

Charter Commission Meeting

June 14, 2017, 7p.m., Room 211

Present: Josh Krintzman, Chair, Vice Chair, Bryan Barash, Jane Frantz, Howard Haywood, Anne Larner, Brooke Lipsitt, Karen Manning. Chris Steele. Vice Chair Rhanna Kidwell absent.

The first order of business is review of the meeting minutes from April 24, April 26, and April 27, 2017.

Anne moves acceptance of the April 24 minutes; seconded by Jane. Motion passes 7-0. Chris Steele abstains.

Anne moves acceptance of the April 26 minutes; seconded by Brooke. Motion passes 8-0.

Anne moves acceptance of the April 27 minutes; seconded by Brooke. Motion passes 8-0.

Public Comments

Sallee Lipshutz, 24 Radcliffe Rd., comments on a meeting that had been held the previous evening which had been attended by Josh Krintzman, Rhanna Kidwell, Jane Frantz, Karen Manning, Election Commission Members, David Olson, and Ouida Young. She recommends a separate mailing for the Commission's final report versus bundling with the city's ballot question mailing. Even if it is legally acceptable to send as one mailer, "it would have a stinky smell to it of support of the Charter Commission by the Election Commission." While that it is not the Commission's purview, it does not look right in the eye of the beholder to her.

Josh recommends discussing the Ballot Question Summary as the first agenda item.

Josh recaps that the group had met June 13 to discuss mailings related to the ballot question. There is a legal requirement from a City of Newton Special Act (1987) that requires the city to mail ballot questions to households ahead of each election with "pro" and "anti" statements and a summary of the question from the City Solicitor.

Also, MGL 43B outlines Charter Commission requirements such as mailing of the final report and having a summary of its ballot question. David had raised how to [possibly] harmonize the two mailings and what should be sent to residences. Another question is what belongs on the ballot.

We discussed needing more information on cost, delving into the legal requirements, and arguments for having the ballot summary and final report mailed together or separately.

David plans to obtain cost information, a cost analysis, and the same group may reconvene. The Election Commission meets every month. Another consideration is timing. The 1987 Special Act requires the ballot question summary document to be sent no later than 10 days before the election. 43B requires the final report to be sent no later than 14 days prior.

Brooke raises the question of who makes the final decisions.

Josh explains that Ouida and David are going to look into it. David raised possibility that City Council has discretion over one vs. two mailings.

Karen and Jane point out that this is unprecedented because of our local requirement - Ouida and Collins will connect to discuss.

Josh reminds the Commission that we need to compile the ballot question summary.

Karen, Josh, and Jane recap that the mailing to residences would include “pro and anti” statements in addition to the city solicitor’s summary.

A point of confusion is the ballot summary we prepare and the city solicitor’s summary for the ballot. Is the neutral summary the same for the mailing and the ballot? It is likely the city solicitor will draft from our summary language.

Anne and Brooke will work on the ballot question summary.

Josh raises timing. The end date is no longer than 14 days before election, and the “beginning date” would be after the preliminary election (Sept. 12) to avoid confusion.

Karen raises that plus or minus \$13K is left in the Commission’s account, which should factor in. The mailing question will be complex because it may seem egregious to some send the separate mailing, but it’s very emotional, and many may object to the one mailing. It’s an emotional question.

The group shares their input. Discussion highlights include:

Brooke is in favor of one mailing. She is concerned that people will be less likely to open a second piece of mail from the election commission, and therefore will not be fully informed.

Josh recalls that one member of the election commission expressed preference at the meeting that all voter information be provided at once.

Bryan and Chris are concerned about overwhelming voters and things getting buried. Our report is still pretty dense. This may deserve its own mailing and “time to digest”.

Anne is curious about the practice in the past~ Bryan points out that this is a unique situation. The last time there was a mailing of the final report was pre 1987.

Sallee - The Election Commission kept discussing the issue after the meeting adjourned. They said they would not want to send something out unless their mailing covered [was laid over] the Commission’s mailing. She recalls that Rhanna indicated preference against this. The issue should be discussed.

