

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY MAY 23, 2012

Present: Ald. Sangiolo (Chairman), Linsky, Baker, Fischman, Rice, Blazar

Absent: Ald. Hess-Mahan, Merrill

Also present: Ald. Harney, Schwartz, Kalis, Fuller, Laredo, Albright, Swiston, Johnson

Staff: Ouida Young (Associate City Solicitor), Bob DeRubeis (Commissioner, Parks and Recreation), Rebecca Smith (Committee Clerk)

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

#367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
(B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]
(A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.
(B1) \$923,375 for installation of 4 modulares was approved on July 11, 2011
(B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.
(B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.
(B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.
(B2D) One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools to be voted 03/05/12.
#367-10(B2) – \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.

**PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON
4/18/2012**

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: The committee moved to NAN the item just as public facilities has done so that a new item can be docketed. The motion to hold carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#103-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of fifty thousand dollars (\$50,000) from Free Cash and two hundred fifty-eight thousand dollars (\$258,000) from receipts reserved for the purpose of purchasing the necessary capital equipment to establish a 3-man tree maintenance crew. [04-09-12@ 2:48 PM]

ACTION: **APPROVED 6-0**

NOTE: Bob DeRubeis, Commissioner of Parks and Recreation, joined the Committee to present this item. Commissioner DeRubeis explained that he would like to access \$308,258 in tree ordinance money (from the trees removed by the Chestnut Hill Square project) and \$50,000 from Free Cash. With this money, the Parks and Recreation Department is proposing to purchase a bucket truck, a log loader, a chip truck and a chipper. He is hoping to get all these items from the \$308,258. These pieces would be used equipment but would fulfill the need and would accomplish the necessary tasks. An RFP has already been setup for a log motor and bucket truck. Marc Welch will work with a couple different groups to secure the rest of the equipment. The Commissioner explained that to purchase new equipment would cost in the realm of \$385,000.

Ald. Rice moved approval of the item which carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#132-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred twelve thousand six hundred sixty-six dollars (\$212,666) from 2011-2012 E-Rate Reimbursements Funds for the purpose of school technology purchases. [04/30/12 @ 5:08 PM]

ACTION: **APPROVED 5-0-1 (Linsky abstaining)**

NOTE: Leo Brehm, Director of IT Newton Public Schools, explained that the School Department uses the e-Rate funds to supplement the cost of updating our networks for the school district. The equipment in the middle schools is approximately 10 years old. This money will provide for a start in bringing us up to today's standards in all 4 middle schools. The motion to approve was made by Ald. Baker. The motion carried 5-0-1 with Ald. Linsky abstaining.

Public hearing held on:

#123-12 CAROLYN WONG et al. filing with the City Clerk on April 24, 2012 a Neighborhood Area Council Petition, with 255 qualified signatures, pursuant to article 9-3 of the City Charter, requesting the Board of Aldermen to hold a public hearing to establish a Newton Centre Neighborhood Area Council. [04-24-12 @ 2:33PM]

ACTION: **HELD 6-0; HEARING CONTINUED TO JUNE 6TH**

NOTE: Hal Alberson 126 Sumner Street presented the item to the committee, speaking on behalf of the group working to create the area council. He explained that over the last few days the proponents have been hearing that there are others who want to join in. He is happy to hear of the desire to join and encourages people to be in contact

with him and the other members. Carol Somers, 11 Marshall Street, was present and notified attendees that she had a sign-up sheet for interested parties to record their contact information. Mr. Abelson also expressed his interest in hearing from the Committee about the proper procedure for these processes. Ald. Sangiolo followed this comment by reading a memo from the Law Department about the process for these council petitions. That memo is attached to this report. Ouida Young (Associate City Solicitor) clarified the approval process for the committee, stating that if the Board wanted to make modifications it could do so in 1 vote; the vote would be one of Approval as amended. She agreed with Alderman Baker that it would make no sense to approve and then immediately modify. Attorney Young also explained that there is nothing in the charter that states that if the Board of Aldermen alters the boundaries that signatures are then also required; the Board has the discretion to make amendments of this nature. However, if the proposal is approved and the council wants to subsequently amend it then the council is responsible for getting the necessary (20%) signatures. This is the distinction drawn between initial creation and amended boundaries.

