

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, NOVEMBER 5, 2008

Present: Ald. Linsky (Chair), Swiston, Coletti, Harney and Vance

Absent: Ald. Danberg, Ciccone and Fischman

Also Present: Ald. Sangiolo, Yates and Baker

City Staff: Clint Schuckel (Traffic Engineer), David Koses (Transportation Planner), Sandy Pooler (Chief Admin. Officer), Sgt. James Norcross and Marie Lawlor (Assistant City Solicitor)

Police Chief Selection Committee Appointees: Jane O'Hern and Lt. Gerry Mahoney

#364-08 HIS HONOR THE MAYOR recommending that the following individuals be appointed to the Police Chief Selection Committee in accordance with the provisions of Sec. 5 of Chapter 279 of the Acts of 1992 and Sec. 3-3 of the City Charter: [10-14-08 @ 4:39 PM]

- (A) Jane O'Hern, citizen of the City of Newton, whom I appoint as chair of Committee
- (B) Tim Braceland, business executive of the City of Newton
- (C) Gail Glick, attorney
- (D) Chief Tom Leary, Town of Needham Police Chief
- (E) Tabetha McCartney, citizen of the City of Newton
- (F) Peter Kilborn, retired judge
- (G) Officer Jay Babcock, Newton Police Association
- (H) Lt. Gerry Mahoney, Newton Police Superior Officers Association

ACTION: **APPROVED 4-0-1 (Ald. Linsky excused, Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Sandy Pooler (Chief Admin. Officer), Jane O'Hern and Lt. Gerry Mahoney joined the Committee for discussion on this item.

Ald. Vance was asked to chair this item this evening because Ald. Linsky is an interested party in this selection committee and will be excusing himself from voting.

Ms. O'Hern, as Chair of the Search Committee, explained to the Committee that there are nine candidates who have applied for the Police Chief position. She stated the selection committee's goal is to make sure there is a Police Chief hired prior to Chief O'Brien leaving on January 1, 2009. Ms. O'Hern hopes the Committee will complete their interviews prior to November 27, 2008.

Mr. Pooler explained the selection committee would have the task of an assessment process, candidates being screened, interviewing the candidates, make their recommendations to the Mayor of an appropriate candidate.

Committee members asked Ms. O'Hern, Mr. Pooler, and Lt. Mahoney to answer a number of their concerns, including:

- (a) Why the Committee has begun its work before the Board completed its approval of the Committee/
- (b) What were the particular qualifications of the search committee members?
- (c) Were external candidates being considered?
- (d) What was the necessity of completing the hiring process by January 1st if there was an ability to install an Acting Chief as was done on other occasions?

Mr. Pooler indicated that the mayor has been desirous of completing the process before the Chief retires, if possible, and for that reason the committee has begun its work. Moreover, in respect to the mayoral appointees, the special state act governing Newton's process since the Chief's position was taken out of civil service requires that, unlike the Board appointees, the Board must act within a limited time before the appointments otherwise become effective. The Board appointees require an affirmative action of the Board to become effective.

There was discussion raised as to whether the special act should be further amended to include additional members, including one from the Superior Officer's Association which was not in existence at the time the special act had been enacted. Mr. Pooler indicated the mayor was giving consideration to this.

Mr. Pooler stated the statute provides that the search committee is to recommend five to seven applicants to the mayor. Mr. Pooler will provide this Committee with a description of the Police Chief position (attached to report).

Ms. O'Hern stated that she would suspend any candidate interviews until the search committee is approved by the Board.

Ald. Coletti moved to approve this item, the committee voted in favor.

#363-08 PRESIDENT BAKER recommending that the following individuals be appointed to the Police Chief Selection Committee in accordance with the provisions of Sec. 5 of Chap. 279 of the Acts of 1992 and Sec. 3-3 of the City Charter: [9-29-08 @ 10:57 AM]

(A) Alderman Stephen M. Linsky, Chairman of the Public Safety & Transportation Committee, as the aldermanic appointee

(B) Amelia Koch, 117 High Street, Newton Upper Falls, as the Board of Aldermen citizen appointee. (60 days 12/19/08) [09-29-08 @10:57 AM]

ACTION: **(A) APPROVED 4-0-1 (Ald. Linsky excused, Ald. Danberg, Ciccone and Fischman not present and voting)**
(B) LAID ON TABLE UNTIL NEXT COMMITTEE MEETING 11-19-08

NOTE: Ald. Baker briefly joined the Committee for discussion on this item.