Karen informs the group that David Olson said he could provide mockups.

Bryan - there needs to be an explanatory letter.

Howard- The first mailing will be distinct from the second - it won’t have candidates’ names, etc. - people will know another mailing is coming. He prefers separate mailings.

Brooke is concerned about perception of excessive spending.

Karen points out the Commission's responsible spending to date.

Letter to the Council:

Josh walks the group through the Letter to the City Council which contains important points the Commission wishes to convey to the Council if the charter passes, does not pass, or "either way". The group will hone in on the content. Josh has edits to share that were not included due to accidental oversight.

Anne reminds the group that Councilor Baker had encouraged the group to write the letter to see if the Council might address certain issues.

Brooke points out that perhaps the Mayor should also receive the letter.

Anne - this would broaden what might be included.

Bryan thinks we should highlight ordinances that would need to be written. This is valuable support in cases where there may be self-interest, i.e. setting salaries. This serves as historical record.

Anne disagrees about the point about ordinances. We can assume the councilors will read the charter and transition provisions. She is not sure it's necessary or wise but is open to being convinced.

Bryan thinks it will highlight what it is at the top of the list, but is flexible; Josh thinks that if this is the chosen approach the list would need to be exhaustive.

Below is the letter (with minor annotations/commentary) incorporating edits to the draft of the letter presented:

Dear Newton City Councilors,

It was our honor to review the city's charter. During the 16-month charter-review process, our Commission tried to track elements of our research and findings that could be of particular use to you. We conducted our review always mindful that the charter *is not the appropriate vehicle* to resolve all problems. Certain issues brought to the surface during the course of our review warrant consideration for further action whether or not the ballot initiative is successful in November.

We hope that the following commentary and information will be beneficial to you:

311 System

A common theme throughout our review was the expectation in Newton that councilors provide constituent services (*e.g.* issues involving potholes, streetlights *and* cracked sidewalks). Councilors from other municipalities described the benefits of a successful separation of responsibilities and a carefully designed 311 system to meet citizen needs without burdening councilors. **We encourage the city to support and continue a robust 311 system**, but acknowledge that the need for such a system will be increased should the residents pass charter reform. (*note: question was raised about this sentence; edit not finalized*).

Special Permits

During our Planning panel discussion, our panelists publicly confirmed that special permit granting authority under Massachusetts General Laws Chapter 40A lies squarely with the City Council as the city's legislative body. Residents and councilors alike expressed frustration at the time required to review even minor projects and many supported reassigning smaller-scale or straightforward projects to another body.

The Charter Commission researched and confirmed that, under state law, the council may keep this authority, assign oversight to other authorized bodies which include the *Zoning Board of Appeals*, Planning Board, or a Zoning Administrator, *or determine that certain classes of special permits be issued by one body with other classes of special permits issued by a separate special permit granting authority.*

Comprehensive Plan (note: No changes to this section)

The Commission considered a requirement for a new comprehensive plan to be developed according to a designated time line, e.g. every 12 years. After additional discussion, the group decided against this approach given the research demands, data gathering requirements, and concern that the “correct” interval was difficult to determine. However, there was widespread agreement that consistent and serious attention to the document is critical and that each incoming Mayor should affirm or modify as needed the city's current Comprehensive Plan.

With or without a new charter, we recommend the council establish a time table for Comprehensive Plan Review.

Planning and Development Board (note: No changes to this section)

The proposed Charter also contains a new provision that requires the city council to set by ordinance the membership and term of office of the planning and development board. We recommend you consider crafting such an ordinance no matter the outcome of the charter vote.

Charter Objection

The proposed Charter includes a small but significant change to the charter objection provision which allows the city council to limit the situations in which the *charter objection may* be utilized. This was done in response to public feedback that there may be certain situations in which taking no action would essentially allow a proposal to pass without the council's approval, e.g. with special permits or the city budget. We recommend that you carefully consider whether the charter objection should be limited and, *if so*, under which *circumstances*.

