

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

WEDNESDAY, MAY 28, 2014

Present: Ald. Gentile (Chairman), Ciccone, Rice, Blazar, Fuller, and Lappin

Absent: Ald. Norton, 1 vacancy

Also present: Ald. Albright, Crossley, Danberg, Laredo, and Lennon

City staff present: Lou Taverna (City Engineer), Ronald Mendes (Business Manager; Public Works Department), Josh Morse (Commissioner of Public Buildings), Robert DeRubeis (Commissioner of Parks and Recreation), Eve Tapper (Interim Associate Director of Community Development; Planning Department), Leo Brehm (Director of Information Technology and Library Media; School Department), David Koses (Transportation Planning Coordinator), Maureen Lemieux (Chief of Staff/Chief Financial Officer), and David Wilkinson (Comptroller)

Note: The Committee met jointly with the Public Facilities Committee to discuss Docket Items #205-14, #206-14, #207-14, 203-14, 204-14 and #138-13(3).

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#205-14 HIS HONOR THE MAYOR requesting authorization to use up to one million one hundred thousand dollars (\$1,100,000) in sewer operating reserve funds to implement the construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. [05/12/14 @ 4:49 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

ACTION: APPROVED 6-0

NOTE: The Committee met jointly with the Public Facilities Committee to discuss Docket Item #205-14. City Engineer Lou Taverna presented the request to transfer funds from the Sewer Operating Reserve Account to fund the construction of Project Area 2 (portions of Auburndale and West Newton) of the Sewer Strategic Plan. The work consists of cleaning and lining sewer pipes, lining manholes, and spot repair of any sewer pipes in poor condition. The Sewer Operating Reserve Accounts are very healthy, which has allowed the City to balance funding for the first two project areas of the 10-year improvement plan through the reserve funds and loans. There is large amount of sewer capital work planned for the near future and the sewer reserves will help fund the work and reduce the amount the City needs to borrow to complete the sewer improvement plan. Once Project Area 2 is complete, approximately 20% of the Sewer Strategic Plan will be complete.

The design for the project will be complete in early July and the Department of Public Works would like to bid the project out as soon as the design is complete. Each project area of the Sewer Strategic Plan must be separately bid, as Massachusetts State Law requires it.

Members of both Committees understood the need for the transfer and Ald. Fuller moved approval in the Finance Committee, which carried unanimously. Ald. Albright moved approval in the Public Facilities Committee, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#206-14 **HIS HONOR THE MAYOR** requesting authorization to borrow up to one million two hundred sixty-two thousand dollars (\$1,262,800) from the Massachusetts Water Resources Authority (MWRA) and authorization to expend an MWRA grant of one million thirty-three thousand dollars (\$1,033,200) as part of the MWRA interest free loan/grant program for the purpose of funding construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan. [05/12/14 @ 4:49 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

ACTION: **APPROVED 6-0**

NOTE: The Committee met jointly with the Public Facilities Committee to discuss Docket Item #206-14. City Engineer Lou Taverna presented the request to authorize expenditure of a \$1,262,800 Massachusetts Water Resource Authority (MWRA) grant and authorization to borrow \$1,033,200 from the MWRA at 0% interest. The \$2,296,000 will be used to fund a portion of the Project Area 2 (Auburndale and West Newton) of the 10-Year Sewer Strategic Plan. The total estimated cost of Project Area 2 is \$3.8 million, which will be funded through \$1,100,000 in Sewer Reserve funds, the grant/loan program from the MWRA, and unused funding from previous projects.

City Engineer Lou Taverna explained that the MWRA offers its communities the opportunity to participate in a grant/loan program every two to three years. The City always applies and receives the maximum grant/loan offered. The funding for the next round of the MWRA Loan/Grant Program is expected to be doubled.

Ald. Fuller moved approval in the Finance Committee and Ald. Albright moved approval in the Public Facilities Committee. Both motions carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#207-14 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) within the Snow & Ice Control Accounts from Line Item 0140110, Account No. 513001 into Line Item 0140110, Account No. 5273 for the purpose of covering the final invoices for the 2013-2014 snow season. [05/12/14 @ 4:49 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

ACTION: **APPROVED 6-0**

NOTE: The Committee met jointly with the Public Facilities Committee to discuss the above item. Public Works Business Manager Ronald Mendes presented the request to transfer \$300,000 of unused funds from the Snow and Ice Overtime Account to the Snow and Ice Rental Vehicle Account. The transfer will enable the department to cover the final contractor and

materials invoices for the 2013-2014 snow season. Mr. Mendes provided the attached breakdown of the snow and ice accounts.

Chief of Staff Maureen Lemieux explained that when money is appropriated throughout the winter for snow and ice control, it is estimated how much money is need for each of the snow and ice accounts. Often times the estimates are slightly off resulting in surpluses in some accounts and deficits in others. This year there is additional funding in overtime and a shortfall in the rental vehicle account. Mr. Mendes added that the Department of Public Works expects to turn back \$118,000 in snow and ice money to the operating budget. With that, Ald. Fuller moved approval in Finance, which carried unanimously and Ald. Danberg moved approval in Public Facilities, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#203-14 HIS HONOR THE MAYOR requesting the following year-end housekeeping items:

- A. Rescind the sum of \$90,000 voted under Board Order #109-12 for the repair of the windows at Fire Station #4 and appropriate \$50,000 from the Energy Stabilization Fund for the final solution
- B. Rescind the sum of \$1,000,000 voted under Board Order #255-13 for the Zervas Elementary School Feasibility Study and appropriate \$1,000,000 from the Capital Stabilization Fund/Override Sub Fund
- C. Rescind the sum of \$416,000 voted under Board Order #252-13 for the architectural design of Station 10/Wires Division and appropriate \$416,000 from the capital Stabilization Fund/Override Sub Fund. [05/12/14 @ 4:47 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

ACTION: APPROVED 6-0

NOTE: The Committee met jointly with the Public Facilities Committee to discuss the above item. Chief of Staff Maureen Lemieux and Public Buildings Commissioner Josh Morse presented the requests to rescind previously approved bond authorizations.

