

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

WEDNESDAY, MAY 22, 2013

7:45 PM  
Room 222

**ITEMS SCHEDULED FOR DISCUSSION:**

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

- #138-13      HIS HONOR THE MAYOR requesting authorization to appropriate an amount that is yet to be determined from bonded indebtedness for the purpose of funding the Carr School renovation project. [03/25/13 @ 3:58 PM]
- #187-13      DAVID A. OLSON on behalf of BEAUTIFUL NEWTONVILLE seeking approval from the Board of Aldermen as required by the City Charter, Article 9, Section 7(b), of the date of October 1, 2013 as the official election day for the Newtonville Area Council, and to allow early voting on September 29 and 30, to coincide with Newtonville Village Day. [05-06-13]
- #335-12      DAVID OLSON requesting a discussion of Mayor Warren's Executive Order #1 which authorizes the use of remote participation for City Boards and Commissions as it relates to and effects the Board of Aldermen's Committee and Full Board meetings, and to make any necessary changes to the Board Rules to allow and regulate remote participation should it be deemed acceptable. [10/3/12 @ 4:56PM]
- #111-13      CLERK OF THE BOARD requesting a change in the Board of Aldermen Rules & Orders to define which committee Community Preservation Committee appointments should be referred. [03/05/13 @ 12:46 PM]
- #130-13      ALD. JOHNSON & LAPPIN requesting a change to the Board Rules, Article I, Section 3. Referral of business to Committees, paragraph D., to increase the majority vote to a greater than majority vote. [03/18/13 @ 9:39 PM]
- #49-13      ALD. SANGIOLO, on behalf of Gary Rucinski, 40 Clearwater Road, Newton Lower Falls, requesting discussion and consideration of a letter of support to Congress for Carbon Fees. [01/30/13 @ 10:31 AM]

---

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

**REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES**

- #315-12     ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process.  
[10/02/12 @ 3:37PM]

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

- #245-06     ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.  
**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

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

- #273-08     ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]  
**FINANCE VOTED NO ACTION NECESSARY on 3/8/10**

**NOT YET SCHEDULED FOR DISCUSSION:**

#95-13      HIS HONOR THE MAYOR, SETTI WARREN AND BOARD PRESIDENT, SCOTT LENNON seeking an amendment to Chapter 12, Section 68 of the Newton City Ordinances to increase the number of members of the Health Care Advisory Committee if there are any concerns relative to the composition of the committee. [02/25/13 @ 2:24 PM]

Appointment by the President of the Board

#91-13      MARK WENNEKER, 223 Upland Road, Newtonville, appointed as a member of THE HEALTH CARE ADVISORY COMMITTEE for a term to expire February 25, 2016. (60 days 05/03/13) [02/25/13 @ 5:06 PM]

#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]

#7-13      HIS HONOR THE MAYOR seeking Home Rule Legislation relative to the acquisition from the Commonwealth of the Waban Hill Reservoir located on Manet Road. [12/31/12 @ 12:50 PM]

#336-12      HIS HONOR THE MAYOR, ALD. BAKER, FULLER AND LAREDO, requesting a discussion to include possible uses, process, timeline, opportunity for community input and funding sources, with the affected neighborhood community and with members of the Board of Aldermen, on the potential acquisition for passive or active recreational uses of the five acre parcel in Ward 7 on Manet Road currently held by the MWRA as an obsolete open water reservoir.

#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 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      ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton. [07/18/12 @ 4:34 PM]

- #230-12      ALD. SANGIOLO requesting the establishment of guidelines and policies regarding the creation of Neighborhood Area Councils particularly with respect to (1) boundary delineations and (2) description of area council authority. [08/06/12 @ 4:39PM]
- #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.

