they could vote for it. The Charter deadline requires the Committee to report the matter to the full Board by the October 20 meeting. The full Board could approve or reject it at that meeting, postpone it to another meeting (though it is immune to the Chartering delay), or recommit it, possibly for a Committee of the Whole with Zoning and Planning chairing.

Mr. Rourke offered to report back to the Board prior to next year's budget on how the reorganization was working. Ald Baker moved the following item requesting the Mayor to do so, which was approved 5-0, with Ald. Gentile not voting.

#354-03(2) ZONING & PLANNING COMMITTEE requesting His Honor the Mayor report back within six months to the Board of Aldermen as to what progress has been made to eliminate the backlog of zoning complaints, investigating all new complaints, inspecting multi-family dwellings.

In order to get the matter before the Board in accordance with the provisions of the Charter, Aldermen Yates, Baker, and Mansfield voted to approve the item with Aldermen Lappin and Lennon abstaining. The Committee adjourned after a working session of more than two hours just on this item.

All other items were held without discussion.

Respectfully submitted,

Ald. Brian Yates, Chairman