A. Fire Station #4 Windows

Ninety thousand dollars of funding from bonded indebtedness for the repair/replacement of the leaking windows at Fire Station #4 (Crafts Street) was approved in June 2012 but the bonds were never sold, as the project was delayed in order to pursue a legal claim against the window installer. Since that time, it has been determined that the repair/replacement costs for the windows is under \$50,000. Therefore, the City will not be bonding the funds, as it is below the required \$75,000 or above cost for projects in order to bond and is requesting that the funding source for the project be changed to the Energy Stabilization Fund. In addition, it has been determined that the City has no legal recourse, as the warranty on windows expired before the leaks were discovered. The Public Buildings Department attempted to put pressure on the contractor who installed

the windows; however, the contractor was not responsive. Commissioner Morse stated that the problems with the contractor are well documented and the contractor will not receive any future work from the City of Newton.

The \$50,000 will be used to replace all of the windows located on the parking lot side of the station, repair of the rest of the windows, masonry repairs, water testing of the windows, and interior repairs. Commissioner Morse is confident that the \$50,000 will address of the issues with the windows. The contractor for the project is well aware of what needs to be done and based the estimate on those repairs.

Members of both Committees were concerned that the repairs and/or replacements of the windows have not occurred. The windows have been leaking for a number years. Commissioner Morse explained that the repairs were not made because there was concern that if the windows were modified, it could affect the legal action. However, the Public Buildings Department made some masonry repairs that abated most of the leaking. The Public Buildings Department has been monitoring the dry wall around the windows for moisture.

It was also pointed out that the City should be more aggressive when pursuing legal cases against contractors that do not meet the requirements of a contract. Commissioner Morse responded that the Public Buildings Department has established protocols to address these types of issues.

B. Zervas Elementary School Feasibility Study

The Board of Aldermen previously approved \$1 million to be funded through bonded indebtedness for a feasibility study for the Zervas Elementary School Project. After reviewing funding options, it was determined that the City has the ability to pay for the feasibility study with money from the Capital Stabilization Fund/Override Sub-fund. Therefore, the Mayor is requesting that the Board of Aldermen rescind the bond authorization and authorize the appropriation of \$1 million dollars from the Capital Stabilization Fund/Override Sub-fund.

C. Fire station 10/Wires Division Building Design

The Board of Aldermen previously approved \$416,000 to be funded through bonded indebtedness for the architectural design of Fire Station 10/Wire Division Building. After reviewing funding options, it was determined that the City has the ability to pay for the design with money from the Capital Stabilization Fund/Override Sub-fund instead of bonding the design. Therefore, the Mayor is requesting that the Board of Aldermen rescind the bond authorization and authorize the appropriation of \$416,000 from the Capital Stabilization Fund/Override Sub-fund.

Ald. Laredo moved approval of the requests in the Public Facilities Committee, which carried by a vote of seven in favor and none opposed. Ald. Ciccone moved approval of the item in Finance, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#204-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of four hundred sixty-five thousand dollars (\$465,000) from bonded indebtedness for the purpose of replacing a staircase at the Bigelow Middle School in accordance with the City's Capital Improvement Plan. [05/12/14 @ 4:48 PM]

PUBLIC FACILITIES APPROVED 7-0 on 05/28/14

ACTION: APPROVED 6-0

NOTE: Public Buildings Commissioner Josh Morse presented the request for \$465,000 to repair the main entry, plaza, ramps, and replace the stairs at the Bigelow Middle School. The project is part of the City's Capital Improvement Plan and was listed under Fiscal Year 2013 projects. A number of repairs to stabilize the stairs to stop water infiltration and concrete spalling have been made over the years. The Board of Aldermen approved \$35,000 for the design of the project in 2013. The design was completed in the late fall of 2013; therefore, the Public Buildings Department delayed the construction project due to school programming. It was determined that the best time to do the project was over this summer. The bid for the project has been awarded to a contractor and the project will move forward as soon as the school year ends. There were two alternates included in the bid that are not going to be included in the project. The first alternate was to create a covered area in the front of the school for pick-up and drop-off but there is already a vestibule at the school. The second alternate was for landscaping around the stairs, which is not essential to the project.

Members of both Committees were pleased that the stairs were finally being replaced, as the repairs have not worked. With that, Ald. Lappin moved approval of the item in the Finance Committee and Ald. Albright moved approval in the Public Facilities Committee. Both motions carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#138-13(3) HIS HONOR THE MAYOR requesting authorization to reallocate the Carr Elementary School Renovation Project Budget to replenish funds for Mayor's Contingency Budget Line, as well as to cover the costs of various project related expenses as follows:

- \$40,000 from Electricity to Public Property Repair & Maintenance
- \$5,000 from Building Systems Commissioning to Mayor's Contingency
- \$5,120 from building System Commissioning to Consultants
- \$87,800 from Board of Aldermen Contingency to Mayor's Contingency

[05/16/14 @ 10:08 AM]

PUBLIC FACILITIES APPROVED AS AMENDED 5-0 (Albright, Danberg not voting) on 05/28/14

ACTION: **APPROVED AS AMENDED 6-0 to include the reallocation of an additional \$50,000 from BOA contingency to the Mayor's contingency**

NOTE: Chief of Staff Maureen Lemieux requested that the item be amended to include the reallocation of an additional \$50,000 from the Board of Aldermen Contingency Line Item to the Mayor's Contingency Line Item to fund the restoration of the Little League Field located at the Carr School. The baseball teams that used the field were temporarily relocated during the renovation of the Carr School. It would be an appropriate gesture for the City to reconstruct that field. With the reallocation of the \$137,800 from Board of Aldermen Contingency, \$150,000 will remain in that line item. It was requested that a footnote be added to the project budget schedule to denote that the reallocated \$50,000 is being used for the Little League Field.

The Carr School renovation project is expected to be completed over the summer and it would be advantageous to have the funds in place in order to completely close the project. The project remains ahead of schedule and under budget. The City's project manager has done an outstanding job of running the project and has kept the contingency under 2.2%. There have been no large change orders and none are expected.

There was discussion regarding when the playground equipment at the Angier School would be moved to the Carr School. Commissioner Morse stated that it is scheduled to be moved after the end of this school year. In addition, there were questions regarding whether the expanded parking lot encroaches on the Little League Field. Commissioner Morse explained that the most the parking lot has expanded into the field is a few inches. Therefore it is possible to move the field 25' from the abutters.

Ald. Ciccone moved approval as amended in the Finance Committee, which carried unanimously. Ald. Lappin moved approval in the Public Facilities Committee which carried unanimously.

