

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, APRIL 30, 2012

7 PM
Room 222

PLEASE BRING YOUR BUDGET AND CIP BOOKS

BUDGET & CIP DISCUSSIONS:

**Comptroller
Assessing
Treasurer
Purchasing**

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#383-11(2) HIS HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY13 Municipal/School Operating Budget totaling \$312,979,964 passage of which shall be concurrent with the FY13-FY17 Capital Improvement Program (#383-11). [04-09-12 @ 2:48 PM]
EFFECTIVE DATE OF SUBMISSION: 04/17/12; LAST DATE TO PASS THE BUDGET 06/01/12

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#383-11 HIS HONOR THE MAYOR submitting the FY13-FY17 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter and the FY12 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next several years. [10/31/11 @ 3:12 PM]

ITEM TO BE DISCUSSED:

#101-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of twenty-five thousand dollars (\$25,000) from Free Cash for the purpose of funding design costs as part of a larger construction project for Lower Falls Community Center required to bring the structure into compliance with accessibility requirements. [04-09-12 @ 3:40 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#102-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from cable contract receipts for the purpose of constructing Phase I of III to connect all city facilities with high-speed fiber infrastructure for continued reliance on the IT network. [04-09-12 @ 3:40 PM]

It is the Chairman's intention to entertain a motion to vote No Action Necessary on #367-10B2, as the Mayor has submitted a request (Docket Item #115-12) for additional funds for the construction of Day Middle School:

REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES

#367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:

(B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]

(A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.

(B1) \$923,375 for installation of 4 modulares was approved on July 11, 2011

(B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.

(B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.

(B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.

(B2D) One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools to be voted 03/05/12.

#367-10(B2) – \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.

PUBLIC FACILITIES VOTED NO ACTION NECESSARY 6-0 on 04/18/12

All other items before the Committee will be held without discussion.

Respectfully submitted,

Leonard J. Gentile, Chairman

City of Newton



Setti D. Warren
Mayor

PUBLIC BUILDINGS DEPARTMENT

Stephanie Kane Gilman, Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

APPROVED
4-9-12
RECEIVED
Newton City Clerk
2012 APR -9 PM 3:40
David A. Olson, City
Newton, MA 02459

April 9, 2012

The Honorable Setti D. Warren
Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Lower Falls Community Center Accessibility Improvements Project Funding. FY13 CIP Priority #130

Dear Mayor Warren,

The Public Buildings Department respectfully requests the design costs as part of a larger construction project for Lower Falls Community Center required to bring the structure into compliance with the requirements of 521 CMR (MAAB) and 28 CFR Part 36 (ADA). For additional information on the requirements of these laws, please see attached documentation from City's consultant.

The proposed budget is:

Design Costs (Appropriation sought)	\$ 25,000
Construction (future)	\$ 228,000
20% Contingency (future)	\$ 47,000
TOTAL LIKELY PROJECT COST	\$ 300,000

Free Cash

Additional information regarding the proposed project is attached. Documentation includes accessibility compliance report, cost breakdown, and schematic design.

Please do not hesitate to contact me should you have any questions regarding this request.

Sincerely,

Stephanie Kane Gilman
Commissioner of Public Buildings

SKG: dla
CC: Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
Arthur Cabral, Budget and Project Specialist
Maciej Konieczny, Sustainability Project Manager

LOWER FALLS COMMUNITY CENTER - ACCESSIBILITY UPGRADES

Based on Kessler McGinness & Associates 8/2011 Report

CLIENT: **City of Newton - Public Buildings**
 PROJECT: **Lower Falls Community Center - Accessibility Upgrades**
 LOCATION: **Newton, Mass.**
 PLAN DATE:
 DATE: **02/01/12**

DIVISION NUMBER	DIVISION TITLE	DIVISION SUBTOTAL
100	PARKING SIGNAGE	\$ 250
200	ACCESS AISLE	\$ 5,000
300	HANDICAP RAMP	\$ 9,255
400	DOOR HARDWARE	\$ 5,250
600	GANG TOILETS	\$ 52,950
600A	STAFF TOILET AND CLASSROOM TOILET	\$ 24,894
600B	NEW KITCHEN WORK	\$ 6,090
700	GYMNASIUM ACCESS	\$ 58,150
800	STAIR HANDRAILS	\$ 6,000
900	DRINKING FOUNTAIN	\$ 7,000
1000	BUILDING SIGNAGE	\$ 2,500
	Trade Cost Total	\$ 177,339
	BONDING (2%)	4,433
	GENERAL CONDITIONS (13 %)	23,054
	LIABILITY INSURANCE (1%)	2,048
	OVERHEAD & PROFIT (10%)	20,687
	PERMITS	NIC
	Construction Cost Estimate	\$227,562
	CONSTRUCTION CONTINGENCY (20%)	\$46,650
	DESIGN SERVICES	\$25,000
	TOTAL CONSTRUCTION COST	\$299,213



