

# President's Report for 2009

December 21, 2009

## Introduction

I am honored to offer to you my sixth Annual Report as President of the Newton Board of Aldermen. Following my election as the Board's president some six years ago, I began this practice of offering an annual report to inform citizens on the work of the Board and to provide a handy historical reference. I hope my successors will continue the practice.

I want to thank my colleagues for the honor and responsibility of serving them, and the City, as President of the Board of Aldermen during this last year.

Indeed, no one in the role of Board President can succeed alone. I especially appreciated the advice and assistance of Vice-President **Scott Lennon** and President Emeritus **Verne Vance**, as well as of our Comptroller, **David Wilkinson**, and our City Clerk and Clerk of the Board, **David Olson**, and his staff: **Linda Finucane, Shawna Sullivan, Karyn Dean, Danielle Delaney, and Rosalie Meyers**. Together this team is responsible for facilitating communication amongst Board members, and with the public on behalf of the Board, including helping with this report. They also assemble the dockets, agendas and reports of items for the Board to consider, prepare the board orders, revise or create new ordinances that result from Board actions, and staff the various Board Committees.

## Background on the Newton Board of Aldermen

While the Mayor is the Chief Executive of the City, it is worth remembering that the City Charter provides that "...Except as otherwise provided by law or the Charter, all powers of the City shall be vested in the Board of Aldermen..."

Those powers are exercised by the Board in reviewing and approving city expenditures, setting the tax rate for residential and commercial properties, and shaping land use policy for the City.

With a large Board, we cannot succeed in that effort without first allocating our work among a number of smaller standing or special committees whose members and leaders are appointed by the President at the beginning of each aldermanic term. These committees in turn report to the Board as a whole for final action.

I especially want to acknowledge those colleagues who have not served this year in formal leadership roles, but who have helped the Board succeed in other ways.

Alderman **Allan Ciccone, Jr.**, a first-term Alderman-at-large from Ward One, has a background in public safety which has informed us all. Also, **Amy Mah Sangiolo**, Alderman-at-large from Ward Four, previously ably served as Board Vice-President, and has continued to help keep us focused on important issues.

Here are some of the measures the Board has considered or acted upon this year, organized by the Committee in which the ideas were discussed.

## **THE WORK OF THE BOARD IN ITS COMMITTEES**

### **Land Use Committee**

The Land Use Committee is chaired by **George Mansfield**, and its Vice-chair is **Mitch Fischman**; with the assistance of staff **Candace Havens** (Chief Planner), **Ouida Young** (Associate City Solicitor), **Linda Finucane**, and other staff as needed.

The committee reviewed 28 special permit petitions in 2009, including expediting some minor matters by holding public hearings and voted on these petitions the same night.

Several of the larger petitions approved in 2009 included the Marriott Hotel's request to convert old garage space to function use, and an associated waiver of parking space requirements incident to a parking management plan and a request for addition of seating capacity to Congregation Shaarei Tefillah on Morseland Avenue. Tonight the Board is also considering a parking waiver for Panera Bread in Newton Centre, and for a parking waiver for new restaurants in the Chestnut Hill Shopping Center on Route Nine. Finally, also being considered this evening is a proposal for a mixed use development, including a restaurant and associated underground parking on Herrick Road in Newton Centre.

### **Zoning and Planning Committee**

The Committee is chaired by **Brian Yates**, and its Vice-chairman is **Jay Harney**, the staff who advise the Committee include **Jen Molinsky** (Senior Planner), **Marie Lawlor** (Assistant City Solicitor), and Clerk **Linda Finucane**.

### **Floor Area Ratio**

Zoning ordinances set the limits of what we can build and where so that the quality of our residential and commercial areas can be maintained. One of the provisions in the ordinances that proved difficult was a limit on the size of new residences depending on the lot's size, The way this is regulated is through the ratio of the floor area in a dwelling compared with the lot size, meaning that large houses, out of scale with their lot, could not be built on small parcels. An exception for smaller additions had become a problem as developers tore down less than half a structure but built much larger structures around it. After the Board voted to repeal this exception, it also added some interim relief for small additions and asked for a study of the problem, which is now ongoing.