A number of residents attended the meeting for the purpose of discussing this item. The overwhelming majority, less the residents who initiated the creation of the area council, supported the idea of the Newton Centre Area Council but took issue with the limited boundaries proposed for it. The majority of those attending expressed their interest to also be included and to not limit the voice of the council to such a select few. Members of the public providing this perspective included: Linda Plaut, 84 Hancock Avenue; Maura Sullivan, 19 Brentwood Avenue; Claudia Morris 227 Pleasant Street; Natasha Stahler, 120 Herrick Road; John Sisson, 42 Greenlawn Ave; Anna Mersky 179 Grant Avenue.

Those who initiated the petition explained that it was never meant to be an exclusionary process but rather they wanted to get the ball rolling on this council without having to obtain such an overwhelming amount of signatures (petitioners must obtain a number of signatures equal to 20% of the population included in the proposed council bounds). Members of the public who expressed this position were: Greg Tong, 76 Elgin Street; Amanda Heller, 46 Pelham Street; Steven Syler, Dedham Street, Carol Somers, 11 Marshall street, Hal Abelson 126 Sumner Street
Some additional speakers included the following:

Dan Proskauer 240 Derby Street, who was observing for the sake of the impending West Newton Area Council. He stated his appreciation for walking the fine line of being all inclusive and of starting small so that the upstart is more manageable.

George Mansfield 312 Lake Avenue, expressed his approval and support of the work that Ald. Rice and others have done to make seamless boundaries between Upper Falls and Waban so no one is left out. He urges the same consideration when setting up the Newton Centre Area Council.

Following the public hearing portion of the evening, Ald. Baker made the motion to hold the item and continue the hearing until the June 6 meeting of the Programs and Services Committee. The Committee also requested more guidance and clarification from the Law Department as to the proper procedure that must be taken should the item be approved as is or should the Board use their power to expand the boarders.

Ald. Baker's motion carried unanimously.

#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]

ACTION: **HELD 6-0**

Please note: The Chair will provide a detailed report on this item for the Board by Monday night's meeting.

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]

ACTION: **HELD 6-0**

NOTE: See note for item #205-11.

#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]

ACTION: **HELD 6-0**

NOTE: The item was held due to the hour at which the discussion for the naming right's item concluded. The item will be taken up again at the June 6th meeting of the Programs and Services Committee.

Respectfully Submitted,

Amy Sangiolo, Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

2012 APR 12 PM 12:05

David A. Olson, CMC
Newton, MA 02459

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

April 11, 2012

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

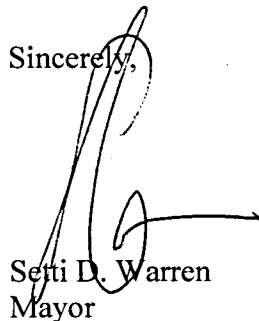
Ladies and Gentlemen:

I write to request an appropriation of \$308,000 for the purpose of purchasing forestry equipment to fulfill the intention of the FY13 budget which creates a 3-man crew in the Division of Urban Forestry. I would ask that the appropriation be split as follows: \$50,000 from Free Cash, \$258,000 from Receipts Reserved Account.

The City has received a check from the Chestnut Hill Square development which has been deposited it in Receipts Reserved as it exceeds the statutory limit for revolving expenditures for any one department set at 1% of the City's total revenue. Short of reducing spending limits for many of the revolving accounts in the Department, the only way for the Parks and Recreation Department to access this money would be to request an appropriation of this nature.

This appropriation will only be implemented with Board approval of the additional forestry crew, which is indicative of the proactive efforts by the Commissioner and the urgency of the City's needs in this area. I look forward to discussion this important initiative with you. Thank you for your consideration of this matter.

