

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, OCTOBER 8, 2014

7:45 PM  
Room 222

**ITEMS SCHEDULED FOR DISCUSSION:**

#339-14      ALD. HESS-MAHAN AND SANGIOLO requesting discussion with the Mayor's Office, the Law Department and the Clerk's Office concerning training of staff and members of Commissions, Boards and Committees to ensure compliance with the requirements of the Open Meeting Law Commissions, particularly with respect to meeting minutes. [09/05/14 @ 2:40PM]

**REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES**

#312-10      ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]

#356-14      ALD. HESS-MAHAN AND DANBERG, requesting a RESOLUTION of the Newton Board of Aldermen on behalf of Newton Dialogues on Peace & War, declaring support for the U.S. Conference of Mayors' program "Mayors for Peace," of which the City of Newton has been a member since 2005, and its goal of eliminating all nuclear weapons by 2020. [09/10/14 @ 3:15PM]

Re-appointment by His Honor the Mayor

#353-14      MICHAEL GOLDMAN, 14 Saxon Terrace, Newton Highlands, re-appointed as a member of the FARM COMMISSION for a term to expire July 31, 2017 (60 days 12/05/14) [09/25/14 @ 1:39PM]

Re-appointment by His Honor the Mayor

#354-14      PETER LEWENBERG, 47 Mary Ellen Road, Waban, re-appointed as a member of the FARM COMMISSION for term to expire July 31, 2017 (60 days 12/05/14) [09/25/14 @ 1:39PM]

Re-appointment by His Honor the Mayor

#355-14      MARIAN KNAPP, 250 Hammond Pond Parkway, Chestnut Hill, re-appointed as a member of COUNCIL ON AGING for a term to expire September 1, 2017 (60 days 12/05/13) [09/25/14 @ 1:39PM]

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact John Lojek, at least two days in advance of the meeting: [jlojek@newtonma.gov](mailto:jlojek@newtonma.gov), or 617-796-1064. For Telecommunications Relay Service dial 711.

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

#340-14 ALD. NORTON requesting to amend the City of Newton Charter to also include the term “Alderwoman” in text that refers to individuals who serve on the Board of Aldermen as “Aldermen”. [09/08/14 @ 4:10PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#216-14 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:

- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
- require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
- require a fee for certification; and
- impose a fine for violation of these provisions. [05/14/14 @ 11:51 AM]

**REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES**

#119-14 ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

#59-14 ALD. HESS-MAHAN AND BLAZAR requesting discussion with the Executive Department and the Health Care Advisory Committee concerning plans to implement recommendations contained in the First Report of the Health Care Advisory Committee to control the cost of health insurance while improving or maintaining the quality of care. [02/18/14 @ 6:39 PM]

**REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEE**

#402-13 ALD. FULLER, GENTILE, RICE and LINSKY requesting a Home Rule Petition to amend Article 9 of the Charter to clarify that Neighborhood Area Councils shall maintain and control their own financial accounts and records, independent of City finances; and to further clarify that such independent financial accounts and records shall remain subject to City audit. [10/28/13 @ 10:18 AM]

- #399-13 ALD. LINSKY, HESS-MAHAN, ALBRIGHT, CROSSLEY, DANBERG, BLAZAR, LAREDO & SCHWARTZ requesting to re-charge a task force to devise recommendations as to best practices and/or potential regulatory approaches to achieve improvements regarding the use of leaf blowers in the City of Newton. [10/28/13 @ 7:01 PM]
- #398-13 ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]
- #199-13 ALD. JOHNSON AND SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]
- #95-13(2) THE PROGRAMS & SERVICES COMMITTEE requesting an update from the Health Care Advisory Committee. [09/12/13 @ 9:49AM]
- #34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]
- #334-12 ALD. SWISTON AND LINSKY requesting a discussion with the Licensing Board regarding the licensing and permit requirements for non-profit organizations. [10/10/12 @ 3:52 PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

**REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES**

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #254-12(3) PROGRAMS & SERVICES COMMITTEE proposing an ordinance to require a fee, charged to consumers, for the use of paper bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 pm]

#229-12     RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.

#145-12     ALD JOHNSON requesting a review by the Solicitor's office as to what constitutes "reorganization" per our City Charter. [05/16/12 @ 10:24PM]

**REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES**

#36-12     ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.

- A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
  - B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
- [01/24/12 @ 8:07 AM]

Respectfully Submitted,

Amy Mah Sangiolo



**“Sunlight is said to be the best  
of disinfectants.”**

**— Louis D. Brandeis**

**THE COMMONWEALTH OF MASSACHUSETTS**  
**OPEN MEETING LAW, G.L. c. 30A, §§ 18-25<sup>1</sup>**

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*Chapter 28 of the Acts of 2009, sections 17–20, repealed the existing state Open Meeting Law, G.L. c. 30A, §§ 11A, 11A-1/2, county Open Meeting Law, G.L. c. 34, §9F, 9G, and municipal Open Meeting Law, G.L. c. 39, §§ 23A, 23B, and 23C, and replaced them with a single Open Meeting Law covering all public bodies, G.L. c. 30A, §§ 18-25, enforced by the Attorney General.*

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**Section 18: [DEFINITIONS]**

As used in this section and sections 19 to 25, inclusive, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Deliberation”, an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that “deliberation” shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, provided that no opinion of a member is expressed.

“Emergency”, a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.

“Executive session”, any part of a meeting of a public body closed to the public for deliberation of certain matters.

“Intentional violation”, an act or omission by a public body or a member thereof, in knowing violation of the open meeting law.

“Meeting”, a deliberation by a public body with respect to any matter within the body’s jurisdiction; provided, however, “meeting” shall not include:

- (a) an on-site inspection of a project or program, so long as the members do not deliberate;
- (b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members do not deliberate;
- (c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and do not deliberate;
- (d) a meeting of a quasi-judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or

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<sup>1</sup> NOTICE: This is NOT the official version of the Massachusetts General Law (MGL). While reasonable efforts have been made to ensure the accuracy and currency of the data provided, do not rely on this information without first checking an official edition of the MGL.

(e) a session of a town meeting convened under section 9 of chapter 39 which would include the attendance by a quorum of a public body at any such session.

“Minutes”, the written report of a meeting created by a public body required by subsection (a) of section 22 and section 5A of chapter 66.

“Open meeting law”, sections 18 to 25, inclusive.

“Post notice”, to display conspicuously the written announcement of a meeting either in hard copy or electronic format.

“Preliminary screening”, the initial stage of screening applicants conducted by a committee or subcommittee of a public body solely for the purpose of providing to the public body a list of those applicants qualified for further consideration or interview.

“Public body”, a multiple-member board, commission, committee or subcommittee within the executive or legislative branch or within any county, district, city, region or town, however created, elected, appointed or otherwise constituted, established to serve a public purpose; provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body; provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body; provided, further, that “public body” shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer and shall not include the board of bank incorporation or the policyholders protective board; and provided further, that a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.

“Quorum”, a simple majority of the members of the public body, unless otherwise provided in a general or special law, executive order or other authorizing provision.

### **Section 19. Division of Open Government; Open Meeting Law Training; Open Meeting Law Advisory Commission; Annual Report**

(a) There shall be in the department of the attorney general a division of open government under the direction of a director of open government. The attorney general shall designate an assistant attorney general as the director of the open government division. The director may appoint and remove, subject to the approval of the attorney general, such expert, clerical and other assistants as the work of the division may require. The division shall perform the duties imposed upon the attorney general by the open meeting law, which may include participating, appearing and intervening in any administrative and judicial proceedings pertaining to the enforcement of the open meeting law. For the purpose of such participation, appearance, intervention and training authorized by this chapter the attorney general may expend such funds as may be appropriated therefor.

(b) The attorney general shall create and distribute educational materials and provide training to public bodies in order to foster awareness and compliance with the open meeting law. Open meeting law training may include, but shall not be limited to, instruction in:

- (1) the general background of the legal requirements for the open meeting law;
- (2) applicability of sections 18 to 25, inclusive, to governmental bodies;

- (3) the role of the attorney general in enforcing the open meeting law; and
- (4) penalties and other consequences for failure to comply with this chapter.

(c) There shall be an open meeting law advisory commission. The commission shall consist of 5 members, 2 of whom shall be the chairmen of the joint committee on state administration and regulatory oversight; 1 of whom shall be the president of the Massachusetts Municipal Association or his designee; 1 of whom shall be the president of the Massachusetts Newspaper Publishers Association or his designee; and 1 of whom shall be the attorney general or his designee.

The commission shall review issues relative to the open meeting law and shall submit to the attorney general recommendations for changes to the regulations, trainings, and educational initiatives relative to the open meeting law as it deems necessary and appropriate.

(d) The attorney general shall, not later than January 31, file annually with the commission a report providing information on the enforcement of the open meeting law during the preceding calendar year. The report shall include, but not be limited to:

- (1) the number of open meeting law complaints received by the attorney general;
- (2) the number of hearings convened as the result of open meeting law complaints by the attorney general;
- (3) a summary of the determinations of violations made by the attorney general;
- (4) a summary of the orders issued as the result of the determination of an open meeting law violation by the attorney general;
- (5) an accounting of the fines obtained by the attorney general as the result of open meeting law enforcement actions;
- (6) the number of actions filed in superior court seeking relief from an order of the attorney general; and
- (7) any additional information relevant to the administration and enforcement of the open meeting law that the attorney general deems appropriate.

**Section 20. Meetings of a Public Body to be Open to the Public; Notice of Meeting; Remote Participation; Recording and Transmission of Meeting; Removal of Persons for Disruption of Proceedings**

(a) Except as provided in section 21, all meetings of a public body shall be open to the public.

(b) Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. In an emergency, a public body shall post notice as soon as reasonably possible prior to such meeting. Notice shall be printed in a legible, easily understandable format and shall contain the date, time and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting.

(c) For meetings of a local public body, notice shall be filed with the municipal clerk and posted in a manner conspicuously visible to the public at all hours in or on the municipal building in which the clerk's office is located.

For meetings of a regional or district public body, notice shall be filed and posted in each city or town within the region or district in the manner prescribed for local public bodies. For meetings of a



regional school district, the secretary of the regional school district committee shall be considered to be its clerk and shall file notice with the clerk of each city or town within such district and shall post the notice in the manner prescribed for local public bodies. For meetings of a county public body, notice shall be filed in the office of the county commissioners and a copy of the notice shall be publicly posted in a manner conspicuously visible to the public at all hours in such place or places as the county commissioners shall designate for the purpose.

For meetings of a state public body, notice shall be filed with the attorney general by posting on a website in accordance with procedures established for this purpose and a duplicate copy of the notice shall be filed with the regulations division of the state secretary's office.

The attorney general shall have the authority to prescribe or approve alternative methods of notice where the attorney general determines such alternative will afford more effective notice to the public.

(d) The attorney general may by regulation or letter ruling, authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided, further, that a quorum of the body, including the chair, are present at the meeting location. Such authorized members may vote and shall not be deemed absent for the purposes of section 23D of chapter 39.

(e) After notifying the chair of the public body, any person may make a video or audio recording of an open session of a meeting of a public body, or may transmit the meeting through any medium, subject to reasonable requirements of the chair as to the number, placement and operation of equipment used so as not to interfere with the conduct of the meeting. At the beginning of the meeting the chair shall inform other attendees of any such recordings.

(f) No person shall address a meeting of a public body without permission of the chair, and all persons shall, at the request of the chair, be silent. No person shall disrupt the proceedings of a meeting of a public body. If, after clear warning from the chair, a person continues to disrupt the proceedings, the chair may order the person to withdraw from the meeting and if the person does not withdraw, the chair may authorize a constable or other officer to remove the person from the meeting.

(g) Within 2 weeks of qualification for office, all persons serving on a public body shall certify, on a form prescribed by the attorney general, the receipt of a copy of the open meeting law, regulations promulgated pursuant to section 25 and a copy of the educational materials prepared by the attorney general explaining the open meeting law and its application pursuant to section 19. Unless otherwise directed or approved by the attorney general, the appointing authority, city or town clerk or the executive director or other appropriate administrator of a state or regional body, or their designees, shall obtain such certification from each person upon entering service and shall retain it subject to the applicable records retention schedule where the body maintains its official records. The certification shall be evidence that the member of a public body has read and understands the requirements of the open meeting law and the consequences of violating it.