## **Inclusionary Zoning**

Also in June, the Board approved a number of amendments to the ordinance that provides a bonus of more density if affordable housing is included in a residential project, including allowing developers to pay a fee to be used for such housing elsewhere.

## **Stretch “Energy” Building Code**

The “Stretch Code” is an optional addition to the Massachusetts building code that allows municipalities to choose a more energy efficient version, meaning new construction will need to meet higher standards of energy efficiency after July 1, 2010. Builders may choose to use the stretch code in the interim.

## **Programs & Services Committee**

The **Programs and Services Committee** looks after Newton’s Schools, our Parks and Recreation Facilities, and our Library, as well as our Aldermanic Rules and staff. The Chairman is **Marcia Johnson** and the Vice-Chairman **John Freedman**. The Committee was supported by Committee Clerk **Karyn Dean**.

### **Off-Leash Dog Parks program extended.**

The Programs and Services Committee continued its discussion of a proposed off-leash dog park ordinance and the creation of areas designated for that purpose. The Board voted to extend the ordinance through June of 2010 allowing dog owners to have their dogs off leash on certain City-owned properties to be designated under rules governed by the Parks and Recreation Commission and the Conservation Commission. The objective is to allow for more parks to come online and better evaluate the program, including upgrading the current ordinance and responding to concerns of affected neighbors.

### **Continuing Branch libraries under private public partnership**

The Committee also continued its work with the branch library buildings, supporting and facilitating a public/private partnership for their use within their villages.

### **Sale of tobacco in pharmacies.**

Following in the footsteps of Needham and Boston, Newton has now adopted a ban on the sale of tobacco products in pharmacies.

The Committee relied on many city staff, including individuals from the Parks and Recreation Department, including Commissioner **Fran Towle** and **Carol Stapleton**; from the Law Department City Solicitor **Dan Funk** and Assistant Solicitor **Marie Lawlor**; from the Health Department Commissioner **David Naparstek**; and also members of the **School Committee**.

## **Public Safety and Transportation Committee**

The **Public Safety and Transportation Committee** reviews matters relating to the Police Department, Fire Department and Civil Defense Department, Traffic Engineer, Traffic Council, parking ordinances, taxi routes, stops and licensing, bus routes, stops and licensing, public transportation and utility petitions relating to specific traffic signals.

The Public Safety Committee Chairman this past year was **Stephen M. Linsky** and its Vice-Chairman was **Victoria Danberg**. Committee Clerk **Danielle Delaney** supported the Committee.

### **Employee Parking in Newton Centre. .**

The Board voted to create a pilot parking permit program for employees of Newton businesses to park in municipal lots. Business owners located near an identified municipal lot are eligible to rent a limited number of spaces for employees.

### **Parking meter rates.**

Following the recommendation of the Citizen Advisory Group, discussed below, this evening the Board is considering increases in parking meter charges.

### **Health concerns.**

In-depth information was provided to the Board about the Swine Flu virus and seasonal flu.

The work of the Public Safety & Transportation Committee was supported in 2009 by many City staff members including Public Works Department, Traffic Engineer **Clint Schuckel**, Traffic Planner **David Koses**, Police Department including Police Chief **Matthew Cummings** and Officer **Jo Gourdeau**, Fire Department including Fire Chief **Joseph LaCroix**, Health Department Commissioner **David Naparstek** and the City Solicitor **Dan Funk**, with his staff Associate City Solicitor **Marie Lawlor**.

## **Public Facilities Committee**

The **Public Facilities Committee** is involved in roads, trash collection, snow plowing, water & sewer service, utility lines, and public buildings, including new or renovated schools. The Chairman of the Public Facilities Committee is **Sydra Schnipper** and the Vice-chairman is **Anthony Salvucci**. Shawna Sullivan of the Clerk's Office staffs the Committee. The work of the Public Facilities Committee was supported by Public Buildings Commissioner **Nick Parnell**, Public Works Commissioner **Tom Daley**, City Engineer **Lou Taverna**, and from the Mayor's Office, **Sandy Pooler**, and **Susan Burstein**.