Neighborhood Area Councils

(note: the group decides not to include second paragraph from draft and to avoid commentary on the debate).

The Neighborhood Area Councils discussion was one of the Commission's most extensive. There were mixed feelings about the role and influence of the city's four existing neighborhood area councils.

As with our planning article, *the Commission found that it is unusual for a city or town to include neighborhood area councils in their charters (KM)*. Also, we learned that area councils are almost exclusively appointed (not elected) in more populous cities, such as St. Paul, Seattle, Washington D.C., or Los Angeles. The Collins Center compiled area council data that can be helpful for your reference. (See Appendix D: <http://www.newtonma.gov/civicax/filebank/documents/78300>). In short, a city Newton's size having area councils is atypical and special consideration is warranted.

Ultimately, all commissioners agreed that if our proposal passes, the significant decisions and details pertaining to the area councils' framework are best left to the Council. We urge you to consider the following:

1. A clear vision and purpose for area councils should be defined.
2. The creation and management of boundaries should be carefully evaluated, given that under the current charter:
 - Neighborhood area councils' boundaries do not conform to ward and precinct lines creating challenges for the Elections Office; and
 - Neighborhood Area councils' boundaries may be modified at any time through a petition process creating challenges for the Legal Department.

Please note that concerns arose consistently that if the council is downsized, priorities will lie elsewhere during the transition.

Design Review (AL) (note: Anne recaps pressures to make changes within the charter. An effort was made to ensure that the proposed changes are appropriate for the charter. There is still a "morass" of ordinances that should be reviewed and or overdue for review, whether or not the charter passes). The group keeps the first paragraph below only.

State statutes and regulations regarding design and construction of public facilities (including school buildings) have changed considerably since Newton's current charter was approved in 1971. Whether the current proposed revisions of Newton's charter are approved by the voters in November or not, the Council could significantly improve public independent review of its ongoing investment in new and improved buildings by updating and clarifying the current ordinances related to Design Review Committee.

City Councilor Compensation/Salaries

We gathered data to look at Newton officials' compensation vs. those of other similarly-sized *cities* in Massachusetts and found our officials at the very bottom of the range. (*see* <http://www.newtonma.gov/civicax/filebank/documents/76149>).

The gap between Newton and *those other* cities is even more pronounced when factoring in the median income.

We gleaned important historic information from the city's 2005 Blue Ribbon Commission Study (<http://www.newtonma.gov/civicax/filebank/documents/79011>) which resulted in a salary increase for the mayor in 2006, with no changes since. The City Council and School Committee have not been provided a step-up in salary since 1997. Our Commission fully supported a salary increase but concluded that compensation should not be addressed within the charter. We urge the council to address this issue.

An entitlement to reimbursement of expenses was *also* added for City Councilors and School Committee members as part of our proposal.

City Council Legal Counsel

The city council currently has no means of obtaining independent legal counsel in the rare instance where there is a legal matter between the legislature and the executive. The proposed charter allows the council to establish a level of funding provided in the Mayor's budget for such legal assistance. We recommend you review this provision and consider an ordinance that would set a default for such funding.

Public Comment

The Commission included a requirement in the proposed charter that city bodies create public comment policies to help set the public's expectations. Whether or not the proposed charter is adopted, we encourage you to take action to ensure the community is given reasonable notice of when and how public comment will be accepted by public bodies.

Transition

The Commission has outlined transition provisions within the proposed charter. A summary document can be found here: <http://www.newtonma.gov/civicax/filebank/documents/79600>

Given the extensive nature of the proposed changes, we wanted to ensure that the proposal would be financially responsible and viable so we interviewed City Hall employees. Those consulted include Kelly Byrne, City Hall Pension Specialist; David Wilkinson, Comptroller; Terry Struth, Human Resources; and Maura O'Keefe, Legal. All affirmed that the new proposal would not have negative short or long term financial impact on the city.

For more details regarding our work and conclusions, please see our [final report](#) and documentation ([newtonma.gov/charter](http://www.newtonma.gov/charter)). We hope many elements of what we learned and observed during our review will benefit the council and city regardless of the outcome *of the vote* on November 7th.