## **Section 21. Executive Sessions**

(a) A public body may meet in executive session only for the following purposes:

1. To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. A public body shall hold an open session if the individual involved requests that the session be open. If an executive session is held, such individual shall have the following rights:

- i. to be present at such executive session during deliberations which involve that individual;
- ii. to have counsel or a representative of his own choosing present and attending for the purpose of advising the individual and not for the purpose of active participation in the executive session;
- iii. to speak on his own behalf; and
- iv. to cause an independent record to be created of said executive session by audio-recording or transcription, at the individual's expense.

The rights of an individual set forth in this paragraph are in addition to the rights that he may have from any other source, including, but not limited to, rights under any laws or collective bargaining agreements and the exercise or non-exercise of the individual rights under this section shall not be construed as a waiver of any rights of the individual.

2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel;

3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

4. To discuss the deployment of security personnel or devices, or strategies with respect thereto;

5. To investigate charges of criminal misconduct or to consider the filing of criminal complaints;

6. To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body;

7. To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements;

8. To consider or interview applicants for employment or appointment by a preliminary screening committee if the chair declares that an open meeting will have a detrimental effect in obtaining qualified applicants; provided, however, that this clause shall not apply to any meeting, including meetings of a preliminary screening committee, to consider and interview applicants who have passed a prior preliminary screening;

9. To meet or confer with a mediator, as defined in section 23C of chapter 233, with respect to any litigation or decision on any public business within its jurisdiction involving another party, group or entity, provided that:

- (i) any decision to participate in mediation shall be made in an open session and the parties, issues involved and purpose of the mediation shall be disclosed; and
- (ii) no action shall be taken by any public body with respect to those issues which are the subject of the mediation without deliberation and approval for such action at an open session; or

10. To discuss trade secrets or confidential, competitively-sensitive or other proprietary information provided in the course of activities conducted by a governmental body as an energy supplier under a

license granted by the department of public utilities pursuant to section 1F of chapter 164, in the course of activities conducted as a municipal aggregator under section 134 of said chapter 164 or in the course of activities conducted by a cooperative consisting of governmental entities organized pursuant to section 136 of said chapter 164, when such governmental body, municipal aggregator or cooperative determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy.

(b) A public body may meet in closed session for 1 or more of the purposes enumerated in subsection (a) provided that:

1. the body has first convened in an open session pursuant to section 21;
2. a majority of members of the body have voted to go into executive session and the vote of each member is recorded by roll call and entered into the minutes;
3. before the executive session, the chair shall state the purpose for the executive session, stating all subjects that may be revealed without compromising the purpose for which the executive session was called;
4. the chair shall publicly announce whether the open session will reconvene at the conclusion of the executive session; and
5. accurate records of the executive session shall be maintained pursuant to section 23.

## **Section 22. Meeting Minutes; Records**

(a) A public body shall create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.

(b) No vote taken at an open session shall be by secret ballot. Any vote taken at an executive session shall be recorded by roll call and entered into the minutes.

(c) Minutes of all open sessions shall be created and approved in a timely manner. The minutes of an open session, if they exist and whether approved or in draft form, shall be made available upon request by any person within 10 days.

(d) Documents and other exhibits, such as photographs, recordings or maps, used by the body at an open or executive session shall, along with the minutes, be part of the official record of the session.

(e) The minutes of any open session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, shall be public records in their entirety and not exempt from disclosure pursuant to any of the exemptions under clause Twenty-sixth of section 7 of chapter 4. Notwithstanding this paragraph, the following materials shall be exempt from disclosure to the public as personnel information: (1) materials used in a performance evaluation of an individual bearing on his professional competence, provided they were not created by the members of the body for the purposes of the evaluation; and (2) materials used in deliberations about employment or appointment of individuals, including applications and supporting materials; provided, however, that any resume submitted by an applicant shall not be exempt.

(f) The minutes of any executive session, the notes, recordings or other materials used in the preparation of such minutes and all documents and exhibits used at the session, may be withheld from

disclosure to the public in their entirety under subclause (a) of clause Twenty-sixth of section 7 of chapter 4, as long as publication may defeat the lawful purposes of the executive session, but no longer; provided, however, that the executive session was held in compliance with section 21.

When the purpose for which a valid executive session was held has been served, the minutes, preparatory materials and documents and exhibits of the session shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

For purposes of this subsection, if an executive session is held pursuant to clause (2) or (3) of subsections (a) of section 21, then the minutes, preparatory materials and documents and exhibits used at the session may be withheld from disclosure to the public in their entirety, unless and until such time as a litigating, negotiating or bargaining position is no longer jeopardized by such disclosure, at which time they shall be disclosed unless the attorney-client privilege or 1 or more of the exemptions under said clause Twenty-sixth of said section 7 of said chapter 4 apply to withhold these records, or any portion thereof, from disclosure.

(g)(1) The public body, or its chair or designee, shall, at reasonable intervals, review the minutes of executive sessions to determine if the provisions of this subsection warrant continued non-disclosure. Such determination shall be announced at the body's next meeting and such announcement shall be included in the minutes of that meeting.

(2) Upon request by any person to inspect or copy the minutes of an executive session or any portion thereof, the body shall respond to the request within 10 days following receipt and shall release any such minutes not covered by an exemption under subsection (f); provided, however, that if the body has not performed a review pursuant to paragraph (1), the public body shall perform the review and release the non-exempt minutes, or any portion thereof, not later than the body's next meeting or 30 days, whichever first occurs. A public body shall not assess a fee for the time spent in its review.

### **Section 23. Enforcement of Open Meeting Law; Complaints; Hearings; Civil Actions**

(a) Subject to appropriation, the attorney general shall interpret and enforce the open meeting law.

(b) At least 30 days prior to the filing of a complaint with the attorney general, the complainant shall file a written complaint with the public body, setting forth the circumstances which constitute the alleged violation and giving the body an opportunity to remedy the alleged violation; provided, however, that such complaint shall be filed within 30 days of the date of the alleged violation. The public body shall, within 14 business days of receipt of a complaint, send a copy of the complaint to the attorney general and notify the attorney general of any remedial action taken. Any remedial action taken by the public body in response to a complaint under this subsection shall not be admissible as evidence against the public body that a violation occurred in any later administrative or judicial proceeding relating to such alleged violation. The attorney general may authorize an extension of time to the public body for the purpose of taking remedial action upon the written request of the public body and a showing of good cause to grant the extension.

(c) Upon the receipt of a complaint by any person, the attorney general shall determine, in a timely manner, whether there has been a violation of the open meeting law. The attorney general may, and before imposing any civil penalty on a public body shall, hold a hearing on any such complaint. Following

a determination that a violation has occurred, the attorney general shall determine whether the public body, 1 or more of the members, or both, are responsible and whether the violation was intentional or unintentional. Upon the finding of a violation, the attorney general may issue an order to:

- (1) compel immediate and future compliance with the open meeting law;
- (2) compel attendance at a training session authorized by the attorney general;
- (3) nullify in whole or in part any action taken at the meeting;
- (4) impose a civil penalty upon the public body of not more than \$1,000 for each intentional violation;
- (5) reinstate an employee without loss of compensation, seniority, tenure or other benefits;
- (6) compel that minutes, records or other materials be made public; or
- (7) prescribe other appropriate action.

(d) A public body or any member of a body aggrieved by any order issued pursuant to this section may, notwithstanding any general or special law to the contrary, obtain judicial review of the order only through an action in superior court seeking relief in the nature of certiorari; provided, however, that notwithstanding section 4 of chapter 249, any such action shall be commenced in superior court within 21 days of receipt of the order. Any order issued under this section shall be stayed pending judicial review; provided, however, that if the order nullifies an action of the public body, the body shall not implement such action pending judicial review.

(e) If any public body or member thereof shall fail to comply with the requirements set forth in any order issued by the attorney general, or shall fail to pay any civil penalty imposed within 21 days of the date of issuance of such order or within 30 days following the decision of the superior court if judicial review of such order has been timely sought, the attorney general may file an action to compel compliance. Such action shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets. If such body or member has not timely sought judicial review of the order, such order shall not be open to review in an action to compel compliance.

(f) As an alternative to the procedure in subsection (b), the attorney general or 3 or more registered voters may initiate a civil action to enforce the open meeting law.

Any action under this subsection shall be filed in Suffolk superior court with respect to state public bodies and, with respect to all other public bodies, in the superior court in any county in which the public body acts or meets.

In any action filed pursuant to this subsection, in addition to all other remedies available to the superior court, in law or in equity, the court shall have all of the remedies set forth in subsection (c).

In any action filed under this subsection, the order of notice on the complaint shall be returnable not later than 10 days after the filing and the complaint shall be heard and determined on the return day or on such day as the court shall fix, having regard to the speediest possible determination of the cause consistent with the rights of the parties; provided, however, that orders may be issued at any time on or after the filing of the complaint without notice when such order is necessary to fulfill the purposes of the open meeting law. In the hearing of any action under this subsection, the burden shall be on the respondent to show by a preponderance of the evidence that the action complained of in such complaint was in accordance with and authorized by the open meeting law; provided, however, that no

civil penalty may be imposed on an individual absent proof that the action complained of violated the open meeting law.

(g) It shall be a defense to the imposition of a penalty that the public body, after full disclosure, acted in good faith compliance with the advice of the public body's legal counsel.

(h) Payment of civil penalties under this section paid to or received by the attorney general shall be paid into the general fund of the commonwealth.

#### **Section 24. Investigation by Attorney General of Violations of Open Meeting Law**

(a) Whenever the attorney general has reasonable cause to believe that a person, including any public body and any other state, regional, county, municipal or other governmental official or entity, has violated the open meeting law, the attorney general may conduct an investigation to ascertain whether in fact such person has violated the open meeting law. Upon notification of an investigation, any person, public body or any other state, regional, county, municipal or other governmental official or entity who is the subject of an investigation, shall make all information necessary to conduct such investigation available to the attorney general. In the event that the person, public body or any other state, regional, county, municipal or other governmental official or entity being investigated does not voluntarily provide relevant information to the attorney general within 30 days of receiving notice of the investigation, the attorney general may: (1) take testimony under oath concerning such alleged violation of the open meeting law; (2) examine or cause to be examined any documentary material of whatever nature relevant to such alleged violation of the open meeting law; and (3) require attendance during such examination of documentary material of any person having knowledge of the documentary material and take testimony under oath or acknowledgment in respect of any such documentary material. Such testimony and examination shall take place in the county where such person resides or has a place of business or, if the parties consent or such person is a nonresident or has no place of business within the commonwealth, in Suffolk county.

(b) Notice of the time, place and cause of such taking of testimony, examination or attendance shall be given by the attorney general at least 10 days prior to the date of such taking of testimony or examination.

(c) Service of any such notice may be made by: (1) delivering a duly-executed copy to the person to be served or to a partner or to any officer or agent authorized by appointment or by law to receive service of process on behalf of such person; (2) delivering a duly-executed copy to the principal place of business in the commonwealth of the person to be served; or (3) mailing by registered or certified mail a duly-executed copy addressed to the person to be served at the principal place of business in the commonwealth or, if said person has no place of business in the commonwealth, to his principal office or place of business.

(d) Each such notice shall: (1) state the time and place for the taking of testimony or the examination and the name and address of each person to be examined, if known and, if the name is not known, a general description sufficient to identify him or the particular class or group to which he belongs; (2) state the statute and section thereof, the alleged violation of which is under investigation and the general subject matter of the investigation; (3) describe the class or classes of documentary material to be produced thereunder with reasonable specificity, so as fairly to indicate the material

demanded; (4) prescribe a return date within which the documentary material is to be produced; and (5) identify the members of the attorney general's staff to whom such documentary material is to be made available for inspection and copying.

(e) No such notice shall contain any requirement which would be unreasonable or improper if contained in a subpoena duces tecum issued by a court of the commonwealth or require the disclosure of any documentary material which would be privileged, or which for any other reason would not be required by a subpoena duces tecum issued by a court of the commonwealth.

(f) Any documentary material or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of the commonwealth for good cause shown, be disclosed to any person other than the authorized agent or representative of the attorney general, unless with the consent of the person producing the same; provided, however, that such material or information may be disclosed by the attorney general in court pleadings or other papers filed in court.

