

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

WEDNESDAY APRIL 11, 2012

7:45 PM Room 222

ITEMS SCHEDULED FOR DISCUSSION:

- #114-11(2) ALD. HESS-MAHAN & ALD. SALVUCCI requesting a discussion on the definition of “tot lot” in the ordinance and whether there are other play areas/structures which should be protected from the presence of dogs.
- #37-12(2) PROGRAMS AND SERVICES COMMITTEE requesting a discussion to consider the creation of a three-man tree crew to be under the control of the Parks and Recreation Department. [02/09/2012 @ 11:02AM]
- #84-12 HIS HONOR THE MAYOR requesting that the Board accept G.L. c. 138 §33B to allow the Board of License Commissioners to grant the sale of alcoholic beverages on Sundays starting at 10:00 a.m. [03/26/2012 @ 4:37PM].
- #85-12 ALD. LENNON & LAPPIN requesting a review and possible ordinance amendment to review and adjust the salary of the Clerk Clerk/Clerk of the Board of Aldermen pursuant to Article XI of the *Rules and Orders of the Board of Aldermen 2012-2013* [03/26/12 @10:25 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]
- #68-12(2) ALD. YATES 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 150th anniversary of the Civil War through 2015 and the centennial of World War I from 2014-2015. [03/23/12 @1:43PM]

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, contact the Newton ADA Coordinator Trisha Guditz at 617-796-1156 or tguditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#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]

CHAIRMAN'S NOTE: PLEASE NOTE THE CHAIR OF THE COMMITTEE HAS REQUESTED ADDITIONAL INFORMATION TO BE PROVIDED PRIOR TO TAKING UP BOTH ITEMS #205-11 AND #39-12.

#205-11 ALD. SANGIOLO, GENTILE, HARNEY, LINSKY requesting a discussion with the School Committee regarding a proposal to enter into contractual relationships with the Newton Schools Foundation to sell naming rights on behalf of the Newton Public Schools. [06/22/2011 @ 8:32AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#39-12 HIS HONOR THE MAYOR requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]

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

#367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
(B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]
(A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.
(B1) \$923,375 for installation of 4 modulares was approved on July 11, 2011

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

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

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

#367-10(B2) – \$3,169,463 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems was held on December 19, 2011.

NOTE: Item amended as shown below to reflect the following request for funding from the remaining \$3,169,463:

#367-10(B2D) – One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools.

PUBLIC FACILITIES APPROVED 7-0 on 02/22/2012

FINANCE APPROVED 6-0 on 02/27/12 (Gentile not voting)

APPROVED 3-0-3 (Ald. Linsky, Blazar, Sangiolo abstaining)

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

PUBLIC FACILITIES HELD 7-0 on 02/22/12

FINANCE APPROVED 6-0 (Gentile not voting) on 02/27/12

PROGRAMS & SERVICES HELD 6-0

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]

#207-08(2) PROGRAMS & SERVICES COMMITTEE requesting discussion with the Executive Department and various City Department heads regarding use of debt exclusions to address city needs. [03-14-11 @ 10:26AM]

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 10/12/11PUBLIC FACILITIES VOTED NO ACTION NECESSARY on 11/18/11

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

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

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 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

- #298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend **Article 2, Section 2-1(c) Composition; Eligibility; Election and Term** of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]
FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

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

- #89-08 ALD. PARKER requesting the following:
- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
 - B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
 - C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.

[02/13/08 @ 12:07 PM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

PUBLIC FACILITIES NO ACTION NECESSARY ON 11/3/10

REFERRED TO PROG & SERV. AND PUB. FACIL. COMMITTEES

#99-11

ALD. ALBRIGHT, JOHNSON, DANBERG requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Departments of Public Works, Parks & Recreation, Executive and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program.

PUBLIC FACILITIES COMMITTEE APPROVED 4-0 on 10/5/2011

Respectfully Submitted,

Amy Sangiolo, Chairman

84-12
84-12



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Office of the Mayor

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Newton, MA 02459

RECEIVED
Newton City Clerk

MAR 26 PM 4: 37

SETTI D. WARREN
MAYOR

March 26, 2012

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

Re: Acceptance of Amendment to M.G.L. c 138, Sale of Alcoholic Beverages on Sundays

Ladies and Gentlemen:

This letter is submitted to request that as a City, we "opt into" the statute giving the Licensing Board of Commissioners the authority to grant the sale of alcoholic beverages on Sundays starting at 10:00 a.m. Currently our laws allow for sale commencing at 11:00 a.m. on Sundays, but neighboring municipalities already offer the sale earlier as allowed by law, thereby diminishing our business opportunities for brunches and large private functions.

After discussion with local businesses and restaurant owners, it has been made clear to me that this initiative will help keep our businesses competitive by encouraging the booking of Sunday functions in our fine restaurants. It should be noted that the Licensing Board will retain the authority to grant this additional one hour of sale of alcoholic beverages on Sunday for specific licensees on a case-by-case basis. Our acceptance of this Statute merely allows the Board of Commissioners to make that decision.

This allowance will promote a further sense of vitality on Sundays for so many of our Newton restaurants and as such, I encourage your support by opting into this Statute. Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

Encl.



Timothy P. Cahill
Treasurer and Receiver General

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Kim S. Gainsboro
Chairman

THE ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY

Effective July 1, 2010, the legislature passed a new law authorizing Local Liquor Licensing Authorities ("LLA") to allow M.G.L. c. 138, §12 licensees to sell alcoholic beverages at 10 a.m. on Sundays. This law amends M.G.L. c 138, §33B by allowing each city or town to "opt into" the new law giving their LLA discretion to grant an additional one (1) hour of sale of alcoholic beverages on Sundays, now starting at 10 a.m. to any or all of the §12 licensee in their community. Cities and towns should check with their counsel to determine the procedure required to "opt into" this new law. ABCC approval for these discretionary hours of sale is not required; but as always the LLA must forward an informational "Form 43" with the Sunday hours of sale to the ABCC.

Each §12 licensee should consult with their LLA to determine the necessary steps to get permission to sell alcoholic beverages at 10 a.m. on Sundays. A §12 license holder who is denied the discretionary hour of sale may not appeal that denial to the ABCC.

All licensees should ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, M.G.L. c. 138, §64, and that sales of alcoholic beverages take place only on the days and hours last approved by the LLA.

NO §12 LICENSEE HAS THE RIGHT TO SELL ALCOHOLIC BEVERAGES EXCEPT DURING THE HOURS THE LLA PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010. ANY LICENSEE WHO SELLS BEFORE THE HOURS OF SALE PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010 BY THE LLA VIOLATES THE LAW AND FACES DISCIPLINARY ACTION FROM THE LLA BY SUSPENSION, REVOCATION, CANCELLATION OR MODIFICATION OF THE LICENSE IN ADDITION TO ARREST AND CRIMINAL PROSECUTION FOR THE ILLEGAL SALE OF ALCOHOLIC BEVERAGES.

Individuals with questions concerning this Advisory and the new Sunday Sales law may contact, the ABCC at 617-727-3040 x 31.

(Issued: Friday, July 02, 2010)



THE 187TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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PART I	ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)	PREV	NEXT
TITLE XX	PUBLIC SAFETY AND GOOD ORDER	PREV	NEXT
CHAPTER 138	ALCOHOLIC LIQUORS	PREV	NEXT
Section 33B	Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 10:00 A.M. and 12:00 noon	PREV	NEXT

Section 33B. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

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DEPARTMENT: 503. VETERANS' SERVICES

OVERALL RATINGS:

HISTORICAL IMPORTANCE: 3

CONDITION OF RECORDS: 1

CONDITION OF STORAGE: 1

Types of Records: Massachusetts Municipal Retention Schedules 01, 25

Contact Person: John MacGilvray and Pat Sweeney

Where Stored? Three rooms, 1st floor of City Hall

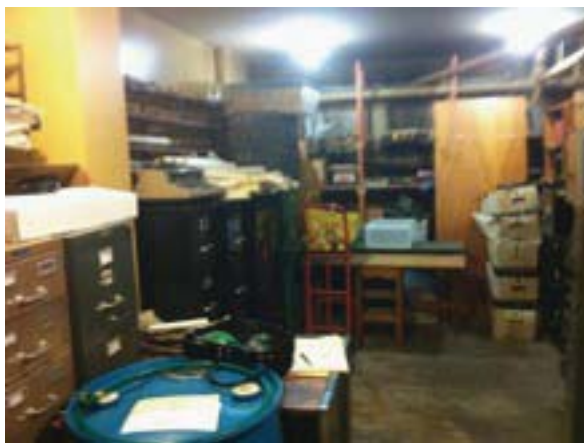
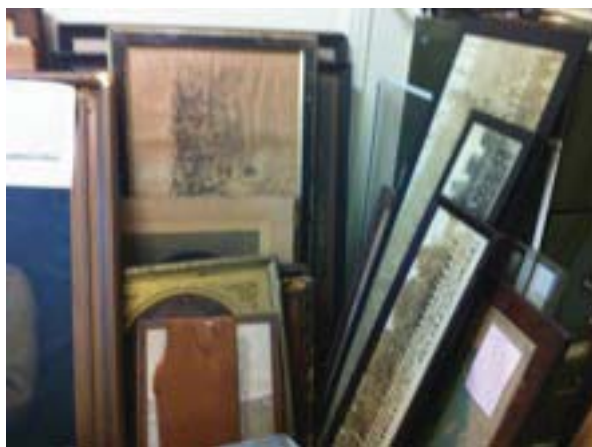
Dates: @1870--present

Estimated Cubic Feet: @140

Information entered onto inventory database? Yes

Notes: As mentioned above, conditions are not good in these rooms, particularly the one that says "American Legion" on the door, where water damage has caused plaster to fall onto a desk and records. In the room located between the ladies and men's room at the end of this corridor, obvious water damage was not apparent but there are pipes running through the top of the ceiling. Records that have been left out, uncovered, are in poor condition. Some of the oldest show evidence of past water damage and are extremely dirty. Although there are empty file cabinets in some of these rooms, records have been left out, on desks, in shopping bags, and in other inadequate storage containers. In addition, there are paintings and framed photographs and awards stacked on the floors. It is unclear if all the Veterans Case files must be kept; the Retention Schedules allow them to be destroyed 20 years after the last assistance was granted, "provided no indications of dependent claims in the future" but department staff do not know how this decision could be made and thus keep the files.

Recommendations: The Veteran's Case files should be examined to see if they need to be kept; it appears they might be eligible for destruction. There are many other materials in these rooms that are historically important and these should be cleaned and transferred to the City Archives.



Historical photographs are stacked on the floor in one storage room (left); in another room there are many photographs on open shelves.