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

- #165-12      HIS HONOR THE MAYOR submitting (1) the report prepared by Kopelman & Paige PC, the consultant engaged to review the city's election procedures, and (2) proposing that Charter Sections 2-1(b) and 4-1(b) be amended to establish a particular date by which nomination papers are made available. [05/25/2012 @ 1:35PM]
- #144-12      ALD. HESS-MAHAN proposing to repeal the time restrictions for filing special permit applications/site plan reviews for Major Projects during July and August in Article X Section 5 of the Rules and Orders of the Board of Aldermen.
- #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]
- #68-12(2)      ALD. YATES, MERRILL requesting that a detailed inventory of the more than 100 photographs, paintings, drawings and other images of the Civil War, World War I, World War II in the office section of the War Memorial Hall be prepared and a plan be developed for their public display in whole or in part before or during the city's observance of the 150<sup>th</sup> anniversary of the Civil War through 2015 and the centennial of World War I from 2014-2015. [03/23/12 @ 1:43 PM]
- #68-12      ALD. YATES, MERRILL asking that the Executive Department develop a detailed plan for the storage of the veterans archives currently housed in the War Memorial that allows for proper access to the records by veterans, their families, and historians, both amateur and professional. [03/05/12 @ 9:40 PM]
- #67-12      ALD. ALBRIGHT seeking a discussion with the Executive Department regarding a plan and timeline for funding an archivist/records manager position for the city to oversee the preservation, cataloguing, and organization of the city archives; provide guidance and assistance to city departments that are maintaining their own archives in order to ensure that records are preserved, accessible, and maintained; and, plan for future storage needs as the collection continues to expand. [03/12/12 @ 10:28 AM]

**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]

**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]
- FINANCE VOTED NO ACTION NECESSARY on 10/12/11**  
**PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 11/18/11**

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

- #245-10 ALD. SCHNIPPER requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #322-12(2) HIS HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY14 Municipal/School Operating Budget totaling \$331,073,197 passage of which shall be concurrent with the FY14-FY18 Capital Improvement Program (#322-12). [04-08-13 @ 6:03 PM]
- EFFECTIVE DATE OF SUBMISSION: 04/16/13; LAST DATE TO PASS THE BUDGET 05/31/12

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 PM]

Respectfully Submitted,

Amy Mah Sangiolo, Chairman

#138-13

Telephone  
(617) 796-1100

Facsimile  
(617) 796-1113

TDD/TTY  
(617) 796-1089

E-mail  
swarren@newtonma.gov



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

March 25, 2013

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

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to authorize the appropriation of an amount that is yet to be determined (\$xxx) from bonded indebtedness for the purpose of construction of the Carr School renovation project.

This request will be amended to include the exact cost of the project following the public bid opening on May 14, 2013.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Setti D. Warren", written over the word "Sincerely,".

Setti D. Warren  
Mayor

RECEIVED  
Newton City Clerk  
2013 MAR 25 PM 3:58  
David A. Olson, CMC  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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

DEDICATED TO COMMUNITY EXCELLENCE





Setti D. Warren  
Mayor

## PUBLIC BUILDINGS DEPARTMENT

Joshua R. Morse, Interim Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

March 25, 2013

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

Re: Construction Funding Request for the Carr School Renovation Project

Dear Mayor Warren:

The Public Buildings Department requests construction funds for the Renovation of the Carr School in preparation for its use as swing space for the Angier School construction project. The funding amount is not yet known, but the file sub-bids are due 5/14/13, and the general contractor bids are due 5/24/13. This letter is in preparation for previously scheduled meetings of the various Aldermanic committees occurring after the bids are due. The intent is to amend the docket item in committee once the construction costs are known.

Sincerely,

Joshua R. Morse  
Interim Public Building Commissioner

CC: Robert Rooney, Chief Operations Officer  
Maureen Lemieux, Chief Financial Officer

May 15, 2013

Program and Services Committee

Newtonville proposes to have voting for its area council on our Village Day, Sunday, September 29, noon to five pm. Volunteers will man village day voting. Voting will take place under the Austin St. bus station. We also propose to have two follow-up days of voting directly at city hall during normal operating hours for the election office: Monday, Sept. 30, 8:30 am to 5:00 pm, and Tuesday Sept. 31, 8:30 am to 8:00 pm. We consider this a trial to increase voter participation and awareness of the new area council.

Our reasons for not having area council elections at the time of aldermen elections in November is as follows:

1. Low turn out for aldermen elections
2. Newtonville area council service area covers all of two precincts and most of two other precincts. David Olsen has said that it is difficult logistically and financially to have area council voting at more than one precinct
  - a. One precinct would include about 1400 people
  - b. Low turnout (20% ?) for aldermen elections would mean that at most 280 people would show up to vote at one polling station.
  - c. This would bias voting in favor of that one polling station, as we don't expect many people to vote for their aldermen then go someplace else to vote for area council.

We have received approval from David Olsen, Steve Linsky, Ana Gonzalez and Linda Plaut.