#198-14 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) currently held by the City of Newton in a trust fund for the benefit of the Newton Highlands Community Development Center to the Newton Highlands Community Development Center. [05/12/14 @ 4:48 PM]

ACTION: **APPROVED 5-0 (Rice recused)**

NOTE: David Montanari and Jeff Swopes of the Newton Highlands Community Development Corporation (NHCDC) joined the Committee for discussion of this item. When the Hyde School was closed, it was divided into three parcels, one of which was for a community center for the Newton Highland area. The NHCDC owns the parcel and operates the Hyde Community Center on that parcel. When the City sold the parcel in 1985, the Real Property Reuse Board Order required that \$50,000 be put in an escrow fund that should have been held in trust by the NHCDC. Interest earned on the trust was to be used to support the public use of the Hyde Community Center. However, the \$50,000 was never given to the NHCDC, but was paid to the City. The City has held the \$50,000 in trust as part of the Escrow Trust Agreement between the City of Newton, the purchaser of the property and the NHCDC. NHCDC is

requesting that the City transfer the trust and any generated interest to the NHCDC as originally stated in the 1985 Board Order.

The Committee had no questions regarding the transfer and Ald. Lappin moved approval, which carried unanimously. Ald. Rice recused himself from the vote, as he is the Executive Director of the Hyde Community Center.

#199-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from Fiscal Year 2014 Budget Reserve to the City Clerk's Department's Office Furniture Account for the purpose of replacing broken or missing polling furniture and equipment. [05/12/14 @ 4:47 PM]

ACTION: **APPROVED 6-0**

NOTE: City Clerk/Clerk of the Board of Aldermen David Olson provided the attached summary of the request. The City received a reimbursement of \$73,250 from the State for a portion of the cost of running the special primary and election in 2013. The reimbursement was placed in the City's General Fund and Mr. Olson would like to use portion of these funds to purchase polling equipment. The attachment details the need for the \$40,000 for new polling equipment at the new polling location at Waban Library, a proposed new polling location at Cabot Park Village, and to replace broken or missing equipment at the other 29 polling locations within the City. Ald. Ciccone moved approval, which carried unanimously.

#194-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred nineteen thousand two hundred fifty-nine dollars and forty-six cents (\$119,259.46) from Fiscal Year 2014 E-Rate Receipts – Schools to the Newton Public Schools. [05/12/14 @ 5:05 PM]

ACTION: **APPROVED 6-0**

NOTE: Information Technology Director Leo Brehm presented the request for an appropriation from the E-Rate reimbursement funds to build out the wireless infrastructure in all school buildings. The School Department currently has total location coverage but not enough bandwidth to allow everyone in a building to be on a mobile device or computer at the same time. With the increased use of mobile devices in education it is important to provide the appropriate level of access. In addition, funds will be used to begin the building of a secondary data center for the purpose of disaster recovery and continuity with the City's Information Technology Department.

The E-Rate fund account has accrued \$119,259.46, which is approximately 7 to 8% of the School Department's Information Technology budget for operating costs. The E-Rate funds are essential in improving technology infrastructure. Although the School Department could use additional information technology funding, Mr. Brehm is adept at working within the budget to provide the appropriate level of technology infrastructure.

E-Rate funds are related to the Telecommunications Act of 1996, which are provided by the federal government to schools and libraries to be used for improvements to

telecommunications and information services. The amount of reimbursement is based on economic need and location of the community.

Ald. Blazar moved approval of the item, which carried unanimously.

#192-14 HIS HONOR THE MAYOR requesting authorization to expend a two hundred thousand dollars (\$200,000) reimbursable grant from the “Our Common Backyards” Grant Program and authorization to transfer the sum of fifty thousand dollars (\$50,000) from Fiscal Year 2014 Budget Reserve to the Parks and Recreation Department’s budget for purpose of funding the City’s share of the Emerson Playground Project, and in addition confirm that the Emerson Playground is in the custody of the Parks and Recreation Commission and is dedicated park land pursuant to the provisions Massachusetts General Law Chapter 45, Section 3.
[5/12/14 @ 4:48 PM]

ACTION: **APPROVED 6-0**

NOTE: Commissioner of Parks and Recreation Bob DeRubeis presented the requested to expend \$200,000 from a reimbursable grant that was received from the State’s Energy and Environmental Affairs Department for building a new accessible play space at the Emerson Playground on Petty Street in Newton Upper Falls. The Parks and Recreation Commission voted to accept the grant, confirm that the playground is in the custody of the Parks and Recreation Commission and that it is dedicated park land. The minutes for the Parks and Recreation Commission meeting are attached. The Docket Item includes a request that the Board of Aldermen also confirm that the Emerson Playground is in the custody of the Parks and Recreation Commission and is dedicated park land to satisfy grant requirements. In addition to the authorization to expend the grant and the confirmations, there is a request to transfer of \$50,000 from Budget Reserve to fully fund the cost of the new play space.

The current park has very old equipment and is in a deteriorated condition. The Upper Falls community is thrilled that the City received the grant, as they have been trying to raise funds to renovate the playground but have not been very successfully. With that, Ald. Ciccone moved approval, which carried by a vote of six in favor and none opposed.

#193-14 HIS HONOR THE MAYOR requesting authorization to expend the sum of five thousand five hundred dollars (\$5,500) from the Law Department’s Judgments and Settlements Account as full and final settlement of a claim by Safety Insurance Company that was a result of a collision involving a City of Newton vehicle. [05/12/14 @ 4:48 PM]

ACTION: **APPROVED 6-0**

NOTE: Assistant City Solicitor Maura O’Keefe presented the request to expend \$5,500 to settle a claim that was a result of a collision of a very large City truck with a plow and an unoccupied parked car on Beacon Street. The area where the vehicle was hit on Beacon Street is very narrow. The parked vehicle sustained significant damage to the driver’s side rear panel, the

rear tire, the undercarriage and the rear axle. The Law Department did a thorough investigation of the accident and determined that the City would likely be found liable for all damages.

Therefore, the Law Department would like to make a full and final settlement of the claim filed by Safety Insurance Company, the insurance company of the owner of the parked car. It is less expensive for the City to settle the claim than to go to court. Ald. Lappin moved approval, which carried unanimously.

