

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, JUNE 9, 2014

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

Absent: Ald. Rice; 1 vacancy

City staff: Marc Gromada (Police Department), Officer Dan Devine (Police Department), David Koses (Transportation Coordinator), Nick Read (Chief Procurement Officer), Mary Martin (Workers' Compensation Manager; Human Resources), Wesley Layne (Director of Human Resources), Maureen Lemieux (Chief of Staff/Chief Financial Officer), and David Wilkinson (Comptroller)

#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 with the assistance of the Metropolitan Area Planning Council for the purpose of administering a bicycle and pedestrian enforcement program. [05/13/14 @ 4:49 PM]

ACTION: **APPROVED 5-0 (Norton not voting)**

NOTE: Officer Devine and Captain Gromada presented the request to authorize the expenditure of a \$29,715 grant for police overtime from the Massachusetts Department of Transportation (MassDOT) and the Metropolitan Area Planning Council (MAPC) to be used to enforce motor vehicle, bicycle and pedestrian safety laws. The attached handouts provide details on the grant guidelines, what laws related to motor vehicles, bicycles and pedestrians will be the subject of the increased enforcement and the nine locations that have been identified as high-risk crash locations of increased police presence and enforcement. The funds provide for 125 overtime hours for dedicated police enforcement that can be done in 1 to 4 hour increments.

The police officers who participate in the enforcement program will be handing out brochures that provide guidance for pedestrians, motorists and cyclists on sharing the road. In addition, police officers are asked to question pedestrians, motorists and cyclists that are issued a warning or citation "why" they failed to obey the law. The brochure and questions are important in determining what the needs are for road infrastructure improvements. MassDOT will be working with communities in the near future to identify infrastructure improvements, which they may fund.

The grant program will be available to police officers within the Traffic Division. If officers in other divisions are interested and there are overtime hours available, they can participate. Therefore, there should be no impact on the availability of Patrol Officers to handle details within the City. With that, Ald. Blazar moved approval, which carried unanimously.

#214-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of forty-one thousand two hundred ten dollars (\$41,210) from July 1, 2013 Free Cash and transfer the sum of one thousand six hundred sixty dollars (\$1,660) from FY2014 Budget Reserve to supplement the Police Department's Police Vehicle Maintenance Gasoline Account. [05/27/14 @ 2:11 PM]

ACTION: **APPROVED 5-0 (Norton not voting)**

NOTE: Captain Gromada presented the request for \$41,210 from Free Cash to provide supplemental funding for gasoline for police vehicles. The gasoline account was underfunded this year due to an increase in the price per gallon for gas. There were a few transfers from the gasoline account to provide additional funding for tuition payments to the Police Academy and temporary help in the Police Department.

Chief of Staff Maureen Lemieux stated that the Police Department's gasoline account has been increased for Fiscal Year 2015. The Police Department is expected to continue to increase the number of police officers, which means more police vehicles on the road. Therefore, there will be an increase in the gasoline usage in the coming year. Ald. Ciccone moved approval of the item, 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: **APPROVED 4-2 (Ciccone, Gentile opposed)**

NOTE: The above docket item was discussed and held in order to get input from Chief Procurement Officer Nick Read. The Committee is concerned that the survey work was done before requesting and receiving authorization to expend the grant funds from the Board of Aldermen. In addition, there was concern that the Planning Department did not attempt to get quotes for the proposed survey work and awarded the work to an individual who holds a volunteer position with the City as a Pedestrian Coordinator. The Committee's concerns are not about the individual who was awarded the contract but how the City conducts its business.

Chief Procurement Officer Nick Read joined the Committee for the discussion. Mr. Read stated that he spoke with the Planning Department in January 2014 regarding entering into a contract with the Pedestrian Coordinator. The attached e-mail provides details on the conversation with the Planning Department. The e-mail also provides the State laws and the City's policy as it relates to procurement of services. State law requires quotes for procurements of \$10,000 or more but City policy requires that procurements of \$3,000 to \$5,000 must be made by soliciting a minimum of three written quotes. However, the Chief Procurement Officer has the authority to waive the policy and award the contract without the process required by the City's policy. Since, the Planning Department stated that the City's volunteer Pedestrian Coordinator is uniquely qualified to provide the services that are set forth in the Metropolitan Area Planning Council (MAPC) Grant scope of services and would be willing to certify that

Pedestrian Coordinator is the sole source for the required services, Mr. Read advised the Planning Department he would be inclined to waive the quote solicitation requirement. Mr. Read added that he has not received a requisition for the contract and has not officially waived the bid solicitation requirements.