Sincerely,



Setti D. Warren
Mayor

Cc: Maureen Lemieux, Chief Financial Officer
Bob DeRubeis, Commissioner of Parks and Recreation Department



SETTI D. WARREN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

124 Vernon St, Newton, MA 02458
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



NEWTON
Parks & Recreation
ROBERT J. DERUBEIS
COMMISSIONER

April 11, 2012

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

RECEIVED
Newton City Clerk
2012 APR 12 PM 12:05
David A. Olson, CMC
Newton, MA 02459

Dear Mayor Warren:

I am writing to respectfully request an appropriation in the amount of \$308,000 for the purpose of purchasing equipment necessary to support the Forestry 3-Person crew which is proposed in the FY13 budget. This equipment is necessary for the crew to carry out the vital functions required of this crew and has a longer lead time associated with it due to bidding processes that need to be followed.

As will be discussed in this year's budget presentation, this initiative will dramatically improve the operations and responsiveness of the forestry issues in the City, reversing a multi-year (and growing) backlog of work requests while saving the City operational funds. The City has recently received payment in the amount of \$258,000 from the Chestnut Hill Square development project to jump-start the purchase of this equipment. Our department intends to purchase the following equipment:

<u>Equipment</u>	<u>Estimated Cost</u>
Aerial Bucket Truck	\$100,000
Log Loader	\$120,000
Chip/Dump Truck	\$60,000
Chipper/ Grinder	\$28,000
Total:	\$308,000 (includes contingency)

It is understood that no actual purchase will occur until passage of the FY13 budget should the Honorable Board not approve the increased FTE's in the Division of Urban Forestry. Should you have any questions pertaining to this request, I'd be happy to answer them.

Sincerely,

Robert J. DeRubeis

Robert J. DeRubeis
Parks & Recreation Commissioner

COMMISSION
MEMBERS

WARD 1 - BETHEL CHARKOUDIAN
WARD 2 - ARTHUR MAGNI, CHAIRMAN
WARD 3 - PETER JOHNSON

WARD 4 - FRANCIS J. RICE
WARD 5 - WALTER S. BERNHEIMER II
WARD 6 - ANDREW STERN

WARD 7 - RICHARD TUCKER
WARD 8 - KATHLEEN A. HEITMAN, VICE-CHAIR
SECRETARY-ROBIN MCLAUGHLIN

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE, DONALD FISHMAN

WWW.NEWTONMA.GOV/GOV/PARKS

Comptroller City of Newton

From: Evelyn Martucci <emartucci@sullivan-rogers.com>
To: Comptroller City of Newton <dwilkinson@newtonma.gov>
Date sent: Thu, 31 May 2012 10:11:13 -0400
Subject: RE: Single audit question- federal e-rate discounts

Hi Dave,

I hope all is well with you too.

You are correct not reporting the E-Rate reimbursements on the SEFA. The FCC considers the reimbursements to be discounts provided to schools and libraries rather than direct financial support, and therefore they are not considered federal grant revenue. Also, since the reimbursements go directly to the vendors and are not passed through to the schools and libraries from the federal agency, they have not been given a CFDA number and are exempt from Single Audit requirements.

Please let me know if you have any additional questions regarding the E-Rate reimbursements, or any other matters related to the SEFA or Single Audit.

Have a good day.

Evelyn Martucci
Compliance Supervisor
Sullivan, Rogers & Company, LLC
Corporate Place I, 99 South Bedford Street, Suite 204
Burlington, MA 01803
P: (781) 229-5600
C: (978) 430-2885
F: (781) 229-5610
emartucci@sullivan-rogers.com
www.sullivan-rogers.com

From: Comptroller City of Newton [dwilkinson@newtonma.gov]
Sent: Wednesday, May 30, 2012 5:44 PM
To: Evelyn Martucci
Cc: dwilkinson@newtonma.gov
Subject: Single audit question- federal e-rate discounts

Evelyn,

I hope all is well with you.

Newton public schools and libraries have been receiving E-Rate rebates each year since the late 1990's, but we've never included such funds on our schedule of federal financial assistance.

All reimbursements from technology vendors are credited to the Receipts Reserved for Appropriation Fund and at the end of each fiscal year the Mayor and Board approve a general fund school technology appropriation.