(g) At any time prior to the date specified in the notice, or within 21 days after the notice has been served, whichever period is shorter, the court may, upon motion for good cause shown, extend such reporting date or modify or set aside such demand or grant a protective order in accordance with the standards set forth in Rule 26(c) of the Massachusetts Rules of Civil Procedure. The motion may be filed in the superior court of the county in which the person served resides or has his usual place of business or in Suffolk county. This section shall not be applicable to any criminal proceeding nor shall information obtained under the authority of this section be admissible in evidence in any criminal prosecution for substantially identical transactions.

#### **Section 25. Regulations; Letter Rulings; Advisory Opinions**

(a) The attorney general shall have the authority to promulgate rules and regulations to carry out enforcement of the open meeting law.

(b) The attorney general shall have the authority to interpret the open meeting law and to issue written letter rulings or advisory opinions according to rules established under this section.



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

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MARTHA COAKLEY  
ATTORNEY GENERAL

(617) 727-2200  
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February 19, 2013

OML 2013 – 16

Brian D. Fitzgerald  
Director of Health  
Holyoke Board of Health  
City Hall Annex  
20 Korean Veterans Plaza  
Holyoke, MA 01040-5037

**RE: Open Meeting Law Complaint**

Dear Mr. Fitzgerald:

This office received a complaint from Kevin Jourdain, dated September 7, 2012, alleging that the Holyoke Board of Health (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on or about July 31, 2012, and the Board responded to the original complaint by letter dated August 8, 2012. In his complaint, Mr. Jourdain alleges that during its July 9, 2012 meeting (the “meeting”), the Board discussed and took action on a topic that was not listed in its meeting notice. Mr. Jourdain requests that this office order the Board to rescind its vote and properly notice the topic for a future meeting.

We reviewed the July 31, 2012 complaint; your response to the complaint on behalf of the Board, dated August 8, 2012; the September 7, 2012 complaint filed with our office requesting further review; and a letter from the complainant to our office, dated October 31, 2012. We reviewed the meeting notices and minutes for the July 9 and August 14, 2012 meetings. We also spoke by telephone with Board Chair Katherine Liptak, Brian Fitzgerald, Director of the Board of Health, and Katie Gallagher, Assistant Director of the Board of Health.

Following our review, we find that the Board violated the Open Meeting Law because the meeting notice did not contain sufficient detail about a reasonably anticipated topic of discussion. We do not find the violation to be intentional, however, but rather a misunderstanding of the Law’s requirements by administrative staff. Furthermore, we find that the Board took appropriate steps to remedy the violation following the filing of this complaint.

FACTS

Based upon our review of the material listed above, the facts are as follows. On July 9, 2012, the Board convened a meeting in open session. The meeting notice and agenda, posted with the municipal clerk on July 5, 2012, listed several topics for discussion, including “New





Business: (Informational/Verbal): 1. Needle Kiosk Update/ Other Programs.” Various local public officials and members of other state agencies and organizations attended the meeting, including Holyoke’s Mayor, Police Chief, City Solicitor, Superintendent of the Department of Public Works, as well as the President and CEO of Tapestry Health, the Director of the Center for Education Prevention and Action, and the Director of the Bureau of Infectious Disease at the Department of Public Health.

When the Board reached the topic, “Other Programs,” Tim Purington from Tapestry Health began a discussion regarding the Needle Exchange Program (the “Program”), followed by presentations from representatives of health organizations and local public officials. According to the meeting minutes, all of these participants supported the Program, although specific details about their presentations are not included in the minutes. Chair Katherine Liptak then made a motion “to approve a comprehensive Needle Exchange Program for the City of Holyoke based on the health and safety of the citizens of Holyoke,” which was unanimously approved. Immediately following the vote, Commissioner Robert Mausel noticed that he did not see any City Councilors present and inquired whether they had been notified of the meeting, to which Mayor Alex Morse responded that they were aware of the meeting. Mayor Morse then pledged his full support to implement the Program.

During individual telephone conversations with our office, neither Chairman Liptak, Mr. Fitzgerald nor Ms. Gallagher could identify if and how the various public officials and representatives from various health organizations were invited to the July 9, 2012 meeting. Chairman Liptak acknowledged that she anticipated that the Program would be discussed at the meeting, however. Mr. Fitzgerald generally approves the final draft of the Board’s meeting notices, but he was away on vacation and therefore was unavailable to approve this particular notice. Accordingly, the Board’s administrative assistant drafted the notice, which was approved by Ms. Gallagher. Chairman Liptak did not assist in the drafting of the meeting notice. Upon Mr. Fitzgerald’s return to work on the morning of the meeting, he realized that the Program was not specifically listed in the meeting notice and immediately discussed the issue with the administrative assistant and Ms. Gallagher, who explained that they considered it part of the discussion of “Other Programs” regarding needle cleanup. Just prior to the meeting, which began at noon, Mr. Fitzgerald notified the Commissioners about the notice issue, but the Commissioners did not consider postponing the meeting at that point.

Upon the filing of this complaint, the Board convened a meeting in open session on August 14, 2012. The meeting notice, posted with the municipal clerk on August 8, 2012, listed the following topics for discussion under the heading “New Business”: “1. Rescind vote on July 9, 2012, on the approval of the Needle Exchange Program; 2. Presentation by Mass. Department of Public Health regarding Needle Exchange Program; 3. Public Comments on Needle Exchange Program; 4. Board Vote on Needle Exchange Program.” Chair Liptak opened the meeting by explaining that a complaint was filed for failure to properly identify “the agenda item for discussion on the July 9, 2012 agenda” and offered an apology. Dr. Robert Mausel then made a motion to “rescind the vote of July 9, 2012 on the Needle Exchange Program.”<sup>1</sup> Mr. Cranston from the Department of Health then conducted a presentation on Needle Exchange Programs, followed by a presentation by Dr. Stephen Jones, Retired Senior

<sup>1</sup> According to the meeting minutes, the Board did not explain the reason for the rescission, nor did the Board discuss how it would respond to this complaint, beyond disclosing that it had been filed with the Board.

Scientist at the Centers for Disease Control and Prevention's Division of HIV/AIDS Prevention. Mayor Morse and Police Chief Neiswanger attended and participated at the meeting, along with City Councilors and members of the public, who expressed their opinions regarding the Program, however these individuals and opinions are not detailed in the minutes. The Board then voted unanimously to approve the Program.

Acknowledging that the Program was controversial, Chairman Liptak stated that the Board was not attempting to "hide something or avoid confrontation" and insisted that despite the fact that historically the Board held its meetings at noon, the Board purposely convened its August 14, 2012 meeting at 5 P.M. to ensure that any interested member of the public would be able to attend after the work day ended. Furthermore, Chairman Liptak assured this office that since the filing of this complaint, they have instituted new checks and balances for the drafting and approval of meeting notices.

### DISCUSSION

The Open Meeting Law requires public bodies to post notice in advance of every meeting. "Except in an emergency, in addition to any notice otherwise required by law, a public body shall post notice of every meeting at least 48 hours prior to such meeting, excluding Saturdays, Sundays and legal holidays. ... Notice shall be printed in a legible, easily understandable format and shall contain the date, time, and place of such meeting and a listing of topics that the chair reasonably anticipates will be discussed at the meeting." G.L. c. 30A, § 20(b); 940 CMR 29.03. The Open Meeting Law does not require that the chair of a public body guess what will occur during a meeting, but the chair does need to list those topics that he or she reasonably anticipates will be discussed. See OML 2011-36; OML 2011-23; OML 2011-13.<sup>2</sup> We generally consider a topic to include sufficient specificity when a reasonable member of the public could read the topic and understand the anticipated nature of the public body's discussion. OML 2011-44.

The Board violated the Open Meeting Law by failing to list a topic with sufficient specificity on its meeting notice. The topic, "Needle Kiosk/Other Programs," did not offer the public a full understanding of the specific programs to be discussed. The Board should have specifically identified each program and the anticipated discussion, including listing any anticipated presentations by outside individuals, particularly because the Program was controversial and of significant public interest to the community. We decline, however, to order the Board to rescind its vote, as requested by the complainant, since the Board voluntarily did so during its August 14, 2012 meeting. The Board remedied the violation by properly posting a notice that sufficiently listed the anticipated topics for its August 14, 2012 meeting, by rescinding the July 9, 2012 vote during this meeting, and by opening the discussion for public comment before the Board reconsidered its vote to approve the Program.

As a final matter, we note that the July 9 and August 14, 2012 meeting minutes did not comply with certain requirements under the Open Meeting Law. The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a

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<sup>2</sup> Open Meeting Law determinations may be found at the Attorney General's website, [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).

summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). The minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. OML 2012-29; OML 2011-55. Here, the July 9, 2012 meeting minutes state that various participants gave presentations, but do not include any detail about those presentations. Likewise, according to the August 14, 2012 meeting minutes, City Councilors and members of the public offered their opinions about the Program, but the minutes do not identify any specific individuals or the content of their opinions.<sup>3</sup> While it is not necessary to record the comments of every speaker, and we acknowledge the difficulty of doing so where there are many speakers whose remarks may even overlap, if a particular individual speaks at some length or is the only one to offer an argument for or against a proposal, that person and his or her comments should be identified in the minutes. OML 2012-29.

### CONCLUSION

We find that the Board violated the Open Meeting Law because the meeting notice did not contain sufficient detail about a reasonably anticipated topic of discussion. We therefore order immediate and future compliance with the Open Meeting Law, and caution that future similar conduct may be considered evidence of intent to violate the Open Meeting Law.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints which may be pending with our office or the Board. Please feel free to contact me if you have any questions or believe any facts in this letter to be inaccurate.

Sincerely,



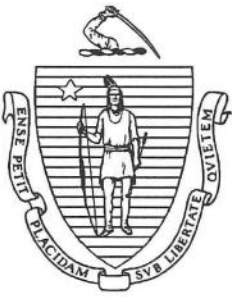
Hanne Rush  
Assistant Attorney General  
Division of Open Government

cc: Kevin Jourdain  
Holyoke Board of Health

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by this order may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty one days of receipt of this order.**

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<sup>3</sup> We also note that the minutes do not include a list of the documents and other exhibits used at the meeting, as required under the Open Meeting Law. See G.L. c. 30A, § 22(a); OML 2012-42.



MARTHA COAKLEY  
ATTORNEY GENERAL

339-14

THE COMMONWEALTH OF MASSACHUSETTS  
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March 5, 2013

OML 2013 – 26

Susan P. Pimental, Chair  
Rehoboth Finance Committee  
148 Peck St.  
Rehoboth, MA 02769

**RE: Open Meeting Law Complaint – Rehoboth Finance Committee**

Dear Ms. Pimental:

This office received a complaint from Mr. Christopher Morra, on or about March 6, 2012, alleging that the Rehoboth Finance Committee (the “Committee”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25.<sup>1</sup> The complaint alleges that the minutes of the Committee’s October 13, 2011 and November 7, 2011 meetings are not accurate, and failed to include a summary of the discussion on a topic related to a Town Meeting warrant article. The complaint was filed with the Committee on or about December 28, 2011. The Committee responded by letter dated February 3, 2012, along with amended minutes of the Committee’s October 13, 2011 meeting.

After reviewing the complaint and the Committee’s response, we have decided to resolve this complaint by **informal action**, in accordance with 940 CMR 29.07(2)(a). We find that the Committee failed to include in the minutes a summary of a discussion that occurred during its October 13, 2011 meeting, as required by G.L. c. 30A, § 22(a), but that the Committee took appropriate remedial steps in response to the complaint by amending those minutes to include a motion made by Mr. Morra that was omitted from the prior approved version. Although the Committee amended its minutes to include Mr. Morra’s motion, we encourage the Committee to provide an even more detailed summary of its discussion. A summary does not need to be transcript of the meeting, but should include enough detail so that a member of the public who was not present during the meeting could read the minutes and understand what occurred. See G.L. c. 30A, § 22(a); OML 2012-34; OML 2012-29.<sup>2</sup>

The complainant did not allege any specific deficiency in the November 7, 2011 meeting


<sup>1</sup> Our office granted both the Board and the complainant extensions for filing with our office.

<sup>2</sup> Open Meeting Law determinations may be found at the Attorney General’s website, [www.mass.gov/ago/openmeeting](http://www.mass.gov/ago/openmeeting).

minutes, and none was apparent from our review. We therefore find no violation with regard to <sup>330-14</sup> the minutes from this meeting.

We now consider this matter closed. Please contact me if you have any questions regarding this letter.

Sincerely,

  
Jonathan Sclarsic  
Assistant Attorney General  
Division of Open Government

cc: Christopher Morra  
John B. Reilly, Esq.