REFERRED TO ZONING & PLANNING & FINANCE COMMITTEES

#214-12 ALD. DANBERG, BLAZAR, & SCHWARTZ proposing an ordinance which would enable the city to respond to properties which are so inadequately cared for, often by absentee owners, as to constitute a nuisance, not only to properties nearby but also to the public at large, with the understanding that timely intervention may help prevent the loss of such properties to severe neglect, excess accumulation of trash or unsightly collectables, inside or out, or even eventual abandonment. [07/10/12]

ZAP APPROVED 5-1-2 (Sangiolo opposed; Johnson, Hess-Mahan abstaining) on 02/10/14

ACTION: APPROVED 6-0

NOTE: The Zoning and Planning Committee approved the request for an ordinance to create a mechanism for the City to address inadequately cared for properties. The Docket Item is before the Finance Committee in order to institute a fine structure for enforcement of the proposed ordinance.

The proposed fine structure would allow a fine of \$100 per day for days one through seven that the violation continues, \$200 per day for days eight through fourteen that the violation continues, and \$300 per day for day fifteen and each subsequent day for any offense. Ald. Blazar moved approval, which carried unanimously.

#195-14 HIS HONOR THE MAYOR requesting establishment of a gift account to accept and expend gifts totaling as much as \$30,000 annually from donations for the purpose of offsetting the costs incurred for programming and any associated administrative expenditures within the Veteran's Services Department. [05-12-14 @ 4:47 PM]

ACTION: APPROVED 6-0

NOTE: Chief of Staff Maureen Lemieux presented the request to establish a gift account with an annual expenditure limit of \$30,000 for donations made to the Veteran's Services Department. The Veteran's Services Department has recently received a few thousand dollars in donations and there is no mechanism to accept or expend the donations.

There was a brief discussion about the account of all gifts received by the City. Comptroller David Wilkinson explained that all gifts received and gift funds expended are included in the Comptroller's quarterly financial statement that are available on the City's website. With that, Ald. Rice moved approval of the item, which carried unanimously.

#196-14 HIS HONOR THE MAYOR requesting authorization to accept and appropriate the sum of twenty-eight thousand fifty three dollars (\$28,053) from interagency agreements executed between the City of Newton and agencies of the Brookline-Newton-Waltham-Watertown Homelessness Consortium Continuum of Care for services provided by the City of Newton as the lead agency for this program. [05/12/14 @ 4:47 PM]

ACTION: **APPROVED 6-0**

NOTE: Interim Associate Director of Community Development Eve Tapper presented the request to appropriate and expend funds for administrative tasks associated with the Brookline Newton Waltham Watertown Continuum of Care program sponsored by the Department of Housing and Urban Development (HUD). The program provides shelter and rapid rehousing to homeless families and individuals. The City of Newton is the lead agency for the program, which allows Newton to share half of the administrative funds each of the grantees receive from HUD. The administrative funds available to Newton for use in Fiscal Year 2014 are \$28,053. The funds are used to offset salary and benefit costs for the Continuum of Care Program administration. Ald. Lappin moved approval, which carried unanimously.

#190-14 HIS HONOR THE MAYOR requesting authorization to expend a twenty-nine thousand seven hundred fifteen dollar (\$29,715) grant received from the Massachusetts Department of Transportation and the Metropolitan Area Planning Council for the purpose of administering a bicycle and pedestrian enforcement program. [05/13/14 @ 4:49 PM]

ACTION: **HELD 6-0**

NOTE: A motion to hold the item was made and carried unanimously, as there was no one available to present the request.

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#201-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred thousand dollars (\$200,000) from Free Cash for the purpose of supplementing the Police Department's Overtime Account. [05/12/14 @ 4:48 PM]

PUBLIC SAFETY APPROVED 5-0 on 05/21/14

ACTION: **APPROVED 6-0**

NOTE: Police Lieutenant David MacDonald presented the request for \$200,000 to supplement the Police Department's overtime account. There has been significant turnover in the Police Dispatch Center resulting in increased overtime costs in that area. The Parking Control Division has been short staffed by two police officers over the past year, which has resulted in overtime. In addition, The Boston Marathon security requirements generated significant overtime costs due to the significant preparation and training costs. There was also a new compensation agreement with the Patrol Officers Association to comply with Federal law, which resulted in addition overtime pay. The Committee understood the need for the addition funds and Ald. Ciccone moved approval, which carried unanimously.

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#202-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eighty thousand dollars (\$80,000) from the Fire Overtime Account to the following accounts:

<u>Account</u>	<u>Description</u>	<u>Amount</u>	<u>Purpose</u>
0121001-5319	Training	\$33,000	Tech Rescue Training
0121005-5412	Heating Oil	\$47,000	Heating Oil/Expenditures

PUBLIC SAFETY APPROVED 5-0 on 05/21/14

ACTION: APPROVED 6-0

NOTE: Chief of Staff Maureen Lemieux presented the request for a transfer from the Fire Department's Overtime Account to the department's heating oil account and training account. The City received a technical rescue training grant but the costs for the training were more than the grant by \$33,000. The heating oil costs were higher than budgeted for Fiscal Year 2014. The transfer will enable the fire Department to cover the additional costs. The heating oil line item in the Fire Department's budget has been increased for Fiscal Year 2015. Ald. Lappin moved approval, which carried unanimously.

#191-14 HIS HONOR THE MAYOR requesting authorization to enter into a five-year agreement for parking ticket processing services. [05/12/14 @ 4:47 PM]

ACTION: APPROVED 6-0

NOTE: Chief of Staff Maureen Lemieux presented the request for Board of Aldermen approval to enter into a five-year agreement for parking ticket processing services. The current contract expired in December 2013 and City has been doing month-to-month extensions, as the City is in the process of developing a Request for Proposals for the service. The parking ticket processing service is complicated and there is the potential for significant disruption of service if the contract is awarded to a new vendor. Therefore, the Executive Department would like to keep the contract with a vendor in place for five years. Ald. Ciccone moved approval of the item, which carried six in favor and none opposed.

#138-13(2) HIS HONOR THE MAYOR requesting that Board Order #138-13 be amended by rescinding a balance of one hundred eighteen dollars (\$118) that remains authorized but unissued debt for bond authorization to renovate the Carr Elementary School.

ACTION: APPROVED 6-0

NOTE: Chief of Staff Maureen Lemieux explained that the request is to rescind an unneeded \$118 authorized as part of Board Order #138-13 for the renovation of the Carr Elementary School. The Committee understood the need for this request and Ald. Rice moved approval, which carried by a vote of six in favor and none opposed.