I think we're ok on this because I don't think the funds are technically grant funds, but wanted to double check with you on this.

Thank you.

David Wilkinson, Comptroller
City of Newton, Massachusetts
(617) 796-1305
dwilkinson@newtonma.gov

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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swarren@newtonma.gov

April 30, 2012

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

RECEIVED
Newton City Clerk
2012 APR 30 PM 5:08
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

On behalf of the School Committee I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$212,666 for school technology purchases from 2011-2012 E-Rate Reimbursements Funds.

The request from the School Committee and the recommended uses for the E-Rate funds are attached.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov

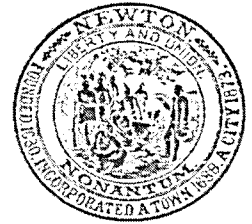


DEDICATED TO COMMUNITY EXCELLENCE

Ward
I Geoffrey Epstein
II Jonathan Yeo
III Angela Pitter-Wright
IV Diana Fisher Gombert
V Steven Siegel
VI Claire Sokoloff, Chairperson
VII Matthew Hills, Vice-Chairperson
VIII Margie Ross Deeter

Newton School Committee
100 Walnut Street
Newtonville, MA 02460
Tel (617) 559-6110
Fax (617) 559-6101
www.newton.k12.ma.us
schoolcommittee@newton.k12.ma.us

Mayor Setti Warren
Ex officio



April 24, 2012

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

Dear Mayor Warren:

At the meeting of 4/23/12, the School Committee voted to approve the request for \$212,666 from E-Rate funds collected during FY12 to date, for school technology to update the middle schools network infrastructure, as outlined in the attached memoranda.

This request and the recommended uses for the funding are within the prescribed process and policy on use of E-rate funds, as referenced in the attachments.

The Committee requests that you docket this before the Board of Aldermen for their approval. Please do not hesitate to contact me if you have any questions.

Sincerely,

Claire Sokoloff,
Chairperson

c: Superintendent David Fleishman
Sandra Guryan, Deputy Superintendent/Chief Administrative Officer
Leo Brehm, Director of Information Technology
David Wilkinson, Comptroller
Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer

Atts.

CS/djr

NEWTON PUBLIC SCHOOLS

100 Walnut Street, Newtonville, MA 02460

AREA CODE (617) 559-9025

Memorandum

TO: David Fleishman, Superintendent
School Committee

FROM: Sandra Guryan, Deputy Superintendent/Chief Administrative Officer

DATE: April 20, 2012

RE: E-Rate Funds for School Technology Spending

This memo serves as a request that the School Committee make a request of the Mayor that E-Rate funds collected through April 2012 be appropriated to the School Department.

Attached is a detailed request from Leo Brehm, Director of Information Technology and Libraries, for school technology purchases to be made using the funds received from E-Rate (Universal Service Discount) reimbursements. The new items will be used to upgrade the network infrastructure at the four middle schools, part of an initiative to upgrade all school buildings to 10-Gigabyte wireless networks. The new equipment will not be purchased until the funds are approved. These funds currently total \$212,666, collected during FY12 to date. Per agreement with the Board of Aldermen, the School Committee must request appropriation of these funds for the purpose of purchasing technology items for the schools. I have enclosed the April 29, 1998 memo with this provision and agreement. Since FY99, \$1,175,258 has been received. This request for school computer equipment has been prepared by Leo Brehm in keeping with the current technology plan for the district. Please see the table on the next page for a listing of all E-rate funds received and appropriated from FY99 to the present.

In order to access these funds, the School Committee may vote to request them from the Board of Aldermen. After such vote, the School Committee must send a letter to the Mayor and Board of Aldermen requesting that this item be placed on the docket.