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by this order may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of this order.**



MARTHA COAKLEY  
ATTORNEY GENERAL

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June 4, 2013

OML 2013 – 76

Nancy Glowa, Esq.  
City Solicitor  
City of Cambridge  
Office of the City Solicitor  
795 Massachusetts Avenue  
Cambridge, MA 02139

**RE: Open Meeting Law Complaint**

Dear Attorney Glowa:

This office received a complaint from Tom Stohlman, dated December 28, 2012, alleging that the Cambridge City Council (the “Council”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Council on or about December 4, 2012, and the Council responded to the original complaint by letter dated December 17, 2012.<sup>1</sup> In his complaint, Mr. Stohlman alleges that on November 29, 2012, the Council engaged in a deliberation outside of a properly posted meeting when four councilors crafted an order to appoint a new City Manager, which was then emailed to the remaining five councilors for co-sponsorship prior to the next Council meeting.

We reviewed the December 4, 2012 complaint; the Council’s December 17, 2012 response; the December 28, 2012 complaint filed with our office requesting further review; and your February 8, 2013 letter to our office. We also reviewed the notice for and minutes from the Council’s December 3, 2012 meeting, and viewed portions of an audiovisual recording of that meeting. Finally, we spoke by telephone with Cambridge City Clerk Donna Lopez.

Following our review, we find that the Council violated the Open Meeting Law. However, we note that the primary violation concerns a practice addressed for the first time in this determination and in a companion determination, also issued today. See OML 2013-75. Thus, we do not ascribe any wrongful intent to the violation and we offer a detailed discussion as guidance.

<sup>1</sup> On December 10, 2012, the complainant submitted a letter to the Council supplementing his initial complaint with questions concerning a committee of the Council. In its December 17, 2012 response to the complaint, the Council provided clarification on the issues raised in that letter, and the complainant found the response satisfactory. We therefore do not review those allegations here.



## FACTS

Based upon our review of the material listed above, the facts are as follows. The Council is comprised of nine members, thus five members constitute a quorum. On November 29, 2012, Councilor David Maher sent an email to Donna Lopez, City Clerk, asking her to “share the attached order with [his] colleagues and ask if they would like to co-sponsor.” An order (the “Order”) regarding the appointment of Richard Rossi as City Manager for a three year term was attached to the email, and noted that it was co-sponsored by Councilors Maher, Cheung, Reeves and Toomey. Ms. Lopez then sent an email to the remaining five councilors, with a copy to Councilor Maher and Paula Crane, an assistant, stating, “Dear Mayor Davis, Vice Mayor Simmons, Councilors Decker, Kelley and vanBeuzekom, Councilor Maher has requested that I share the attached order with my colleagues and ask if they would like to co-sponsor...Please respond to me or Paula if you wish to be a co-sponsor.” Mayor Davis and Councilor Decker each responded by telephone to Ms. Lopez and asked to be added as co-sponsor. Vice Mayor Simmons also called Ms. Lopez to be added as a co-sponsor, but she had already missed the deadline to respond. Ms. Lopez, who drafted the meeting notice alone, did not share the list of final co-sponsors before it was posted on the City website.

On December 3, 2012, the Council convened in open session. The meeting notice, posted on the designated City website on November 30, 2012 (a day late due to a power outage), contained a link to a “Policy Order and Resolution List.” Under that header, the following topic for discussion was listed: “6. That the City Council hereby appoint Richard C. Rossi as City Manager of the City of Cambridge, Massachusetts beginning on July 1, 2013 for a period of three years ending on June 30, 2016.”<sup>2</sup> Although not reflected in the meeting minutes, the Council began its discussion about the Order, which lasted about an hour, with an explanation of how councilors seek co-sponsors for their orders and then, specifically, the history of how this Order came before the Council. Generally, councilors seeking to add co-sponsors to an order will reach out to Ms. Lopez by telephone or email to ask her to send out a request to the remaining councilors. Councilors must respond to such requests by 3 P.M. on the Thursday before the regularly scheduled Council meetings, which are held on Mondays. According to Ms. Lopez, the Council has used this process “for years.” Following this discussion, the Council approved the Order by roll call vote.

The December 3, 2012 meeting minutes note the outcome of the discussion regarding each item on the agenda but, apart from the public comment period, the minutes do not include any summary of the discussion that occurred.

## DISCUSSION

The Open Meeting Law requires that all meetings of a public body be properly noticed and open to members of the public, unless an executive session is convened. See G.L. c. 30A, §§ 20(a)–(b), 21. The Law’s purpose is “to eliminate much of the secrecy surrounding deliberations and decisions on which public policy is based.” Ghiglione v. School Committee of Southbridge, 376 Mass. 70, 72 (1978). A “meeting” is defined, in relevant part, as “a deliberation by a public

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<sup>2</sup> We note that after each meeting, Ms. Lopez updates the online meeting notice to reflect the outcome. In this instance, the notice was amended as follows, “Order Adopted.”

body with respect to any matter within the body's jurisdiction." G.L. c. 30A, § 18. The law defines "deliberation" as "an oral or written communication through any medium, *including electronic mail*, between or among a quorum of a public body on any public business within its jurisdiction; provided, however, that 'deliberation' shall not include the distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents that may be discussed at a meeting, *provided that no opinion of a member is expressed.*" *Id.* (emphasis added)

Generally, sending an email with proposed language for an order to be considered at an upcoming meeting is not deliberation because it constitutes distribution of "reports or documents that may be discussed at a meeting." G.L. c. 30A, § 18. However, here we find that the email communication sent by Ms. Lopez at Councilor Maher's request crossed the line into impermissible deliberation. While the email was sent by a person who was not a member of the Council, and the Councilors responded to her individually, the attachment relayed the opinion of the four original co-sponsors – that is, their support of the Order – to the remaining five Councilors. Thus, the email constituted communication between or among a quorum of the Council, facilitated by Ms. Lopez. A public body may not use a non-member, such as a staff member, to communicate on matters that it would otherwise save for discussion at an open meeting. See District Attorney for the Northern District v. School Committee of Wayland, 451 Mass. 561, 570-571 (2009) ("Governmental bodies may not circumvent the requirements of the open meeting law by conducting deliberations via private messages, whether electronically, in person, over the telephone, or in any other form.") Additionally, the email contained a request for the opinions of the remaining five councilors, namely whether they wished to co-sponsor the Order, in effect expressing their support for the measure. As discussed below, a non-member may send such a request, provided the responses are directed only to that non-member. We caution the Council that this type of open-ended request could easily lead to an inadvertent or intentional reply to all recipients containing a public body member's opinion on the matter under review.

While we acknowledge that this practice has been used for years, it does not comply with the current Open Meeting Law. However, we note that the Council can bring this practice into compliance with just a minor modification. If the Council wishes to announce the sponsors of an order at the time it is introduced, Ms. Lopez, or another Council administrator, could send an email by blind carbon copy to the Council members, attaching a specific piece of legislation (which should not include the names of any co-sponsors) and requesting sponsorships. See OML 2013-75. That same staff person could then compile the sponsorships, and announce the result during a meeting. The results should not be made public prior to the meeting, however, including in a publicly-posted meeting notice. While the change is admittedly minor, it would enable the Council to compile sponsorship information without members conducting an improper poll outside of a meeting (which is deliberation). See OML 2011-35. Alternatively, a Council member who introduces an order can request sponsors during a meeting, or at a prior meeting before the order is introduced.

Finally, while not raised in the complaint, we find that the Council's meeting minutes were not sufficient for purposes of the Open Meeting Law. The Open Meeting Law requires that a public body "create and maintain accurate minutes of all meetings, including executive



sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). Minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. OML 2013-16; OML 2012-29. Apart from the “Public Comments” section, the minutes of the Council’s December 3, 2012 meeting do not include any summary of the meeting discussion or otherwise provide an explanation of how the Council reached a decision regarding any item on the agenda. Accordingly, we order the Council to draft and approve revised minutes for the December 3, 2012 meeting that contain a summary of the discussion with sufficient detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred.

#### CONCLUSION

For the reasons stated above, we find that the Council violated the Open Meeting Law by engaging in deliberation outside of a properly posted meeting, and by failing to include sufficient detail in its meeting minutes. We order immediate and future compliance with the Open Meeting Law, and caution that future similar violations may be considered evidence of intent to violate the Law. Additionally, we order the Council to draft and approve the revised minutes of its December 3, 2012 meeting within thirty (30) days of the date of this letter.

We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints which may be pending with our office or the Council. Please feel free to contact our office at (617) 963-2540 if you have any questions or believe any facts in this letter to be inaccurate.

Sincerely,



Hanne Rush  
Assistant Attorney General  
Division of Open Government

cc: Tom Stohlman  
Cambridge City Council

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by this order may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty one days of receipt of this order.**



THE COMMONWEALTH OF MASSACHUSETTS  
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February 10, 2014

OML 2014 – 10

Donna MacNicol, Esq.  
Ashfield Town Counsel  
MacNicol & Tombs, LLP  
339 Main Street  
PO Box 985  
Greenfield, MA 01301

**RE: Open Meeting Law Complaints**

Dear Attorney MacNicol:

This office received complaints from Suzanne Corbett and Deborah Nicholson, dated July 8, 2013 and July 15, 2013, respectively, alleging that the Ashfield Select Board (the Board) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. Ms. Corbett's complaint was originally filed with the Board on May 14, 2013, and Ms. Nicholson's complaint was originally filed with the Board on or about May 15, 2013. You and Chair Tom Carter jointly responded, on behalf of the Board, to the complaints by letters dated June 5, 2013. Both complaints allege that during its April 17, 2013 meeting, the Board approved inaccurate minutes from its April 8, 2013 meeting.<sup>1</sup> Additionally, Ms. Corbett alleges that as of the filing of her complaint on May 14, 2013, the Board had not drafted and timely approved minutes from the following meetings: July 25, 2012; August 23, 2012;<sup>2</sup> January 16, 2013; March 18, 2013; and April 17, 2013; and had not included a

<sup>1</sup> In addition, Ms. Nicholson alleges that for the past year, the Board failed to accurately reflect Ashfield House tenants' issues in its meeting minutes, including the November 7, 2012 meeting minutes. We decline to review this allegation because our office will not conduct broad audits of public bodies based on generalized allegations. See 1-13-14 Declination. In addition, we decline to review the specific allegation concerning the November 7, 2012 meeting minutes because it is untimely. Complaints alleging violations of the Open Meeting Law must be filed with the public body within 30 days of the alleged violation. G.L. c. 30A, § 23(b). The minutes were approved on December 5, 2012, thus any complaint regarding the sufficiency of those minutes must have been filed by January 4, 2013. See 11-12-13 Declination.

<sup>2</sup> We note that a Board meeting was held on August 22, 2012, but not on August 23, 2012. We therefore treat the allegations as though they concern the August 22, 2012 meeting.



list of documents used during the meeting in the minutes from its December 19, 2012 and January 2, 2013 meetings.<sup>3</sup>

We reviewed the May 14, 2013 and May 15, 2013 complaints; your June 5, 2013 responses, on behalf of the Board; and the July 8, 2013 and July 15, 2013 requests for further review filed with our office. We also reviewed the notice, minutes, and recording from the April 8, 2013 Board meeting, as well as the minutes from the January 2, 2013 and June 3, 2013 Board meetings.

Following our review, we find that the Board violated the Open Meeting Law by failing to include sufficient detail in its meeting minutes and by failing to approve meeting minutes in a timely manner.

### FACTS

We find the facts to be as follows. On April 8, 2013, the Board convened a meeting in open session to discuss, in part, ongoing concerns brought to the Board by Ashfield House resident Kachina Yuryan regarding the Ashfield House, a public housing development in the town of Ashfield. The meeting notice, posted on April 4, 2013, listed among the discussion topics the following: "4. Appointments- a. Kachina Yuryan, Main Street: Discussion regarding Ashfield House issues and SB minutes detail." Ms. Yuryan had previously attended other Board meetings to voice some of her concerns. At the request of the Board and in anticipation of the upcoming meeting, Ms. Yuryan emailed a letter to the Board on April 5, 2013 outlining her concerns. According to the meeting minutes, Ms. Yuryan voiced her concerns to the Board about her apartment. The minutes do not specify that her apartment is located in Ashfield House. Additionally, Ms. Yuryan raised a concern that her previous comments to the Board had not been included in the meeting minutes and the Board discussed the fact that Ms. Yuryan raised similar issues during Board meetings in November 2012; however these portions of the discussion were not included in the minutes.