#195-98(2) HIS HONOR THE MAYOR requesting that Board Order #195-98 be amended by rescinding a balance of two million nine hundred ninety-five thousand seventy-two dollars and ninety-nine cents (\$2,995,072.99) that remains authorized but unissued debt for bond authorization to improve the sewer system infrastructure. [05-12-14 @ 4:47 PM]

ACTION: **APPROVED 6-0**

NOTE: Chief of Staff Maureen Lemieux explained that the request is to rescind Board Order #195-98 which authorized \$2,995,072.99 in bonded indebtedness. The bonds were never issued for the project; therefore, the Executive Department is requesting rescission of Board Order #195-98. Ald. Rice moved approval, which carried unanimously.

#197-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) from the July 1, 2013 Certified Free Cash Account to the Workers' Compensation Insurance for the purpose of addressing a portion of the fund deficit resulting from the recognition of new long-term liabilities for workers' compensation cases that had not previously been classified as permanent and total disabilities. [05/12/14 @ 4:48 PM]

ACTION: **HELD 6-0**

NOTE: Chief of Staff Maureen Lemieux requested that the Committee hold the item as one of the four newly recognized permanent and total disability workers' compensation cases may be interested in a settlement. There is currently a deficit in the Workers' Compensation Insurance Account and the Executive Department would like to fully understand what impact a settlement would have on the account before transferring any funds. Ald. Blazar moved hold, which carried unanimously.

#208-14 HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the Metropolitan Area Planning Council (MAPC) in the amount of \$4,800 to pay a volunteer pedestrian coordinator to oversee the development and implementation of a parental survey of school-related trip making. [05-19-14 @12:09PM]

ACTION: **HELD 6-0**

NOTE: Transportation Planning Coordinator David Koses presented the request for expenditure of a \$4,800 grant from the Metropolitan Area Planning Council. The funds will be used to pay a volunteer pedestrian coordinator, who developed and administered a parental survey of school-related trip making. The survey was sent out in March and there was a good response from parents. The pedestrian coordinator is in the process of developing a report from the data supplied from the survey.

Several members of the Committee questioned whether it was appropriate to pay volunteers for the City without going out to bid. Mr. Koses stated that the contract was under \$5,000; therefore he believed that there was no bid process required. The Committee would like

to hear from the City's Purchasing Agent before approving the request. Therefore, Ald. Blazar moved hold, which carried unanimously.

#209-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of Five Hundred Thousand Dollars (\$500,000) from the Retiree Health Insurance Account to the Rainy Day Stabilization Fund. 05-19-14 @ 1:32PM]

ACTION: **HELD 6-0**

NOTE: Chief of Staff Maureen Lemieux requested that the Committee hold the item as she would like to possibly increase the amount of money to be transferred to the Rainy Day Stabilization Fund. Ald. Fuller requested that even a token amount of funding be found to be put into the OPEB Trust Fund. Ms. Lemieux responded that the City will be putting over \$50,000 into the OPEB Trust Fund. With that, Ald. Lappin moved hold, which carried unanimously.

The Committee adjourned at 9:30 PM and all other items before the Committee were held without discussion. Draft Board Orders for the above items that are recommended for Board of Aldermen action are attached.

Respectfully submitted,

Leonard J. Gentile, Chairman

CITY OF NEWTON

IN BOARD OF ALDERMEN

2014

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chairman Deborah Crossley and the Finance Committee through its Chairman Leonard J. Gentile, a transfer of funds in the amount of one million one hundred thousand dollars (\$1,100,000) from the Sewer Fund Operating Reserve to the Sewer Capital Project Fund to be used to fund a portion of the sewer capital work in the Capital Improvement Plan Project Area 2 Sewer Rehabilitation Project be and is hereby approved as follows:

FROM:	Sewer Fund Operating Reserve (27A10498-5790).....\$1,100,000
TO:	Transfer to Sewer Capital Project Fund (27A10499-593037).....\$1,100,000 (37A4018-586010)

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON
IN BOARD OF ALDERMEN

2014

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chairman Deborah Crossley and the Finance Committee through its Chairman Leonard J. Gentile, the Commissioner of Public Works be and is hereby authorized to incur expenditures in an amount not to exceed two million two hundred ninety six thousand dollars (\$2,296,000) received from the Massachusetts Water Resources Authority. The sum of up to one million two hundred sixty-two thousand dollars (\$1,262,800) has been made available to the City as an interest-free loan. The remaining funds, one million thirty-three thousand dollars (\$1,033,200) have been received as an outright grant to the City the purpose of funding construction of the Project Area 2 portion of the sewer improvements as outlined in the Water/Sewer Strategic Plan.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

Year	BUDGET ORGN	Account	Account Title	Orig. Budget	Prior Transfers	Req. Transfer	Prop. Adj. Budget	YTD Expense	Encumbrances	Balance
PERSONNEL										
14	0140110	513001	REGULAR OVERTIME	\$200,000.00	\$882,148.00	-\$300,000.00	\$782,148.00	\$770,563.49		\$11,584.51
14	0140110	513001A	REG OVERTIME-BLDG/SCHLS	\$33,300.00	\$51,660.05		\$84,960.05	\$84,441.82		\$518.23
14	0140110	513004	WORK BY OTHER DEPTS.	\$15,000.00	\$15,000.00		\$15,000.00	\$14,725.71		\$274.29
14	0140110	514311	SNOW STAND-BY PAY	\$30,000.00	\$103,799.28		\$133,799.28	\$133,799.28		\$0.00
14	0140110	514318	SNOW WATCH PAY	\$20,000.00	\$1,085.67		\$21,085.67	\$21,085.67		\$0.00
14	0140110	514321	PROMPTNESS PAY STIPEND	\$283,300.00	\$1,307.00	-\$300,000.00	\$1,038,300.00	\$1,025,705.22	\$0.00	\$12,594.78
TOTAL										
14	0140110	5273	RENTAL - VEHICLES	\$200,000.00	\$1,417,850.65	\$227,672.50	\$1,845,523.15	\$1,751,781.42	\$10,062.50	\$83,679.23
14	0140110	5273A	RENTAL-VEH BLDG/SCHLS	\$100,000.00	\$498,177.50	\$72,327.50	\$670,505.00	\$670,505.00		\$0.00
TOTAL										
				\$300,000.00	\$1,916,028.15	\$300,000.00	\$2,516,028.15	\$2,422,286.42	\$10,062.50	\$83,679.23
OTHER EXPENSES										
14	0140110	52403	MOTOR VEHICLE R-M		\$4,661.18		\$4,661.18	\$4,661.18		\$0.00
14	0140110	52409	PUBLIC PROPERTY R-M		\$23,546.14		\$23,546.14	\$23,546.14		\$0.00
14	0140110	52410	SOFTWARE MAINTENANCE		\$160,634.00		\$160,634.00	\$122,326.33	\$38,307.67	\$0.00
14	0140110	5386	WEATHER FORECAST SVS	\$1,700.00	-\$10.00		\$1,690.00	\$1,690.00		\$0.00
14	0140110	5460	FOUNDATIONS MAINT SUPPLIES		\$700.74		\$700.74	\$700.74		\$0.00
14	0140110	5480	GASOLINE		\$19,629.62		\$19,629.62	\$19,629.62		\$0.00
14	0140110	5481	DIESEL FUEL		\$56,462.70		\$56,462.70	\$56,462.70		\$0.00
14	0140110	5484	VEHICLE REPAIR PARTS	\$75,000.00	\$34,221.28		\$109,221.28	\$108,036.52	\$2,084.21	-\$899.45
14	0140110	5532	SAND & SALT	\$335,000.00	\$787,636.19		\$1,122,636.19	\$1,099,842.79		\$22,793.40
14	0140110	5712	REFRESHMENTS/MEALS		\$1,490.00		\$1,490.00	\$1,490.00		\$0.00
14	0140110	5783	PRIVATE PROPERTY DAMAGE	\$5,000.00	-\$5,000.00		\$0.00	\$0.00		\$0.00
14	0140110	57MEDA	MEDICARE PAYROLL TAX		\$12,500.00		\$12,500.00	\$12,278.47		\$221.53
14	0140110	R52409	R&M PUBLIC PROPERTY		\$117.25		\$117.25	\$0.00	\$117.25	\$0.00
TOTAL										
				\$416,700.00	\$1,096,589.10	\$0.00	\$1,513,289.10	\$1,450,664.49	\$40,509.13	\$22,115.48
GR TOTAL				\$1,000,000.00	\$4,067,617.25	\$0.00	\$5,067,617.25	\$4,898,656.13	\$50,571.63	\$118,389.49