Transportation Coordinator David Koses stated that he was told it was not necessary to solicit bids for the survey work. It was his understanding that the MAPC was going to pay the Pedestrian Coordinator directly for her services. The \$4,800 grant provides 120 hours of service at a rate of \$40 per hour for service. Chief of Staff Maureen Lemieux added that most employees know that they need Board of Aldermen approval to expend grant funds and a contract and purchase order in place before proceeding with acquiring contractual services.

Mr. Koses also spoke with the Law Department regarding whether there was a conflict of interest if the volunteer Pedestrian Coordinator was hired as a contractor. It was explained that there was no conflict but there is likelihood that it could be perceived as a conflict; therefore, the Pedestrian Coordinator should fill out a disclosure form. It was pointed out that there would be no perception of a conflict of interest, if the Planning Department had gotten the three quotes for services.

The Chairman stated he cannot vote in favor of a motion to approve the item because he cannot condone how the procurement process was handled and the fact that the work was done before the Planning Department sought authorization to expend the grant funds from the Board of Aldermen. He believes that the Pedestrian Coordinator should be paid for her work through a different mechanism within the Planning Department. Ald. Lappin agreed with the Chairman but moved approval of the item as she felt that it was the only way to guarantee that the Pedestrian Coordinator is paid for her services. Ald. Ciccone stated that he would not be voting to approve the item for the same reasons stated by Ald. Gentile. Other Aldermen voiced their discomfort with the process but felt that they should vote in favor of the item. The motion for approval carried by a vote of four in favor and two opposed.

#217-14 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of forty thousand dollars (\$40,000) from the Workers' Compensation Trust Fund for the settlement of a claim. [06/02/14 @ 10:05 AM]

ACTION: **APPROVED 6-0**

NOTE: Workers' Compensation Manager Mary Martin and Director of Human Resources Wesley Layne presented the request for funds to settle a Worker's Compensation claim. A 55 year old City employee, who fractured his foot while working in March 2010 has agreed to settle his claim for \$40,000. The employee had been receiving temporary total disability payments of \$504.61 per week from 2010 to 2013. When those benefits ran out, the employee then applied for and receives temporary partial benefits at \$378.45 per week. The employee has been paid for 64 weeks under the temporary partial disability benefits and is entitled to 196 more weeks of the benefit.

Once the employee's claim is settled, the employee will not be able to apply for or be awarded permanent and total disability benefits, which eliminates the City's exposure of total payment of approximately \$660,000 over the employee's life. The settlement also results in the elimination of the weekly benefit payments, attorney fees and associated expenses.

It is a great settlement for the City and will eliminate the deficit in the Workers' Compensation Insurance Account, as the employee will no longer be receiving benefit payments from the account. The employee also benefits from the settlement, as there will no longer be any work restrictions or other limits on what the employee can do. Ald. Ciccone 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: **NO ACTION NECESSARY 6-0**

NOTE: The Mayor has requested that the Board of Aldermen vote the above item no action necessary. The City has successfully negotiated a settlement with an employee currently receiving workers' compensation benefits, which resulted in the removal of \$1.1 million from the workers' compensation account deficit. The account is no longer running a deficit; therefore, the transfer is no longer necessary. A motion for no action necessary was made and 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: **APPROVED 6-0**

NOTE: The Mayor is requesting that the Board of Aldermen approve the transfer of \$500,000 from the retiree health insurance benefits account to the Rainy Day Stabilization Fund. Chief of Staff Maureen Lemieux explained that the funds are available due to attrition and favorable health insurance benefit costs, which results in surplus funds. Ald. Lappin moved approval and the Committee voted seven in favor to approve the transfer of funds.

#218-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from July 1, 2013 Certified Free Cash to the Rainy Day Stabilization Fund. [06/02/14 @ 10:05 AM]

ACTION: **APPROVED 6-0**

NOTE: Chief of Staff Maureen Lemieux explained that the Mayor is requesting an appropriation from the Free Cash Account. Due to the settlement of a worker's compensation case, there is \$500,000 in Free Cash that can be used to grow the Rainy Day Stabilization Fund.

With the addition of this \$500,000, the Rainy Day Stabilization Account will contain over \$14 million.