The April 8, 2013 meeting minutes were initially approved on April 17, 2013, but failed to list Ms. Yuryan's letter as a document used at the meeting. Accordingly, the Board amended the minutes during its June 3, 2013 meeting to include this letter.

On May 20, 2013, the Board approved the April 17, 2013 meeting minutes. On June 3, 2013, the Board approved the minutes of its January 2, 2013<sup>4</sup> and January 16, 2013 meetings. On June 10, 2013, the Board approved the minutes of its March 18, 2013 meeting. On July 1, 2013, the Board approved the minutes of its July 25, 2012 meeting. The Board has been unable to locate any minutes of its August 22, 2012 meeting, thus it is unclear whether they were ever drafted or approved.

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<sup>3</sup> Because the December 19, 2012 meeting minutes were approved on January 9, 2013, any complaint regarding the sufficiency of those minutes must have been filed by February 8, 2013. See 11-12-13 Declination. We therefore find this allegation untimely and decline to review it.

<sup>4</sup> These minutes include a list of documents used at the meeting.

## DISCUSSION

The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). While the minutes must include a summary of the discussions on each subject, a transcript is not required. OML 2013-105. Minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. Id.; OML 2013-16; OML 2012-29.<sup>5</sup>

We find that the minutes from the April 8, 2013 meeting, as amended on June 3, 2013, were not sufficient for purposes of the Open Meeting Law. The minutes include a short summary of the discussion regarding Kachina Yuryan’s concerns, as she outlined for the Board in a letter that the Board identified as “Document 3” and properly listed as a document used at the meeting.<sup>6</sup> However, the minutes do not identify the subject of Ms. Yuryan’s concerns, namely, the Ashfield House.<sup>7</sup> Without identifying the subject of her concern in the minutes, a member of the public who did not attend the meeting might deduce that her concerns related to a private apartment, rather than a public housing development that is subject to certain standards. Additionally, the minutes do not reflect the fact that Ms. Yuryan had raised certain issues with the Board during previous meetings. Accordingly, we order the Board to draft and approve revised minutes for the April 8, 2013 meeting that contain a summary of the discussion with sufficient detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred.

Additionally, apart from the April 8, 2013 and April 17, 2013 meeting minutes, which were approved in a timely manner, we find that the Board violated the Open Meeting Law by failing to approve certain other meeting minutes in a timely manner. Ms. Corbett’s complaint identified four additional sets of minutes that were not approved by the Board as of the date these complaints were filed: July 25, 2012; August 22, 2012; January 16, 2013; and March 18, 2013. While the Board acted appropriately by approving three of these sets of minutes, as well as its January 2, 2013 minutes, following its receipt of the complaints, this does not excuse the fact that these open session meeting minutes were not approved until months, and in one case almost a year, after the meetings they record. The Law requires that “[m]inutes of all open sessions shall be created and approved in a timely manner.” G.L. c. 30A, § 22(c). As we explained to the Board in a prior determination, the Open Meeting Law does not define “timely manner,” however we recommend that minutes be approved at the next meeting, whenever possible. See OML 2014-1; OML 2013-31. In OML 2013-31, we found that the Board violated the Open Meeting Law by failing to draft meeting minutes in a timely manner. Here, the Board created

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<sup>5</sup> Open Meeting Law determinations may be found at the Attorney General’s website, [www.mass.gov/ago/opemmeeting](http://www.mass.gov/ago/opemmeeting).

<sup>6</sup> We commend the Board for acknowledging its mistake after initially omitting this email from the list of documents used at the meeting, and including it in the revised minutes approved on June 3, 2013.

<sup>7</sup> A member of the public would be able to discern the issue only if she had attended previous Board meetings where Ms. Yuryan participated and/or only after reading Ms. Yuryan’s letter to the Board.

but failed to approve its July 25, 2012; January 2, 2013; January 16, 2013; and March 18, 2013 meeting minutes in a timely manner. It is unclear whether the Board failed to create or simply failed to approve and properly retain its August 22, 2012 minutes, as those minutes could not be located. We therefore do not find that the Board intentionally violated the Law; however we note our concerns about the Board's repeated lack of attentiveness to this requirement of the Law.

Finally, while the Board also did not timely approve the January 2, 2013 meeting minutes, we find that those minutes did include a list of all documents and exhibits used by the Board during that meeting. G.L. c. 30A, § 22(a); OML 2013-195. The Board therefore did not violate the Open Meeting Law in this regard.

### CONCLUSION

For the reasons stated above, we find that the Board violated the Open Meeting Law by failing to include sufficient detail in its meeting minutes and by failing to approve meeting minutes in a timely manner. We order immediate and future compliance with the Open Meeting Law, and caution that future similar conduct may be considered evidence of intent to violate the Law. Additionally, we order the Board to draft and approve revised minutes of its April 8, 2013 meeting and create and approve minutes from its August 22, 2012 meeting, if it has not already done so. Compliance with both aspects of this order must occur within thirty (30) days of the date of this letter.

We now consider the complaints addressed by this determination to be resolved. This determination does not address any other complaints which may be pending with our office or the Board. Please feel free to contact our office at (617) 963-2540 if you have any questions.

Sincerely,



Hanne Rush  
Assistant Attorney General  
Division of Open Government

cc: Suzanne Corbett  
Deborah Nicholson  
Ashfield Select Board

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by this order may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty one days of receipt of this order.**



MARTHA COAKLEY  
ATTORNEY GENERAL

THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

ONE ASHBURTON PLACE  
BOSTON, MASSACHUSETTS 02108

339-14

(617) 727-2200  
www.mass.gov/ago

April 17, 2013

OML 2013 – 49

Edward Roderick  
Executive Director  
Yarmouth Housing Authority  
Long Pond Plaza  
534 Winslow Gray Road  
South Yarmouth, MA 02664

**RE: Open Meeting Law Complaint**

Dear Mr. Roderick:

This office received a complaint from J. Elvio Rodrigues dated January 22, 2013, alleging that the Yarmouth Housing Authority (the “Authority”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Authority by Mr. Rodrigues, on behalf of the Yarmouth Preservation Committee, on or about December 18, 2012, and you responded to the original complaint on behalf of the Authority by letter dated December 26, 2012.<sup>1</sup> In his complaint, Mr. Rodrigues alleges that the minutes from the January 10, 2012 and February 14, 2012 executive sessions (the “minutes”) were insufficient.

After reviewing the complaint and the Committee’s response, we have decided to resolve this complaint by **informal action**, in accordance with 940 CMR 29.017(2)(a). We find that the Authority violated the Open Meeting Law by failing to include sufficient detail in its executive session minutes, but took appropriate remedial action in response to the complaint.

We find that the minutes were not sufficient for purposes of the Open Meeting Law.<sup>2</sup> The Open Meeting Law requires that a public body “create and maintain accurate minutes of all meetings, including executive sessions, setting forth the date, time and place, the members present or absent, a summary of the discussions on each subject, a list of documents and other exhibits used at the meeting, the decisions made and the actions taken at each meeting, including the record of all votes.” G.L. c. 30A, § 22(a). The minutes should contain enough detail and accuracy so that a member of the public who did not attend the meeting could read the minutes and have a clear understanding of what occurred. OML 2012-29; OML 2011-55. Here, the

<sup>1</sup> For purposes of clarity, we will refer to you in the third person hereafter.

<sup>2</sup> These minutes have been released in their entirety to the public.



original minutes stated, “[a] discussion was held” regarding certain topics, but included little detail about the essence of the discussions. See OML 2012-98, footnote 1 (“minutes that reflect only that “a discussion was held” regarding a particular topic are not sufficiently detailed to allow a person who was not in attendance to determine the essence of the discussion that occurred.”)

In a prior determination, OML 2012-98, our office ordered the release of these particular minutes after finding that the discussions reflected therein were inappropriate for executive session. The minutes were originally drafted by Edward Roderick, Executive Director of the Authority. Upon the filing of this complaint, Mr. Roderick revised the minutes to include, to the best of his recollection, additional details about the discussion that occurred. While the addenda to the minutes are still brief, according to Mr. Roderick they reflect the brevity and generality of the discussion that actually occurred.<sup>3</sup> During a properly posted meeting on February 12, 2013, the Authority approved the addenda to the minutes.

Although the Authority violated the Open Meeting Law by failing to include sufficient detail in its executive session minutes, we find that the Authority took appropriate remedial action in response to the complaint. We order the Authority’s immediate and future compliance with the Open Meeting Law, and caution that future similar violations may be considered evidence of intent to violate the law. With the issuance of this determination, we now consider this matter closed. This determination does not address any other complaints which may be pending with our office or the Authority.

Sincerely,



Hanne Rush  
Assistant Attorney General  
Division of Open Government

cc: J. Elvio Rodrigues  
Yarmouth Housing Authority

**This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by this order may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty one days of receipt of this order.**

<sup>3</sup> While we are satisfied that the addenda were drafted to the best of Mr. Roderick’s ability, we remind the Authority that, while a transcript is not required, public bodies must maintain accurate minutes of the entirety of their deliberations in order to achieve the goal of transparency in the formulation of public policy. See OML 2012- 19.

**NEWTON**  
**PUBLIC SCHOOLS**  
AREA CODE (617) 559-9025

100 Walnut Street, Newtonville, MA 02460

**M e m o r a n d u m**

\*\*\*\*\*

TO: David Fleishman, Superintendent  
School Committee

FROM: Sandra Guryan, Deputy Superintendent/Chief Administrative Officer

DATE: September 15, 2014

RE: School CIP Update for City’s Five-Year CIP

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This memo provides an update on the five-year Capital Improvement Plan (CIP) with a focus on adjustments to school projects. The Executive Department is preparing to submit the CIP to the Board of Aldermen in October 2014. It is anticipated that Board of Aldermen will review and vote on the CIP before the end of fiscal year 2015. The School Administration, Executive Department, Public Buildings Department and City CIP Steering Committee continue to work together throughout the year to assess school projects for risk and prioritization. The attached spreadsheet highlights school-related projects, including mid-range and long-range school construction projects, customary maintenance capital projects and one new short-term project at Newton South.

Short-term, Mid-Range and Long-Range Space Need Projects for FY16-FY20

Recognizing that major school replacements and/or large renovations may require a lengthy timeline to address all needs, the October 2013 CIP included a section on Long-Range Capital Plans that included all the mid-range and long-range projects listed below. Other than timeline adjustments, the only new project is the special education program short-term space needs project for Newton South and the pre-school program.

1. Special Education Program Short-term Space Needs – To address short-term space needs for special need programs at multiple grade levels, funding of \$400,000 is requested for FY16 to relocate four modular classrooms from Zervas to Newton South. An existing corrugated metal building, which houses the HSP special education program as well as school storage, will be demolished as it does not meet building codes and must be replaced. In summer 2015, the metal building will be demolished and three temporary construction trailers will be installed in September 2015, to house the HSP and MSP programs; the MSP is currently in a modular building at the Education Center. Thus, in September 2015 there will be additional classroom space for Newton Early Childhood Program to relocate two remaining pre-school classrooms from Lincoln-Eliot to the Education Center. HSP and MSP programs will move to the new modular space in January 2016 and the temporary trailers will be removed.
2. Pre-School Space Needs Feasibility Study – In order to address the space needs of the growing student population of the Pre-school Program (Newton Early Childhood Program), funding of \$175,000 is recommended to conduct a feasibility study. In the summer of 2014 one new classroom was constructed at the Education Center and a second classroom was relocated from Lincoln-Eliot. Now there are two pre-school program classrooms at Lincoln-



Eliot and ten at the Education Center. This program is expected to grow and has outstripped capacity to provide proper instructional group size. The associated risks of this space deficiency are: non-compliant special education programming and inappropriate learning settings for children requiring an inclusionary environment. The feasibility study will result in possible options for the Pre-school Program.

3. Mid-Range and Long-Range Projects - The following projects were requested by the School Committee and included in Long Range Projection of the CIP presented in October 2013. The FY16 – FY20 funding requests include feasibility studies for smaller mid-range renovation/addition projects, similar to the Day Middle School expansion, and a potential MSBA project. These are:
  - Williams School – \$450,000 to conduct a feasibility study in FY16 with design and construction in FY17 and FY18.
  - Peirce School - \$525,000 to conduct a feasibility study in FY16 with design and construction in FY17 and FY18.
  - Countryside School - \$700,000 to conduct a feasibility study in FY18 with design and construction in FY19 and FY20.
  - Lincoln-Eliot School - \$1,300,000 to conduct a feasibility study FY19, pending submission of a Statement of Interest to the MSBA and possible subsequent invitation into the building process by the MSBA.