We hope you contact Commission members with any questions you might have.

[Signatures]

4 paragraphs attached to the end of the draft are discussed.

The first 2 paragraphs and the paragraph will not be included.

The paragraph about legal counsel for the city council is included. The group decides to place after the compensation section.

The paragraph about referenda/initiatives will not be included, even though Article 10 is complicated.

Next Steps:

Brooke would like to discuss when the letter will be provided to the Council and whether the Commission will present to the council.

Anne recalls Marilyn's point that Commissions often present to the Council. What kind of communications have taken place?

Brooke suggests contacting Councilor Lennon so we are able to present in July or August.

Josh recalls that we had wanted a slide deck of some sort (like Framingham's) so we are able to kick off informational meetings and would like to discuss the draft of his/Chris's draft of the educational materials.

Anne hadn't thought of the educational materials in terms of the city council—the presentation would be a special occasion. This a body that understands what a charter is, etc.

Also, she doesn't see the materials (length and the coverage) as a good fit for a coffee style presentation, if that was one of the goals. So far we've needed to be more succinct and less academic/studied. Flexibility is important because each audience is different.

Josh agrees about the different audiences, but different parts of the presentation could be referenced.

Bryan does see where the document can add value, but not necessarily as something produced by the Commission.

Josh sees the document as a valuable resource no matter what the setting. Others don't need to use it but it could be useful to agree that it is accurate and going forward anyone could use it.

Anne does not picture using a slide deck during coffees.

Jane would like to create her own materials in her own voice. She could not effectively use someone else's presentation.

Chris wishes to make the points that this document, that was started many months ago, provides comprehensive information to Josh if he presents to the Council. It provides resources to those who wish to use parts of it as they see fit.

Brooke - Whether or not Josh makes a presentation to the Council is up to the council, not to us, though we can offer. Hopefully they will. However, this may be a little sophomoric for the council.

Chris - However, we are also presenting to others attending.

Karen - Can there be a working group to create the presentation? I would have assumed that.

Howard is wary of presenting to the Council and how they might receive it and others agree.

Josh - This is somewhat a formality and a courtesy. This is really just reporting back what we did. It's not about persuading anyone. There are risks that it could become negative, but not likely. However, we can handle it.

Brooke understands concerns but we should not shy away from addressing concerns of our critics. It's a stronger position to make the presentation and be prepared that there will be some arguments. You might even ask the President if it's his intention to permit questions, etc.

Howard still has reservations. Scott cannot control what unfolds if questions are raised and deliberations are reopened.

Bryan sees this point.

Jane asks about the likelihood of this happening and Brooke points out this Council has been more open to presentations under this President. Summer agenda also tend to be light, so there may be receptivity to this.

Anne does want to ensure that the presentation is aimed at the right level.

Josh - Most likely some of the councilors will not be familiar with the proposal.

Karen would like to go back on the record to say that if Josh presents, he should not do this on his own. Someone else should be there to practice with him or develop the materials with him because there are different opinions of what this should look like. There are very few times any of us have gone in on our own for any assignment. Perhaps someone should be alongside him. It's not a question of being capable, it's about having the extra eyes and ears.

Josh does intend to start from the document and get to a place where he is comfortable instead of creating a new presentation.

Chris says the document should be viewed as a toolbox, and the group sees this point.

Brooke - We'll finish this letter and you'll speak to Scott and let him know that we'll be happy to present at one of your July or Aug. meeting. The Council Chambers are setup for a slide presentation. Josh asks the group to take a look at the slideshow.

Brooke and Anne emphasize Josh would be presenting on behalf of the Commission and not on behalf of himself, so it is incumbent upon us to give feedback about what to highlight and the right subset of slides.

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Anne - it's also important to have the flexibility to react to the situation - it's not a script.

Brooke - it's advice not a script.

The group discusses the next meeting date.

Brooke agrees to send a doodle poll to figure out the next meeting date, with no proposed date later than 7/20.

The meeting adjourns at 9:02p.m.