## **Automated Trash and Single-stream Recycling**

The Board approved a new contract to implement a new automated trash and single-stream recycling program. The program provides a 64-gallon trash barrel and a 64-gallon recycling cart to each household. Bulky waste and cleanouts require a call to the Department of Public Works for pick-up at no charge. The savings generated from the automated trash collection are approximately \$90,000 per month.

## **Energy Savings**

In 2009, the Committee had discussions and presentations with the Commissioner of Public Buildings regarding the benefits of improvements to be undertaken by NORESCO, an Energy Services Company, at various public buildings in the City, including the Bigelow Middle School, Brown Middle School, Oak Hill Middle School, Education Center, City Hall, Police Headquarters, Police Annex, and Police Garage. The energy savings are designed to generate savings sufficient to offset the cost of the projects, and the Board approved bonding \$3.67 million for the costs related to energy savings improvements involved.

## **Newton North High School**

The Committee has received bi-monthly reports on the progress of the Newton North Construction Project from Aldermen Gentile and Schnipper, and also discussed the installation of traffic improvements for Walnut Street and Hull Street, as well as the installation of a traffic or pedestrian signal on Walnut Street, to be discussed this evening.

The Board also approved the design and rehabilitation of Fire Station #7, including the addition of a new service bay to accommodate larger fire apparatus, as well as additional funds for the renovation of Fire Station #4, which has been completed..

## **Finance Committee**

The **Finance Committee** reviews matters relating to the Assessing Department, Parking Fine Administration, City Treasurer and Collector, City Comptroller and Accounting Department, Purchasing Department, Executive Office, Personnel Department, Data Processing Department, Kenrick Fund and other trust funds (except Cousens Fund), appropriations, transfers of funds, authorization to spend funds, loans, options, pensions, salaries, audits, claims, settlements, taxes, revaluation, users' fees, betterment assessments, contracts, acceptance of grants, overall operating budget review, overall review of Capital Improvement Program, and other matters affecting the finances of the City.

The Finance Committee Chairman this past year was **Paul Coletti** and its Vice-Chairman was **Leonard Gentile**. The Finance Chairman also serves as a member of the Public Safety & Transportation Committee and Post Audit & Oversight Committee. Committee Clerk **Danielle Delaney** supported the Committee.

## **Cash and Receivable Reconciliations by Treasurer and status of Consultant work in Treasurer's Office**

The Committee continued monitor and support oversight and training relating to water rate receivables and the cash reconciliation. The Treasurer-Collector, Mr. Reardon, completed his project in regards to preparing financial statements for review by the auditors in order to certify the comprehensive annual financial report and to prepare the City of Newton the timely sale of bonds in April 2009 in order to meet the deadline for the sale of bonds.

### **Approval for funding for upgrading Fire Station #7 and #4.**

The Board voted \$344,000 for the design work and \$4,426,000 for the reconstruction of Fire Station #7, as well as funding for the rehabilitation of Fire Station #4.

### **Review of the Budget.**

The Board voted a budget this year of \$333,442,492.00. The bulk of the City's General fund continues to be property taxes which account for 80% of the city's revenue.

### **Setting the Tax Rate.**

The Board voted the allocation between residential and commercial property, retaining the 175 per cent ratio which established a Residential Levy of 82.0357% and a residential tax rate of \$10.41. The Commercial Levy accounted for 17.963% at a rate of \$19.94.

Many City staff members including Accounting/Comptroller Department, Inspectional Services, Parks & Recreation, Planning & Development, School Administration, Public Works, Public Buildings, Police, Fire, Treasury, and Law Departments supported the work of the Finance Committee in 2009.

## **Real Property Reuse Committee**

The Real property Reuse Committee has been chaired by **Carleton Merrill**, Vice-chair **Bill Brandel**, staff Planning & Development Director **Michael Kruse**, Clerk **Linda Finucane**, Assistant City Solicitor **Eileen McGettigan**.

The Board voted to authorize the Mayor to enter into an agreement for a subsurface easement beneath city-owned land occupied by the Health Department at 1294 Centre Street, Newton Centre, to provide access to a parking garage for a development on private property at 39 Herrick Road, for a three-story mixed-use building with both surface parking spaces and underground parking.