Sincerely,

Joy Huber



**By His Honor  
Setti D. Warren  
Mayor**

**Executive Order No. 1**

**ORDER REGARDING REMOTE PARTICIPATION  
FOR MEMBERS OF PUBLIC BODIES OF THE CITY OF NEWTON**

WHEREAS, the Open Meeting Law was enacted to ensure transparency in government by allowing the public to witness the deliberations of public bodies;

WHEREAS, the Office of the Attorney General for the Commonwealth of Massachusetts has promulgated regulations in relation to the Open Meeting Law in order to permit the public to participate in local government through access to deliberations;

WHEREAS, the City of Newton is committed to promoting transparency in government;

WHEREAS, the City of Newton is dedicated to fostering an environment that allows its residents to participate in various boards, commissions, committees and other public bodies.

NOW THEREFORE, I, Setti D. Warren, Mayor of the City of Newton, as authorized by 940 CMR 29.10, do hereby order as follows:

**Section 1:**

This Executive Order shall apply to all Boards, Commissions, Committees, and any other public body of the City of Newton subject to the requirements of the Open Meeting Law at M.G.L. c. 30A §§18-25.

**Section 2:**

The public bodies of the City of Newton, and individual members thereof, shall comply with the requirements of the regulations promulgated by the Attorney General's Office at 940 CMR 29.10, as amended.

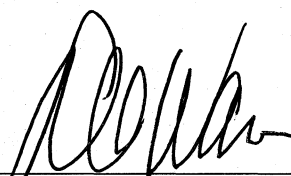
**Section 3:**

The public bodies of the City of Newton, and individual members thereof, shall comply with the City of Newton Open Meeting Remote Participation Policy, established pursuant to this Executive Order.

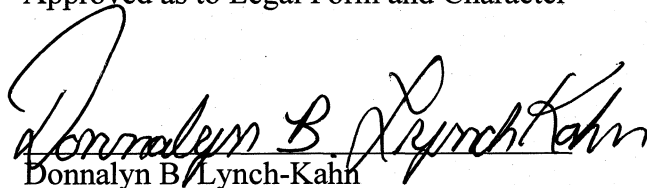
Section 4:

This Executive Order shall take effect immediately and shall continue in effect until amended, superseded or revoked by subsequent Executive Order.

Given at the Office of the Mayor of the City of Newton this 14<sup>th</sup> day of September, 2012.

  
\_\_\_\_\_  
Seth D. Warren,  
Mayor

Approved as to Legal Form and Character

  
\_\_\_\_\_  
Donnalyn B. Lynch-Kahn  
City Solicitor

## **The City of Newton Open Meeting Remote Participation Policy**

### **I. INTRODUCTION**

The City of Newton, as a municipal government, relies on the active participation of its residents in the various boards, commissions, and committees of the City. These positions require a high level of commitment in order for the proper administration of municipal affairs. The boards, commissions, and committees are often a bridge between the people of the City of Newton and the inner workings of City government.

While the Office of the Attorney General strongly encourages physical participation in all public meetings required of a public body member, remote participation may be available under certain circumstances. Because of the requirements of the Open Meeting Law, participation in public meetings has, until recently, mandated the physical presence of public body members. However, in recognition that current technology allows for a virtual presence that is commensurate with the intention of the Open Meeting Law, the Office of the Attorney General has amended the regulations promulgated under the Open Meeting Law to permit remote participation in meetings of public bodies. 940 CMR 29.10. Remote participation is intended to facilitate the promotion of transparency in government, ensuring that deliberations of public bodies are open to all.

This Policy, which is adopted in accordance with Executive Order dated September 14, 2012, expresses the permitted parameters of remote participation for all public bodies of the City of Newton. This Policy shall be reviewed periodically and may be updated or amended at any time, as required by law, or in the discretion of the Mayor.

### **II. DEFINITIONS**

Remote participation: the involvement of a member of a governmental body, subject to the Open Meeting Law, in a public meeting by means of telephone, internet, or satellite when such member cannot physically attend the public meeting due to a specifically enumerated reason, as found by the Chair or designated Chair of a public body.

### **III. SCOPE OF APPLICABILITY**

This policy shall apply to all boards, commissions, and committees of the City of Newton. The individual boards, commissions, and committees may, by vote, opt out of this policy, and prohibit its members from participating remotely.

### **IV. POLICY STATEMENT**

By Executive Order dated September 14, 2012, all public bodies of the City of Newton subject to the Open Meeting Law at M.G.L. c. 30A §§18-25 shall be entitled to engage in remote participation.

Remote participation is not intended to be a substitute for physical participation, but may only be used in extreme circumstances. Members of the various boards, commissions and committees of the City of Newton are strongly encouraged to attend all public meetings. However, the City acknowledges that, from time to time, circumstances arise which preclude participation at every meeting. For this reason, the City permits participation for members of public bodies via telephone, internet, or satellite, under certain circumstances.