#### Customary Maintenance Capital Projects

Roof replacement, generators, boilers, air handlers, windows, masonry and other systems are integrated into the CIP based on assessment of need over the next five years and beyond. The following include modifications or new projects added to those listed in the prior CIP.

1. Energy efficiency projects (priority 5) at school and city buildings have been removed from the Newton Public Schools request list as these projects will be funded by the City as part of the NSTAR preferred vendor program.
2. A new request for replacement of the Day generator has replaced the Horace Mann generator (priority 13) on the FY15 project list due to the fact that the Day generator has exceeded its useful life and should be replaced as soon as possible. The Horace Mann generator appears in the new request list for FY16.
3. The Education Center exterior masonry work project (priority 33) is more specifically defined as the redesign of the entrance and stairway at the Crafts Street parking lot entrance. Funding has been increased from \$124,200 to \$225,000 in FY16.
4. The Newton South controls for HVAC and recommissioning project (priority 77) has been removed from the school CIP list and shifted to the City's energy efficiency projects through the NSTAR preferred vendor program.
5. The Ed Center accessibility upgrades project (priority 96) has been modified to include a new code compliant elevator to provide direct access to the parking lot. The funding estimate has been changed from \$110,872 in FY18 to \$400,000 in the same year.
6. Day and Bigelow water heater replacements are new requests to be added in FY16 as the capacities of these tanks are insufficient to meet needs. Cost estimates are \$100,000 each.
7. The Newton South Library HVAC system equipment and controls are outdated and a new request of \$300,000 for replacement has been added to FY17.
8. A new request is included in FY16 to create one more pre-school toilet room at the Education Center.

FY 2015-2019 CIP School Projects by Priority - Updated Requests for FY15 and FY16-FY20 9.15.14

Key: Risk Factors								ESCALATED COSTS					
61-70								Costs in FY 2016-FY 2019 are escalated 3.5% a year					
51- 60								Total	Total	Total	Total	Total	
41 - 50								\$25,650,000	\$45,281,250	\$38,143,109	\$18,959,076	\$0	
31 - 40													
21 - 30													
Priority Per City	Dept.	Project Title	Project Description - Justification	Estimate Cost in FY 2014	Risk Factor	Funding Source	Prior Year Funding	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>Organized by the City into these Priority Rankings in October 2013</b>													
1	Schools	Angier School Replacement	\$11M anticipated from MSBA. Renovate/replace 92 year old school due to poor condition, aging building systems and inadequate space per State Ed standards.	\$37,500,000	63.1	Bonding/MSBA	\$2,500,000	\$19,500,000	\$16,042,500				
4	Schools	Cabot School Renovation/Replacement	FY 14 feasibility study. Project will address aging systems, access, sprinklers, and space needs. Include cost to move to Carr and back to Cabot. \$7.5M anticipated from MSBA	\$45,000,000	50.0	Bonding/MSBA		\$1,000,000	\$2,587,500	\$26,780,625	\$18,293,845		
6	Schools	Zervas School - Renovation/ Replacement	FY 14 feasibility study. Project to address space needs due to growing enrollment, building systems, access. Include cost to move to Carr and back to Zervas.	\$40,000,000	48.6	Bonding/MSBA	\$1,000,000	\$5,000,000	\$25,875,000	\$9,641,025			
13	Schools	FA Day School - Replace Generator	Generator has exceeded its useful; should be replaced as soon as possible.		47.1	Bonding		\$150,000					
31	Schools	Ed Center - Electrical Upgrades	Upgrade electric service, panels and sub-panels to support IT server room and other building functions.	\$242,000	44.6	Bonding			\$250,470				
33	Schools	Education Center - Exterior Masonry Work	Repair, repoint and clean exterior masonry. This is Phase II of work begun in FY13.	\$200,000	44.1	Bonding	\$80,000		\$124,200				
36	Schools	FA Day School - Replace Boilers	Replace two 60 year old boilers and variable air volume (VAV) coil work	\$495,000	43.8	Bonding			\$401,580	\$114,621			
41	Schools	Horace Mann School - Replace Roof	Replace Total Building 1986 Built up roof area. Roof has reached its life expectancy.	\$400,000	43.5	Bonding			\$414,00				
52	Schools	Bigelow School - Mechanical Upgrades	Two boilers are 54 years old and beyond their useful life. Replace one boiler, storage, and enhance circulation system.	\$450,000	40.8	Bonding				\$482,051			

FY 2015-2019 CIP School Projects by Priority - Updated Requests for FY15 and FY16-FY20 9.15.14

Priority Per City	Dept.	Project Title	Project Description - Justification	Estimate Cost in FY 2014	Risk Factor	Funding Source	Prior Year Funding	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
58	Schools	Lincoln-Eliot - Replace Emergency Generator	Replace emergency generator with smaller unit and install battery back-up emergency egress lighting system.	\$150,000	40.1	Bonding				\$160,684			
72	Schools	Newton South High School - Mechanical Upgrades - Cafeteria	Replace air handlers and roof top equipment, replace hydronic/ACCU system due to burner failures and outdated controls.	\$400,000	37.8	Bonding				\$428,490			
77	Public Buildings	Newton South High School - Controls for HVAC and recommissioning	Install Delta Controls which are incompatible with newer technology. Improve efficiencies by balancing air supply and hydronic systems.	\$500,000	37.8	Bonding				\$535,613			
80	Schools	Ed Center - Mechanical Upgrades	Replace boiler, second boiler and hot water conversion in out years. Boilers are 35 years old.	\$250,000	37.6	Bonding					\$277,179		
89	Schools	Newton South High School - Fire Alarm Upgrades	Upgrade fire alarm system to be fully addressable.	\$150,000	37.3	Bonding					\$166,308		
96	Schools	Ed Center - Accessibility Upgrades	Upgrade elevator, door hardware, and signage for accessibility.	\$100,000	37.1	Bonding					\$110,872		
97	Schools	Burr School - Accessibility Upgrades	Upgrade entrance ramp, elevator, toilet rooms, and door hardware for accessibility.	\$100,000	37.1	Bonding					\$110,872		
<b>Total CIP 2015-2019</b>			<b>Buildings Total</b>	<b>\$125,937,000</b>			<b>\$3,580,000</b>	<b>\$25,650,000</b>	<b>\$45,281,250</b>	<b>\$38,143,109</b>	<b>\$18,959,076</b>	<b>\$0</b>	
<b>UPDATED REQUESTS</b>													
	Schools	Newton South High School - Design and relocate modulars from Zervas for special education program needs	In summer 2015, demo tin building, rent 3 construction trailers to house HSP and MSP programs; install foundations and mechanical systems to accept 4 Zervas modulars in January 2016.			Bonding			\$400,000				
	Schools	Pre-School Program Feasibility Study	Feasibility study of Pre-School space options; e.g. renovation of existing space at the Ed Center, renovation of another building or new construction.			Bonding			\$175,000				
	Schools	Williams School - Mid-Range Renovation/Addition	Feasibility Study/Design and Construction			Bonding			\$450,000	\$7,250,000	\$7,250,000		
	Schools	Peirce School - Mid-Range Renovation/Addition	Feasibility Study/Design and Construction			Bonding			\$525,000	\$8,350,000	\$8,350,000		

FY 2015-2019 CIP School Projects by Priority - Updated Requests for FY15 and FY16-FY20 9.15.14

Priority Per City	Dept.	Project Title	Project Description - Justification	Estimate Cost in FY 2014	Risk Factor	Funding Source	Prior Year Funding	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
	Schools	Countryside School - Mid-Range Renovation/Addition	Feasibility Study/Design and Construction			Bonding					\$700,000	\$9,500,000	\$9,500,000	
	Schools	Lincoln-Eliot School - Renovation/ Replacement	Feasibility Study/Design and Construction			Bonding/MSBA						\$1,300,000		
	Schools	Mason-Rice School - Mid-Range Renovation/Addition	Feasibility Study/Design and Construction			Bonding								
	Schools	Ward School - Renovation/ Replacement				Bonding/MSBA								
	Schools	Horace Mann School - Electrical/Emergency Generator	Replace emergency generator with smaller unit and install battery back-up emergency egress lighting system. Upgrade elec. Service/panels.			Bonding			\$150,000					
	Schools	FA Day School - Replace Water Heater	This should be completed in conjunction with boiler replacements in priority #36 above			Bonding			\$100,000					
	Schools	Newton South High School - Mechanical Upgrades - Library	Replace air handlers and roof top equipment, replace hydronic/ACCU system due to burner failures and outdated controls.			Bonding				\$300,000				
	Schools	Bigelow School - Replace Domestic Water Heater	Two small existing temporary hot water tanks fail to meet hot water needs; new system will include a dedicated 140-degree loop for the kitchen.			Bonding			\$100,000					
Total Updated Requests								\$0	\$1,900,000	\$15,900,000	\$16,300,000	\$10,800,000	\$9,500,000	
<b>GRAND TOTAL PRIOR AND UPDATED REQUESTS</b>								<b>\$3,580,000</b>	<b>\$25,650,000</b>	<b>\$47,181,250</b>	<b>\$54,043,109</b>	<b>\$35,259,076</b>	<b>\$10,800,000</b>	<b>\$9,500,000</b>

## Resolution

Whereas 69 years after the nuclear destruction of Hiroshima and Nagasaki, the specter of nuclear devastation continues to threaten all of humanity; and

Whereas the U.S. Conference of Mayors has repeatedly and unanimously called on U.S. presidents to convene negotiations whose purpose is the elimination of all nuclear weapons; and

Whereas the United States, along with Russia, China, France, and the U.K., has solemnly committed itself to these negotiations in the 1970 Nuclear Non-Proliferation Treaty (NPT), which commitment has been affirmed by the United States Supreme Court; and

Whereas, far from convening negotiations to achieve the elimination of nuclear weapons, the U.S. has embarked on a 30 year, \$1 trillion program, the Nuclear Complex, which will upgrade existing nuclear warheads, and design and build new nuclear submarines, bombers, and missiles; and

Whereas in each year since 2006 the U.S. Conference of Mayors has adopted resolutions supporting the anti-nuclear-weapons program of Mayors for Peace, an association of 6206 cities in 160 countries; and

Whereas the City of Newton has been a member of the Mayors for Peace since 2005; and

Whereas the Mayors for Peace and the U.S. Conference of Mayors have called for taking all nuclear weapons off hair-trigger alert, adopting an airtight No-First-Use policy, never targeting cities, and ending all new nuclear weapons construction programs;

Now, therefore be it resolved that the City of Newton supports the program of the Mayors for Peace and their goal of eliminating all nuclear weapons by 2020; and

Be it further resolved that that the City of Newton calls on President Obama to live up to the NPT binding commitment to engage in international negotiations for the elimination of all nuclear weapons, and

Be it further resolved that the City of Newton urges President Obama to take all U.S. nuclear weapons off hair-trigger alert, and to adopt an unconditional No-First-Use policy, both of which he is empowered to do without congressional action; and

Be it further resolved that the City of Newton calls on President Obama to adopt a formal policy never to target any city for nuclear devastation; and

Be it further resolved that the City of Newton calls on Congress to stop the new Nuclear Complex program, and to devote the resulting \$1 trillion in savings over 30 years to human needs; and

Be it further resolved that the City of Newton send copies of this Resolution to the elected representatives of this municipality, including the U.S. Congressman, the U.S. Senators, and the President, and further to the Boston Globe, the Boston Herald, and the Newton Tab.