There was some concern that no funds were being dedicated to address the City's Other Post-Employment Benefits deficit. Chief of Staff Maureen Lemieux explained that at the end of this fiscal year all of the City accounts will be scrubbed and surplus funding will be used to place more money into the OPEB Trust Fund. With that, Ald. Fuller moved approval, which carried unanimously.

#219-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one thousand dollars (\$1,000) from the Executive Office Full-time Salaries Account to Veterans' Services Full-time Salaries Account to cover the accrued vacation payout for the Veterans' Services Officer. [06/02/14 @ 10:05 AM]

ACTION: **APPROVED 6-0**

NOTE: Chief of Staff Maureen Lemieux explained that this is a request to transfer \$1,000 from the Executive Department's Full-time Salaries Account to Veterans' Services Full-time Salaries Account to fund payment of vacation time owed to the Veterans Service Officer, who is no longer a City employee. Ald. Ciccone moved approval, which carried unanimously.

#215-14 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eleven thousand dollars (\$11,000) from Comptroller's Department Part-time Salaries Account to the Comptroller's Department Actuarial Services Account. [05/27/14 @ 2:11 PM]

ACTION: **APPROVED 6-0**

NOTE: Comptroller David Wilkinson presented the request to transfer money from the Comptroller's Part-time Salaries Account to the Actuarial Services Account to fund additional services that will be required of the retirement actuary to implement Governmental Account Standards Board (GASB) Statement 68, which requires expanded financial reporting for the retirement fund.

Although, the implementation of Statement 68 will not take place until June 30, 2015, planning for implementation has already begun. It is very important that the implementation go smoothly and that the City get the reporting requirements right. The funds will be used to cover the additional work generated by the new reporting requirements. Ald. Fuller moved approval, which carried unanimously.

#163-14 BOARD OF ALDERMEN proposing to change the name of the *Aldermanic Scholarship Fund* to the *Anthony J. Salvucci Aldermanic Scholarship Fund* in recognition of his work in creating the scholarship fund in 1991 and promoting the scholarship fund during his years of service on the Board of Aldermen. [04/28/14 @ 12:35 PM]

ACTION: **APPROVED 6-0**

NOTE: The Board of Aldermen docketed the request to change the name of the Aldermanic Scholarship Fund in memory of Alderman Salvucci, who was instrumental in creating the scholarship. The proposed name of the scholarship is the *Anthony J. Salvucci Aldermanic Scholarship Fund*. Each member of the Committee voiced their support of the item and Ald. Lappin moved approval, which carried unanimously.

The Chair reminded the Aldermen to donate to the scholarship fund in honor of Aldermen Salvucci.

The Committee adjourned at 8:15 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

Memorandum


To: Captain Gromada
From: Officer Devine
Date: 05/30/14
Re: Bicycle-Pedestrian Enforcement Program – MAPC and MassDOT

The Newton Police Department along with several other communities has been selected to participate in the Bicycle-Pedestrian Program. The Program is being offered by MassDOT and will be managed by the Metropolitan Area Planning Council "MAPC". The purpose of this project is to increase enforcement of identified high-crash locations. The Newton Police Department submitted an application and was granted \$29,715 in funds to use for overtime to enforce Bicycle and Pedestrian safety. These funds are to be spent from May to November.

Newton Police is asked to enforce the following motor vehicle laws:

- 85/11B – Bicycle laws – Bicycles must live up to the same standards as motor vehicles. Stopping at red lights and stop signs etc. All violations are either \$20 or a written warning.
- 90/14 – Dooring
- 90/14 – Yield on Right turns to bicycles
- 90/14 – Yield on Left turns to bicycles
- 89/2 – Motor vehicle passing. Must give a bicyclist 3 feet and pass by safely.
- 89/11 – Crosswalks

Officers participating in this overtime opportunity must watch an 11 minute video that the MAPC helped produce. This video shows the participating Officers what violations Officers should be looking for. Also Officers are required to fill out an activity sheet for each overtime. The information on this sheet will help identify why the infractions are being made. The intent is for infrastructure to be provided to communities where it is needed. This program could extend beyond November based on available finances.