Ald. Vance was asked to chair this item this evening because Ald. Linsky is an interested party in this selection committee and will be excusing himself from voting.

Ald. Baker indicated that the Board of Aldermen would have to approve these appointees.

Ald. Coletti moved to approve (A) of this item; lay on the table (B) until the next committee meeting to give the committee an opportunity to meet and ask questions of the proposed public member appointee since she was not present. To provide the Board President with some guidance in respect to the Committee's sentiment, a straw poll was conducted to this effect and the matter was laid on the table for further consideration.

#382-08 CAPTAIN MATTHEW CUMMINGS, Newton Police Department, requesting a change to the City Ordinance Sections 19-200b and 19-201c (Resident Permit Parking) to allow the Police to establish rules governing the display of permits similar to Section 19-204g (Newton North High School "Tiger" Permit Parking. [10-15-08 @ 3:21 PM]

ACTION: **APPROVED 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Sgt. James Norcross, Clint Schuckel (Traffic Engineer) and Marie Lawlor (Assistant City Solicitor) appeared before the Committee for discussion on this item.

Ms. Lawlor stated she has worked with Mr. Schuckel to prepare a redline draft of the current two sections of the Ordinance, Sec. 19-200 Resident sticker and visitor permit; municipal lot parking program and Sec. 19-201 Resident sticker and visitor permit-parking program which were provided to the Committee for their review (attached to report).

Ms. Lawlor indicated they have changed the language in Sec. 19-200 A. (5) b), Sec. 19-200 B. (3), Sec. 19-201 (5) b) and section C (6) to oblige Police Department requests to the display of resident parking stickers and the display of visitor permits.

Sgt. Norcross informed the Committee with the new tinting on cars it is difficult to see the stickers when they are affixed to the rear window of a vehicle. He asked for the flexibility so the Chief or Captain may establish rules governing the display of resident parking stickers or visitor permits so that they may decide where to display the stickers. He indicated with the current Ordinance it is mandated to place the stickers in the rear window and causes difficulty for the parking control officers and patrol officers to see them. He suggested locating these stickers on the left lower windshield of the driver's side of the vehicle for all stickers in the City in order to be consistent. He indicated when stickers are issued those recipients are also given the direction where stickers are to be displayed.

In response to how sticker recipients would know of changes issued by the Police Dept., Ms. Lawlor indicated stickers are issued on an annual basis and if there were any changes to be made the vehicles owner would be informed at that time.

Sgt. Norcross informed the Committee there is information on the Police Department Web Site under Traffic Department where stickers should be displayed.

Ald. Vance moved to approve this item, the Committee voted in favor.

#367-08 ALD.YATES offering a resolution concerning the Walk-to-School Program. [10-6-08 @ 9:04 PM]

ACTION: **NO ACTION NECESSARY 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Ald. Yates appeared before the Committee for discussion on this item.

Ald. Yates informed the Committee when the first resolution was made relating to recognizing the efforts of the Safe Routes to Schools program it concerned him because the information that was distributed made no indication in which areas of the City would be eliminated from participation for safety reasons. He was concerned about whether students living in zones containing major highways and commercial areas would not be badgered or criticized parents for not joining the Walk-to-School Program.

Ald. Harney moved No Action Necessary on this item, the Committee voted in favor.

At the Chair's request, the City's Transportation Planner, David Koses joined the Committee to update the members about the Walking School Bus Program.

Mr. Koses presented and distributed update information from Newton Schools Safe Routes Task Force (attached to this report).

Mr. Koses indicated October was a very busy month for Newton Safe Routes Task Force and stated The Task Force is grateful to the Board of Alderman for passing the October 6, 2008 resolution in support of International Walk to School Day.

On October 8, 2008, approximately thirteen of the fifteen elementary schools participated in the International Walk to School Day.

Mr. Koses stated that the grant funding for the coordinator, Ms. Jean Fulkerson, Walk Boston Employee, salary has been extended for another six months, an eight hour per week position.