*Adopted unanimously by the U.S. Conference of Mayors at its 82<sup>nd</sup> Annual Meeting  
June 23, 2014, Dallas, Texas*

**CALLING FOR CONSTRUCTIVE GOOD FAITH U.S. PARTICIPATION IN  
INTERNATIONAL NUCLEAR DISARMAMENT FORUMS**

**WHEREAS**, Article VI of the Nuclear Nonproliferation Treaty (NPT), which entered into force in 1970, and is part of the supreme law of the land pursuant to Article VI of the U.S. Constitution, states: “Each of the Parties to the Treaty undertakes to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament”; and

**WHEREAS**, in 1996, the International Court of Justice (ICJ), the judicial branch of the United Nations (UN) and the highest court in the world on questions of international law, issued an authoritative interpretation of Article VI, unanimously concluding: “There exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control”; and

**WHEREAS**, forty-four years after the NPT entered into force, an estimated 16,400 nuclear weapons, most held by the U.S. and Russia, pose an intolerable threat to humanity, and there are no disarmament negotiations on the horizon; and

**WHEREAS**, the U.S. and the eight other nuclear weapon possessing states are investing an estimated \$100 billion annually to maintain and modernize their nuclear arsenals while actively planning to deploy nuclear weapons for the foreseeable future; and

**WHEREAS**, the U.S.- Russian conflict over the Ukraine may lead to a new era of confrontation between nuclear-armed powers, and nuclear tensions in the Middle East, Southeast Asia and on the Korean peninsula remind us that the potential for nuclear war is ever present; and

**WHEREAS**, in December 2012, the UN General Assembly established a working group open to all member states (the “Open-Ended Working Group”) “to develop proposals to take forward multilateral nuclear disarmament negotiations for the achievement and maintenance of a world without nuclear weapons,” and scheduled for September 26, 2013 the first-ever High-Level meeting of the UN General Assembly devoted to nuclear disarmament; and

**WHEREAS**, in December 2013, the UN General Assembly adopted a resolution which: “Calls for the urgent commencement of negotiations, in the Conference on Disarmament, for the early conclusion of a comprehensive convention on nuclear weapons to prohibit their possession, development, production, acquisition, testing, stockpiling, transfer and use or threat of use, and to provide for their destruction;”.... “Decides to convene, no later than 2018, a United Nations high-level international conference on nuclear disarmament to review the progress made in this regard;” and “Declares 26 September as the International Day for the Total Elimination of Nuclear Weapons devoted to furthering this objective, including through enhancing public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination;” and

**WHEREAS**, delegations representing 146 States, the UN, the International Committee of the Red Cross, the Red Cross and Red Crescent movement and civil society organizations

participated in the Second Conference on the Humanitarian Impact of Nuclear Weapons held in Nayarit, Mexico, February 13 – 14, 2014, to discuss global and long-term consequences of any nuclear detonation, accidental or deliberate, including impacts on public health, humanitarian assistance, the economy, the environment, climate change, food security and risk management; and

**WHEREAS**, Juan Manuel Gómez Robledo, Mexico’s Vice Minister for Multilateral Affairs and Human Rights, Chair of the Nayarit Conference, concluded: “The broad-based and comprehensive discussions on the humanitarian impact of nuclear weapons should lead to the commitment of States and civil society to reach new international standards and norms, through a legally binding instrument... [The] time has come to initiate a diplomatic process conducive to this goal... compris[ing] a specific timeframe, the definition of the most appropriate fora, and a clear and substantive framework... The 70th anniversary of the Hiroshima and Nagasaki attacks is the appropriate milestone to achieve our goal”; and

**WHEREAS**, August 6 and 9, 2015 will mark the 70<sup>th</sup> anniversaries of the U.S. atomic bombings of Hiroshima and Nagasaki, which killed more than 210,000 people by the end of 1945, while the remaining “hibakusha” (A-bomb survivors) continue to suffer from the physical and psychological effects of the bombings; and

**WHEREAS**, the people of the Republic of the Marshall Islands (RMI) continue to suffer from the health and environmental impacts of 67 above-ground nuclear weapons test explosions conducted by the U.S. in their islands between 1946 and 1958, the equivalent of 1.6 Hiroshima-sized bombs detonated daily for 12 years; and

**WHEREAS**, the RMI on April 24, 2014 filed landmark cases in the ICJ against the U.S. and the eight other nuclear-armed nations claiming that they have failed to comply with their obligations, under the NPT and customary international law, to pursue negotiations for the worldwide elimination of nuclear weapons, and filed a companion case in U.S. Federal District Court; and

**WHEREAS**, the Administration’s FY 2015 budget request for maintenance and modernization of nuclear bombs and warheads, at more than \$8.7 billion, in constant dollars exceeds the amount spent in 1985 for comparable work at the height of President Reagan’s surge in nuclear weapons spending, which was the highest point of Cold War spending; and

**WHEREAS**, this enormous commitment to modernizing nuclear bombs and warheads and the laboratories and factories to support those activities does not include even larger amounts of funding for planned replacements of delivery systems – the bombers, missiles and submarines that form the strategic triad; in total, according to the General Accounting Office, the U.S. will spend more than \$700 billion over the next 30 years to maintain and modernize nuclear weapons systems; the James Martin Center places the number at an astounding one trillion dollars; and

**WHEREAS**, this money is desperately needed to address basic human needs such as housing, food security, education, healthcare, public safety, education and environmental protection; and

**WHEREAS**, the U.S. Conference of Mayors has adopted resolutions each year since 2010 calling for deep cuts in nuclear weapons spending and redirection of those funds to meet the needs of cities and adopted an additional resolution in 2011 “Calling on Congress to Redirect Military Spending to Domestic Needs”; and in 2013 called on the U.S. to participate in good

faith in the UN Open-Ended Working Group and High-Level Meeting on nuclear disarmament, and the Nayarit Conference on the Humanitarian Impact of Nuclear Weapons; and

**WHEREAS**, Mayors for Peace continues to advocate for the immediate commencement of negotiations to eliminate nuclear weapons by 2020 and its membership has grown ten fold since the “2020 Vision Campaign” was launched in 2003, surpassing 6,000 members in 158 countries, representing one seventh of the world’s population; and Mayors for Peace, with members in the U.S. and Russia; India and Pakistan, and Israel, Palestine and Iran can be a real force for peace.

**NOW, THEREFORE, BE IT RESOLVED**, that U.S. Conference of Mayors expresses its deep concern that the UN Open-Ended Working Group on nuclear disarmament and the Nayarit Conference on the Humanitarian Impact of Nuclear Weapons took place without the participation of the U.S., Russia, the United Kingdom, France and China; that at the September 26, 2013 UN High-Level Meeting on nuclear disarmament, the U.S. joined with France and the UK in a profoundly negative statement, delivered by a junior British diplomat: “While we are encouraged by the increased energy and enthusiasm around the nuclear disarmament debate, we regret that this energy is being directed toward initiatives such as this High-Level Meeting, the humanitarian consequences campaign, the Open-Ended Working Group and the push for a Nuclear Weapons Convention”; and that the U.S. voted against the 2013 UN General Assembly resolution calling for urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a nuclear weapons convention; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors calls on the U.S. to participate constructively and in good faith in the Third Conference on the Humanitarian Impact of Nuclear Weapons to be hosted by Austria in Vienna, December 8 – 9, 2014, and to press the other nuclear weapon states to do likewise; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors calls on the U.S. to participate constructively and in good faith in urgent commencement of negotiations in the Conference on Disarmament for the early conclusion of a comprehensive convention on nuclear weapons, and to press the other nuclear weapon states to do likewise; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors commends the Republic of the Marshall Islands for calling to the world’s attention the failure of the nine nuclear-armed states to comply with their international obligations to pursue negotiations for the worldwide elimination of nuclear weapons, and calls on the U.S. to respond constructively and in good faith to the lawsuits brought by the RMI; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors calls on the U.S. to demonstrate a good faith commitment to its disarmament obligation under Article VI of the NPT by commencing a process to negotiate the global elimination of nuclear weapons within a timebound framework, under strict and effective international control, at the May 2015 NPT Review Conference, and to press the other nuclear weapon states to do likewise; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors urges President Obama to engage in intensive diplomatic efforts to reverse the deteriorating U.S. relationship with Russia; and



**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors calls on the President and Congress to reduce nuclear weapons spending to the minimum necessary to assure the safety and security of the existing weapons as they await disablement and dismantlement, and to redirect those funds to meet the urgent needs of cities; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors calls on its membership to Proclaim September 26 in their cities as the International Day for the Total Elimination of Nuclear Weapons and to support activities to enhance public awareness and education about the threat posed to humanity by nuclear weapons and the necessity for their total elimination; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors welcomes the appointment of Akron, Ohio and Mayor Donald Plusquellic as a Mayors for Peace regional lead city, and encourages all U.S. mayors for join Mayors for Peace; and

**BE IT FURTHER RESOLVED**, that the U.S. Conference of Mayors expresses its continuing support for and cooperation with Mayors for Peace.

<i>Submitted by:</i>	Mayor William V. "Bill" Bell Durham, North Carolina	Mayor Frank Ortis Pembroke Pines, Florida
Mayor, Donald L. Plusquellic Akron, Ohio	Mayor Salvatore J. Panto, Jr. Easton, Pennsylvania	Mayor Michael Brennan Portland, Maine
Mayor William D. "Bill" Euille Alexandria, Virginia	Mayor Kitty Piercy Eugene, Oregon	Mayor Gayle McLaughlin Richmond, California
Mayor Denny Doyle Beaverton, Oregon	Mayor Ed Malloy Fairfield, Iowa	Mayor Ardell Brede Rochester, Minnesota
Mayor Mark Kleinschmidt Chapel Hill, North Carolina	Mayor Joy Cooper Hallandale Beach, Florida	Mayor Stephen Cassidy San Leandro, California
Mayor William E. "Bill" Gluba Davenport, Iowa	Mayor Alex Morse Holyoke, Massachusetts	Mayor Pam O'Connor Santa Monica, California
Mayor T.M. Franklin Cownie Des Moines, Iowa	Mayor Mark Stodola Little Rock, Arkansas	Mayor Neil King Taos Ski Valley, New Mexico
Mayor Luigi Boria Doral, Florida	Mayor Paul Soglin Madison, Wisconsin	Mayor Laurel Lunt Prussing Urbana, Illinois
Mayor Roy D. Buol Dubuque, Iowa	Mayor McKinley Price Newport News, Virginia	Mayor Geraldine Muoio West Palm Beach, Florida
	Mayor Chris Koos Normal, Illinois	*Adopted by Leverett, Massachusetts Selectboard, 7/8/14



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#353-14

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(617) 796-1089

E-mail  
swarren@newtonma.gov

September 25, 2014

Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Michael Goldman of 14 Saxon Terrace, Newton Highlands as a member of the Farm Commission. His term of office shall expire July 31, 2017 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren  
Mayor

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Newton City Clerk  
2014 SEP 25 PM 1:39  
David A. Olson, CMC  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

**Michael Edward Goldman, MBA**

14 Saxon Terrace  
 Newton, MA 02461

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**Finance and Administration Professional**

10+ years of management experience, including roles as senior management team member and interim executive director. Highly qualified professional operational functions. Strong analytical and assessment skills. Proven record of developing effective department structures and managing Finance, Human Resource, and IT.

Core knowledge and skill areas:

- Operations assessment
- Financial management and reporting
- Budget development and management
- IT infrastructure and project management
- Risk Management
- Employee Benefits
- Audit and regulatory compliance

**Professional Experience**

**Cambridge Center for Adult Education**, Cambridge, Massachusetts Present  
**Director, Finance & Administration**

**Families First Parenting Programs**, Cambridge, Massachusetts 2001-2014  
**Director, Finance & Administration:** Management team member of non-profit organization working to strengthen families through parenting education and other programs.

- Developed and ran first finance and administration department
- Managed agency annual budgeting, yearly audits, and regulatory filings
- Managed contracts, negotiated with vendors, and supervised agency accounting
- Oversaw agency's risk management activities
- Responsible for agency's human resource function including recruitment, hiring, onboarding, employee health care programs, and pension plan
- Managed technology infrastructure, including network administration and website
- Project managed database development and website redesign projects
- Provided editorial and budgetary assistance to grant writing efforts
- Reported to the Executive Director and served as staff liaison to the Board and Committees
- Served as Interim Executive Director for six-month period

**Columbia Books, Inc.**, Washington, DC 1997-2000  
**President:** Responsible for all operations of twelve person, 35 year-old directory publishing company. Duties included:

- Financial and human resource management
- Information technology
- Marketing and fulfillment
- Strategic planning

Led cost efficient, complete transformation of company's publishing, book fulfillment, and financial management systems. Achieved highest profit levels in company history. Came in as company's first outside executive and retained key personnel throughout tenure.

### Other Relevant Professional Experience

**Toucan Chocolates, Inc.**, Waban, Massachusetts 1991-1996

**President:** Founded chocolate company start-up. Built national distribution for high end products. Managed every function of organization including product development, contracted manufacturing, marketing, production, distribution, and finances. Committed company to environmental awareness through innovative use of recycled packaging materials, product sourcing, and financial support for efforts to preserve rainforests and cultures of people depending on them. Company won awards from gourmet food industry for quality of its products.

**The Altwell Group**, Waltham, Massachusetts 1988-1990

**General Management Consultant:** Provided strategic planning, cost structure evaluation, and operations analysis consulting. Performed competitive overview, evaluated store-level operations and identified major operational improvement opportunities for national retail clients. Observations, presentation to client, and recommendations later proved accurate when rival acquired client. Also provided research for a leasing industry client.

**Heifer Project International**, Bamenda, Cameroon 1981-1985

**Agricultural Advisor:** Countrywide livestock project. Determined returns to farm operations to assess their commercial potential. Developed marketing network and accounting system for dairy cooperative. Produced first commercial marketing of pasteurized milk in Cameroon. Trained farmers, civil servants, and initiated agricultural economic research program for Cameroonian government. Also served as Acting Project Manager.

### Education

**The Amos Tuck School**, Hanover, New Hampshire  
Master of Business Administration

**University of Connecticut**, Storrs, Connecticut  
Master of Science in Agricultural Economics

**Brandeis University**, Waltham, Massachusetts  
Bachelor of Arts in Psychology

### Other

Affiliations                      Finance Committee Member – National Tay-Sachs & Allied Diseases (NTSAD)  
Commissioner – City of Newton Farm Commission



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September 25, 2014

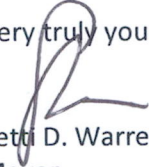
Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Peter Lewenberg of 47 Mary Ellen Road, Newton as a member of the Farm Commission. His term of office shall expire July 31, 2017 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

  
Setti D. Warren  
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.newtonma.gov](http://www.newtonma.gov)



DEDICATED TO COMMUNITY EXCELLENCE

**PETER K. LEWENBERG**  
**47 MARY ELLEN ROAD**

8

### PROFESSIONAL EXPERIENCE

**LAHEY HOSPITAL & MEDICAL CENTER, Burlington, MA** **April, 2012 - present**  
**Associate Director, Major Gifts and Individual Giving**

Responsible for initiating and encouraging a portfolio of philanthropic relationships with grateful patients, relatives and friends of Lahey that will result in ongoing annual and major gift support.

**JOSLIN DIABETES CENTER, Boston, MA** **2009- October, 2011**  
**Development Officer, Major Gifts**

Recruited to help rebuild the Development function by adding proven experience and maturity.

**MASSACHUSETTS INSTITUTE OF TECHNOLOGY, Cambridge, MA** **2005 – 2009**

**Leadership Giving Officer, MIT Office of Leadership Giving**

Responsible for generating and fostering development relationships with MIT Alumni/ae and friends in the New England area that resulted in continuing goodwill and major gift support.

**COMMONWEALTH OF MASSACHUSETTS, Boston, MA** **1999-2004**

**Special Assistant for Partnerships and Marketing, Department of Conservation and Recreation (2003-2004)**

Charged with identifying private-sector partners and funding sources to offset state capital and operating expenses required to sustain conservation and recreation resources. Also responsible for developing marketing initiatives to attract income-generating uses of state-owned properties.

- Worked to integrate management related to Boston Harbor Islands in merger of two state agencies.
- Coordinated state's efforts for conversion of Spectacle Island from a landfill to a new state park.
- Developed the business plan and negotiated a contract with Harbor Express to create a self-sustaining water transportation system to ferry visitors to and among the Boston Harbor Islands.

**Special Assistant to the Secretary, Executive Office of Environmental Affairs (1999-2003)**

Represented the Commonwealth in working with a unique partnership of public and private interests in the development and management of the Boston Harbor Islands National Park Area. Responsible for facilitating this complex partnership of federal, state and local agencies, nonprofit organizations, an advisory board, various Friends groups and community collaborations.

- Served as point-person for successful effort to create a conservation easement on Thompson Island.
- Helped raise \$10 million in funds for the Island Alliance, the non-profit park fundraising and business management organization legislated by Congress.
- Identified the opportunity to capture \$5.3 million in mitigation funds from a settlement with Duke Energy.
- Played a leadership role in creating a branding strategy for achieving the park's marketing and promotional objectives through graphics and free media.
- Worked with state's Congressional delegation to identify funds to remediate environmental contamination on Gallops Island in order to return it to public use.

**MAI-ALPER, INC.**, Framingham, MA

**1970-1999**

**Vice President, Specialty Foods** (1990-1999)

Built department into industry-recognized premier specialty foods marketer by attracting leading brands, launching multiple new products and categories and obtaining strong retail placement.

**Vice President, Frozen Foods** (1985-1990)

Promoted to stabilize leadership and build on previous gains. This department was the second largest contributor to profit and fastest growing part of the brokerage business.

**Vice President, Dairy** (1984-1985)

Launched this business for Alper and quickly built it into a significant revenue generator.

**Account Executive, Wholesale Sales** (1976-1984)

Managed all relationships and activity between manufacturers and broker. Consistently exceeded sales quotas.

**Sales Administration** (1972-1976)

Supervised order processing, credits and promotions; analyzed sales; computerized sales reporting.

**Retail Territory Manager** (1970-1972)

Provided retail coverage of more than 60 supermarkets.

### PROFESSIONAL AFFILIATIONS

Planned Giving Group of New England (PGGNE) (2005 - 2011)

Council for Advancement and Support of Education (CASE) (2005 - 2009)

Grocery Manufacturers Representatives of New England (1985-1999)

President (1991-1992); Treasurer (1989-1991); Chair, Scholarship Committee (1992-1999); Chair, Speakers Committee (1985-1988)

Frozen Food Association of New England (1985-1990)

### COMMUNITY/VOLUNTEER ACTIVITIES

Board of Directors, **Discovering What's Next (DWN)** (2008 - 2014)

Mentor, **MIT Venture Mentoring Service** (2005 - 2009)

Commissioner (Chairman '05-'08), **Newton Farm Commission**, City of Newton, MA (2005- Present)

Board of Overseers, **Newton-Wellesley Hospital Care System** (2002-2014)

Board of Advisors, **Center for Public Policy and Administration**, UMass, Amherst (2003-2007)

Ad hoc Committee on Athletics, **University of Massachusetts** (2003-2004)

Evaluated 1-A football initiative at UMass Amherst

Board of Trustees, **University of Massachusetts System** (1991-2002)

Vice Chair (1999-2000); Chair, Presidential Search Committee (1995); Chair, Audit Committee (1992); Chair, Building Authority (1995-2002); Chair, Committee on Athletics (1992-1995); Vice Chair, Committee on Academic Affairs, Student Affairs and Athletics (1999-2000); Executive Committee (1993-1994); Member, Medical School Clinical Management Board (1991-1993); Member, UMass/Memorial Hospital Management Board (1994-1999); Member, Committee on Administration and Finance (1991-1995, 1996-1998); Member, Committee on Academic and Student Affairs (1995-1997, 2000-2001); Member, External Affairs Committee (1994-1995)

Chair, Food Industry Team, **Combined Jewish Philanthropies** (1985-1990)

Board of Directors, **Boston Aid to the Blind** (1980-1985)

### EDUCATION

**BS**, Agriculture and Food Economics, **University of Massachusetts**, Amherst, MA (1969)

Distinguished Senior Award; Who's Who Among Students in American Universities

### CERTIFICATIONS

**USCG Master Certification** – Merchant Mariner Credential



SETTI D. WARREN  
MAYOR

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David A. Olson, CMC  
Newton, MA 02459

September 25, 2014

Honorable Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Marian Knapp of 250 Hammond Pond Parkway, Newton as a commissioner and chairperson of the Newton Council on Aging. Her term of office shall expire September 1, 2017 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren  
Mayor





**Marian Leah Knapp, Ph.D.**  
 250 Hammond Pond Parkway, 706N  
 Chestnut Hill, Massachusetts 02467

### **PERSONAL STATEMENT**

I have had a varied career both in organizations and as an independent consultant. Much of my work over the past 20 years has been to facilitate multi-disciplinary teams that are working to make improvements in health and social well-being at the community level. Although I have worked on many different issues during that time, for the past 15 years, my growing emphasis has been on aging with a focus on determining how communities can help older adults age effectively in the environment of their choice. I have chosen this area of work and study because of my personal experiences as a caregiver of elders and in acknowledgment of my own aging. My observations about these processes led me to complete a Ph.D. and become involved in my community as an activist, advocate, commentator, and writer on diverse aspects of aging.

### **EDUCATION**

- B.A., English Literature, Boston University, Boston, MA, 1960
- M.A., Anthropology, Hunter College, New York, NY, 1973
- Ph.D. , Environmental Studies, Antioch New England Graduate School, Keene, NH, 2009  
*Dissertation: Aging in Place in Suburbia: A Qualitative Study of Older Women*

### **EMPLOYMENT HISTORY**

#### **1996 - Present: Facilitator for community health, healthcare, and quality of life initiatives**

- Facilitates multi-disciplinary teams in community coalitions, community health centers, public health agencies, and public schools.
- Selected projects have included identifying community assets for seniors, falls in the elderly, Boston elder survey, identification of women at risk for domestic violence, health care for the homeless, and care at the end of life.

#### **1996 - 2004: Simmons College, Graduate School for Health Studies**

- Learning for Action Institute: Co-founder, Senior Advisor and faculty member. Community projects through LAI were conducted in Lynn, Chelsea, and Mattapan (Boston). The Mattapan project is ongoing.

#### **1992 - 1996: Institute for Healthcare Improvement, Boston, Massachusetts**

- Program Director - Community Health Improvement
- Community-based Breakthrough Series Collaborative: Preventing Motor Vehicle Injuries
- Community-wide Health Improvement Learning Collaborative
- Program Manager - Interdisciplinary Professional Education
- Operations Director, Institute for Healthcare Improvement

#### **1980 - 1992: Harvard Community Health Plan, Boston, Massachusetts**

- Director, Quality-of-Care Measurement

**RELEVANT AND RECENT COMMUNITY INVOLVEMENT:**

- Newton Council on Aging Advisory Board Member: Appointed in 2008.
- Newton Council on Aging, Commissioner: Appointed Chair, September 2011.
- Newton Council on Aging Commissioner: Reappointed Chair, by Mayor Warren, September 2014.
- Co-leader of "LiNCC-AGEs" a Newton initiative to foster collaboration among agencies that serve seniors – 2009 to present.
- Organized & compiled survey on community assets available for Newton Seniors – 2010.
- Team Member/Co-leader: Newton Department of Senior Services – Strategic Plan with SOAR.
- Team Member/Co-leader: Newton Department of Senior Services and Newton Council on Aging. Survey "*Living and Aging in Newton: Now and in the Future*" with University of Massachusetts Boston, Center for Social & Demographic Research on Aging.

**Relevant and Recent Presentations**

- Panelist: "Life's Transitions: Future Focus" series at the Newton Free Library - 2011
- Leader of "Future Focus" discussion groups at the Newton Senior Center to help seniors plan their own futures - 2011
- Beth Israel Hospital Nurses' Alumnae Association. Presentation with J. Colino: May 5, 2012
- Panelist: Living and Aging in Newton

**RELEVANT AWARDS**

- T. Leon Nicks Exemplary Service Award, Mattapan Community Health Center – 2008

**Recent RELEVANT PUBLICATIONS**

- *Aging in Places: Reflective Preparation for the Future*. Book, Loagy Bay Press, 2014.
- Aging in Places: Newton TAB Columnist from 2010 to present. Articles on multiple aspects of aging. A complete listing is available upon request.

**PROFESSIONAL MEMBERSHIPS**

- Massachusetts Gerontology Association
- Multicultural Coalition on Aging

**INTERESTS AND GOALS – I wish to:**

- First, bring an articulate and thoughtful voice of an aging person into important discussions about understanding and planning for getting older,
- Second, work at the community level to find innovative ways to support people whose goal it is to age effectively in the settings of their choice,
- Third, help older individuals and their families find ways to comfortably address issues and decisions they may face in the future,
- Fourth, raise awareness about the complexity of aging,
- Fifth, understand the needs of seniors and be an advocate for meeting those needs, and
- Finally, find ways to engage older adults as assets to be involved in their communities as educators, activists, and decision makers around issues that impact their well-being.