Remote participation under this policy is intended to further the purpose and intention of the Open Meeting Law. Transparency in government, involvement by residents at every level of government, and promotion of frank and candid discussions about governmental operations are all furthered by the ability of officials to participate in public meeting even when physically impossible to do so.

## **V. RESPONSIBILITY**

At all times, public bodies of the City of Newton shall adhere to the requirements of the Open Meeting Law, the Regulations promulgated thereunder, and the Guidelines issued by the Division of Open Government of the Office of the Attorney General. M.G.L. c. 30A §§18-25; 940 CMR 1.00, et seq.

In accordance therewith, at any meeting in which a member of a public body participates remotely, the Chair, or designated Chair, upon a request by a member of a public body, must make a determination for the record that the physical presence of a member of a public body would be unreasonably difficult.

In making this determination, the Chair may consider the following factors:

- 1) personal illness of the public body member;
- 2) physical disability;
- 3) emergency;
- 4) military service;
- 5) prohibitive geographic distance.

## **VI. REQUIREMENTS OF THE LAW**

In addition to the responsibilities of the Chair or designated Chair, the following requirements are mandatory before a member of a public body may participate remotely:

- All members of the public body, whether participating actually or remotely, must be audible to each other.
- A quorum of the public body must be physically present at the open meeting.
- The quorum must include the chair, or one who is authorized to chair the meeting.
- The chair or authorized acting chair must announce the name of the remote participant and the reason for remote participation, for inclusion into the minutes.

## 29.10: Remote Participation

(1) Preamble. Remote participation may be permitted subject to the following procedures and restrictions. However, the Attorney General strongly encourages members of public bodies to physically attend meetings whenever possible. By promulgating these regulations, the Attorney General hopes to promote greater participation in government. Members of public bodies have a responsibility to ensure that remote participation in meetings is not used in a way that would defeat the purposes of the Open Meeting Law, namely promoting transparency with regard to deliberations and decisions on which public policy is based.

(2) Adoption of Remote Participation. Remote participation in meetings of public bodies is not permitted unless the practice has been adopted as follows:

(a) Local Public Bodies. The Chief Executive Officer, as defined in [M.G.L. c. 4, sec. 7](#), must authorize or, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that authorization or vote applying to all subsequent meetings of all local public bodies in that municipality.

(b) Regional or District Public Bodies. The regional or district public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(c) Regional School Districts. The regional school district committee must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(d) County Public Bodies. The county commissioners must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of all county public bodies in that county.

(e) State Public Bodies. The state public body must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(f) Retirement Boards. A retirement board created pursuant to [M.G.L. c. 32, sec. 20](#) or [M.G.L. c. 34B, § 19](#) must, by a simple majority, vote to allow remote participation in accordance with the requirements of these regulations, with that vote applying to all subsequent meetings of that public body and its committees.

(3) Revocation of Remote Participation. Any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) may revoke that adoption in the same manner.

(4) Minimum Requirements for Remote Participation.

(a) Members of a public body who participate remotely and all persons present at the meeting location shall be clearly audible to each other;

(b) A quorum of the body, including the chair or, in the chair's absence, the person authorized to chair the meeting, shall be physically present at the meeting location, as required by [M.G.L. c. 30A, sec 20\(d\)](#);

(c) Members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of [M.G.L. c. 39, sec. 23D](#).

(5) Permissible Reasons for Remote Participation. If remote participation has been adopted in accordance with 940 CMR 29.10(2), a member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), if the chair or, in the chair's absence, the person chairing the meeting, determines that one or more of the following factors makes the member's physical attendance unreasonably difficult:

(a) Personal illness;

(b) Personal disability;

(c) Emergency;

(d) Military service; or

(e) Geographic distance.

(6) Technology.

(a) The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. Accommodations shall be made for any public body member who requires TTY service, video relay service, or other form of adaptive telecommunications.

(i) telephone, internet, or satellite enabled audio or video conferencing;

(ii) any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.

(b) When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.

(c) The public body shall determine which of the acceptable methods may be used by its members.

(d) The chair or, in the chair's absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

(e) The amount and source of payment for any costs associated with remote participation shall be determined by the applicable adopting entity identified in 940 CMR 29.10(2).

(7) Procedures for Remote Participation.

(a) Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

(b) At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. This information shall also be recorded in the meeting minutes.

(c) All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

(d) A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless presence of that person is approved by a simple majority vote of the public body.

(e) When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with [M.G.L. c. 30A, sec. 22](#).

