

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JULY 9, 2003

Present: Ald. Johnson (Chair), Ald. Fischman, Parker, Coletti, Lipsitt, Sangiolo, Gentile, Merrill

Other Alderman Present: Ald. Yates, Lennon, Baker, Mansfield

Also Present: Jonathan Hacker (Director, Housing Authority) Al Mandell (Housing) Harvey Epstein (Housing) Thomas Turner (Housing) David Naparstek (Health) Karen Griffey (Mayor's Office)

Re-appointment by His Honor the Mayor

#270-03 EUGENIA MARCUS, M.D. 148 Highland Avenue, Newton re-appointed as a member of the ADVISORY COUNCIL OF HEALTH for a term of office expiring February 1, 2006 (60-day Board action date 8/15/03).

ACTION: APPROVED 4-0

NOTE: Dr. Marcus and Commissioner Naparstek were both present for this docket item. Dr. Marcus is a practicing pediatrician in Newton as well as a Newton resident. She said she was very active in the medical/political community and served on the Board of Trustees of the Mass. Medical Society, a delegate to their House of Delegates, and past president of the Mass. Chapter of the Academy of Pediatrics. Dr. Marcus has been very involved in public health issues, particularly with a focus toward working with the growing obesity problem in children. Commissioner Naparstek stated that Dr. Marcus is an invaluable resource to the Council. Ald. Parker moved approval and the Committee voted 4-0 in favor.

Re-appointment by His Honor the Mayor

#271-03 LINDA KATZ, 81 Park Avenue, Newton, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH for a term of office expiring February 1, 2005 (60-day Board action date 8/15/03).

ACTION: APPROVED 4-0

NOTE: Linda Katz joined the Committee for her reappointment. She has been on the Council for 20 years. Her interests include health in the schools and was happy that the Board approved nurses for all schools. She was strongly in favor of the passage of the smoking the ordinance. Commissioner Naparstek praised Ms. Katz for her excellent community representation. The Committee voted in favor of her appointment 4-0

Re-appointment by His Honor the Mayor

#273-03 RHONA SHOUL, 9 Exmoor Road, Newton Centre, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH for a term of office expiring February 1, 2005 (60-day Board action date 8/15/03).

ACTION: **APPROVED 7-0**

NOTE: Rhona Shoul told the Committee that it has been a wonderful experience serving on the Advisory Council on Health for the last 12 years. Ald. Sangiolo thanked Ms. Shoul for her long years of service and the Committee voted 7-0 in favor.

#130-02 ALD. JOHNSON requesting discussion with the Executive Department regarding the establishment of a consistent process for the submission of appointments/reappointments to Boards and Commissions to Board of Aldermen for approval.

ACTION: **NAN 8-0**

NOTE: Chairman Johnson said she has been pleased with the improvement on the process of appointments and reappointments to Boards and Commissions. Ms. Griffey said the application has been reworked and it is now only one page. There is also a letter that will be sent out to familiarize Committee Chairs with the process along with the responsibilities of Boards and Commissions. Ald. Sangiolo said she still had concern regarding information on current openings being made more widely available. Ald. Fischman suggested that there be a statement stressing the importance of attendance. Ald. Lipsitt suggested, especially for reappointments, that there be active participation and that it would not be unreasonable to indicate that there would not be a reappointment unless there is active involvement. She suggested stronger language regarding attendance.

Chairman Johnson thanked Ms. Griffey for all her hard work. The Committee voted no action necessary 8-0.

#101-03 ALD. PARKER & YATES requesting discussion with Housing Authority members regarding the Authority's policy with respect to the acceptance or rejection of affordable housing units.

ACTION: **NAN 8-0**

NOTE: Ald. Parker explained this docket item was brought forward as, in his opinion, there has been a breakdown in communication and he felt the best way to solve the problem is to have a discussion. He went on to explain the old 10% ordinance allowed the Housing Authority, in a little known provision, to opt not to accept the units on a given site and instead to

negotiate with the developer to accept a cash payment. In the case of two petitions, the Housing Authority opted not to accept the units and accept cash payments instead. Ald. Parker asked why there was not a discussion with the aldermen from the ward and the neighborhood.

It was explained that on April 19, 2001, the Housing Authority met with representatives of Planning and Development and at that time the Housing Authority was advised that there was no option but to accept the units. Questions were raised with the Planning Dept. with respect to affordability of the units, given their large units given the fact that tenants would be responsible for heating, cooling, window treatments, as well as other ongoing expenses for these units. Another issue of key importance to the Housing Authority was owning units in perpetuity. The Commission felt with the amount of money that could be generated from developments like Bradford or the Terraces, more units of housing could be generated and owned in perpetuity and that housing would be affordable for people of low income. With the first payment received from Bradford (1.3 million dollars) Newton Housing Authority has already duplicated the number of units (3) in the Board Order. With the \$600,000 left they will be able to purchase more units resulting in a total of 4.5 units which will be in perpetuity. This is compared to the expiring use of the three units scheduled for the development.