Attachments

cc: David Wilkinson, Comptroller
Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
Leo Brehm, Director of Information Technology and Libraries



Leo G Brehm II
Director of Information Technology and Libraries
NEWTON PUBLIC SCHOOLS
100 Walnut Street,
Newtonville, MA 02460-1398
Phone: 617-559-6190
Fax: 617-559-6191

To: Dr. David A. Fleishman
Superintendent of Schools
From: Leo Brehm

Date: March 22, 2012

Subject: E-Rate Funds Request to Upgrade Middle School Networks

The purpose of this memo is to request \$212,666 in E-Rate funds to upgrade the network infrastructure at all four middle schools from the current 1Gb (Gigabits/sec.) bandwidth to 10Gb. The 1Gb network framework currently available in each middle school is inadequate to service (1) the 300+ computers allocated to each building, (2) the engineering labs running specialized CAD and graphics applications, (3) the managed wireless network that supports mobile devices and (4) the high-speed internet demands of students and staff to access Google Docs.

The middle school networks are being further stressed as students are now starting to bring their personally-owned mobile devices from home (e.g. tablet computers, laptops, smart phones, etc.) to school for note taking and active participation in the classroom curriculum activities. Over the next 2 years, the district is planning to formally support a BYOD (Bring Your Own Device) initiative at the secondary school level which will result in the vast majority of the 2500+ middle school students bringing their own computer devices to the classroom and connecting to the district's wireless network. It is essential that we upgrade our middle school networks now to support this upcoming 1:1 computing model.

The requested \$212,666 in E-Rate funds will underwrite about 77% of the cost of this middle school upgrade, which is estimated at \$275,000. The balance of this expense will be funded from the Technology Department's operating budget in FY13. This project which will be implemented this coming Summer and involves the upgrade or replacement of Cisco network equipment in the network closets of all four middle schools. Once this network upgrade has been implemented in the four buildings, the final step will be to leverage the City fiber network to connect these four middle school buildings to the Ed Center at the 10Gb speed thereby establishing a 10x increase in network bandwidth to access district servers and filtered internet resources.

Please let me know if I can answer any questions about this request.

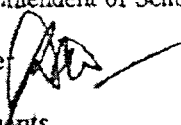
E-Rate Funds Received**E-Rate Funds Appropriated**

	E-Rate Funds Received	E-Rate Funds Appropriated
FY99	\$78,397	\$0
FY00	\$78,505	\$0
FY01	\$65,220	\$193,646
FY02	\$73,470	\$63,112
FY03	\$31,923	\$69,338
FY04	\$74,242	\$45,745
FY05	\$0	\$29,916
FY06	\$51,467	\$0
FY07	\$72,639	\$124,106
FY08	\$18,020	\$0
FY09	\$191,190	\$0
FY10	\$130,841	\$201,497
FY11	\$96,678	\$235,232
FY12	\$212,666	\$212,666 – requested
Total	\$1,175,258	\$1,175,258

COMPTROLLER'S OFFICE

1000 Commonwealth Avenue
Newton, Massachusetts 02159
(617) 552-7088

April 29, 1998

TO: Janet Goldrick, Acting Superintendent of Schools
FROM: David Wilkinson, Comptroller 
SUBJECT: Federal E-rate Reimbursements

Thank you for inviting me to the E-rate meeting at the Education Center yesterday afternoon. The purpose of this communication is to confirm my understanding of the financial accounting and reporting issues of this program.

Vendor Payment:

It is my understanding that the School Department will pay vendors the full cost of purchases potentially eligible for reimbursement under the E-rate program. The vendor will make application for reimbursement from the *Schools and Libraries Corporation* and will pass this refund on to the School Department. As I understand it the School Department will enter into a written agreement with each vendor to insure that any and all rebates that are granted will be passed along to the School Department in full. This agreement will be reviewed by the City Solicitor's Office to make certain that it is legally binding upon the vendor.

In order to avoid losing track of rebates that are owed to the City, I would recommend that employees of the School Department provide the Comptroller's Office with written notification of the dollar amount of each expected rebate, by vendor, at the point that it becomes known that a rebate is owed to the School Department. We will use this information to record an account receivable on the City's books, which can be monitored until such time as the rebate is actually received.

E-rate Cash Receipts:

All rebated cash receipts are City of Newton revenues, and can not be spent without an appropriation by the Mayor and Board of Aldermen. All rebate checks must be forwarded to the City Treasurer's Office, along with a standard cash receipt schedule, within one week of receipt. All E-rate cash receipts should be coded to Receipts Reserved for Appropriation account 14K301-4890.