The Committee also supported the Planning Department's further study of the physical, economic, and political feasibility for public/private partnerships relative to two following sites:

### **Austin Street Parking lot in Newtonville.**

The Newton Housing Plan Initiative, an umbrella for approximately 11 organizations, whose goal is to help the city implement housing-related aims, particularly those articulated in the Comprehensive Plan, has proposed that the Austin Street municipal parking lot in Newtonville be developed for a mixed-use development, including underground and surface parking.

### **Redevelopment of a block of land bounded by Willow, Centre and Lyman Streets, including the existing Fire Department headquarters and Station #3 site**

An idea that grew out of the Newton Centre Task Force this development would include a new fire station and headquarters funded in exchange for the right to build approximately 100 housing units and approximately 50,000 sf of commercial/retail space.

### **Post Audit and Oversight Committee**

The **Post Audit and Oversight Committee** looks back to see if what has been promised has in fact been achieved. Its Chairman is **Susan Albright**; the Vice-chairman was **Greer Tan Swiston**, and it is staffed by **Shawna Sullivan** of the Clerk's Office.

### **Tree ordinance proceeds**

This year the Committee discussed a report on the tree ordinance and the use funds generated through the establishment of a tree ordinance. The Director of Urban Forestry, Marc Welch, provided information pertaining to possible establishment of a public tree ordinance and suggested amendments to the ordinances, which are to be referred to the Programs and Services Committee.

### **Payments in lieu of taxes by exempt institutions**

In addition, the Committee began discussions of possible establishment of Payments in Lieu of Taxes (PILOT) and Services in Lieu of Taxes (SILOT) for non-profit organizations within the City.

### **Committee on Community Preservation**

Finally, **The Committee on Community Preservation**, which recommends how we spend funds for open space, affordable housing, recreation and historic preservation generated by one per cent of property taxes paid in the City matched by state funds raised under the Community Preservation Act. The Committee Chairman was **Cheryl Lappin** and vice-chairman was **Ken Parker**. The Committee was supported by Committee Clerk **Karyn Dean**. City Staff who helped the Committee on Community Preservation include Community Preservation Committee staff member **Alice Ingerson**, Comptroller **David Wilkinson**, City Solicitor **Dan Funk**, former Associate City Solicitor **Catherine Farrell**, Parks and Recreation Commissioner **Fran Towle** and **Carol Stapleton**.

## **Newton History Museum at the Jackson Homestead**

The Committee on Community Preservation approved funding for a preservation and rehabilitation project at the Jackson Homestead. The work included repair of the deteriorated wood features, replacing the roof and painting the building's exterior.

## **Affordable Housing**

Providing more affordable homeownership was the goal of funding a 10-unit project at 192 Lexington Street. The process has just begun and is moving through the appropriate steps for construction.

## **Archeological resources**

As projects continue in the City, the Community Preservation Committee felt that surveying and documenting archeological resources throughout the City was important. The Board approved funding for such a survey as well as a ground-penetrating radar survey of the East Parish Burying Grounds. This documentation will protect sites from damage or destruction by project development.

## **Long Range Planning Committee**

The **Special Committee on Long Range Planning** investigates how the Board can improve its efficiency and effectiveness. Its Chairman is **Ted Hess-Mahan** and its vice-chairman is President Emeritus **Verne Vance**.

## **Linking NewTV and the Board of Aldermen on line.**

The Long Range Planning Committee received an update on and discussed available options for improving aldermanic communications in conjunction with NewTV and Granicus, Inc. The discussion focused on a proposal for archiving and indexing of agendas, reports and other documentation as well as on-line streaming of aldermanic meetings.