(8) Further Restriction by Adopting Authority. These regulations do not prohibit any person or entity with the authority to adopt remote participation pursuant to 940 CMR 29.10(2) from enacting policies, laws, rules or regulations that prohibit or further restrict the use of remote participation by public bodies within that person or entity's jurisdiction, provided those policies, laws, rules or regulations do not violate state or federal law.

(9) Remedy for Violation. If the Attorney General determines, after investigation, that 940 CMR 29.10 has been violated, the Attorney General may resolve the investigation by ordering the public body to temporarily or permanently discontinue its use of remote participation.



having jurisdiction of the same, may be considered by the Committee on Finance in advance of the presentation thereof to the Board of Aldermen.

- (d) All budget transfers or appropriations of less than fifty thousand dollars (\$50,000) and all requests for changes to a funding source for previously discussed items shall be routinely referred only to the Finance Committee, except that if upon notification by the clerk's office the Chairperson of a corresponding substantive committee requests that the item be jointly referred, such requests shall be honored.

B. All appointments requiring confirmation or rejection by this Board shall be referred to the committee to which such matters relate. All such appointments shall be confirmed or denied by the Board of Aldermen within sixty (60) days following the publication of the Docket on which said appointment first appears.

C. Any other new business that does not fall within the jurisdiction of the six established standing committees as described above shall be referred by the President to such committees as he/she deems appropriate, including the Committee of the Whole; however, upon objection by a member of the board, such referral shall be subject to appeal to the Board who can vote to reassign such new business to an alternate committee or committees. In the event that the President wishes to refer new business that is within the jurisdiction of the six standing committees to a special committee or to the Committee of the Whole, the item shall be placed on second call by the Clerk of the Board and the decision on the referral shall be subject to a majority vote of the Board.

D. No petition addressed to the Board, the subject matter of which has been disposed of during the preceding 12-month period, shall be referred to any committee except by majority vote of the Board. Refusal to refer it to a committee shall constitute a denial of the petition on the ground that no further action by the Board is deemed necessary.

E. The President shall refer appeals from a Traffic Council decision to the Public Safety and Transportation Committee. At the discretion of the President, any such appeal may also be jointly referred to an additional committee or committees in the event such committee has, or committees have, substantive jurisdiction over the subject matter of the appeal.

F. The Chairman of each committee may appoint sub-committees of the committee's members to consider specific matters and make recommendations to the committee.

G. Matters relating to the status of items previously passed by the Board of Aldermen, excluding land use board orders, should first be discussed with the Chair of the substantive committee that originally heard the item to review the status of the item. If further discussion is warranted, the Chair of the substantive committee, in consultation with the President of the Board, will docket the request. The docket item will be heard in the committee within 60 days. Once the item has been taken up, the committee must complete their review within 90 days.

H. Items docketed by the Committee on Community Preservation for approval by the Board of Aldermen will be referred to the appropriate standing committee/s.



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

WEDNESDAY, FEBRUARY 20, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan, Rice, Blazar and Baker  
Absent: Ald. Fischman; One vacancy  
Also Present: Ald. Johnson, Harney, Laredo and Crossley  
Others Present: John MacGillivray (Veteran's Agent), David Olson (City Clerk/Clerk of the Board), Robert Rooney (Chief Operating Officer), Marcia Cooper (Green Decade Newton), Karyn Dean (Committee Clerk)

**EXCERPT:**

#49-13      ALD. SANGIOLO, on behalf of Gary Rucinski, 40 Clearwater Road, Newton Lower Falls, requesting discussion and consideration of a letter of support to Congress for Carbon Fees. [01/30/13 @ 10:31 AM]

**ACTION:**      **HELD 6-0**

**NOTE:** Mr. Rucinski addressed the Committee. He explained that he has been working with an organization called Citizen's Climate Lobby (CCL) for the past 2 years. They are a 5-year old national non-profit organization that focuses on federal level action to achieve a sustainable environment. CCL believes the most important step that needs to be taken, bar none, is to put a price on carbon. The reason for that is fossil fuels today are inexpensive and easy to dig out of the ground for the most part because there is an infrastructure in place and the technology is well known. It will take a great effort to overcome the incumbency of those technologies in the energy market today. The federal government cannot do this because there is not the political will nor the resources to put into renewable energy to overcome the advantages that fossil fuels have right now. CCL feels that the free market needs to get involved in addressing climate change through development of measures around conservation, efficiency and renewable energy. The way to get the free market involved in anything is to offer them money.