CITY OF NEWTON

IN BOARD OF ALDERMEN

2014

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chairman Deborah Crossley and the Finance Committee through its Chairman Leonard J. Gentile, a transfer of funds in the amount of three hundred thousand dollars (\$300,000) from Department of Public Works' snow and ice overtime salary account to Department of Public Works' rental vehicles account be and is hereby approved as follows:

From:	DPW Salaries	
	0140110-513001	\$300,000
To:	DPW Expenses	
	0140110-5273	\$300,000

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON
IN BOARD OF ALDERMEN

2014

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chairman Deborah Crossley and the Finance Committee through its Chairman Leonard J. Gentile, the following rescissions and appropriations be and are hereby approved as follows:

- A. Rescind the sum of \$90,000 voted under Board Order #109-12 for the repair of the windows at Fire Station #4 and appropriate \$50,000 from the Energy Stabilization Fund (51-37985014) for the final solution.
- B. Rescind the sum of \$1,000,000 voted under Board Order #255-13 for the Zervas Elementary School Feasibility Study and appropriate \$1,000,000 from the Capital Stabilization Fund/Override Sub Fund (51-37981049).
- C. Rescind the sum of \$416,000 voted under Board Order #252-13 for the architectural design of Station 10/Wires Division building and appropriate \$416,000 from the capital Stabilization Fund/Override Sub Fund (51-37985020).

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN BOARD OF ALDERMEN

2014

ORDERED:

That for the purpose of paying costs of replacing the staircase at the Bigelow Middle School, and for the payment of all costs incidental and related thereto there is hereby appropriated the sum of four hundred sixty-five thousand dollars (\$465,000), which amount shall be borrowed under and pursuant to Chapter 44, Section 7(3A) of the Massachusetts General Laws, or pursuant to any other enabling authority.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON
IN BOARD OF ALDERMEN

2014

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the transfers within the Carr Elementary School Renovation Project Budget included in Board Order #138-13 approved on June 17, 2013; be and are hereby approved as follows:

From:	Electricity	\$40,000
	Building System Commissioning	\$5,120
	Building Systems Commissioning	\$5,000
	Board of Aldermen Contingency	\$137,500
To:	Public Property Repair & Maintenance	\$40,000
	Consultants	\$5,120
	Mayor's Contingency	\$142,500

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON

City Clerk

(SGD) SETTI D. WARREN

Mayor

Date: _____

CITY OF NEWTON
IN BOARD OF ALDERMEN

2014

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the transfer of the sum of fifty thousand dollars (\$50,000) and all accumulated investment income through June 30, 2014 currently held by the City of Newton in a trust fund for the benefit of the Newton Highlands Community Development Center to the Newton Highlands Community Development Center be and is hereby approved.

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

REFERRED TO FINANCE

#199-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from Fiscal Year 2014 Budget Reserve to the City Clerk's Department's Office Furniture Account for the purpose of replacing broken or missing polling furniture and equipment. [05/12/14 @ 4:47 PM]

In November of 2013, the City of Newton was reimbursed \$73,250.63 by the State for some of the cost of conducting the Special Primary and Election for US Senator in the Spring of 2013. The reimbursed funds were returned to the City's general fund.

The City Clerk is seeking \$40,000 of these funds to replace broken or missing polling equipment in its 32 precincts around the city, and to specifically outfit the newly approved polling place at the Waban Library (which replaces the two precincts at the Zervas School) with new equipment, and to prepare to outfit the pending new location at Cabot Park Village to replace the Cabot School.

The cost to outfit a polling place with new equipment including voting booths and tables will be approximately \$5,000 each location. \$15,000 of the requested funds will go directly to the two polling locations at the Waban Library and the one location at Cabot Park Village.

Still usable equipment from the Zervas and Cabot Schools will be reassigned to locations that have broken or missing equipment.

The remaining \$25,000 will be used to replace broken or missing pieces of equipment in the remaining 29 precincts.

The Waban Library will be getting the style of booths that we currently use at City Hall. This style will facilitate the storage of the equipment in the basement of the Waban Library as it will be easier to get up and down the basement stairs.



Cabot Park Village will be getting the traditional 4-Carrel Booths that are currently being used in the other polling locations.



Currently none of our polling locations have the required number of voting stations as prescribed in Massachusetts Election regulations to effectively and efficiently meet the turnout usually seen at a Presidential election.