MASSDOT GRANT

BICYCLE – PEDESTRIAN ENFORCEMENT

**STARTS
JUNE 9, 2014
MONDAY**

**THERE WILL BE A ONE MONTH
PILOT PROGRAM
JUNE 9 – JULY 9**

**A REVIEW OF THE PROGRAM
WILL TAKE PLACE**

**AFTER REVIEW
WE WILL START AGAIN ON JULY 14**

**EITHER WITH THE
SAME REQUIREMENTS OR
NEW ADDED REQUIREMENTS**

**IF YOU DO ANY MASSDOT GRANT
OVERTIME BETWEEN JULY 9 – JULY 14
YOU WILL NOT GET PAID**

MassDOT Bicycle-Pedestrian Enforcement Program June 2014 –November 2014

The Bicycle-Pedestrian Enforcement Program is a program offered by MassDOT with the assistance of the Metropolitan Area Planning Council "MAPC". The purpose of this program is for Newton along with several other communities to enforce high crash locations with citations and warnings for motorist, bicyclist, and pedestrians who commit a safety infraction. MAPC will act as the fiduciary and will monitor all information, citations and statistics that result of this program. Based on the information collected from these stops, the MassDOT will look at providing infrastructure where needed. The important part of this program is the "Why". The DOT is providing this overtime so that they can compile statistics on the "Whys" so that they can improve infrastructure in the end.

Guidelines:

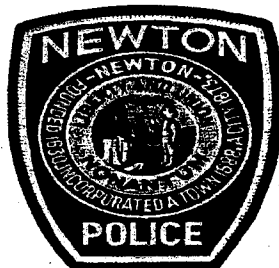
- Every Officer who participates in this overtime will be REQUIRED to watch the 11 minute video provided by MassDOT. This video guides Officers in what the DOT is looking for.
- Similar to the "Click It or Ticket" Overtimes, an activity sheet will be given for each overtime.
- Three stops per hour.
- Overtimes can be performed in 1-4 hour increments.
- All stops have to fall under Bicycle-Pedestrian safety. Inspection, speed, registration etc. citations will not count.
- Pedestrians CAN BE stopped. All pedestrian stops need to be documented on the activity sheet. Only 4 pedestrian stops will be allowed per 4 hour overtime.
- A pamphlet has been provided by MassDOT. This pamphlet shall be given to everyone who is stopped.

Examples of what citations can be used:

1. 89/11: Crosswalks
2. 85/11B: Bicycle laws
3. 90/14: Dooring, Unsafe Passing (3 plus feet to pass a bicycle),
Failing to Yield to Bicycles turning left or right.
4. 89/2: Vehicle must wait to safety pass a bicyclist.
5. Parking Citation for parking in a bike lane.
6. 89/4A: Vehicle operating in a bike lane.

Areas to enforce:

- Washington St. @ Walnut St.
- Walnut St. @ Lincoln St.
- Beacon St. @ Hammond St.
- Centre St. @ Beacon St.
- Needham St.
- Newtonville Square
- Centre St. @ Pleasant St.
- Comm Ave @ Walnut St.
- Commonwealth Ave. @ Washington St.
- 100 Comm Ave.



**2013 TRAFFIC BUREAU PEDESTRIAN CROSSWALK AND
BICYCLE SAFETY
ENFORCEMENT ANALYSIS**



*Submitted by Captain Marc Gromada
Newton Police Traffic Bureau*

GOALS AND OBJECTIVES

A major goal of the Newton Police Traffic Bureau in 2013 was to reduce the number of accidents involving motor vehicles with bicyclist and pedestrians. In 2012 the department observed a significant increase in accidents involving bicyclist and pedestrians with motor vehicles. Bicycle accidents increased 30% and pedestrian accidents increased 36% including a fatality in a crosswalk.

Some of the objectives of the bureau were:

- **Obtain Grant funding for enforcement.**
- **Promote Awareness through Bicycle Education for civilians and officers**
- **Work with Transportation Department Engineers, City officials and civilian committees to study, design and implement calming methods for reducing speed in high crash areas.**
- **The continued usage of COMPSTAT and other technology to target selective enforcement through directed patrols.**

STRATEGIES AND ACTIVITIES

1. Grants

The Newton Police Department was awarded a \$5000 Pedestrian/Bicycle Grant by the Executive Office of Public Safety and Security (EOPSS) IN May 2013. This traffic enforcement grant allowed the department to focus on crosswalk enforcement, as well as bicycle safety around the city of Newton.

The Newton Police intend to conduct targeted enforcement of pedestrian crossings violations throughout the city. Crosswalk law enforcement decoys will also be used and serve as a more focused tactic to the pedestrian crosswalk problem.

This enforcement will occur mainly during the months of June, July, August and September. The goal of this enforcement is to see more compliance with motorists stopping for pedestrians in crosswalks and better bicycle/motor vehicle safety.