The proposal the CCL has been pursuing and a number of conservative economists have supported is the concept of artificially causing the price of fossil fuels to go up gradually over time by putting a fee at the source such as the well, the mine, the port, etc., and allowing that consequent energy price inflation to work its way through the value chain. Eventually it will show up in retail prices for energy and energy intensive products. Then 100% of the proceeds of that fee would be returned to households on a flat basis. The reason for this model is that it's very easy to do. It's something the government has demonstrated they can do and administratively it's not very expensive. The carbon tax is basically an energy tax as long as our energy is based on fossil fuels and energy taxes are very regressive. Lower income households put a larger fraction of their income towards energy than higher income households. With this model, about 60% of households come out ahead or break even, and 40% of households on the upper end of the income spectrum break even or come out a bit behind. That seems fair because

we assume they have the means to deal with that. What CCL proposes for a schedule is \$15 per ton of CO2 emissions inherent in the fuel, so coal will incur a larger fee than oil, oil will incur a larger fee than gas. The fee would be increased by \$10 a year, every year, until emissions reach sustainable levels, which they believe to be 20% of 1990 levels. Putting the price into the market will stimulate a huge amount of private investment from people who are waiting to go in and develop clean energy, conservation technologies, more efficient appliances, cars and buildings, etc. There is currently a disincentive to that because the return on investment just is not there because fossil fuels are so cheap and volatile.

CCL is looking for organizations and influential individuals around the country to sign a letter of support calling for Congress to put a fee on carbon to curb climate change. Mr. Rucinski is asking the Board to put their name on the letter of support so that when they go to Washington in June, they can tell the elected officials that there is positive support from this community. There was a bill in the House of Representatives last year very similar to this and it will be re-submitted this year. Bernie Sanders and Barbara Boxer are now exploring the possibility of a carbon fee bill, not quite as generous as the CCL proposal, but a good start. There is a bill on the state level by Senator Mike Barrett and Tom Conroy that will put a tax on carbon and put the money into infrastructure development. CCL is talking to them as well and they are hoping to have some impact at the state level.

Ald. Linsky asked why the money was not targeted for energy use when it is refunded to the households. Mr. Rucinski said they like this plan because it keeps them out of the business of saying who the winners and losers are in the market space. In the first year, they estimate an individual share of the proceeds would be about \$150 a year. A household might take that and put it towards whatever they need, but he thinks it's better to let the free marketplace operate. Some of the money will go into things that aren't energy related, however, people who have already made investments in energy conservation by putting in insulation or solar panels, etc. would be penalized if they only received an energy-related voucher because they have already made their investments. They deserve to reap that profit.

Ald. Baker said the other model would be cap and trade. That raises the cost of emissions of these kinds by putting a cap on them and then using the free market at that level. Mr. Rucinski said their major objection to cap and trade is that it is isolated to specific sectors. All of those bills would be applicable to emitters of a certain size and it leaves out everybody else. CCL thinks in order to be effective, an economy wide solution needs to be in play which includes individual households and large power plants and everyone in between. Cap and trade necessitates a lot of unnecessary economic activity. You would have to start auditing emissions and trust in the integrity of the auditors and put additional equipment on to monitor emissions. Putting the price on at the point of origin avoids that. You will get to the same place without all the middlemen. Ald. Baker said the carbon fee model does not deal with the extraction consequences. Mr. Rucinski said trying to stop every problem associated with the extraction of fossil fuels would be outside the scope of this. CCL wants to act quickly to stop the growth in emissions and begin to get on the downside of the emissions curve. Some controversial extraction methods may continue to go on, but putting more restrictions into the bill will limit its ability to be successful. CCL is trying to keep this a very simple and clean bill.

Ald. Blazar asked where he might find more information on this bill so that he could understand it more clearly. Mr. Rucinski directed him to [www.citizensclimatelobby.org](http://www.citizensclimatelobby.org). There was a report done in England a couple of years ago that said climate change is the largest free market failure in history. The reason for that is because the externalities of using fossil fuels are not reflected in their prices. If you fix that, then the free market self-corrects. Carbon taxes are being used in British Columbia, Australia, China (they will cap emissions as well), Sweden and more. Most of those places have capped their fee at \$30 a ton but CCL is proposing starting at \$15 and increasing it by \$10 each year until the emissions are at the desired level. There will be no cap on the fee. The market will determine where it will stop. Returning the money to households keeps all the money in the free market.