Ald. Sangiolo feels that in the future when dealing with special permit projects, the Newton Housing Authority should have review and input regarding the affordable housing aspect of the permit.

Ald. Coletti felt the Housing Authority should just continue to do the effective job they are presently doing.

Kathryn Knight, a resident of Cypress Street, spoke and felt it was unfortunate that low-income families would not get to enjoy units in this area.

Ald. Fischman agreed with Ald. Sangiolo that in the future the Housing Authority be consulted and be able to participate early on in discussions.

Ald. Parker reiterated his point that it is important to have better communication. Ald. Gentile stated that the ordinance states that there would be either units on site or a cash payment be made.

Chairman Johnson asked that the Authority answer how they identify appropriate sites. Mr. Hacker explained they had developed a real property acquisition protocol, which is followed in their search for

affordable housing. Harvey Epstein, Special Projects Coordinator, said 1,000 units of housing are spread throughout the City. One way sites are chosen are through MLS listings throughout the City. Location is looked at through accessibility to playgrounds, schools, public transportation, and shopping. The guidelines of the State Procurement Law are used to then acquire the property.

Ald. Sangiolo thanked the members of the Housing Authority for their attendance as well as their hard work. She strongly suggested that there be more active participation in the future between the Board of Aldermen and the Housing Authority. President Lipsitt also reiterated the need for more housing. The Committee voted NAN 8-0.

#137-03(2) ALD. PARKER, PUBLIC HEALTH COMMISSIONER, ALD. JOHNSON, LINSKY, LIPSITT, MANSFIELD, SAMUELSON, LIPOF, MERRILL, FISCHMAN, STEWART, SCHNIPPER, LAPPIN requesting revisions to strengthen the “Smoke-Free Newton” tobacco control ordinance.

ACTION: HELD 8-0

NOTE: Chairman Johnson explained that there was a Public Hearing held on this item in June. Since some owners of restaurants were not able to be present at that meeting, it was requested that they have an opportunity to speak and the item was held .

Commissioner Naparstek explained a new ordinance would eliminate all of the waivers that were granted in 1993 for smoking to go into effect 30 days after enactment. Six of seven abutting communities already have this in effect. Cindy Parlee, owner of Cindy's Place and Ru Yee, spoke and explained that all of her employees and almost all her customers smoke and she felt if this ordinance takes effect she would loose 99% of her business as her customers would go to private establishments such as Sons of Italy or the Elks which allow smoking. President Lipsitt questioned what control the City has over smoking in private clubs. D.J. Wilson of the Mass. Municipal Association said a decision was received in favor of a case involving the Moose Lodge in Yarmouth to allow smoking. Ald. Parker said the ordinance could be amended to include private clubs. Ald. Gentile asked if a number of communities had ordinances on the books regulating private clubs and Mr. Wilson said it was probably an even split. Ald. Gentile wanted to clarify that he was not proposing that this ordinance be extended to private clubs.

Ald. Sangiolo asked for an update on state legislation. Mr. Wilson said hopefully there will be a favorable vote from the Ways and Means

Committee but probably will not come back until the fall and might not include private clubs.

Richard Johnson, a patron of Cindy's, was in favor of allowing smoking. as well as restaurant owners Fran Yerardi Carl O'Hearn, and John O'Hara.

Ald. Lennon expressed concern regarding the impact of smoking outside would have on neighborhoods.

Ald. Gentile said that, in his opinion, the majority of people in the City are satisfied with the ordinance crafted ten years ago and do not feel there needs to be a timeframe to change what was passed. He agreed with Ald. Lennon that there will be a problem with smoking outside of establishments.

Chairman Johnson expressed her opinion that she would like this to pass but wants to make sure it is fair and wanted the opportunity to look into this further with Health Commissioner Naparstek and the Law Department. President Lipsitt felt the item should be held until a more comprehensive job can be accomplished. The Committee voted to hold 8-0.

#241-03

ALD. BAKER, JOHNSON, & COLETTI requesting discussion of City's delay in renewal of, and possible modifications in, the longstanding arrangement whereby the Newton Commonwealth Foundation, whose volunteer members have been appointed by the Mayor and confirmed by the Board of Aldermen, oversees the operation of the Newton Commonwealth Golf Course, including, if necessary, ordinance or other measures to insure continued successful Foundation stewardship of the Course on behalf of the citizens of Newton.

ACTION: HELD 8-0

NOTE: Ald. Baker was present and explained there are ongoing conversations with the Newton Commonwealth Foundation and the Executive Department regarding this item and requested the item be held.

The Committee adjourned at 11:25 p.m.

Respectfully submitted,

Marcia Johnson, Chair