## **The Citizen Advisory Group**

In response to the budget problems being faced by the City, in 2008, the Board had passed a Resolution requesting the appointment of a citizen advisory group to study the City's finances. The President of the Board, the Mayor, and the Chair of the School Committee were charged with finding able and expert citizen volunteers to look at all possible means of improving the efficiency and effectiveness of the municipal and school departments. In response, as Board President, I worked with **Mayor David Cohen** and School Committee Chair **Dori Zaleznik** to appoint the a distinguished panel of thirteen citizens called the Citizen Advisory Group. (CAG). The CAG, as it has become known in shorthand, has issued or will issue reports on the areas of City revenues, school and municipal cost structure, capital structure, and decision and control. We were pleased to hear the final report by the CAG leaders **Malcolm Salter and**

**Ruthanne Fuller** and several of their colleagues earlier this year, beginning with discussion at the Long Range Planning Committee.

Chair Malcolm Salter pointed out that the CAG was set up to look at the “big choices” and along the way look at efficiencies and effectiveness. The introduction to the CAG’s Municipal Report contains a history of the efficiency measures being taken on the municipal part of government, and the important report is itself available on line at <http://www.ci.newton.ma.us/CitizenAdvisoryGroup/index.html>.

The members of the CAG Malcolm Salter (Chair), Ruthanne Fuller (Vice Chair), John D’Auria, Kevin C. Dutt, George Foord, David Humphrey, Tony Logalbo, William MacKenzie, Scott Oran, Selina Pandolfi, Kent E. Portney, Daniel J. Richards, Neil Silverston, and Laura Thompson, all deserve our thanks.

## **Conclusion**

I want to close with a word about the Board, the citizens we serve, and our colleagues in Newton government.

We have made strides over the last few years in making the Board more visible and effective. Among them was the series Aldermen at Work, televised at 7:30 p.m. on Wednesday, Friday and Sunday evenings which now totals 26 half hour episodes of interviews of members of the Board and those who have advised us. The series earned an award from NewTV this year. Thanks also to Director **Jesse Kreitzer**, NewTV’s coordinator of government programming, and his colleague cameraman **Richard Berman**. I hope those initiatives are able to continue in some form.

This report has been mainly about policy and less about people. But as this is my last report as your president, I want to say a few words about colleagues who have made a difference.

In doing this work, the Board often depended on the advice of the Executive Department, even if we did not always agree. As a new administration takes office, it is important to thank those senior staff leaving public service in Newton at the end of this year, as well as **Mayor David Cohen**, who appointed or reappointed them, including City Solicitor **Dan Funk**, Planning Director **Mike Kruse**, Building Commissioner **Nick Parnell**, Health Commissioner **David Naparstek**, Recreation Commissioner **Fran Towle**, and Chief Administrative Officer **Sandy Pooler**.

I want to say a special word about three of them: I want to make it clear that the new Mayor, **Setti Warren**, has the right to choose his own team and to ask this Board to confirm their appointments, if they head departments, and also to vote to fund their compensation.

But I would be remiss if I did not tell you how valuable and valued these people have been in helping the Board and me as its president. Members of the Board will have read resolutions in their honor, and it is not my purpose to duplicate that here. What I do want to say is mine and mine alone.

**Sandy Pooler** was first budget officer and then Chief Administrative Officer. In a city renowned for its triple A bond rating, Mr. Pooler's word was his own bond.

It is no criticism of his able predecessors that **Mike Kruse** is the finest planning director I have served with in the thirty years since I was first elected to this honorable Board. He brought measured judgment to the task and worked tirelessly for the city, also bring aboard talented new people to help do the work in his department.

**Dan Funk**, our City Solicitor. Dan Funk was appointed City Solicitor 32 years ago and I have known no other. I can say that he and his office are a resource on which both Aldermen and the Mayor could rely with confidence. Last Friday I encountered the former head of the municipal affairs unit in the Attorney General's office who said that Dan Funk ran the finest municipal law department in the state.

Finally, congratulations to **Scott Lennon** and **Cheryl Lappin** as the president and vice-president elect of the 2010-11 Board of Aldermen.

The challenge going forward was laid out for us by the Citizen Advisory Group: "in the absence of major changes in Newton's revenue and cost structure, the City will lose its ability to provide excellent services." How Newton rises to this challenge is the task of the new Board leadership and the new Mayor, and it is up to all of us, whether officials or citizens, to help them succeed.

Thank you.

Respectfully submitted,

R. Lisle Baker, President