2. Traffic Stings

The Traffic Bureau utilized 67 hrs of overtime with the EOPSS Grant and set up crosswalk /bicycle enforcement mobilizations during the months of **June thru September**. Using information from our COMPSTAT analysis, selective enforcements were setup in areas with high bicycle and pedestrian accidents. The following is a breakdown and results of those mobilizations.

Total MV Stops	260	Total Bicyclist Stops	9	Total Stops	269
Total MV Citations	258	Total Bicyclist Citations	9	Total Citations	267
Total MV Violations	155	Total Bicyclist Violations	1	Total Violations	156
Total MV Warnings	103	Total Bicyclist Warnings	8	Total Warnings	111

Total Crosswalk Citations	184	Total Bicycle Citations	74
Total Crosswalk Violations	135	Total Bicycle Violations	20
Total Crosswalk Warnings	49	Total Bicycle Warnings	54

3. Bike Safety and Education

In 2013 the Newton Police Department's Bike Safety Education program continued to expand and flourish. Safety Officer Jo Gourdeau was able to set up an on-line calendar that facilitated scheduling with all the schools and contacts. She was able to reach over 1600 Newton youth this year. The program is being written into the curriculum and has been recognized as exemplary by **The Newton Bicycle Advisory Committee**. This spring she provided Bike Safety Education to over 51 elementary school classes at 10 of the cities 15 elementary schools with a commitment to introduce bike safety to 3 of the remaining schools for school year 2013/2014. Safety Officer Gourdeau participated in the Middle School Bike Safety education program adding Bigelow and Brown Middle Schools to the program with the participating Day Middle School. In addition to Newton Public Schools she was invited to present the program to five Boy Scout troops within the city.

Safety Officer Gourdeau provided Bicycle Safety and Education instruction to all members of the Patrol Bureau in 2013. The purpose of this training is to assist the officers in enhancing safety for **all** road users, and to identify and enforce the laws created to curtail the illegal behavior most likely to cause crashes resulting in injury or death. It also serves as a guide on how to investigate and report crashes involving cyclists including the appropriate way to cite a cyclist or motorist in cycle related crashes, for pedestrians in crosswalks and to promote better bicycle/ motor vehicle safety.

4. Working with City Officials and Citizens

Sgt. Babcock and I have been very active with various city officials and committees in seeking the best practices to circumvent the rise in pedestrian and bicycle accidents in the city of Newton.

We usually meet with **Transportation Team Members** on Monday mornings at City Hall to discuss various issues facing the city in regards to Engineering, Planning, Public Safety, Schools, Transportation and Bicycle/Pedestrian issues. This group consists of representatives from the various departments in the city including the Mayor's office.

We attend the monthly **Transportation Advisory Group** meetings. This group consists of some city department representatives and also a large contingent of citizens who volunteer their time and are members of the **Transportation Advisory Committee, Bicycle Advisory Committee or Pedestrian Advisory Committee**. City wide transportation goals and public safety are some of the issues discussed at these meetings.

Every month and sometimes bi-monthly we attend the **Traffic Council Board** meetings. We have a seat on this board along with some aldermen and a citizen. We listen to concerns of citizens and docketed items that have an affect on public safety in the city.

Also there are the occasional meetings with the Board of Aldermen and its Public Safety Committee where we provide input or answer inquires.

It is through these meetings that we have been able help promote as mentioned above the best practices in providing safety for bicyclist and pedestrians.

Results

The goals and objectives for 2013 in regards to reducing Bicycle and Pedestrians accidents involving motor vehicles resulted in a 16% reduction in Pedestrian accidents and a 37% reduction in Bicycle accidents. It should be noted that there also was an 8% reduction in overall accidents in the city. (These figures are as of 11/18/2013)

Conclusion

The Newton Police Department must continue its best practices in reducing accidents in the city. This is only a 1 yr analysis taking into account the strategies and activities used to reach our goal of reducing Bicycle and Pedestrian Accidents involving motor vehicles.

A continual emphasis on the three "E's" Engineering, Enforcement and Education hopefully will be successful in reducing these accidents.