The new receipts reserved for appropriation account will be used exclusively to account for E-rate reimbursements. As E-rate reimbursements are received, they will be deposited in this account, which will serve as a source for future technology appropriations. The appropriations can be requested of the Mayor and Board as frequently as you wish.

Funds appropriated from the E-rate Receipts Reserved for Appropriation account will be accounted for in the School Technology special appropriation section of the City's general ledger. This will insure that the funds are only used for school technology purposes. The specific expense budget account numbers will be provided to you within the text of the board order, which is used to appropriate the funds.

Please give me a call if you have any questions about these procedures.

Cc: Steve Cirillo
Don Jensen
Powers & Sullivan, CPA

Universal Service Program

On May 7, 1997, the Federal Communications Commission (FCC) adopted a Universal Service Order implementing the Telecommunications Act of 1996. The Order ensures that all eligible schools and libraries have affordable access to modern telecommunications and information services. Up to \$2.25 billion annually is available to provide eligible schools and libraries with discounts, often referred to as the "E-rate," for authorized services, beginning January 1, 1998.

Overview

Level of Discounts

Discounts range from 20 percent to 90 percent, depending on economic need and location (urban or rural). The level of discount is based upon the percentage of students eligible for participation in the federal free and reduced price school lunch program. Libraries will use the school lunch eligibility percentage and urban/rural status for their local school district.

Services Eligible for Discount

Discounts can be applied to all commercially available telecommunications services, Internet access, and internal connections. Discounts are available in all states, as long as the state adopts intrastate discount levels at least equal to the federal discounts.

Application Process

Discounts will be applied as of January 1, 1998, for qualified pre-existing contracts. For contracts covering new services with approved discounts, the discounts will be applied as of the date the contract is signed. A technology plan must be developed, and approved by an independent agency, such as a state education or library agency, or the Schools and Libraries Corporation (SLC). Eligible institutions must submit a self-certification of eligibility (attesting that all criteria have been met) to the SLC along with a description of the services requested.

The percentage discount mechanism for administering this program means that this program is not a grant program. Schools and libraries are required to pay only the "non-discounted" portion of their costs for telecommunications services, Internet access and internal connections. The discounted portions of the services are directly applied to reduce the bills to be paid by schools and libraries and these amounts will be reimbursed directly to the service providers from the fund administrator. Requiring schools and libraries to pay a share of the costs from their own funds is intended to insure cost-effective purchases.

Fund Administration

SLC, a newly formed independent not-for-profit entity established by FCC rules, has responsibility for administering the schools and libraries program. The Universal Service Administrative Company (USAC), a subsidiary of the National Exchange Carrier Association (NECA), has been named by the FCC as the interim, overall administrator of Universal Service Fund collection and distribution.

Consortia

A school or library can apply for a discount on a specific service either as an individual entity or as part of a consortium.

Entities within a community (e.g., schools, school districts, libraries, library systems, government, and health care providers) could identify their common communication needs and plan for a community infrastructure. A consortium could negotiate with service providers from a position of strength due to the aggregated demand.

Consortia may include both eligible and ineligible entities. Ineligible entities are those members of a consortium that are not entitled to a discount. Entities not eligible for universal service discounts, however, may benefit from lower *pre-discount* prices from such aggregation. Mixing eligibility will place significant record-keeping responsibility on consortia. They will be required to demonstrate that only eligible entities receive the discounts.

Consortia are not required but are encouraged. Consortia advantages are:

- Aggregating demand attracts competitors and allows negotiating lower prices.
- Consolidating services achieves improved efficiency.
- Sharing both network infrastructure and knowledge results in lower costs for all.
- Sharing facilities reduces costs.
- Sharing technical staff reduces costs.

Calculating the Discount

Discounts for eligible schools and libraries are set as a percentage discount from the pre-discount price. *Pre-Discount price* means the price the service provider agrees to accept as total payment for its telecommunications or information services. This price is the sum of the amount the service provider expects to receive as payment from the eligible school or library and the amount it expects to receive as reimbursement from the universal service support mechanisms for the discounts provided.