Currently fourteen of the fifteen schools are now signed up for the Mass Rides Safe Routes to School program. These schools are receiving technical assistance, information, marketing and promotional materials

The Task Force is working to establish and publicize a citywide monthly walk to school day. Perhaps it will be on the last Friday of each month to be consistent with Arlington and Cambridge.

The Task Force is preparing a survey of parents as to the assessment of walk ability in the elementary schools for the purpose of the survey is to gather information on why families that live within walking distance of their elementary schools choose not to walk to school.

#132-08 ALD. LENNON requesting discussion of Ordinance Sec 19-32., **Field Trials**, re providing notice to persons within the vicinity of a trial. [3-26-08 @10:54 PM]

ACTION: **HELD 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Clint Schuckel (Traffic Engineer), and Marie Lawlor (Assistant City Solicitor) joined the Committee for discussion on this item.

Ms. Lawlor presented to the Committee revised draft language of Sec. 19-32 Field Trials to sections (C) 4), 5), 6) and 7) (attached to this report) reflecting the suggestions offered by Ald. Lennon and Coletti.

Mr. Schuckel indicated he does not believe this additional wording is necessary and believes it should not be added to the current City Ordinances.

Mr. Schuckel provided the Committee with a quarterly report dated November 5, 2008 (attached to report) as requested previously by Ald. Coletti indicating that when a field trial is put in place under the ordinance the Engineering Department provide the status or conclusion to the appropriate Committee of each field trial. The intention of this report is to inform the Board as to the status of ongoing trials. Committee members expressed their general satisfaction with the report and related their concerns with the additional wording in section (C) 5).

Since the instant item was docketed as a discussion item, Ald. Coletti made the motion to hold while also moving the creation of #132-08(2) which would adopt the proposed changes to the ordinance upon the next meeting of the Committee. The Committee voted in favor 5-0 to hold.

#132-08(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting amendments to Ordinance Sec. 19-32., **Field Trials**, so as to provide notice to persons within the vicinity of a field trial; to provide an update to Board members and the public as to the status of field trials; and to provide for the return of original street conditions as soon as practicable in instances where new conditions subject to trial are not adopted. [11-5- 08 @ 9:45 PM]

ACTION: **HELD 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Ald. Swiston made the motion to hold this item, the Committee voted in favor.

#272-04 ALD. SANGIOLO AND HARNEY proposing amendment to Sec.19-201, **Resident sticker and visitor permit parking program**, to include streets that are not 100% residential. (Public hearing held on 11/17/04 and 3/19/08)

APPROVED AS AMENDED 6-0-1 (Fischman abstaining) on 9-17-08
Public Safety Committee voted to HOLD in Committee 8-0 on 10-6-08
HELD 6-0 (Ald. Harney and Vance not present and voting) on 10-15-08

ACTION: **APPROVED 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Marie Lawlor (Assistant City Solicitor) once again joined the Committee for discussion on this item.

The matter had been put on the agenda for the committee to review final changes to the guidelines that would correspond to the proposed ordinance changes that the Committee had previously approved. Committee members reviewed the updated draft (attached).

Ald. Harney made the motion for approval, and the committee voted to approve.

#153-06 ALD. SANGIOLO & HARNEY requesting a trial for a “Do Not Enter” on Hancock Street in Auburndale between Grove Street and Woodland Road from 7:45 a.m. – 8:45 a.m. and from 2:30 p.m. – 3:45 p.m. (proposed sign to be located on the corner of Woodland and Hancock).

ACTION: **HELD 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Clint Schuckel (Traffic Engineer), David Koses (Transportation Planner) and Ald. Sangiolo joined the Committee for discussion on this item.

Mr. Schuckel indicated that items #153-06 and #202-03 would be discussed together since they refer to the same street.

Mr. Schuckel prepared and distributed different materials for the Committees review (attached to this report).

Mr. Schuckel indicated Traffic Council approved this item on May 27, 2004 with a recommendation by the Board of Aldermen referring this item to this Committee in 2005. Additionally there have been two public meetings, which were held in May and September 2005

Mr. Schuckel discussed the three possible alternatives: (1) Restrict parking on the east side from Fern Street to Grove Street maintaining the 2-way street in accordance with the Traffic council's recommendation. (2) Keep the parking and turning Grove into a one-way street in accordance with the consultant's recommendations. And (3) Implement the restriction requested by the docket item, which would restrict entrance on Hancock Street between Grove Street and Woodland Road from 7:45 a.m. – 8:45 a.m. and from 2:30 p.m. – 3:45 p.m.

Mr. Koses suggested a fourth alternative. His suggestion is to make it a one-way street northbound just between Fern Street and Woodland Road. This option perhaps could work because the times of day would not be affected.

Mr. Schuckel stated the street width of 20' cannot support 2-way traffic and on street parking. He made the suggestion of either eliminating parking or eliminating one direction of traffic.

Ald. Sangiolo reviewed with the Committee the Traffic Survey (attached to this report) from the Williams School PTO.

Ald. Sangiolo noted the current parking restriction in effect on the side where the homes are is No Parking from 7:00 am to 4:00 pm Monday through Friday on School days.

Ald. Sangiolo and Ald. Harney proposed to the Traffic Engineer to initiate a 60-day trial period. The trial would be in effect on Monday through Friday (School Days) and would include a "Do Not Enter" sign on Hancock Street in Auburndale between Grove Street and Woodland Road from 7:45 a.m. – 8:45 a.m. and from 2:45 p.m. – 3:30 p.m. It would also include a restriction for a no Right Turn onto Fern Street. This trial proposal was adopted by the Committee.

Ald. Harney moved to hold these items pending a 60-day trial period.

ITEM COMMITTED TO PS&T ON 6/7/05:

#202-03 ALD. SANGIOLO requesting revocation of parking restrictions on Hancock Street and also consideration of one-way for Hancock Street. (Ward 4). (traffic study pending)

Traffic Council approved as amended 5/27/04

HELD 4-0 (Ald. Harney, Danberg, Fischman and Coletti not present and voting) on 3-5-08

ACTION: HELD 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)

NOTE: This item was discussed in conjunction with #153-06 (above) and was held per the motion of Ald. Harney.

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#80-08 ALD. SALVUCCI & DANBERG requesting creation of a parking permit program for employees of Newton businesses to allow long-term parking in municipal parking lots. [1-23-08 @1:15 PM]

ACTION: APPROVED 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)

NOTE: Clint Schuckel (Traffic Engineer) and Marie Lawlor (Assistant City Solicitor) once again joined the Committee for discussion on this item. Mr. Schuckel reviewed the draft ordinance language with the Committee. He stated this language was modeled from Brookline and Somerville, both towns having successful programs.

Among the changes reviewed included the administration of the program. This present draft provides that the program will be administered by the treasurer or designee. In addition, changes have been made to the monthly fee from \$70.00 to \$80.00 per month.

The Committee opened the discussion to members of the public who were present. Public hearings had previously been held on the item.

Public Comment:

Ruth Neiberg, 72 Dalton Road, Newton Centre expressed a number of concerns including those relating to enforcement and administration, specifically the designation of parking spaces, and how to avoid misuse. Mr. Schuckel indicated details and displaying of permits, the issuance of parking permits and customization to the hangtags still need to be worked out. Mr. Schuckel felt the trial would be particularly challenging because it involves three departments: the Treasurer's office, the Engineering Department and the Police Department.

Ald. Coletti moved to approve this item, adopting the amendments offered by the Committee.

#366-08 **ALD. LINSKY AND DANBERG** requesting the Public Safety & Transportation Committee be provided the authority to initiate trial or pilot programs relating to parking and/or traffic control. [10-14-08 @ 12:53 PM]

ACTION: **HELD 5-0 (Ald. Danberg, Ciccone and Fischman not present and voting)**

NOTE: Marie Lawlor (Assistant City Solicitor) once again joined the Committee for discussion on this item.

Ms. Lawlor prepared draft language which would authorize the Committee to initiate trial or pilot programs relating to parking and/or traffic control in all circumstances. Presently, the Committee has authority to initiate trials only on items that have been appealed from the Traffic Council.

Ms. Lawlor recommended this item begin discussion only.

As it had been originally docketed with the misunderstanding that it would be necessitated by the employee parking trial, Committee Chair Linsky moved to hold the item as there was no longer any need for immediate action.

At approximately, 10:55 pm Ald. Vance moved for adjournment, which was approved 5-0.

Respectfully Submitted,

Stephen M. Linsky, Chairman