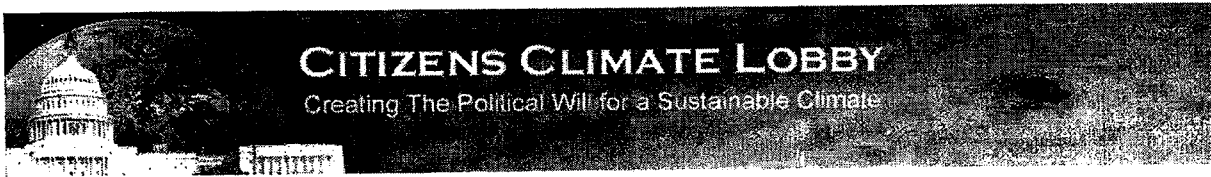
Ald. Baker said he was skeptical that the added cost would be significant enough to bring about the desired outcome. Some of those funds could be recycled back into an energy investment that would make an alternative easier to get. He's not sure the fees should go back to households as a rebate. He did not feel he could vote for this right now. He agrees with the goal, but is not sure this model is what he would support.

Ald. Sangiolo suggested that the Committee members look at the website for more information. Information from the website is attached to this report. The Committee is sympathetic to the concept but would like to hold this until they are better informed. The Committee voted to hold this item.

Respectfully Submitted,

Amy Mah Sangiolo, Chairman





## The Carbon Fee and Dividend Act of 2010

### Proposed Findings:

1. **Causation:** Whereas the weight of scientific evidence indicates that greenhouse gas emissions from burning fossil fuels and other sources are causing rising global temperatures,
2. **Mitigation (Return to 350 ppm or Below):** Whereas the weight of scientific evidence also indicates that a return from the current concentration of more than 387 parts per million ("ppm") of carbon dioxide ("CO<sub>2</sub>") in the atmosphere to 350 ppm CO<sub>2</sub> or less is necessary to slow or stop the rise in global temperatures,
3. **Endangerment:** Whereas further increases in global temperatures pose imminent and substantial dangers to human health, the natural environment, the economy and national security and an unacceptable risk of catastrophic impacts to human civilization,
4. **Co-Benefits:** Whereas the measures proposed in this legislation will benefit the economy, human health, the environment and national security, even without consideration of global temperatures, as a result of advances in clean-energy technology, reductions in non-greenhouse-gas pollutants, reducing the outflow of dollars to oil-producing countries and improvements in the energy security of the United States,
5. **Benefits of Carbon Fees:** Whereas phased-in carbon fees on fossil fuels (1) are the most efficient, transparent and enforceable mechanism to drive an effective and fair transition to a clean-energy economy, (2) will stimulate investment in clean-energy technologies by insuring that fossil fuels lose their competitive price advantage over clean energy within a 10-15 year time frame, and (3) give all businesses powerful incentives to increase their energy-efficiency and reduce their carbon footprints in order to remain competitive,
6. **Equal Monthly Per-Person Dividends:** Whereas equal monthly dividends (or "rebates") from carbon fees paid to each American household can help insure that families and individuals can afford the energy they need during the transition to a clean energy economy and the dividends will stimulate the economy,

### Therefore the following legislation is hereby enacted:

1. **Collection of Carbon Fees/Carbon Fee Trust Fund:** Beginning on July 1, 2011, impose a carbon fee on all fossil fuels at the point where they first enter the economy. The fee shall be collected by the Internal

Revenue Service. The fee on that date shall be \$15 per ton of CO2 equivalent emissions and result in equal charges for each ton of CO2 equivalent emissions potential in each type of fuel. The Department of Energy shall propose and promulgate regulations setting forth CO2 equivalent fees for other greenhouse gases including methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons (HFCs) emitted as a byproduct, perfluorocarbons, and nitrogen trifluoride. The Internal Revenue Service shall also collect the fees imposed upon the other greenhouse gasses. All fees are to be placed in the Carbon Fees Trust Fund and be rebated 100% to American households as outlined below.

2. **Ensuring that Clean Energy Become Competitive Within a Ten year Time Frame:** The yearly increase in carbon fees including other greenhouse gasses, shall be at least \$10 per ton of CO2 equivalent each year to ensure that fossil fuel energy loses its competitive price advantage with respect to the clean energy technologies we have today, including, at a minimum, wind, geothermal and industrial solar energy, within 10 years of the date of enactment. Annually the Department of Energy shall determine whether an increase larger than \$10 per ton per year is needed to achieve program goals. Yearly price increases of at least \$10 per year shall continue until total U.S. CO2-equivalent emissions have been reduced to 10% of U.S. CO2-equivalent emissions in 1990.
3. **Equal Per-Person Monthly Dividends Payments:** Equal monthly per-person dividend payments shall be made to all American Households (1/2 per child under 18 years old, with a limit of 2 children per family) each month beginning on August 28, 2011. The total value of all monthly dividend payments shall represent 100% of the total Carbon Fees collected per month.
4. **Border Adjustments:** In order to ensure that U.S.-made goods can remain competitive at home and abroad and to provide an additional incentive for international adoptions of carbon fees, Carbon-Fee-Equivalent Tariffs shall be charged for goods entering the U.S. from countries without comparable Carbon Fees/Carbon Pricing. Carbon-Fee-Equivalent Rebates shall be used to reduce the price of exports to such countries and to ensure that U.S. goods can remain competitive in those countries. The Department of Commerce will determine rebate amounts and exemptions if any.
5. **Phase Out of Fossil Fuel Subsidies:** All existing subsidies of fossil fuels including tax credits, shall be phased out over the 5 years following enactment.
6. **Moratorium on New or Expanded Coal-Fired Power Plants:** Beginning on the date of enactment, there shall be no new coal-fired power plants permitted, constructed, or operated. There shall also be no expansions in capacity of any existing coal power plants permitted, constructed, or operated. And any previously permitted coal-fired power plants that have not yet been constructed or put into operation prior to the date of enactment shall not be put into operation and shall not be further constructed.
7. **Seeking Treaties:** The President in consultation with the United States Department of State shall seek treaties with other countries that encourage adoption of programs similar to the ones provided for in this Act to reduce CO2 and other greenhouse gas emissions in other countries.

[Abridged from Laurie Williams and Allan Zabel (510) 390-4224 [Williams.zabel@gmail.com](mailto:Williams.zabel@gmail.com)]

Global Climate Change Indicators, National Oceanic and Atmospheric Administration, National Climatic Data Center <http://www.ncdc.noaa.gov/indicators/>

Proposed legislation by Rep. Larson (D-CT) H.R. 1337 America's Energy Security Trust Fund Act, and by Rep. Inglis (R-SC) H.R. 2380 Raise Wages Cut Carbon Act, reflects an approach very similar to this.

## Congress: Put a fee on carbon to curb climate change

Nearly all the scientific experts agree on the basics of climate change. The Earth is warming. Humans are doing it. It's already harming us and other species. If we continue burning fossil fuels at recent rates, it poses far more dangerous and significant risks for our children and grandchildren. We are approaching a dangerous threshold whereby, if it is crossed, the earth will simply take the controls out of our hands, and tropical forests, peat bogs, permafrost and the oceans will switch from absorbing carbon to releasing it.

We still have time to act—if we start in this decade. We know what to do. We have affordable, practical solutions that don't require great sacrifice. We can adopt a balanced approach. We can cut energy demand with efficiency innovations and some additional conservation, and we can scale up energy supplies with existing alternative technologies that don't burn carbon.

Our first step has to be a big one. We can act fast enough to avoid the worst impacts of global warming only if we put a federal fee on carbon-based fuels that reflects their true costs to society.

There is an emerging consensus among economists that the smartest approach is to enact a consumer-friendly carbon fee in the following way:

- **Goal.** Reduce 2005 emissions levels 80% by 2050. It's based on our best science, and adequate to do the job.
- **Start small, increase predictably.** Increase the fee slowly but steadily until we hit our emission goals. Businesses need predictable energy prices. The economy needs a smooth transition.
- **Easy to administer at home and to emulate abroad.** The fee is collected only once—at the first point of sale—the mine, wellhead or border crossing. We already collect sales taxes at these locations. It doesn't repeal, prevent or discourage any other private, state, regional, national or international strategies from reducing greenhouse gas emissions using other taxes, tradable permits, regulations or subsidies to alternative fuels. Also, it works in countries with diverse economies.
- **Revenue neutral.** All the fees are returned to citizens to mitigate the economic impact. Government keeps none of the funds.
- **Protects the vulnerable.** For most Americans, refunds match or exceed direct and indirect costs from rising energy prices.
- **Protects business** from unfair domestic and international competition using border taxes and credits.
- **Doesn't play favorites.** Lets markets and localities pick the winning technologies.

For the good of our nation, and to preserve a livable world for future generations, we urge our Representatives in Congress to enact this revenue-neutral fee on carbon.

**For organizations, businesses, faith communities:**

NAME OF ORGANIZATION	CITY	CONTACT (NAME AND EMAIL)
----------------------	------	--------------------------

**For individuals:**

NAME	ORGANIZATION	CITY	EMAIL
------	--------------	------	-------