Schools

The discount is based on the number of students eligible for participation in the national school lunch program and the school's classification as rural or urban. The *national school lunch program* is a program administered by the U.S. Department of Agriculture and state agencies that provides free or reduced price lunches to economically disadvantaged children.

For shared services, school districts applying for discounts on behalf of their individual schools may calculate the district-wide average percentage of eligible students. For example, a school district would calculate the appropriate discount rate for each individual school, then multiply each school's discount rate by the number of students in the school. Add up the total for all schools and divide by the total number of students in all schools that are receiving an appropriate

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

To: Alderman Sangiolo, Chairman
Programs and Services Committee
From: Maura E. O'Keefe, Assistant City Solicitor
RE: Neighborhood Area Councils, City of Newton Charter, Article 9
Date: May 23, 2012

BACKGROUND

Due to the recent increase in interest in the formation of Neighborhood Area Councils, this memo serves to briefly highlight the obligations, powers and duties of the Board of Aldermen pertaining to the establishment of such Councils.

NEIGHBORHOOD AREA COUNCILS

By petition submitted by twenty percent (20%) of the registered voters of a proposed Neighborhood Area, the Board may establish an Area Council for the purpose of encouraging resident participation in government at the neighborhood level. Art. §9-1, §9-2. The petition must delineate the proposed geographical boundaries, specify the services the Council proposes to provide, and state the size of the Area Council. Art. §9-3(a).

Once the signatures of the registered voters have been verified, the Board shall hold a public hearing within thirty (30) days on whether or not the proposed Neighborhood Area Council shall be established. Art. §9-3(b). The hearing may be adjourned from time to time, but must be completed within sixty (60) days. Id. Within thirty (30) days following the public hearing, the Board shall approve or disapprove the formation of the neighborhood area council, by resolution. Art. §9-3(d).

In determining whether to establish an area council, the Board enjoys broad discretion and may consider a wide range of factors, including those pertaining to the proposed boundaries and proposed services. For example, the Board may take into consideration the extent to which the proposed geographical area is considered a neighborhood that possesses shared concerns. Art. §9-5(1). The Board may evaluate the population density, distribution, and potential for growth within the proposed area. Art. §9-5(3). The Board may also weigh whether the residents of a proposed area will be able to access or participate in the anticipated services offered by the Area Council. Art. §9-5(4).

If the Board approves by resolution the proposed Neighborhood Area Council, the Board may amend or modify the proposed boundaries, functions or size of the council contained in the petition. Art. §9-4.

To: Alderman A. Sangiolo, Chair
Programs and Services Committee

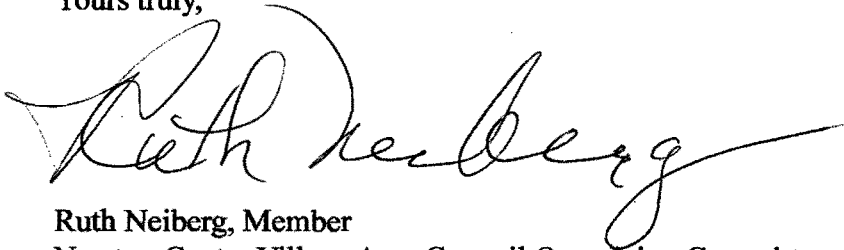
Re: Item #123-12 – Area Council Petition Filed April 24, 2012 (Newton Centre Village Area Council)

May 31, 2012

Due to the complexity of the issues that were raised at the Public Hearing on May 23rd, we are withdrawing our petition, without prejudice, effective immediately. We respectfully request your continued guidance on the appropriate next steps and look forward to hearing your response.

Thank you for the attention you have given to this matter.

Yours truly,

A handwritten signature in cursive script that reads "Ruth Neiberg". The signature is written in black ink and is positioned above the printed name and title.

Ruth Neiberg, Member
Newton Center Village Area Council Organizing Committee

RECEIVED
Newton City Clerk

2012 MAY 31 PM 4:45

David A. Olson, CMC
Newton, MA 02459