INTRODUCTION

The Secretary of MassDOT issued the Healthy Transportation Policy Directive in September 2013 which encourages mode shift to walking, cycling and transit use. The Pedestrian emphasis area is a "Strategic" emphasis area in the Strategic Highway Safety Plan (SHSP) accounting for approximately 17% of all fatalities and 14% of all hospitalizations from 2004-2011 and the Bicycles emphasis area is a "Proactive" emphasis area. While fatalities and incapacitating injuries have been trending down in MA over the past few years, pedestrian and bicycle crashes have not followed that trend. Based on the SHSP goal of reducing fatalities and injuries by 20% in 5 years, it is critical that we develop a multi-disciplined strategy to address bicycle and pedestrian safety and the local police departments are keys to this program's success.

ROLE OF POLICE DEPARTMENTS IN THIS PROGRAM

First of all – Thank you to the 12 police departments who agreed to join in this effort. While you have previously worked on stepped up enforcement programs with the Highway Safety Division of EOPSS, this is a little different because the work entails not just issuing citations and warnings but to assist with the awareness and education surrounding pedestrian and bicycle safety. This is part of a multi-disciplined effort which also includes Department of Public Health / Mass In Motion to promote and encourage active transportation to improve health, Safe Routes to School to improve walking and bicycling safety specifically targeted to school age children, and MassDOT to improve the infrastructure for walking and bicycling.

As part of the contract, each police department provided hours, times and locations where they will have a presence. The police officers will make stops when observing motorists, bicyclists or pedestrians who are engaging in unsafe practices and whose behavior is endangering themselves or others. The officers are asked to hand out brochures (see attached but copies of the brochures will be available before the start of the program), issue citations and warnings when appropriate and ask the road user (motorist/pedestrian/bicyclist) "why". The interaction and the "why" question are very important as they are the keys to understanding needs for infrastructure improvements. Starting in late fall 2014, MassDOT plans to work with the communities to identify necessary improvements which may be funded in future years.

We understand that people who are stopped may be making up excuses but there may also be some legitimate information that can be learned from the "why" question.

Some examples may be as follows:

1. A motorist is cited for not yielding to a pedestrian in a marked crosswalk. When asked why, the driver states that the roadway is well lit in all areas but immediately over the crosswalk and the driver did not see the pedestrian (this may help us to better understand lighting improvement needs).
2. A bicyclist on a side street is stopped for running a red light. When asked why, the bicyclist states that he has been waiting for the signal indication to change but it does not change (this may help us to understand that the bicycle detector is not working properly and needs to be fixed).
3. A pedestrian crossed the street, mid-block, from behind parked cars which made it difficult for a motorist to see and expect the pedestrian. (This may help us to understand the desire line from one place to another and then help us to design a better crossing).
4. When a pedestrian doesn't wait for walk indication on the traffic signal and crosses in front of moving cars. This may help us to understand the need to improve the signal phasing or timing.

REPORTING

Every officer will be required to complete an Activity report for each shift worked on this program. (An Excel file titled, "FFY-2014_Enforcement_ActivityReports.xlsx" is attached as a sample but the Regional Planning Agency will provide the police departments with these forms to be used and submitted monthly.

In addition the police departments will be required to submit expenditure reports for reimbursement on a monthly basis. A sample Excel file titled, "FFY 2014 Enforcement ExpenditureReport.xlsx" is attached but the Regional Planning Agency will provide the police departments with the forms to be used and submitted monthly.

TRAINING

This initial training will include a brief discussion between the individual police departments, MassDOT, Regional Planning Agency and others. The police officers will be asked to watch an eleven minute police training video "Shifting Gears: Bicyclist and Public Safety" which is now available on YouTube (prepared by MassBike): <https://www.youtube.com/watch?v=hkEb0ie7Cg&feature=youtu.be>. All officers involved in this program should watch the video prior to making a field presence. The Police Department will be asked to track which officers watched the video and return the list of names and badge numbers with the first monthly report (If additional officers observe the video in subsequent months, please indicate the names and badge numbers in subsequent monthly reports. **Please note, it is recommended that this video be watched by all officers regardless whether or not they participate in the program).**

After the initial training, which should last no more than 15 minutes, there will be follow up discussions on the program. Regional Planning Agency representatives may call to clarify information in the expenditure or activity report and make sure we are collecting the information that is needed. Additionally, within one month of the program start, MassBike and / or WalkBoston will develop and provide a one-pager on basic information to assist the police in the field. This will be followed up by the offering of an in-person bike law training in each of the program communities. During the course of the program there will be a teleconference to discuss the progress of the program and to obtain feedback.