CITY OF NEWTON
IN BOARD OF ALDERMEN

2014

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Alderman Leonard J. Gentile, a transfer of funds in the amount of forty dollars (\$40,000) from Budget Reserve to the City Clerks Department Office Furniture Account for the purpose of replacing broken or missing polling furniture and equipment, be and is hereby approved as follows:

FROM:	Budget Reserve (0110498-5790).....	\$40,000
TO:	Elections Equipment Replacement (C101002-58517).....	\$40,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO. A-

May , 2014

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended relative to Chapter 5 as follows:

1. Add the following new section:

Sec. 5 - 22 Regulation of Public Nuisances: Keeping of Junk, Debris, Overgrown Vegetation.

- (a) *Purpose*: The purpose of this ordinance is to help protect the health, safety and welfare of the citizens by preventing neighborhood blight from the creation and maintenance of public nuisances on property detrimental to neighboring residents and properties.
- (b) *Regulation of Public Nuisance*. No owner or occupant of any lot in any residential district shall keep in the public view for more than sixty (60) days either, (1) any substantial amount of junk and debris, or (2) a condition of overgrown vegetation. Such keeping of a substantial amount of junk and debris or overgrown vegetation is declared to be a public nuisance if any of the following three criteria are also met:
- (i) causes adverse effects on the health or safety of neighbors;
 - (ii) materially diminishes the reasonable use and enjoyment of any neighboring properties; or
 - (iii) produces a hazardous or harmful condition of private property, land or structures.
- (c) *Definitions*:

Commissioner. The Commissioner of Inspectional Services or designee.

Substantial Amount of Junk or debris. Any materials or combination of materials including but not limited to scrap, metal, scrap construction materials, rags, plastics, batteries, paper trash, inoperable appliances, inoperable machinery, mattresses, tires, and dilapidated or decayed furniture unusable for its intended purpose, which occupies more than 375 cubic feet in the aggregate on any one lot in a residential district.

A condition of overgrown vegetation. Any weeds, grass, bushes, or other shrubbery which are so untrimmed or unkempt that they present a reasonable expectation of harboring or attracting rats and vermin, or concealing pools of stagnant water.

Public view. Viewed from public property or ways or is visible from multiple privately owned properties.

- (d) *Regulatory authority.* The Commissioner or designee has the authority to promulgate rules and regulations necessary to implement and enforce this section.
- (e) *Enforcement.* The Commissioner or designee shall enforce the provisions of this section, including any rule or regulation promulgated hereunder, and shall institute all necessary administrative or legal action to assure compliance.
- (f) *Notice of violation.* The Commissioner or designee shall issue a written notice of any violation of this section to the owner or occupant of the lot. Said notice shall describe the prohibited condition and order that it be remedied within thirty (30) days of receipt of the notice. If such condition is not remedied within that time, the Commissioner may take action to impose the fines described in sec. 5-22 (g).
- (g) *Penalties.* Any violation of any portion of this section, including violations of any rules and regulations promulgated by the commissioner hereunder, shall be punishable by a fine of one hundred dollars (\$100.00) per day for days one through seven that the violation continues; two hundred dollars per day (\$200.00) for days eight through fourteen that the violation continues; and three hundred dollars (\$300.00) per day for each subsequent day the violation continues. Each day a violation continues shall constitute a separate offense. Where non-criminal disposition of this section by civil fine has been provided for in sections 20-20 and 20-21 of these revised ordinances, as amended, pursuant to the authority granted by G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 20-21(c).
- (h) Action under this section shall not bar any separate regulation by or action by any other City department for health, fire safety, building code or any other violations.
- (i) *Severability.* If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.

Cross Reference – State Sanitary Code, 105 C.M.R. 410 *et. seq.*

AND

2. Insert at the end of paragraph (c) DEPARTMENT OF INSPECTIONAL SERVICES of Section 20-21 **Enforcing persons and revised ordinances subject to civil fine**, the following language:

Sec. 5-22 Regulation of Public Nuisances: Keeping of Junk, Debris, Overgrown Vegetation

- () Any offense; days one (1) through seven (7)
that the violation continues \$100.00 per day
- () Any offense; days eight (8) through fourteen (14)
that the violation continues \$200.00 per day
- () Any offense; days fifteen (15) and each subsequent day thereafter
that the violation continues. \$300.00 per day

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor



Setti D. Warren
Mayor

**Newton Parks & Recreation Commission
Meeting Minutes
City Hall - Room 209
7:00 p.m. –Monday, April 28, 2014**



Robert J. DeRubeis
Commissioner

Attending: Arthur Magni, Chairman, Richard Tucker, Vice-Chairman, Commissioner Robert DeRubeis, Peter Johnson, Don Fishman, Bethel Bilezikian Charkoudian, Byron Dunker, Andrew Stern, Michael Clarke, Jack Neville, Robin McLaughlin, Secretary

Meeting began at 7:06 pm

1. Meeting Minutes - March 17, 2014 - Approved 8-0

2. Commissioner's Reports on Programs, Forestry and Maintenance

- Commissioner DeRubeis stated April has been a busy month.
- During the Marathon the Commissioner was in the EOC (Emergency Operating Center) at the Fire Station. Mr. Johnson commented on the great job done cleaning Commonwealth Ave. after the marathon.
- Newton Serves took place yesterday. There were over 50 City wide projects. Newton Serves would not happen without the volunteers and the maintenance crew. The maintenance crew delivers mulch and tools to most of the project locations.
- Last week, April vacation camp was well attended.
- Crystal Lake Working Group continues to move forward with water quality. Signs for watershed are being ordered this week and will be installed before the swim season. Mr. Tucker asked if the signs are encouragement not enforcement. Commissioner DeRubeis replied yes.
- There is a sign ordinance being developed to tone down the number of signs posted. Alderman Johnson recommended the ordinance due to all the signs popping up around the City.
- Budget will be presented to the Alderman on Wednesday night.
- The Field renovation plan has been implemented. Turf work is being done on Halloran Football Field.
- The department is working with Ms. Charkoudian to have a Plant Exchange on June 14 at the Recreation Office.
- There was a greenhouse at the old Carr School before the building was taken over to be used as a swing school. Pat Rand requested a new location for the greenhouse and the Commissioner has allowed the greenhouse to be put up at the Recreation Office.
- There are several playground builds in process. Pierce school is being renovated this week.
- Marc Welch, Director of Forestry has gone before the Board of Alderman for an ordinance change regarding contractors and the tree removal process.