CITY OF NEWTON, MASSACHUSETTS
DEPARTMENT OF INFORMATION TECHNOLOGY

Telephone (617) 796-1180
Facsimile (617) 796-1196
TDD/tty # (617) 796-1089

Setti D. Warren, Mayor

Joseph P. Mulvey
Interim Director

April 6, 2012

The Honorable Setti D. Warren, Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton, Centre, MA 02459

APPROVED
[Signature]
4-9-12
2012 APR -9 PM 3:59
David A. Olson, City Clerk
Newton, MA 02459
RECEIVED
Newton City Clerk

Re: Information Technology City-wide Fiber Project (FY13 CIP priority#28)

Dear Mayor Warren,

The Information Technology Department respectfully requests \$500,000 from cable contract receipts to construct Phase I of III to connect all city facilities with high-speed fiber infrastructure for continued reliance on the IT network. These monies will finance the design, fiber purchase, and physical installation of most critical facilities citywide.

A summary of the justification are provided below, while further details are available in the 2012 *Final Report of the IT Advisory Committee*:

- A city-wide, high speed municipal network is deemed crucial to the success of information technology as used by residents, businesses, education, and administrative functions of local government. By opening up the bottleneck, service to all of these entities will no longer be an issue;
- A reliable solution will be the proactive first step as voice, data and video technologies converge to one common data network;
- School department is preparing for "Bring Your Own Device" where demands are expected to increase exponentially;
- Current collaborative education goals are unattainable;
- Opportunities:
 - Public Safety enhancements thru video monitoring
 - Educational distance learning
 - Support of cloud-based solutions to achieve greater efficiencies
 - Support of an IP-based phone system
 - Redundant, self-healing and configurable network to respond to disasters

Should you have any questions or concerns I am available at your convenience.

Sincerely,

Joseph P. Mulvey

Joseph P. Mulvey
Interim Director, Information Technology Department

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR

DONNALYN B. LYNCH KAHN

ASSOCIATE CITY SOLICITOR

OUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS

MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA
ROBERT J. WADDICK
MAURA E. O'KEEFE
JEFFREY A. HONIG
ALAN D. MANDL
JULIE B. ROSS

To: David Wilkinson, Comptroller

From: Alan Mandl, Assistant City Solicitor

Date: April 27, 2012

Re: Use of Cable License Funds to Support City Municipal Fiber Network

You have asked for advice whether funds received by the City from its three cable operators may be expended on a planned municipal fiber network. You have indicated that the municipal fiber network will be capable of carrying data, video and voice communications. Some potential video applications are under consideration.

Conclusion

Franchise fees may be expended on the planned municipal fiber network.

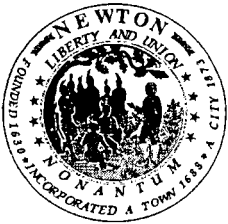
- This use of funds received by the City is consistent with the terms of existing licenses with Verizon and RCN and will be consistent with a renewal license with Comcast which is currently under final stage negotiation.
- Under the federal Communications Act, 47 U.S.C. §542(i), federal agencies may not regulate the use of funds derived from franchise fees (except in the case of limited exceptions inapplicable to the proposed use).
- Under Massachusetts law, there is no statute, court decision, agency order or agency regulation controlling the use of franchise fees. The Massachusetts Cable Commission and the Cable Division of the Department of Telecommunications and Energy (now the Department of Telecommunications and Cable and the Department of Public Utilities) have issued advisory letters on this subject. According to these advisory letters,

David Wilkinson, Comptroller
April 27, 2012
Page 2

franchise fees must be used for “cable-related purposes.” The advisory letters recognize that this term is ambiguous; however, as discussed below, the use of cable funds for the municipal fiber network is well within what is considered “cable-related.” Advisory rulings are not binding on the agency or upon any person. G.L.c.30A, §8; 220 CMR 2.08; however, they are instructive.

- Because the municipal fiber network is cable of carrying video programming, funding the fiber network should constitute the use of cable funds for cable-related purposes. There are a number of cable-related purposes which are included here only as illustrations. For example, the transport of video programming from an originating location to another fiber network location; the use of the fiber network to enable the training of public safety officials who can be linked into a City location where the training exercise is being broadcasted; distance learning; use as a return path for video programming between the originating location (e.g., a school event or school-generated programming) and the cable networks (cable operators might use spare capacity on the municipal fiber network for this purpose); enabling the placement of video kiosks at public locations; and video streaming applications.
- There is some support for the cable-related nature of a municipal fiber network under the federal Communications Act. Under 47 U.S.C. §531(b), a community may request that a cable operator designate channel capacity on its cable system for public, educational or governmental use and that capacity on a cable operator-owned institutional network be designated for educational or governmental use. This statute demonstrates that cable operator support of the use of network capacity for public, educational or governmental use would be for a cable-related purpose. There are a number of examples in other states where cable franchise payments are applied to fund municipal fiber networks.

Let me know if you have any questions or would like to discuss this issue.



CITY OF NEWTON, MASSACHUSETTS
DEPARTMENT OF INFORMATION TECHNOLOGY

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Setti D. Warren, Mayor

Joseph P. Mulvey
Interim Director

April 6, 2012

The Honorable Setti D. Warren, Mayor
Newton City Hall
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Should you have any questions or concerns I am available at your convenience.

Sincerely,

Joseph P. Mulvey
Joseph P. Mulvey

Interim Director, Information Technology Department

FROM: CATV RECEIPTS RESERVED
14L114-5901 \$500,000
TO: FIBER NETWORK PH I-III \$500,000

Written Solicitor legal opinion pending

[Signature]
04/27/2012

CITY OF NEWTON, MASSACHUSETTS
 RECEIPTS RESERVED FOR APPROPRIATION FUND
 SUMMARY OF OPERATING ACTIVITY
 July 1, 2011 - March 31, 2012

	Beginning Balance	Revenue	Interfund Transfers	Designated for Appropriation	Available Balance
E-Rate Reimbursements - Newton Public Library	\$ 2,349	\$ -	\$ -	\$ -	\$ 2,349
E-Rate Reimbursement - Newton Public Schools	-	212,666	-	-	212,666
Inland Waterway Fund (BO#477-95)	8,561	-	-	-	8,561
Sale of Recyclable Materials (BO #100-96)	54,392	82,190	(39,725)	(96,084)	773
Automated Trash Collection Program Fees	-	103,916	-	(103,916)	-
BAA Boston Marathon Contributions	142,750	79,000	(55,000)	(55,000)	111,750
CH 148A Fire Prevention Fines	9,477	2,100	-	-	11,577
Riverside Traffic Mitigation Fund (BO#155-00)					
Auburdale Improvements	135,435	259	-	-	135,694
Lower Falls Improvements	368	1	-	-	369
Other Improvements (128 Intersection)	15,527	30	-	-	15,557
Newton Wellesley Hospital Drainage Mitigation Fund	19,033	36	-	-	19,069
Avalon Bay Chestnut Hill Traffic Mitigation Fund	250,000	-	-	-	250,000
Woodland Station LLC Infiltration/Inflow Mitigation	85,380	-	-	-	85,380
27 Washington St Traffic Mitigation	-	50,000	-	-	50,000
Newton Marriott - Normbega Park Maintenance	-	20,000	-	-	20,000
B Street Restraunt Bicycle Rack	2,000	-	-	-	2,000
Cherry Tree Restraunt Traffic Signalization Improvements	2,000	-	-	-	2,000

#102-12

CITY OF NEWTON, MASSACHUSETTS
 RECEIPTS RESERVED FOR APPROPRIATION FUND
 SUMMARY OF OPERATING ACTIVITY
 July 1, 2011 - March 31, 2012

	Beginning Balance	Revenue	Interfund Transfers	Designated for Appropriation	Available Balance
NCGF Mayor's Golf Day Activities	24,787	9,000	-	-	33,787
Kessler Woods I&I Mitigation Escrow	73,750	-	-	-	73,750
RCN CATV License Fees - Capital {1}	10,000	-	-	(10,000)	-
RCN CATV License Fees - Operating {1}	208,461	19,040	(87,500)	(140,001)	-
Comcast CATV License Fees - Capital {1}	26,969	-	-	(26,969)	-
Comcast CATV License Fees - Operating {1}	82,258	103,388	(23,000)	(162,646)	-
Verizon CATV License Fees - Capital {1}	39,486	39,486	-	(78,972)	-
Verizon CATV License Fees - Operating {1}	277,364	92,159	(87,500)	(279,412)	2,611
Inclusionary Housing - Newton Housing Authority	73,273	57,750	-	-	131,023
Inclusionary Housing - Newton Planning & Development Department	5,850	57,750	-	-	63,600
Sale of Municipal Real Estate	45,834	850	-	-	46,684
Sale of Municipal Real Estate - Library Maintenance & Operation	9,957	35	-	-	9,992
Sale of Municipal Park Land	2,209	-	-	-	2,209
Parking Meter Receipts - Commercial Parking Permits	163,673	-	(163,498)	(175)	-
Parking Meter Receipts - Off Street Meters	895,204	550,014	(754,113)	(691,105)	-
Parking Meter Receipts - Curb Meters	584,311	705,246	(407,389)	(882,168)	-
Total Receipts Reserved for Appropriation	\$ 3,250,658	\$ 2,184,916	\$ (1,617,725)	\$ (2,526,448)	\$ 1,291,401

#102-12

CITY OF NEWTON, MASSACHUSETTS
 RECEIPTS RESERVED FOR APPROPRIATION FUND
 SUMMARY OF OPERATING ACTIVITY
 July 1, 2011 - March 31, 2012

Beginning Balance	Revenue	Interfund Transfers	Designated for Appropriation	Available Balance
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{1} CATV pending appropriations include \$198,000 for recommended
 FY 2013 operating budget and \$500,000 for Fiber Network Ph I-III.



Appendix F - Rationale for City Fiber CIP

The majority of Newton's buildings currently have a pair of fibers provided free as part of the 1997 cable franchise licensing agreement between the City and RCN. In most buildings, these fibers have been assigned for two distinct purposes: one fiber is usually dedicated for data network traffic and the other fiber to PBX-based phone technology. Having used both RCN fibers, there is no fiber redundancy or backup alternative available should a fiber break or other failure occur. Also, since these fiber pairs are not generating revenue for RCN, these fibers would likely be the last outage repaired by RCN in the event of a widespread catastrophe (i.e. after all cash-paying customers are restored).

Newton's continued dependence on these RCN fiber pairs has now become a major, limiting impediment in upgrading our network connection speeds across all the City buildings to deliver acceptable computer performance and response time to both our City employees as well as the Newton community at large. We have maxed out the RCN fiber alternative so it's important that that we develop a strategy that addresses these bottlenecks and shortcomings for the future.

The School Department is heavily impacted by these RCN fiber limitations. The table in Appendix A documents the number of computers in each school building as well as the number of Wireless Access Points (See Appendix G, # of APs column) servicing the mobile laptops used by teachers as of April 2011. Schools present a unique challenge because of the number of computers in each building (e.g. Elementaries:121-203, Middle: 283-344, High: 839-906) which generally exceeds the computer density of a comparably-sized office building environment. Other demanding network services used by staff and students in these schools include heavy use of the internet, video file retrieval, cloud services (i.e. external applications on the web) such as Google Docs and video file transfers to NewTV.

Given these demanding requirements, the School Department has been focused on increasing the network connection speed to each of the six secondary school buildings. A plan to allow middle school students to bring their own home computers to school in September, 2012 will add a tremendous network burden at these four schools (see *Students* count at each school in Appendix G). The higher 10GB speed needed by these schools generally requires two fiber strands but we only have one RCN data strand available (the other is phones). The lack of spare RCN fibers for this second strand plus the lack of fiber redundancy to quickly recover from a fiber break is an escalating concern to the schools as well as to the entire City.

A city-owned, city-wide high speed network is all about opportunity. The opportunity to realize cost savings by implementing VoIP (Voice over IP phone technology) will require a fiber network built with redundancy, supportability, and a level of Quality of Service that is not available with our current systems.



The opportunity to enable distance learning on a separate pair of fibers dedicated to a video distribution system to share teaching resources between buildings will continue to be a dream rather than a reality until connectivity is no longer an issue.

Opportunities for Public Safety include more video camera and surveillance monitoring to supplying fast, reliable data and training to Police Officers and Firemen on the front lines. Investments in infrastructure will contribute to the safety of our employees, students and constituents.

New solutions beget new opportunities to create new efficiencies and better answers to problems. The distribution and availability of applications and resources ranging from email to real-time data access to high-speed Internet will continue to lag while higher bandwidth solutions await dedicated fiber.

New money-saving tools such as cloud-based storage and application hosting require a solid, reliable, high speed core network. To be successful, the cloud requires a reliable, high capacity infrastructure that amply meets the demanding workload of a thousand concurrent users across the City's 50 locations continually accessing data from our data centers both within and outside of the city. Enabling cloud services can significantly save the City money when allocating resources for public, educational and private endeavors.

We welcome the Executive Office's technological foresight to include the City-wide fiber project as part of the CIP plan for at least the next three years. This acknowledgement of a forward thinking plan demonstrates that the City truly intends to remain a community leader.