Finally, during the course of this program, a "walk audit" and "bike audit" will be conducted in each of the program communities. Community representatives (including, engineering, public works, planning, emergency response, enforcement and others) will be asked to participate. The walk or bike audit is a diagnostic tool used to assess the walking / biking environment of a street, area or neighborhood. The audit is usually conducted by a pedestrian / bicycling expert, who leads the group and points out deficiencies such as missing sidewalks or curb ramps, obstacles, and dangerous street crossings. Participants often use a checklist to help them identify deficiencies.

CONTACT / QUESTIONS

Feedback, comments and questions from the Police Department would be welcomed at any time. In addition to contacting your Regional Planning Agency, you can also feel free to contact Bonnie Polin, MassDOT, 857-368-9636 or Bonnie.polin@state.ma.us.

**Pedestrian and Bicycle Safety Enforcement Grant
 Expenditure Report for ENFORCEMENT ACTIVITY**

Reporting Department: _____ Reporting Month: _____

Location(s): _____

Enforcement Hours

Officer Name	Date	Specific Shift Hours Regular or Military Time	Number of Patrol Hours (2-8 hrs)	Hourly Rate of Pay	Total Pay
					\$0.0000
					\$0.0000
					\$0.0000
					\$0.0000
					\$0.0000
					\$0.0000
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					\$0.0000
					\$0.0000
					\$0.0000
					\$0.0000
					\$0.0000
					\$0.0000
					\$0.0000
Subtotals ----->			0		\$ -
Totals ----->					

Grant total reimbursement for data-entry cannot exceed the maximum approved amount approved.

IMPORTANT NOTE: Carry both the hourly rate of pay and total pay to four decimal places. Use exact amounts of pay; do not round or estimate. If an officer works a shift with a differential rate of pay, use two separate lines for that officer and include an explanation.

I certify that this report, schedules, statements, and the expenses for which payment is requested are true, correct, and complete and were made in accordance with the appropriate Federal and State Regulations and that the articles or services listed were (or will be) necessary for and are to be used solely for the purpose specified in the award for this project.

Print/Type Name of Chief or Authorized Signatory: _____

Signature of Chief or Authorized Signatory: _____

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 Chief of Police is hereby authorized to accept and expend a Bicycle and Pedestrian Enforcement Program Grant awarded by the Executive Office of Public Safety and Security and the Metropolitan Area Planning Council in the amount of twenty-nine thousand seven hundred fifteen dollars (\$29,715) to be used to enhance pedestrian and bicycle safety.

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 sum of forty-one thousand two hundred ten dollars (\$41,210) to be appropriated from July 1, 2013 Certified Free Cash, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Chief of Police for the purpose of supplementing the gasoline budget in the Police Department:

FROM:	Free Cash	
	01-3497	\$200,000
TO:	Police Expenses	
	0120101-513001	\$200,000

AND

That the transfer of the sum of one thousand six hundred sixty dollars (\$1,660) from Budget Reserve for the purpose of supplementing the gasoline budget in the Police Department is hereby approved as follows:

FROM:	DPW: Expenses	
	(27A10498-5790).....	\$7,500
TO:	DPW: Intergovernmental	
	(27A10781-563000).....	\$7,500

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

Shawna Sullivan

From: Nick Read
Sent: Wednesday, June 04, 2014 2:59 PM
To: Maureen Lemieux
Cc: David Koses; James Freas; Comptroller; Shawna Sullivan; Candace Havens
Subject: School Trip-Making Consultant Alicia Bowman

June 4, 2014

Hi Maureen--I understand that there were procurement questions at Finance Committee on 6/2/14 regarding Item 208-14 to hire a consultant to gather data and analyze school trip making in the City of Newton. Funding for these services will be provided by a grant under a Contract For Professional Services between the City and the Metropolitan Area Planning Council (MAPC). The MAPC Contract sets forth a scope of work, which either the City or consultants may provide, with reimbursement to be made to the City by MAPC on the presentation of reimbursement requests. The MAPC grant is capped at \$4,800.

According to the Planning Department, Alicia Bowman is a citizen of Newton who is uniquely qualified to give the City better value than an equally qualified consultant by virtue of the following: (1) Led the creation, implementation, and ongoing functioning of Newton's Safe Routes to School Committee, which included a previous parent survey effort; (2) Significant knowledge of the City's pedestrian infrastructure; (3) Awareness of methods to improve the survey response rate; and (4) Appropriate educational background required to analyze the survey results. Because of Bowman's unique qualifications, the Planning Department would be willing to certify that she was the sole practicable source for the required services.