3. Nonantum Village Day- June 1-Public Hearing

- Nonantum Village Neighborhood Association is proposing to hold the 3rd annual Nonantum Village Day on June 1st. The Association is requesting the use of Coletti-Magni Park. Abutters of the area were notified of the public hearing to voice any issues, complaints, or comments regarding the event. No abutters were present.

Mr. Johnson made the motion to approve the proposal as presented. Mr. Fishman seconded the motion. Motion passed 8-0.

4. St. Mary of Carmen Festival-Public Hearing

- The St. Mary of Carmen Festival is scheduled July 16th-July 20th at the Joanne C. Pelligrini Memorial Playground. Abutters of the area were notified of the public hearing to voice any issues, complaints, or comments regarding the event. One e-mail was received from Mr. Antonellis of Lothrop St. Mr. Antonellis concern is with the noise level and hour of night when

breaking down the carnival the last night of the carnival. Mr. Proia commented the permit allows breakdown of the carnival until 1:00am on the last night and there is a police detail on site.

Mr. Tucker made the motion to approve the proposal as presented. Mr. Johnson seconded the motion. Motion passed 8-0.

5. Relay For Life- Public Hearing .

- The Relay for Life has taken place at Forte Park for the last 6 years. The event is an overnight event with 30-40 teams to raise money to fight cancer. Abutters of the area were notified of the public hearing to voice any issues, complaints, or comments regarding the event. No abutters were present.

Mr. Tucker made the motion to accept the proposal as presented. Ms. Charkoudian seconded the motion.

Motion passed 8-0.

6. Waban Hill Reservoir – Update

- Commissioner DeRubeis reported he held a meeting in the Recreation Office including Vice-Chairman Tucker, Carol Schein, Katie Holmes, Planning Department, and the Waban Hill Ward Alderman. Commissioner DeRubeis explained at the meeting the P & R Commission were ok with the acquisition of the property but had questions on the use of the property. Gail Silberstein and Peter Clote, co-chairs of the Waban Hill Reservoir Acquisition proposal will attend the May 19th P & R Commission meeting to present the proposal to the Commission and answer any questions.
- Alderman Laredo commented he is strongly in favor of the acquisition of the Waban Hill Reservoir.
- Katie Holmes stated she assisted in organizing the Waban Hill working group in January 2013 and has been with the group through the entire process and she is working on the historic aspect of the site also.
- Mr. Tucker shared his thoughts on the proposal:
 - The acquisition is good for the entire city not just for Ward 7
 - Ward 7 could use recreation space
 - Safety is a huge concern
 - Low maintenance benefits the P & R Commission
 - Personally believes the area should be a multi-use recreation area
 - 60% is occupied by water, there is only 2 acres of land
 - There is a question on access. If the acquisition is for the entire city make the area inclusive
 - What is to be done with the pump house
 - The height of the berm around the water needs to be lowered for safety and usefulness.
- Chairman Magni asked what the status of the proposal is. Commissioner DeRubeis stated this is a pre-proposal. Chairman Magni asked if the City has first refusal for the property from the MWRA. Alderman Baker replied yes.
- Mr. Clarke commented it is a good idea to acquire the property but the planning is not comprehensive. There are other small open space areas in the same location, what can be done with all of these properties together. Chairman Magni stated this is an informative meeting. Mr. Clarke stated these are points for discussion.
- Mr. Clarke stated it is not good practice for the Commission to take on new space without funding. Alderman Laredo stated this parcel will be low cost maintenance.
- Mr. Stern stated the parcel should be envisioned as a city wide park, there needs to be some planning for this. No action benefits the neighbor's wishes.
- Alderman Laredo stated this is designed as a city wide asset. Mr. Stern asked if there is parking access. Mr. Dunker stated a site becomes popular, the neighbors petition for no parking signs and the signs start popping up at the site.
- Mr. Tucker commented the proposal mentions funding will be raised by other sources besides the CPC. Ms. Holmes commented there are grants available.

- Mr. Tucker asked what the next step is. Commissioner DeRubeis stated there will be a presentation at the next meeting. Chairman Magni stated there could be a public hearing in June.

7. Emerson Playground

- Commissioner DeRubeis reported the Our Common Backyards grant program is a grant program aimed at building a new playground or spray park in cities throughout the Commonwealth. Each community is eligible for up to \$200,000 in grant assistance. The Parks & Recreation Department submitted a proposal to develop the play space at Emerson Playground with a proposed cost of \$250,000.00. The Secretary of Energy and Environmental Affairs has approved the funding of Emerson Playground through Our Common Backyards grant program. This project will design and construct a children's play area, including play structures, swings, resilient surfacing, trees, picnic tables, benches and an accessible walkway.
- Commissioner DeRubeis stated the State requires the Commission accept the grant money, confirm custody of the playground and dedicate the playground as park land in order to proceed.

Mr. Tucker made the motion:

The P & R Commission accepts the Our Common Backyards grant money for Emerson Playground and requests the Board of Alderman and Mayor Warren also accept the urban grant money; the P & R Commission confirms that Emerson Playground is in the custody of the P & R Commission and Emerson Playground be dedicated as park land.

Mr. Neville seconded the motion. Motion passed 8-0.

~~8. Bowen Playground PTO~~ Rescheduled

9. New Business

- Zervas School – Mr. Clarke commented the Zervas School is building a new school and it looks like the new building may be partially on park land at Cold Spring Park. Ouida Young, Law Department will add to her tasks of items to investigate.
- Mr. Clarke stated there are two individuals who have gone unrecognized that had a great impact on park land in Newton, Ernst Hermann and Mayor Childs. Mr. Clarke has the history of both men. Mr. Clarke would like to have a memorial for each man; one on the corner of Commonwealth Ave and Walnut St, on city hall property and the other across the street near Bullough's Pond. The spouse of the granddaughter of Mayor Childs was present and supports this recommendation. Chairman Magni mentioned the Commission has had issues with memorials on City Hall grounds. Mr. Clarke stated there is a process to follow for the memorial and would like to be added to the agenda in May for the informational part of the process.
- Mr. Tucker stated Mr. Clarke raised the issue of the Commission not take on any other land without money for maintenance. The Commission should make this a bedrock principal of the Commission.
- Off-Leash Area Working Group- the group is proposing two areas, one at Thompsonville Playground and on at Newton South High School. The group continues to work on getting citation powers for the Off-leash Specialist.
- Mr. Clarke suggested allowing people launch boats near the boathouse during the off-season.

Meeting Adjourned 8:51 pm

Respectfully Submitted,

Robin McLaughlin