The MAPC was established by state statute (M.G.L. c. 40B, §24) and so is a governmental body. The contract between MAPC and the City is exempt from c.30B. M.G.L. c. 30B, §1(b)(9).

A contract between the City and Bowman would also be exempt under M.G.L. c. 30B, §1(b)(20) ("a contract which is funded by proceeds derived from a gift to a governmental body or a trust established for a governmental body"). The essence of this exemption is that when the City receives monies under explicit restrictions and they are not made part of the general fund, the procurement laws should not apply as the City has limited discretion on how the funds are spent.

Finally, under M.G.L. c. 30B, §7, the City is allowed to procure services without any procurement process whatsoever if there is only one practicable source for the service. This would require a certification to this effect signed by the Department head.

I discussed the foregoing with the Planning Department in December 2013 and May 2014.

While the gift/trust exemption might apply, City policy requires that procurements of less than \$3,000 must be made using sound business practices and procurements of \$3,000-5,000 must be made by soliciting at least 3 oral or written quotes. (Massachusetts statute only requires quotes for procurements of \$10,000 or more.)

Based on all the relevant factors, there are adequate reasons for waiving City policy to the extent of \$1,800 and award the consulting contract to Bowman without a procurement process. The reasons for selecting Bowman meet the sound business practices standard. I have the power to waive policy for procurements of up to \$10,000. Under these circumstances a sole source procurement is not necessary.

The waiver, together with a copy of the MAPC contract will be attached to the purchase order, which will be the contract for this procurement.

Please call with any questions.

Thanks.

NICK

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 Chief of Police is hereby authorized to accept and expend a Community Transformation Grant awarded by the Metropolitan Area Planning Council in the amount of four thousand eight hundred dollars (\$4,800) to be used to develop and implement a parental survey of school-related trip making.

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, Alderman Leonard J. Gentile, the Director of Human Resources is hereby authorized to expend the sum of forty thousand dollars (\$40,000) from the Workers' Compensation Trust Fund Account for the purpose of settling a Workers' Compensation claim for a former employee of the Public Works Department.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

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 following item be and is hereby voted NO ACTION

NECESSARY:

#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.

Under Suspension of Rules
Readings Waived and Item Voted NO ACTION NECESSARY

(SGD) DAVID A. OLSON, City Clerk

CITY OF NEWTON

IN BOARD OF ALDERMEN

June 17, 2013

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman, Alderman Leonard J. Gentile, the transfer of the sum of five hundred thousand dollars (\$500,000) from the Retiree Health Insurance Account to the “Rainy Day” Stabilization Fund is hereby approved as follows:

FROM:	Retiree Health Insurance (0110491-57HLTH).....	\$500,000
TO:	Rainy Day Stabilization Fund 0110499-5922A	\$500,000

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

2014

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, an appropriation of five hundred thousand dollars (\$500,000) from Fiscal Year 2013 Free Cash to the Rainy Day Stabilization Fund be and is hereby approved as follows:

From:	Free Cash (01-3497).....	\$500,000
To:	Transfer – “Rainy Day Stabilization Fund” (0110499-5922A).....	\$500,000

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

June 17, 2013

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman, Alderman Leonard J. Gentile, the transfer of the sum of one thousand dollars (\$1,000) from the Executive Office Full-time Salaries Account to the Veterans' Services Full-time Salaries for the purpose of funding the vacation buy back for the former Veterans' Services Officer is hereby approved as follows:

FROM:	Mayor's Office Salaries (0110301-511001).....\$1,000
TO:	Transfer – “Rainy Day Stabilization Fund” 0150301-511001).....\$1,000

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

June 17, 2013

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman, Alderman Leonard J. Gentile, the transfer of the sum of eleven thousand dollars (\$11,000) from the Comptroller’s Part-time Salaries Account to the Comptroller’s Expenses Account for the purpose of funding the City’s share of the January 1, 2014 actuarial valuation of the Newton Contributory Retirement System is hereby approved as follows:

FROM:	Comptroller Salaries (0110401-511101).....	\$11,000
TO:	Comptroller Expenses (0110401-530222).....	\$11,000

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.

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 as follows:

Strike the words “Newton Board of Aldermen Scholarship Fund” wherever it occurs and replace with the “Anthony J. Salvucci Aldermanic Scholarship Fund.”

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor