

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, MARCH 09, 2011

Present: Ald. Sangiolo(Chairman), Fischman, Hess-Mahan, Linsky, Rice, Blazar, Merrill  
Also Present: Ald. Johnson, Freedman  
City Personnel: John Lojek (Commissioner, Inspectional Services Department), Bob DeRubeis (Commissioner, Parks and Recreation Department), Rebecca Smith (Committee Clerk).

Appointment by His Honor the Mayor

#66-11 JEFFREY HERRMANN, 111 Exeter Street, West Newton, appointed to the Board of Trustees of the Newton Free Library for a term of office to expire on June 30, 2014. [02-22-11 @6:06PM]

**APPROVED 7-0**

**NOTE:** The Committee discussed both Library Trustee appointees together. Jeffrey Herrman and Dana Hanson joined the Committee at the table. Ms. Hanson is the President of the Auburndale Community Library and considers libraries to be her passion. She was very enthusiastic about her appointment and the opportunity to be involved with the Main Library. She has two young children and sees herself as a representative of what young families are looking for in Library use and programming. She is also very interested in the transition to electronic uses in the Library.

Mr. Herrmann, has been a resident of Newton since 1985, has raised his family here, and has been an avid supporter of the Main Library. Mr. Herrmann's career has been centered on technology and he feels he can provide expertise in that area as well as in budgeting, marketing, and fundraising. He has a deep interest in the changes to electronic information and in making the Library an exemplary resource available to all who want to use it. He would like to work to continue to expand the value of the library to Newton Residents even in the confines of this difficult economic time.

Ald. Fischman asked the appointees what they see as most important: programming, staff, or circulation. Ms. Hanson shared that she sees programming as the most important as it gets people in the door, but realizes that the three aspects are interdependent. Mr. Herrmann shared that circulation is a key element in the library system which can be done more cheaply with a shift to electronic media. Though he noted that many residents will continue to want hard copy books and we can't abandon them. For that reason, things will need to be kept in balance.

Ald. Hess-Mahan noted that the library building in the state that gets the most traffic is Newton's. He shared that the library meets many other community needs such as the varied programming throughout the week and the job search capabilities available which are especially important during this economic climate because they're free. Mr. Herrmann agreed that the library is a community center, not just a place to acquire books. He noted that the library is heavily used, but by a small percentage of the City's

population. Mr. Herrmann would like to determine, possibly by survey, how to reach the rest of the citizens so that we can serve their needs as well.

Ald. Blazar asked Ms. Hanson if she will continue her involvement with the Auburndale Community Library. Ms. Hanson stated that she will be; she's spoken with the Mayor and it is not an issue. She understands the financial state of the City and has no motive to get the branch libraries back. In her mind the branch libraries and the Main library run parallel to each other, but function separately. In terms of the time commitment, Ms. Hanson is a stay at home mom which allows her to be a very involved member of the community.

Alderman Linsky moved approval of both #66-11 and #67-11. The Committee approved both items with two separate votes; the votes for each were unanimous.

Appointment by His Honor the Mayor

#67-11 DANA HANSON, 64 Kingswood Road, Auburndale, appointed to the Board of Trustees of the Newton Free Library to fill an unexpired term of office through June 30, 2011 and then re-appointed for a full term of office beginning July 1, 2011, which term will expire on June 30, 2016. [02-22-11 @6:06PM]

**APPROVED 7-0**

**NOTE:** See above.

Appointment by His Honor the Mayor

#68-11 JOHN LOJEK, Commissioner of Inspectional Services, appointed to the Commission on Disabilities as established by Ordinance Z-74, dated January 18, 2011, for a term of office to expire on June 30, 2012. [02-28-11 @12:23PM]

**APPROVED 7-0**

**NOTE:** This item was discussed jointly with items #73-11, #74-11, #75-11, and #76-11. The appointees joined the table and introduced themselves:

John Lojek, Commissioner of the Inspectional Services Department

Commissioner Lojek has significant experience in disabilities regulation through his work in the Town of Brookline and here in Newton. The Mayor suggested it was important to have a staff member on the new Commission. Regarding Alderman Merrill's comment about a handrail on the War Memorial steps (see below item #69-11), Commissioner Lojek explained that such things weren't required at the time the building was constructed but the Inspectional Services Department is in the process of inspecting every City building to make sure they are all up to code. Commissioner Lojek noted that he is very happy to be nominated and is happy to serve on the Commission so that he can advocate for the community.

Lucy Chansky

Ms. Chansky developed an interest in the disabled community when her son was born with cognitive disabilities and cerebral palsy. She became an advocate for this

population, founded many organizations, and established a pre-school program for people with disabilities since at the time when her son was born (the 1960's), there wasn't a requirement that schools admit disabled children. Ms. Chansky has been on statewide boards for persons with disabilities, and currently serves on regional Boards. She has extensive experience as an advocate and is trained as a Community Access Monitor by the Massachusetts Office of Disabilities. She has served on the Disabilities Committee for at least 10 years and would be very happy to continue serving as a member of the Commission.

#### Rob Caruso

Mr. Caruso has been a resident of Newton since 1969. His first experience with the community for people with disabilities was through the Understanding Our Differences program. He joined this program when his daughter was at Williams School. He has been a member of the Disabilities Committee for 13 or 14 years now and, like Ms. Chansky, is also trained as a Community Access Monitor. He has been involved in a number of projects to aid people with disabilities; some examples of which are his working with the two Walgreens in the City to stripe and repave their handicapped spots as well as making recommendations at synagogues to make access easier for the elderly population. Mr. Caruso is currently a co-chair of the Disabilities Committee. Stepping into a Commission is what they've always wanted and he would love to continue serving as a member of the Commission.

#### Gerard Plante

Mr. Plante shared that up until high school was an able-bodied person. After his situation changed he decided to become an advocate and since 1980, he has been actively advocating for the disabled population. Mr. Plante stated that he has seen, over the past 36 years, an evolution of community based support amid services at the state and community level. He's been on the board of directors for organizations in upstate New York, where he was born and raised, and chaired a few committees there. Together these groups changed the face of the community in that area, a community which previously didn't see people with disabilities as having many opportunities.

Mr. Plante has been a Journalist since 1983 and has written extensively about disabilities rights, human rights, and civil rights issues. He has been involved in the Disabilities Policy Consortium; the DPC is the largest cross based organization in the Commonwealth which did an extensive accessibility study for the State House that was commissioned by the governor at the time. Now, for the first time, the State House has four points of access for people with disabilities. Mr. Plante has served on the Committee here in Newton since 2002. He is privileged and honored to serve people with disabilities and advocate human rights issues.

#### Barbara Lischinsky

Ms. Lischinsky has lived in Newton since 2003. It was the move here that helped in making the decision to become more active in advocating. When Ms. Lischinsky moved here she had a hard time getting an apartment as someone who is visually impaired. She did finally get an apartment which has been a positive experience for her and for the management company. Ms. Lichinsky is a competitive athlete, a multiple entrant in

marathons, and a national 5K champion. She often received questions by sighted people about how she can run these distances which encouraged her to advocate for the fact that disabled people can do anything, they just might do it differently. Ms. Lischinsky is a teacher by training, having taught at Suffolk University. She is also a graduate of Harvard. She considers it a privilege to serve on the Committee and would like to continue her capacity on the Commission.

Ald Merrill asked the appointees what their experiences were like with the sidewalks this winter. His question and their responses can be found in the transcript at the end of this report.

Ald. Rice moved approval of all of these appointments. The committee voted unanimously in favor of this motion.

Appointment by His Honor the Mayor

#69-11 JANE BROWN, 104 Atwood Avenue, Newtonville, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2012. [02-28-11@12:33PM]

**APPROVED 7-0**

**NOTE:** Ms. Brown joined the table to discuss her appointment. Ms. Brown has been on the Disabilities Committee for 5 years. She is a speech and language pathologist and has worked in public schools. Prior to that, she did aphasia therapy for people who have had strokes. She noted that the members of the Disabilities Committee have worked well together with their focus being on creating an equitable community where everyone has a right to education, access to public buildings, housing, recreation facilities, etc. The Disabilities Committee has had a great deal to do with CDBG funds to change architectural aspects for ease of access. Ald. Merrill noted that the War Memorial steps do not have a railing, which is out of compliance with ADA. Ms. Brown acknowledged this and stated that one of the things they want to work on is improving the access to the aldermanic chamber. Ald. Linsky moved approval, which carried unanimously.

Appointment by His Honor the Mayor

#70-11 SUSAN ROBERTS, 250 Hammond Pond Parkway, 404 South, Chestnut Hill, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2012. [02-28-11 @12:33PM]

**HELD 7-0**

**NOTE:** Ms. Roberts was unable to attend. Her appointment will be taken up at a date to be determined.

Appointment by His Honor the Mayor

#71-11 ROSEMARY LARKING, 1600 Washington Street, Unit 117, Auburndale, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2013 [02-28-11 @12:33PM]

**HELD 7-0**

**NOTE:** Ms. Larking was unable to attend. Her appointment will be taken up at a date to be determined.

Appointment by His Honor the Mayor

#72-11 JINI FAIRLY, 80 Rowena Road, Newton Centre, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2013. [02-28-11 @12:33PM]

**HELD 7-0**

**NOTE:** Ms. Fairly was unable to attend. Her appointment will be taken up at a date to be determined.

Appointment by His Honor the Mayor

#73-11 BARBARA LISCHINSKY, 1942 Washington Street, Unit 124, Auburndale, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2013. [02-28-11 @12:33PM]

**APPROVED 7-0**

**NOTE:** See #68-11 summary.

Appointment by His Honor the Mayor

#74-11 ROB CARUSO, 237C Watertown Street, Nonantum, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2014. [02-28-11 @12:33PM]

**APPROVED 7-0**

**NOTE:** See #68-11 summary.

Appointment by His Honor the Mayor

#75-11 LUCIE CHANSKY, 259 Jackson Street, Newton Centre, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2014. [02-28-11 @12:33PM]

**APPROVED 7-0**

**NOTE:** See #68-11 summary.

Appointment by His Honor the Mayor

#76-11 GERARD PLANTE, 58 Ash Street, Unit A, Auburndale, appointed to the Commission on Disabilities for a term of office to expire on June 30, 2014. [02-28-11 @12:33PM]

**APPROVED 7-0**

**NOTE:** See #68-11 summary.

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

#360-09(2) PROGRAM & SERVICES COMMITTEE requesting a discussion to explore possible sources of revenue to fund an off leash dog park system in the City. [11/06/09 @ 10:44 AM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**  
**NO ACTION NECESSARY 7-0**

**NOTE:** The Committee unanimously voted no action necessary on this item as it is an outdated docket item. #360-09(6) was the action item docketed to address the proposal in this discussion item. That action item was approved by the Committee.

#129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board.

[03-24-08 @ 9:11 AM]

**APPROVED 5-0-1(Fischman abstaining, Hess-Mahan not voting)**

**NOTE:** Ald. Johnson joined the table to discuss the item. She explained that this item was proposed because of an incident in the past when a docket item was filed late, regarding the Newton North budget. When an item is late filed, the Board, if it so chooses, can suspend the rules in order to refer it to Committee. If it does not suspend the rules, then the item can't be referred until the next full Board meeting. In this instance, the Board did not choose to suspend the rules, yet the item was informally discussed by a Committee. The process was being circumvented by this action, which should not be acceptable. If an item is in the process of being docketed but hasn't been formally accepted by the Board and referred to a Committee then it should not be discussed, either formally or informally.

The Rules Subcommittee had voted to approve the item with the language as presented to the Committee. Ald. Linsky moved approval of the language approved by Rules Subcommittee. The Committee voted to approve the motion.

**REFERRED TO PUBLIC FACILITIES, PROG&SERV 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]

**HELD 7-0**

**NOTE:** The Committee voted to hold this item as President Lennon was unable to attend the meeting. The Committee intended to have President Lennon provide an update on the issue. The item will be taken up again at a date to be determined.

#207-08

ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:

“Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05/21/08 @ 12:58 PM]

**FINANCE VOTED NO ACTION NECESSARY ON 3/8/10**

**APPROVED 4-3-0 (Fischman, Rice, and Blazar opposed)**

**NOTE:** The Committee discussed the possibility of a debt exclusion to cover the cost of the new Newton North High School. The Committee was split between those in favor of this item and those who would be open to discussing debt exclusions as they are related to Newton North or in general. Ald. Sangiolo brought forth this item before budget talks begin to give time for the Board to decide if they want to propose this as an alternative revenue raising strategy. Newton North still remains a major part of our budget problems as we have about \$10 million in debt to repay per year. Alderman Sangiolo suggested that if the Committee did not feel inclined to put a question related to Newton North on the ballot, would they consider docketing a parens 2 to this docket item proposing a discussion with the Mayor and City Department heads on the future possibility of debt exclusions.

Ald. Hess Mahan began the discussion by asking whether Ald. Sangiolo has spoken to the Mayor about this idea and what his reactions were. He thinks that debt exclusions are a great funding tool, but if it's not in the Mayor's long range capital plan then the item won't progress. He believes though that a conversation about this is important and should happen with the administration. For that reason he moved to docket the parens 2 item.

Ald. Sangiolo responded by stating that, based on their last discussion, the administration has no interest in putting a Newton North question on the ballot. Furthermore, Ald. Sangiolo has attended town hall meetings and heard nothing about the possibility of debt exclusions. Ald. Sangiolo stated that when the budget is presented there will be a number of difficult decisions/choices to make and suggested that debt exclusions could be presented as an alternative to these other cuts.

Alderman Linsky joined in support of a discussion about debt exclusions, stating that a discussion now would give us the opportunity to put something on the next municipal ballot. He does not believe that a vote of No Action Necessary would be the appropriate action.

Ald. Fischman, Rice, and Blazar took issue with a debt exclusion related to Newton North being put to the voters. Ald. Blazar stated that people don't want to go back to worrying about Newton North, and if the Mayor isn't in support of debt exclusions then all of this is an exercise in futility. Ald. Rice shared his opinion that debt exclusions could be valuable, but that they should be proposed to the voters for things they want to see done in the future, not about Newton North.

Ald. Sangiolo closed by stating that this City has a lot of infrastructure needs that have to be dealt with. Debt exclusions are the appropriate method to cover these capital needs.

The committee voted to create the \_parens 2 docket item so that a discussion with the administration and department heads can be held. Ald. Linsky moved approval of this item. The Committee voted 4-3 on the issue.

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

#8-09

ALD. HESS-MAHAN, LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]

**APPROVED 7-0**

**NOTE:** Commissioner DeRubeis joined the table to discuss the item. He informed the Committee that the Parks and Recreation Commission discussed this issue at their meeting in January. Mr. DeRubeis relayed that there was some confusion from the Commission as to why this is coming up now, whether the material we are using right now is toxic, and what the language “maximum extent feasible” is supposed to imply.

Ald. Hess-Mahan addressed these concerns. This issue came to the forefront at a time when both high schools were installing new turf with some infill. There have been lots of studies done on whether there are health and environmental effects from the materials used in synthetic fields. Until recently, the grass installed by these companies was contained lead; the public requested companies offer lead-free grass, and companies responded by developing alternative materials.. The infill that is used is composed of crumb rubber which is filled with many different, potentially dangerous, materials including cyanide. Within 10-15 years, the infill and/or turf of our recently installed fields will need to be replaced. Companies will make adjustments if that’s what the market demands of them, and there are currently options on the market that are of less consequence than what we’ve seen in the past.

Synthetic turf is desirable because you can run sports programs on them practically year round; you don’t have to wait for fields to dry, or worry about seeding, or cutting; the maintenance costs are less, but if we’re going to use this material we need to be responsible and make sure we are selecting material with the least health and environmental consequences. We just don’t know what the health effects are with the material that has been used to date. The other problem with these materials is disposal. They cost more to dispose because they have to be sent to a landfill. Using the material we have now could have health and environmental concerns at both ends. The reason to include the phrase “maximum extent feasible” was not meant to create a standard that no one can meet, or to make it so expensive that it’s impossible to execute. Rather, the purpose of that language is to insist on selecting the fields that have the least impact on the environment and people’s health. All that said, what’s already been installed would be grandfathered in.. However it is necessary that we ensure that only the materials with the least consequences to the environment and to the public health are considered and installed in the future.

Ald. Hess-Mahan closed by stating that when NNHS on Lowell Ave was built, the City made the decision to save \$50,000 by putting asbestos into the building instead of another fire retardant material. It would have saved the City a lot of money in the long



run to have made a different choice, but at the time it was assumed that asbestos wasn't a dangerous material. Ald. Hess-Mahan added that another material contained in the infill is BPA, a chemical similar in structure to a hormone, which can cause reproductive tract issues, especially in boys. This creates much concern that developing children are running and playing on these fields. He stressed that we have to make sure that the products we use are safe.

Commissioner DeRubeis assured Ald. Hess-Mahan that while there were some questions raised by the Commission, there was not strong resistance and he doesn't see that there would be any push back from the Commission if the Board was to go forward with this.

Ald. Linsky shared that when the Newton South fields were installed a number of people were concerned but knew that we had to go ahead, however reluctantly, with the installation. He further remarked that he believes the City missed an opportunity with the new Newton North field. If the City had installed a different material for North, we could have compared the two fields. He strongly stated that the Committee feels seriously about this and that our next field should advance itself on better technology.

Ald. Johnson agreed with Alderman Linsky that we had an opportunity with Newton North that we didn't take. Technology is changing and a lot of what we do today won't be acceptable tomorrow. She stated that every year there is new technology and new studies that come out; we need to stay current, more current than we have in the past.

Former Ald. Mansfield was present at the meeting and stated that the Board of Newton Conservators, for which he is a member, discussed this item informally earlier that evening. They think that this is very important issue and one that is central to the issue of sustainability. He relayed that if they were asked to take a formal vote they would support it. He also opined that the word "maximum" should remain in the proposed language since even if there are budget concerns, the word maximum would apply to the amount that the city would be able to afford. It becomes a relative term.

Ald. Fischman was concerned that the language was constraining to the point that it would work against us. He also suggested that adopting language now, after installing the fields at North and South, might be construed as an acknowledgement that the fields for North and South were not the best choices. The Board as a whole approved North and South. Ald. Fischman was concerned that by adopting this, the City will open itself up to litigation, since it acknowledges that something went afoul with the North and South fields.

Ald. Hess Mahan explained that his primary concern is that going forward we make sure we get it right. South had been forced to wait a long time, and we were able to make some changes by installing a safer rubber infill. Regarding the issue of liability, there is no inoculation to lawsuits. People can sue but it doesn't mean they will win. What this language does is acknowledge that going forward we will look at the safest and most environmentally friendly alternative. Ald. Fischman suggested adding a few words to preface the language of the ordinance, or a statement of intent. Ald. Hess-Mahan wouldn't be averse to including a statement of intent, but would like to keep it as simple as possible.

Ald. Linsky added that there is a general principal that the law provides where that even if this is viewed as taking corrective action, you may do so without the flipside

of admission. If you didn't have that as a principal, no one would ever take corrective action.

Ald. Merrill voiced his support for the change and moved approval of the item. The Committee voted unanimously in favor of the motion.

Respectfully Submitted,

Amy Sangiolo, Chairman

## **PROGRAMS AND SERVICES COMMITTEE MEETING 03/09/2011**

### **TRANSCRIPT OF DISCUSSION ON SNOW WITH THREE DISABILITIES COMMISSION APPOINTEES**

**Ald. Merrill:** We've had a terrible winter with the snow. Have you found in your areas that you've been restricted because sidewalks weren't plowed? We have an item before the Board of Aldermen and I'd be interested as to whether you had the ability to get around or whether the sidewalks were not being taken care of, if you felt you were confined where you reside?

**Barbara Lischinsky:** I personally took my first walk with Ribbon since December 26<sup>th</sup> yesterday. The sidewalks were impassable until yesterday; Seeing Eye dogs are trained not to walk in the street. Actually, they have a stress reaction if you force them to walk in the street. I live on Washington Street near the Newton Wellesley Hospital; except the sidewalk from the Woodland T stop to the Hospital, which is less than a quarter mile, the sidewalks which we normally walk in a given day from Waban and back we haven't been able to do. From the intersection of Washington to Beacon to Waban has been impassable, as has the T stop. I've basically been a prisoner of my apartment.

**Rob Caruso:** I live on Watertown Street. The sidewalks are terrible. They're not shoveled, not plowed; and more distressful is the fact that Nonantum village has been a terrible experience with business owners who don't clear their sidewalks and they are supposed to by ordinance. For years myself and others on the [Disabilities] Committee had sent out copies of the ordinance to people who didn't shovel telling them that they can be fined. And then they would do something, but only then. It's despicable what goes on, I can't get to Nonantum and get to some of the shops up there.

**Ald. Merrill:** I'm familiar with the Nonantum area so I understand what you're saying.

**Rob Caruso:** Years ago, and I'm sure you remember, they'd haul all the snow away from the business districts, but I guess it stopped because of money 8 years ago, 10 years ago? There's no place to put it. There's just no place to put the snow.

**Gerard Plante:** I live in Auburndale, and I live just one block from the village. Despite my physical limitations I've always loved the outdoors so I get out as much as I can; nothing holds me back. Despite using a power chair with a chin switch, the chair can move through some snow and other obstacles quite easily. I wrote extensively in the blogs related to the snow removal ordinance and the problems of a lot of snow around various areas. So to answer your question I've actually gone out over the past two weeks; I've been able to go throughout the village because I go all the way from Star Market to Commonwealth Ave when I need to, and to my local pharmacy, just over the last couple weeks, and it's the first time since I've lived in that neighborhood in 10 years that I've seen the snow removal actually that horrific, especially on Ash street where I live, it's a one way street. The plow driver either doesn't know how to use the plow or didn't want to go around twice, because if you make a go around twice you go to the edge of the curb and then go back around and do the other side so you do a full width. So any cars that were parked there- it always looked like the cars were ready to tip over, so it created a situation where it wasn't just about people with disabilities or elderly who have walking impairments or vision impairments or even able bodied people. When you talk about physically challenged--which is not a term that I use but one that seems to be politically correct for a lot of people to use the able bodied community especially these last few years--even the able bodied people are physically challenged when they have to walk over a snow bank from their car or walk in the street to get to a business they need to go to. So when I see two elderly women who look like they're in their nineties holding onto each other trying to go to Keys Drug and there's a snow bank--and I happened to be on the ride and it looked like they were going to fall-- I think it's a real problem when you have a village setting which has 6 businesses all in one area.

I have a lot of ideas of how to solve this issue, especially in the villages and central business districts where a lot of people depend on whether it be a pharmacy or store or local restaurant. Why can't these business come together and decide- especially when you have a multibillion dollar industry such as Dunkin Donuts which has a lot of money- why not come together and say let's all get together and have our employees or at least a

contractor come in and remove that snow from the sidewalk at 6am or 5am and make the full width to the curb cut. And the individual who was responsible, you had the personnel there you had the equipment, he's on the road and he's only making one pass down Ash street, for example, when he should do the full width because what happens is that there were cars that were going down the middle and they had to watch where the cars were already parked because if they slid in one direction they could easily slide into the car, so it isn't just about whether it's people with disabilities getting around in their own neighborhoods or in villages though that is a problem; it's a problem that becomes intensified because we have limitations, but it becomes a problem for every citizen, I believe.

When we come here to the meetings in December and January and we get out of the parking lot here, it's amazing how clear it is here, it's like a sizzling July day. There's no snow. I'm amazed, no snow or ice; if it can be done on the property of City Hall then why not in the villages? You're showing a good example; residents and people from outside City Hall come for a number of reasons. When they see how clear the property is here at City Hall it sets a very good example. What does it say when the Board of Aldermen, and I don't mean to pick on the Board of Aldermen, but you're the leaders here in the City establishing rules and regulation and overseeing departments, how is it that you can't go out and tell them to do a good job in the villages and tell all the businesses "do your part and if you don't this is the penalty you'll get". They don't think of possible lawsuits that could result from getting injured? I haven't seen any or read of any, but it's a problem that does have solutions. When you look at the individuals profiled in the Newton Tab, the gentlemen with their snow blowers, they go up and down one street, and the other side and it's clear, as clear as it is here in Newton City Hall. I've seen a lot of nasty blogs from people against people for the ordinance and then you talk about the two gentlemen who can clear their neighborhood free of snow and do it voluntarily, not even asking a dime for it. I'm not saying everyone can do it because there are elderly and disabled people who can't do it, and then there are landlords who don't even live in Newton who own property who don't care; there are owners of a large apartment house in Auburndale, they live in New Hampshire; they're going to come from New Hampshire to Newton to see if their properties are clear of snow? They're not even there, it's filled with snow and ice all winter long. So I see solutions I don't see a problem.

**Jeffrey C. (Jeff) Herrmann**



**2006 – Independent Consultant and Adviser, Newton, MA**

- Consultant and mentor to early and middle-stage technology startups
- Director / Board Member – RedTail Solutions Inc., Westborough, MA
- Active member, Walnut Ventures, Babson-based angel investor group
- Private investor

**1999 – 2006 CEO and Founder, SupplyWorks, Inc., Bedford, MA**

- Refocused small e-commerce consulting firm into a product business
- Internet-based application for manufacturer-supplier synchronization
- Hired entire management team, grew headcount to 83
- Raised six rounds of venture capital totaling \$42M
- Major customers: Ingersoll-Rand, Borg-Warner, Danaher, SPX
- Sold the business to Intuitive Mfg., Seattle, WA in 2006

**1992 – 1998 CEO and Founder, Optimax Systems, Inc., Cambridge, MA**

- Product for optimized scheduling of large manufacturing plants
- Licensed core technology from Bolt, Beranek and Newman
- Raised one round of venture capital; cash-flow positive thereafter
- Major customers: Deere, Case, Volvo Truck, General Motors
- Grew company to 36 employees
- Sold company to i2 Technologies (public co.) in 1997
- Retained as President of new i2 Scheduling Division

**1983 – 1992 Senior Management Positions in the Computer Industry**

- President – Simply Direct Inc., direct marketer of software products
- Director, Business Systems Marketing – NEC Information Systems
- Vice President, Marketing and Sales – MathSoft Inc.
- Vice President, Marketing and Sales – CS Division of Lee Data Corp.
- Product Marketing Manager – Visual Technology, Inc.

**Education**

- Ph.D. (1983), Applied Math / Computer Science, Harvard University
- Concurrent studies in the MBA program, Harvard Business School
- A.B., (1973), summa cum laude, Appl. Math / Comp. Sci., Harvard College

**Personal**

- Married, two grown children
- Interests: 19<sup>th</sup> Century art, music, piano, reading, travel, swimming
- References available on request

**DANA K. HANSON****COMMUNITY SERVICE****AUBURNDALE COMMUNITY LIBRARY****President, Board of Directors**

Newton, MA

2011 - Present

**Vice-President, Board of Directors**

2009 - 2010

- Working with an all-volunteer organization to run a community library, including: coordinating and publicizing programs and events, writing weekly email communications to patrons, recruiting and supporting volunteer staff, operating the library's circulation software, staffing the library during open hours, and troubleshooting general library operations.

**BURR ELEMENTARY SCHOOL**

Newton, MA

**Co-Chair, School Council**

2010 - present

**Co-President, Board of Directors of Parent-Teacher Organization**

2008 - 2010

- Planning and implementing year-round school activities and programs, chairing meetings, communicating via newsletters, engaging and recruiting parent volunteers, publicizing events, fundraising and managing the budget, and working with Principal, administrators, and teachers to ensure smooth operations at the school. Special interests include co-chairing the Burr Respect for Human Differences Committee, running annual World Cultures celebrations, and coordinating Boston/Newton "Burr FriendTrips" with our out-of-district METCO families.

**FIRST UNITARIAN SOCIETY IN NEWTON**

Newton, MA

**Youth Group Advisor**

2004 - Present

- Volunteering with and chaperoning teenagers in their weekly meetings, helping run events and social action projects, and serving on regional youth/adult steering committee.

**BURR COOPERATIVE NURSERY SCHOOL**

Newton, MA

**Co-President, Board of Directors**

2004 - 2008

- Worked with the director of the school to develop school policies and implement school operations, and led parent volunteers in marketing, fundraising, and general maintenance of the school.

**PREVIOUS WORK EXPERIENCE**

Prior to starting my family in 2000, I worked in the field of environmental science and industrial hygiene (worker safety). I conducted research and/or health and safety evaluations in workplaces ranging from construction sites/heavy manufacturing, to healthcare/laboratory settings, to schools and commercial office buildings.

- **ENVIRONMENTAL HEALTH & ENGINEERING** Newton, MA  
Associate 1999 - 2000
- **UMASS LOWELL CONSTRUCTION OCCUPATIONAL HEALTH PROJECT** Lowell, MA  
Researcher 1998 - 1999
- **ENVIRONMENTAL HEALTH & ENGINEERING** Newton, MA  
Technical Specialist 1994 - 1996
- **RI DEPT OF HEALTH, OFFICE OF ENVIRONMENTAL AFFAIRS** Providence, RI  
Special Contract Employee 1994 - 1994

**EDUCATION****HARVARD SCHOOL OF PUBLIC HEALTH**

Boston, MA

Masters of Science in Environmental Science and Engineering

1998

**BROWN UNIVERSITY**

Providence, RI

Bachelor of Arts in Environmental Studies

1993

JANE A. BROWN



My goal is to be a member of the Newton Disabilities Commission.

Profession: Speech Language Pathologist. Certificate of Clinical Competence in Speech and Language Pathology.

Education: BS, MS., CAGS Boston University

Employment: Speech Language Pathologist, Revere Public Schools - 1972 through 2001.

Duties: Direct therapeutic services to children, Core Evaluation, Diagnostics, Consultation and Collaboration with classroom teachers, involvement with parents, Building based support team, Supervision of speech assistants and University students.

Professional Associations: Massachusetts Teachers Association. National Education Association, Council for exceptional children, American Speech and Hearing Association, State Education and Advocacy Leader (SEAL)

Memberships: Amnesty International, Native American Rights, Southern Poverty Law Center, Human Rights Commission, Ward Committee, Newton Democratic Party, Greenpeace, Sierra Club, Newton Pride, Women's International League for Peace and Freedom, Women's Commission, Newton Dialogues on Peace and War and Mass. Peace Action.

Mayor's Committee for People with Disabilities: I have been a member of the Committee since November, 2005. My background in Special Education made this a logical placement. This has been a rich educational experience. Professionally, I worked with children experiencing language learning disabilities, but, MCPD provided an opportunity to work with adults to enable disabled people to receive equal access to community life through our advocacy. There has to be improved accessibility to all public facilities, commercial buildings and the streets of Newton. The Committee has allowed me the opportunity to participate in recommending approximately \$150,000 in Community Block Development Grants to improve accessibility throughout the City.

Mayor Warren has encouraged and assisted the Committee to achieve a new status as a Commission. This will allow the 35 year old group a greater permanence in the City with stronger opportunity to improve the lives of the disabled. It is an exciting and challenging time. I would like to continue to serve as a member of this group.

**BARBARA LISCHINSKY**  
**PROFESSIONAL EXPERIENCE****Disability Advocate/Educator**, self-employed. 2008 – Present

- Provide education and assistance to persons with disabilities regarding Federal and State entitlements.
- Worked with the Newton Housing Authority on Section 8 application procedures to insure that individual Privacy Laws are protected.
- Worked with Policy Analyst at MassHealth to expand the definition of “financial hardship” in the CommonHealth Premium Waiver Process allowing more people with exorbitant out-of-pocket medical expenses to qualify for waivers.
- Assist individuals in all facets of the application process for MassHealth, SSDI, Food Stamps, Fuel Assistance, Transportation and more.
- Educate individuals about reasonable accommodation with regard to application procedures and insure that agencies comply with the law allowing accommodation.
- Help individuals with documentation collection to insure timely processing of applications and proper benefit levels.
- Research new regulations to insure compliance for individuals and organizations.
- Provide education and outreach regarding rights and responsibilities of entitlements.

**Motivational Speaker and Fundraiser**, Massachusetts Association for the Blind, Brookline, MA 2001- 2008

- Seven time Boston Marathon entrant and Visually Impaired division winner, National 5K Blind Champion representing MAB at fundraising events, newspaper and television opportunities.
- Sponsored by Saucony Athletic Company to represent Newton in the 2006 Boston Marathon.
- Featured on Channel 5’s television show “Chronicle” for performance as a Saucony athlete in “Every Runner Has a Story”, April 2006.
- Kick-Off Speaker National Blind 5K Championships Boston, MA 2006, 2007
- Guest Speaker at the Perkins School for the Blind with Marla Runyan and Bill Rodgers promoting the importance of physical education in the life of blind children, 2003.
- Featured in Running Times and in many Boston Globe, Boston Herald, Newton Tab and other articles.

**Consultant, St. Joseph Nursing Care Center**, Dorchester, MA 1998-1999.

- Developed new clerical system to facilitate office communication.
- Performed accounting functions, data entry and resident account management.



**Administrative Assistant to the Administrator and the Director of Nursing, St. Joseph Nursing Care Center** Dorchester, MA 1997-1998

- Replied to all correspondence for the Administrator and the Director of Nursing.
- Drafted Monthly Board of Trustee agendas and minutes.
- Liaison between Administrator and personnel.
- Handled record keeping duties for Director of Nursing.
- Handled all mail directed to Administrator and Director of Nursing.

**Assistant Director of Financial Aid Harvard University Graduate School of Education**, Cambridge, MA 1986 – 1990

- Responsible for counseling HGSE graduate students in the application process for financial aid.
- Processed State and Federal Grant applications for potential incoming students and current students.
- Developed a computer program to calculate financial aid based on students application data.
- Monitored trends in applicant pool for racial and ethnic diversity to insure the proper administration of restricted University grants.
- Made final decisions on aid packages to incoming and current students based on application data and funds available from the Federal and State government as well as University Scholarship monies.
- Supervised support staff

**Laboratory Science Coordinator, Department of Biology, Suffolk University** Boston, MA 1982 – 1986

- Developed new curriculum for all undergraduate biology laboratory courses in order to better prepare faculty, teaching fellows, and students.
- Teach thirteen laboratory sections of undergraduate Biology.
- Train all department teaching assistants in laboratory protocol and prepare them for each laboratory course.
- Prepare and maintain all necessary laboratory equipment for classrooms.
- Stock supplies for Biology classrooms.
- Order all biologic and support supplies for the Department of Biology.
- Reconcile invoices with received orders for all incoming biologic and support supplies.
- Contact chemical company vendors to obtain quotes for chemicals purchased in bulk and make decision about what company would supply the University.
- Oversee departmental compliance with OSHA regulations.
- Maintain work-study logs for all teaching assistants and submit to central university financial aid office.

**VOLUNTEER ACTIVITIES**

- **Mayor's Committee for People with Disabilities** 2004 – Present  
Involved in the Mission of the Committee.

- **Understanding Our Differences** Speaker 2005 – Present  
Speak to Third Grade students about visual impairments. Since 2008, these visits include the role of Seeing-Eye dogs in the life of a blind person.
- **Guiding Eyes for the Blind Ambassador** 2008 – Present.  
Developed educational lectures and materials about the role of Seeing-Eye dogs tailored to the needs of various church and civic groups.
- **Fair Housing Task Force** – 2005 – 2007  
One of the original members of the Fair Housing Task Force. Involved in the two audits done by the City of Newton demonstrating discrimination against protected classes.
- **Literacy Tutor** – 2005- 2006  
Taught conversational English to a Korean student. Met weekly, developed lesson plans.

### **EDUCATION**

**Ed.M** Harvard Graduate School of Education, Cambridge, MA

**B.S.** Suffolk University, Boston, MA

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**PROFESSIONAL EXPERIENCE:**

- 1986 – Present**    **Massachusetts Real Estate Broker**    **Newton, MA**  
dba – “Caruso Unlimited”  
 *Real estate financial brokerage.*
- 1991 – 2001**    **Massachusetts Easter Seals Society**    **Waltham, MA**  
 *Public relations researcher.*
- 1984 – 1986**    **Horizon Real Estate**    **Waltham, MA**  
 *Residential Salesperson.*
- 1976 – 1984**    **American Lettering, Incorporated**    **Newton, MA**  
**Founded, Owned and Operated**  
 *Retail and wholesale silk-screening and embroidery company.*
- 1974 – 1978**    **Auburndale Sports Shop**  
**Owned and Operated**  
 *Retail sporting goods company.*

**VOLUNTEER EXPERIENCE:**

- 1998 – Present**    **Mayor’s Committee For People With Disabilities**    **Newton, MA**  
 *Co-Chair 2009 - present.*
- 1997 – 2002**    **Understanding Our Differences Board of Directors**    **Newton, MA**  
 *Newton schools’ disability awareness program.*

**EDUCATION:**

- 1973**    **Boston College – Bachelor of Arts**    **Newton, Ma**  
 *Political Science*  
 *Philosophy*  
 *English*

**Lucie Chansky**

February 24, 2011

Sara Ecker  
Newton City Hall  
1000 Commonwealth Avenue  
Newtopn Centre, Massachusetts 02459

Dear Ms Ecker,

Please consider my application for appointment to the Newton Disabilities Commission.

**Experience Relative to Serving on The Newton Disabilities Commission.**

I have served on the Newton Human Service Advisory Committee and the Mayor's Committee fro Persons With Disabilities for approximately 10 years.. I have been a very active and responsible member of both committees. I attend most of the meetings and participate very energetically in the selection process of the providers to whom we award funding and the selection of grantees to remove barriers to accessibility. I am very knowledgeable about the human service providers and facilities in our city because I have been actively involved in services provided to individuals with intellectual disabilities for more than 30 years.

I attended Newton Public Schools, Bates College and Boston University from which I received a Bachelor of Arts Degree in psychology.

My introduction to intellectual disabilities/disabilities and human service began in 1963 when my son Matty was born. He was eventually diagnosed as having profound intellectual disabilities and cerebral palsy. He lived at home with us, his family, until he was 26 years old, when he moved into a four person community residence on Washington Street in Auburndale.

His needs and the needs of other individuals with intellectual disabilities and other disabilities led me into what has now become more than thirty years of activism for the rights and needs of individuals with disabilities. I believe that I have an obligation to ensure that the issues, which impact the lives of these individuals, are kept in the forefront of attention of all who have potential to impact upon the quality of their lives.

My activities have included:

Membership on DDS (Commonwealth of Massachusetts Department of Developmental Services) Citizen Advisory Committees, for most of the thirty years. I have held leadership positions in the Newton connected Area and Regional Boards. I currently

chair both the Newton South Norfolk Area Board and the Metro Regional Board. I had served on the DDS State Advisory Council for several terms.

I also have had gubernatorial appointments, in addition to the DDS SAC, to the Massachusetts Developmental Disabilities Council (DD Council) and the Governor's Special Advisory Council on Disability Policy. I have served on the Public Policy and Legislative Committees of all three groups.

I have served on the Board of the Association for Retarded Citizens of Massachusetts (former name) (ArcMass), for many years. I currently am a member of their Governmental Affairs Committee and I have Chaired the Special Education Committee. I serve and have served on several ad hoc committees as well.

I also have served on a task force to the Massachusetts Rehabilitation Commission, which advised the Commissioner on MRC's implementation of improved service to individuals with learning disabilities.

Other groups with which I have been active include:

The Education Law task Force, a statewide advocacy group of Special Education lawyers and advocates.

The Newton Human Service Advisory Committee

The Mayor's Committee for People with Disabilities (appointed by Mayor Cohen)

The Newton Special Education Parent Advisory Council.

SPAN -The Special Needs Advocacy Network

Some experiences that I believe provide helpful experiences for this committee position include:

Founder and Chairperson, for about ten years, of the NWW Committee a current DDS provider

The leading force behind the establishment of a pre school program in Newton for children with intellectual disabilities and other disabilities (prior to chapter 766).

Founder and Chairperson for many years of the Newton Parent Advisory Council for Special Education.

Established and led the Newton Chapter of the Greater Boston Association for Retarded Citizens now called GBARC.

Worked with Newton Public Schools to provide, prior to Chapter 766, a class for children with profound intellectual disabilities. This probably was the first public school program, in Massachusetts, for children with such severe disabilities.

A founder and still active participant in SPAN, The Special Needs Advocacy Network, a professional organization for special education advocates.

I am a trained special education advocate. I am hired by individual families to help them obtain the services from their schools systems which chapter 766, Federal Special Education Law (IDEA) and Section 504 entitle them.

I actively advocate on all levels of the community and government for the needs of individuals with intellectual and other disabilities.

I have taken many graduate level courses in legal issues related to disabilities, special education law, and educational services to students with disabilities.

In 2009, I was awarded the Gunnar Dybwad 2009 Leadership Award by the Massachusetts Department of Developmental Services.

In summary, I believe I have the necessary experience and ability to be a productive member of The Newton Disabilities Commission. I keep myself informed about the current important issues for individuals with intellectual disabilities/other disabilities/human service needs and special education for students with various disabilities. I endeavor to share this information with the various committees on which I serve, as well as to facilitate and participate in all of the committees' areas of responsibility.

Thank you for your consideration of my appointment to the Newton Disabilities Commission.

Very truly yours,

Lucie Chansky

## GIRARD A. PLANTE

### OBJECTIVE

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Serve people with Disabilities by actively Advocating, Access and Services Consultant, Community Activist to ensure inclusion of citizens with Disabilities.

### WORK EXPERIENCE

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2003–present *Boston Post-Gazette* Boston, MA

**Columnist**

- Write and edit a biweekly column, "Simple Times," on human interest topics, general stories, and communitywide issues.
- Interview subjects for stories and research for my column.
- Write articles for publication per assignment.

2005–2009 Bookbuilders of Boston Boston, MA

**Writer**

- Write articles for the company quarterly newsletter *Pages*.
- Interview subjects and research for various articles.
- Attend events to report on and write to be published in *Pages*.

2005–present Massachusetts Rehabilitation Commission Boston, MA

**Contributing Writer/Editor**

- Write articles for publication in the quarterly newsletter *Consumer's Voice*.
- Attend Editorial Board meetings to consult on matters of the *Voice*.

2004–present Massachusetts Rehabilitation Commission Boston, MA

**Independent Consumer Consultant**

- Read, Edit, and Write the summary from the Commission's Annual Conference evaluation data for publication in its final report. And work on various other projects as assigned.
- Edit rough drafts of *Consumer's Voice* prior to being published.

2000-2001 Resource Center for Independent Living, Inc. Utica, NY

***Disability Rights Advocate***

- Intake & Referral of Consumers
- Assisted consumers navigating Department Social Services
- Trained consumers in Federal/State disability rights/laws
- Chair, Disability Rights Committee; Outreach to community
- Advocated for consumers relating to myriad pertinent issues
- Assisted consumers to locate housing

1996-1999 Zogby International Utica, NY

***Writer***

- Wrote a political column for the company's national publication
- Prepared employee newsletter incl: layout, interviews, writing, editing

***Freelance Writer***

*Observer-Dispatch* 1991-1993, 1996-1999, 2004 Utica, NY  
 Central New York Academy of Medicine, 1996-1997 New Hartford, NY  
 Net Design 1996 Utica, NY

**EDUCATION**

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1983-1988 Utica College of Syracuse University Utica, NY  
 B.A. in Journalism, May 1988.

**COMMUNITY AFFILIATIONS**

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2008-present SCI Advisory Board/Boston Medical Center Boston, MA  
 2003-present Mayor's Committee for People w/Disabilities Newton, MA  
 2001-2008 Greater Boston Chapter of the NSCIA Boston, MA  
 1980-present Advocate/Activist for Disability Rights New York & MA  
 2002-2006 Disability Policy Consortium Boston, MA



**PAST COMMUNITY INVOLVEMENT**

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- Accessibility Guide, 2004 Democratic Convention, Boston, MA
- Secretary, Human Rights Commission, Utica, NY.
- VP, Resource Center for Independent Living, Inc., Utica, NY.
- Advisory Board, Oneida County Office for the Aging, Utica, NY.



CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM

09 MAR 18 PM 2:42  
CITY CLERK  
NEWTON, MA 02459

DATE: March 18, 2009  
TO: Rules Sub-committee  
FROM: Daniel M. Funk, City Solicitor  
*DMF*  
RE: **Draft Rules Amendments – four docket items**

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Attached are proposed amendments to the Board's Rules in conjunction with the discussion that occurred at the Rules Sub-committee meeting of 2/4/09.

The first proposed change is designed to clarify under what circumstances the President of the Board may refer items to either the Committee of the Whole (COW) or to Special Committees. Item 1A clarifies and strengthens the president's authority in that regard. To the contrary, Item 1B requires the President to take additional steps to send docket items to the COW or to Special Committees. Note that in both versions I have drawn a distinction between those items that are otherwise headed to one of the nine standing committees pursuant to Board Rules and those items that do not fall squarely within the jurisdiction of one of those nine committees.

The second proposed amendment simply defines what a COW is.

The third proposed amendment clarifies the procedure as to how docket items are accepted or rejected for Board consideration on the docket.

The fourth proposed amendment makes clear that an item cannot be discussed until it is actually docketed.

Finally, at the February meeting there was some discussion about the Long Range Planning Committee and how it deals with undocketed items on a fairly regular basis. Thoughts were expressed about making it an established permanent committee in the Rules and/or describing and defining what it does and what it is. I sensed that the Rules Sub-committee was uncertain how it wished to proceed with this issue. Thus, at this time, I have not drafted any proposed amendments to the Rules pertaining to this issue.

**Draft Rules Amendments – arising out of Rules Sub-Committee meeting of 2/4/09**

Alternative 1A– Clarify and strengthen Board president’s authority to send items to Committee of the Whole.

-Amend Art I Sec.3 C. to read as follows:

*Any other new business that does not fall within the jurisdiction of the nine established permanent committees as described above shall be referred by the president to such committees as he/she deems appropriate, including the Committee of the Whole. The President may also refer new business that is within the jurisdiction of one or more of the nine permanent committees to a special committee or to the Committee of the Whole, but such referral, upon objection by a member of the Board, shall be subject to appeal to the Board who can vote to reassign such new business to alternate committee(s).*

Alternative 1B– Add requirement of 2<sup>nd</sup> call vote for certain new business to be referred directly to Committee of the Whole.

-Amend Art I Sec. 3 C to read as follows:

*Any other new business that does not fall within the jurisdiction of the nine established permanent 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 nine permanent committees to a special committee or to the Committee of the Whole, the item shall be placed on 2<sup>nd</sup> call by the Clerk of the Board and the decision on the referral shall be subject to a majority vote of the Board.*

2 – Define Committee of the Whole

-Amend Art II Sec. 11 by adding subsection D:

*The Committee of the Whole consists of the entire body of members of the Board in attendance, meeting as if it were in a committee setting and subject to the rules of committee procedure. The results of votes taken in Committee of the Whole are not final decisions of the Board but have the status of recommendations which the Board is given the opportunity to consider further and which it votes on finally under its regular rules.*

3 – New Docket Items – Acceptance/Rejection

- Amend Art. II by adding Sec 2B(3)

*Upon approval of the first call vote, all new docket items appearing on the docket bearing the date of the Board's first call vote shall be considered accepted for Board consideration with corresponding committee assignments as noted on the docket. However, the acceptance of any new docket item is subject to being placed on 2<sup>nd</sup> call for Board discussion at the same meeting at which the item first appears on the docket. At 2<sup>nd</sup> call, the Board may accept or reject the item for docketing, or postpone to a date certain the decision on whether to accept or reject it as a docket item.*

4 – Late File Docket Items

- Amend Art. V. Sec. 2B by adding after the fourth sentence therein:

*If the item is not admitted to the docket under suspension of the rules, it may not be discussed by any committee of the Board until after it has been admitted to a subsequent docket in accordance with these rules.*

#129-08      ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board.

[03-24-08 @ 9:11 AM]

**ACTION:**      **APPROVED 3-0**

**NOTE:** Ald. Johnson said that she was satisfied with the language that Mr. Funk provided regarding late file docket items. This would pertain to an item that came in after the docket deadline and was not accepted to the docket under suspension of the rules. Until the item was accepted to a docket (typically, 2 weeks later) it could not be discussed by any committee of the Board. Ald. Johnson noted that the Board has never refused to accept an item to a docket that was filed on time. It would amend Art. V Sec. 2B of the Rules of the Board by adding after the fourth sentence therein:

*If the item is not admitted to the docket under suspension of the rules, it may not be discussed by any committee of the Board until after it has been admitted to a subsequent docket in accordance with these rules.*

Ald. Baker said that in a Chairmen's meeting a variety of topics may be discussed. He felt it was an appropriate place to have discussions of issues that may not be on a docket. If an item were docketed, he thought it would be out of order to discuss that item in a Chairmen's meeting. He felt the proposed language was acceptable.

The subcommittee also agreed upon the language from Mr. Funk regarding new docket items and their acceptance or rejection. This language would amend Art. II of the Rules of the Board by adding Sec. 2B(3) as follows:

*Upon approval of the first call vote, all new docket items appearing on the docket bearing the date of the Board's first call vote shall be considered accepted for Board consideration with corresponding committee assignments as noted on the docket. However, the acceptance of any new docket item is subject to being placed on 2<sup>nd</sup> call for Board discussion at the same meeting at which the item first appears on the docket. At 2<sup>nd</sup> call, the Board may accept or reject the item for docketing, or postpone to a date certain the decision on whether to accept or reject it as a docket item.*

The subcommittee voted to recommend approval of the above language in both instances.

Excerpt

affect next year's board. Ald. Lennon was concerned that the home rule petition process might take too long and would not be done in time for the beginning of the fiscal year. Ald. Sangiolo said they could decide, as a Board, on an amount to voluntarily give back to the city in order to save something else in the budget. Ald. Baker pointed out that the Mayor would still have to approve any appropriation, however.

Since this meeting, Ald. Sangiolo has gathered information from the Law Department indicating that a Home Rule petition could be employed to make a salary change. She will bring this information to the next discussion of this item.

Ald. Brandel moved to hold this item and the Committee voted in favor.

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

#329-08(2) ALD. JOHNSON, ALBRIGHT AND LINSKY requesting that His Honor the Mayor implement policies and procedures that engage the Ward Alderman, as appropriate, in the determination of exemptions from the noise ordinance. [02/25/09 @ 11:24 AM]

**ACTION:** **APPROVED 7-0 (Ald. Parker not voting)**

**NOTE:** Ald. Johnson spoke with Mayor Cohen and he was pleased with the Resolution proposed for this item. It is attached to this report. Ald. Baker was concerned that this might not allow for some non-emergency events that might need an exemption. Ald. Johnson said that the Mayor had spoken to Dimeo about their construction schedule and calendar. He had seen the language for this resolution and felt comfortable that it would be adequate to Dimeo's needs. The Committee voted in favor of this item.

**REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES**

#329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09/02/08 @ 12:00 PM]

**ACTION:** **NO ACTION NECESSARY 7-0 (Ald. Parker not voting)**

**NOTE:** This item was voted No Action Necessary by the Committee because the issue was addressed in item #329-08(2).

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

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:  
"Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05/21/08 @ 12:58 PM]

**ACTION:** **HELD 7-0 (Ald. Parker not voting)**



**NOTE:** Ald. Sangiolo said she had received inquiries from the newspaper about what was happening with this item. She felt that this issue merited some further discussion. Because they know that \$10M in interest payments are going to come due.

Ald. Sangiolo thought the question would have to be dealt with before the tax rate was set, which was generally around November 15<sup>th</sup>. She thought it would be a good idea to have the referendum question during the municipal election.

Ald. Baker did not feel it was an appropriate time to put this on the ballot and organizing a campaign around it would be difficult. Ald. Brandel agreed that it was not a good time to be asking the public for this, but he understood the City was going to be facing financial constraints and it was a problem that needed to be wrestled with. He felt they should be thinking about whether a debt exclusion was necessary, would it be a good solution to the problem, and would it be a good time to be dealing with this politically and financially. He explained that an override is an increase to the levy that gets circulated on every one's tax base incrementally, and a debt exclusion gets amortized simply so the largest payment comes first. He didn't feel the timing was right for a debt exclusion because of that. He said they needed some clarification on how a debt exclusion operates. He also felt there might be some other smaller projects that might be a better test for the debt exclusion concept. He noted that the type of overrides that passed in the last elections around the state were almost all debt exclusions. Many communities were doing multi-question ballots. It gave people the ability to pick what they would like to support. Ald. Sangiolo felt that the Newton North project was a perfect opportunity for a debt exclusion. It would free up the \$10M from the operating budget and pay the Newton North debt separately.

Ald. Johnson said that the Blue Ribbon Commission had suggested an override in the past and that the Citizen's Advisory Group recommended increasing the revenue stream but she wasn't sure if overrides were part of that. Ald. Johnson said that there is huge debt from the Newton North High School project and there are a number of elementary schools that are in need of renovation or replacement. The CAG has noted that the infrastructure, capital planning, and budgeting processes in the City are not working. The budgeting process should include this concept of debt exclusion as a topic of conversation. All things need to be looked at carefully.

Ald. Hess-Mahan suggested having David Wilkinson or Susan Burstein, Craig Manseau and somebody from the Law Department come in to establish how this would be set up and how it would work if they decided to move forward with a debt exclusion. Ald. Merrill thought it was important to educate the public on the differences between a debt exclusion and an override.

Attached is an excerpt from the March 15, 2006 Committee of the Whole meeting at which former Associate City Solicitor, Gayle Smalley, explained overrides and debt exclusions. Also attached are explanations of the same from the Massachusetts Department of Revenue website.

COMMITTEE OF THE WHOLE  
EXCERPT  
WEDNESDAY, MARCH 15, 2006

**Debt Exclusions, Overrides, and Voter Involvement**

Gayle Smalley presented information from her memo of March 10, 2006. She addressed how to calculate the amount of debt exclusion. She stated that the calculation is the total principal and interest payment due net of any reimbursement received from the state or federal government for the project.

On the question of who can docket a Proposition 2 ½ Debt Exclusion, Ms. Smalley found that the provisions of Proposition 2 ½ do not specify who may place a Debt Exclusion proposal before the Board. Thus, it is left to Newton's local rules, which allow that any person may docket an item to propose that the Board approve a debt exclusion. The Mayor, however, must submit the subsequent bond authorization, to the Board.

Ms. Smalley reported that according to the Mass. Department of Revenue, either the city can approve a debt exclusion before, or after, the debt is authorized and issued. The City may also place a package of bond projects in a single ballot question, but according to the Department of Revenue, it is more typical to see a city or town use separate ballot questions for each project.

Alderman Sangiolo asked if the City decided to do an override after the project was underway, could that new money go to pay the bill for Newton North or anything else we need? Ms. Smalley stated that this could be done. Her response was supported by Mr. Pooler who stated that it could go to pay whatever bills the City wanted to pay.

Alderman Mansfield stated that he felt that doing a debt exclusion after the project had started was not a wise course of action. If the City were faced with the need for additional funds after the project had started, an override would be the better way to go. Alderman Mansfield then stated that if a debt exclusion was passed by the voters before the beginning of the project, and the Mayor chose not to exercise that debt exclusion, which is his prerogative, then the options would become very limited.

Alderman Coletti commented that he saw quite a few options. Unfortunately, some of them were not that great. He believes that this project will have to go forward with a funding source that is accurate. That means that the Mayor will have to request an entire bond for everything less the money that we are going to get from state reimbursement. He cannot come forward with a proposal that talks about the use of new growth, because if it does not materialize then we have to do tax anticipation notes (TANs), bond anticipation notes (BANs), or revenue anticipation notes (RANs). The City will have to borrow money depending on how the Executive Department expects to



pay for the project. The board could go forward and approve up to \$80 million in bonds; it does not matter what type, to construct this project and four years down the road the City can be in a position where there is no growth and will have to sell some short term revenue notes to generate the funds to build the building while we wait for the revenue to come in - whether it is tax, state aid, bonds or revenue notes. If none of those materializes, and you now have a debt payment, you can request a debt exclusion override to raise the money to make that payment. It is a fifth way, and the best way, for the city to raise the money. It is pay as you go, so you do not have to pay it down in the future. You can begin raising the money immediately through that capacity. It gives the City some flexibility.

Alderman Coletti went on to say that he would like to see a funding mechanism that is hooked to the hotel/motel tax because that is a known \$1.4 million a year. You could easily sell tax anticipation notes in order to generate the money that is offset by that hotel/motel money as it comes in. We have the debt exclusion option to bridge the gap so that we can continue to move forward.

The Mayor is going to have to ask for the full complement of funding. He cannot come in with a plan to build a new school and build it with 30-years of new growth. That is not a legal funding mechanism because it is invisible money at this point. Aldermen Coletti hopes that the Mayor is not going to try to do that and that the Law Department can clarify that statement. It is impossible to do a project with the financing that way. We are going to have to approve the entire amount in bonds.

Alderman Albright asked if we could do a debt exclusion on some of the bonding and not all of the bonding.

Ms. Smalley emphasized that the ballot question is prescribed by law. The ballot question is about the particular project not the amount - there is no dollar amount on the ballot. Mr. Pooler added that the Department of Revenue also states that if you vote the debt exclusion, but the community has other resources that you want to use to pay the interest and principle payments, the city is not obligated to use property taxes to the full extent.

Alderman Albright asked how you explain to the voters what the impact might be if you cannot include a number?

Mr. Pooler responded that you do a projection of the debt overtime and you assume that the exclusion is going to cover the full cost of it.

President Baker asked if there were any further questions for Assistant City Solicitor Smalley and seeing none, he thanked her and allowed her to depart the meeting. He then introduced Building Commissioner Nick Parnell and Cost Estimator Craig Holmes from Rider, Hunt, Levett and Bailey to discuss cost estimation.

Bureau of Accounts  
Informational Guideline Release (IGR) No. 02-101  
March 2002

**PROPOSITION 2½ DEBT EXCLUSIONS**

**(G.L. Ch. 59 §§21C(k) and 21D)**

This Informational Guideline Release explains the policies of the Commissioner of Revenue regarding the borrowing amount covered by an approved Proposition 2½ debt service exclusion and adjustments to the annual exclusion schedule. It also includes new procedures and forms to be used by cities and towns with approved debt exclusions for obtaining a determination about the inclusion of cost increases within an exclusion or approval to use an adjusted exclusion schedule.

**Topical Index Key:**

Borrowing  
Proposition 2½

**Distribution:**

Assessors  
Treasurers  
Accountants/ Auditors  
Mayors/Selectmen  
City/Town Managers/Exec. Secys.  
Finance Directors  
City/Town Councils  
City Solicitors/Town Counsels  
Municipal/Regional School Superintendents  
Regional School Treasurers

Informational Guideline Release (IGR) No. 02-101  
March 2002

**PROPOSITION 2½ DEBT EXCLUSIONS**

**(G.L. Ch. 59 §§21C(k) and 21D)**

Under Proposition 2½, a city or town may present a debt exclusion referendum to voters. An approved debt exclusion provides a temporary increase in the amount the community can levy to fund the payment of debt service costs. Each year until the described debt is retired, the amount of the debt service payment due for that year is added to the levy limit to establish the maximum amount the community can levy. These guidelines explain the policies of the Commissioner of Revenue regarding two issues that arise when using a debt exclusion.

The first policy relates to determining the amount of borrowing covered by an approved debt exclusion. Debt exclusions are usually for major construction projects and often the details and costs change as the projects progress. Even though a dollar amount is not included in the referendum question approved by the voters for these projects, the exclusion is not unlimited and does not necessarily cover all cost increases. An exclusion covers the debt service costs on the borrowing amount authorized or contemplated for the described purpose or purposes at the time of the referendum vote. Debt service on any borrowing above that fixed amount is not excluded unless (1) it is a modest amount attributable to inflation, new regulatory requirements or minor project changes, or (2) another exclusion is approved by the voters.

The second policy relates to determining the amount excluded annually. Ordinarily, the annual debt exclusion is equal to the debt service payment due for that year net of any federal or state reimbursement being received for the project. Borrowing or reimbursement timing issues may result in sharp changes in the tax levies for some of these years, particularly at the outset. In these cases, an adjusted debt exclusion schedule may be used in order to moderate the impact on taxpayers. The total amount excluded over the life of the borrowing remains unchanged, but the annual exclusion amounts are adjusted. In fiscal years in which the exclusion taken is greater than the net debt service due that year, the excess is reserved for appropriation in later years when the exclusion to be taken is less than the net debt service due.

The Director of Accounts will determine the borrowing amount covered by a debt exclusion, and approve adjusted exclusion schedules, using the standards and procedures set forth in these guidelines.

GUIDELINES:

I. EXCLUSION SCOPE

A. Determination Policy

A city or town that increases the amount borrowed for a purpose described in a debt exclusion above the amount fixed at the time the exclusion referendum was approved may apply one time only to the Director of Accounts for a determination regarding the borrowing amount covered by that particular exclusion. Once a decision is issued, any additional amount, even if de minimis, must be financed within the community's levy limit unless the voters approve a supplementary referendum question.

B. Application Procedure

1. Applicant

The mayor, city/town manager or selectmen must submit the community's application for a determination regarding the scope of a particular exclusion.

2. Format

All applications must be made using Form DE-2 (attached). This form will also be used to notify the community of the action taken by the Director on the request.

3. Content

Applications must include a specific dollar amount of additional borrowing the community has or is planning to authorize for the purpose or purposes described in the debt exclusion. The Director will not act on requests for indefinite amounts nor pre-authorize an amount. **All determinations will be based on a fixed dollar amount specifically provided by the community.**

4. Submission

Applications must be mailed or faxed to the Director at the address or number shown on Form DE-2.

## C. Determination Decisions

### 1. Standards

Additional borrowing the community has or is planning to authorize for the purpose or purposes described in the debt exclusion will be covered by the exclusion only if it (1) is modest in amount, and (2) funds the same project(s), as defined below.

#### a. Amount

The percentage increase in the amount being borrowed must be reasonable in comparison to standard measures of the rate of increases in (1) general inflation,<sup>1</sup> (2) construction costs,<sup>2</sup> and (3) costs of state and local government goods and services<sup>3</sup>, since the referendum.

The community must request a determination if the borrowing increase exceeds any of those measures regardless of the reason *unless it chooses to bypass the determination procedure and seek voter approval of a supplemental exclusion or fund the additional debt service within the levy limit.* See Section II-C-3-c below.

#### b. Project

The additional borrowing must also fund expenses reasonably necessary to completing the same fundamental elements of the described project(s).

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<sup>1</sup> Index used to measure changes in the price of goods and services generally is the non-seasonally adjusted Consumer Price Index-All Urban Consumers (CPI-U) for all items typically purchased by consumers in the Boston-Brockton-Nashua area. The index is compiled by the U. S. Labor Department, Bureau of Labor Statistics and is updated bimonthly. The most current index can be obtained at [www.bls.gov](http://www.bls.gov). [*Select Consumer Price Index/Get Detailed Statistics/Create Customized Tables/Consumer Price Index-All Urban Consumers (Current Series).*]

<sup>2</sup> Index used to measure changes in the price of construction costs in the National Composite Fixed-Weight index. The index is compiled by the U.S. Commerce Department, Census Bureau and updated monthly. The most current index can be obtained at [www.census.gov](http://www.census.gov). [*Select Subjects A- Z/C/Construction/Value of Construction Put in Place/Indexes/Monthly Indexes/U.S. Census Bureau –Composite Fixed-Weight Index (1<sup>st</sup> column).*]

<sup>3</sup> Index used to measure changes in the price of goods and services typically purchased by governmental entities is the State and Local Implicit Price Deflator. The index is compiled by the U.S. Commerce Department, Bureau of Economic Analysis, and is updated quarterly. The most current index can be obtained at [www.bea.gov](http://www.bea.gov). [*Select National Income and Product Account Tables/Table 7.1- Quantity and Price Indexes for Gross Domestic Product/Line 88.*]

These are defined as those types of involuntary expenses that voters could reasonably foresee might occur in the public construction or other capital project that is the subject of the debt exclusion. They would include, for example, (1) extra work required to meet regulatory or environmental regulations, such as unplanned drainage, removal of asbestos or other contaminants, or new fire and building code improvements, (2) extra work to address unanticipated problems encountered during construction, such as undetected structural deficiencies, or (3) higher acquisition costs resulting from damages awarded by a court to the owner of real estate taken by eminent domain. They would also include some voluntary expenses associated with the types of minor project changes that typically occur in capital projects, such as reconfiguring storage space or sewer lines.

They do not include, however, any expenses related to voluntary changes or expansions in the fundamental specifications of the project as represented to the voters. Examples of such material project changes would include (1) adding new components or amenities, such as a technology plan or air-conditioning, (2) expanding significantly the size or use of a facility or structure, or (3) replacing rather than repairing a major structural component, such as a roof, or demolishing and rebuilding, rather than renovating, a structure.

The community must request a determination if all or part of the borrowing will cover extra work or expenses resulting from voluntary or involuntary circumstances *unless it chooses to bypass the determination procedure and seek voter approval of a supplemental exclusion or fund the additional debt service within the levy limit.* See Section II-C-3-c below.

2. Notice

The Director will return the signed DE-2 to municipal officials to notify them of his decision.

3. Decision

a. Additional Borrowing Covered by Exclusion

If the Director determines that the additional borrowing identified by the city or town in its application is covered by the exclusion, that amount will be recorded on the DE-2. No additional amount will be covered by that particular exclusion even if de minimis.

b. Additional Borrowing Not Covered by Exclusion

If the Director determines that the additional borrowing identified by the city or town in its application is not covered by the exclusion, the DE-2 will record the exclusion amount fixed at the time of the referendum. The Director will not act on any other requests for a determination regarding that particular exclusion.

The Director will calculate the annual exclusion using the same percentage the fixed amount bears to the total debt issued for the exclusion purpose(s) unless another exclusion is approved to cover the additional borrowing as explained in Section I-C-3-c below. For example, if the exclusion covered \$20,000,000 of \$25,000,000 borrowed for the exclusion purposes, the annual exclusion would be 80% of the net debt service due for the year.

c. Approval of Supplementary Exclusions

The selectmen, town council or city council with mayoral approval if required by law may ask voters to approve another debt exclusion to cover the additional borrowing even if the Director determines the amount is covered by the original exclusion. *The community also retains the option of bypassing the determination procedure entirely and either seeking voter approval of a supplementary exclusion or funding the additional debt service within the levy limit.*

**Voter action on a supplementary exclusion does not affect the original exclusion.** Proposition 2½ does not contain any method for revoking or superseding an approved exclusion. Therefore, the original exclusion continues to cover the debt service costs on the borrowing fixed at the time it was voted.

If a supplementary exclusion required to cover the additional debt is not presented to or approved by the voters, the annual exclusion will be calculated on a percentage basis as explained in Section I-C-3-b above.

4. Recordkeeping

Treasurers must retain the returned application until the debt exclusion ends, *i.e.*, until the debt is retired and all adjustments to the levy limit attributable to the exclusion have been made.

II. ADJUSTED EXCLUSION SCHEDULE

A. Approval Policy

A city or town may apply to the Director of Accounts for approval to use an adjusted debt exclusion schedule in order to moderate the impact of the exclusion on its levy.

B. Application Procedure

1. Applicant

The mayor, city/town manager or selectmen must submit the community's application for approval to use an adjusted debt exclusion schedule. The assessors, treasurer and accounting officer must also sign the application.

2. Format

All applications must be made using Form DE-3 (attached). This form will also be used to notify the community of the action taken by the Director on the request.

3. Content

Applications must include the proposed exclusion schedule containing the information listed on Form DE-3.



4. Submission

Applications must be mailed or faxed to the Director at the address or number shown on Form DE-3.

C. Application Review

1. Standards

The Director of Accounts will approve use of an adjusted schedule for any municipality subject to the following conditions:

a. Excluded Debt Reserve

The accounting officer must establish an "Excluded Debt Reserve" and reserve the excess taxes raised in any fiscal year in which the exclusion taken under the adjusted schedule exceeds the actual net debt service due for that year.

The reservation of fund balance carries forward on the balance sheet and is available for appropriation for the municipality's debt service costs, or its assessed share of a regional governmental entity's debt service costs, in those years when the exclusion to be taken is less than the actual net debt service due.

b. Total Exclusion

The total amount excluded over the life of the borrowing may not exceed the municipality's net debt service costs, or its assessed share of a regional governmental entity's net debt service costs.

Reductions in future years' levy limits may be necessary if this maximum exclusion is exceeded. The Director will work with municipal officials to minimize any financial hardship that might result from such reductions.

2. Notice

The Director will return the signed DE-3 to municipal officials to notify them of his decision.

3. Recordkeeping

Treasurers must retain the returned application and adjusted schedule until the debt exclusion ends, *i.e.*, until the debt is retired and all adjustments to the levy limit attributable to the exclusion have been made.

The Official Website of the Department of Revenue (DOR)

Mass.Gov

## Department of Revenue

Home > Local Officials > Municipal Data and Financial Management > Municipal Knowledge Base > Levy Limits >

### What is a Debt Exclusion ? What is a Capital Outlay Expenditure Exclusion ?

Proposition 2½ allows a community to raise funds for certain purposes above the amount of its levy limit or levy ceiling. A community can assess taxes in excess of its levy limit or levy ceiling for the payment of certain capital projects and for the payment of specified debt service costs. An exclusion for the purpose of raising funds for debt service costs is referred to as a debt exclusion, and an exclusion for the purpose of raising funds for capital project costs is referred to as a capital outlay expenditure exclusion. Both exclusions require voter approval with very limited exceptions. These exceptions are explained in the topic entitled What is a Special Exclusion.

The additional amount for the payment of debt service is added to the levy limit or levy ceiling for the life of the debt only. The additional amount for the payment of the capital project cost is added to the levy limit or levy ceiling only for the year in which the project is being undertaken. Unlike overrides, exclusions do not become part of the base upon which the levy limit is calculated for future years.

Reimbursements such as state reimbursements for school building construction are subtracted from the amount of the exclusion.

A capital outlay expenditure exclusion or debt exclusion is effective even in the rare case when the exclusion would bring the community's levy above its levy ceiling.

Both of these exclusions require a two-thirds vote of the community's selectmen, or town or city council (with the mayor's approval if required by law) in order to be presented to the voters. A majority vote of approval by the electorate is required for both types of exclusion.

Questions presented to exclude a debt obligation must state the purpose or purposes for which the monies from the debt issue will be used. Questions presented to exclude a capital outlay expenditure exclusion must state the amounts and purposes of the expenditure.

Below we highlight how exclusions are added to the levy limit:

Taking the previous year's levy limit and increasing it by 2.5%.

<b>A. FY2000 Levy Limit</b>	<b>\$1,000,000</b>
<b>B. (A) x 2.5 %</b>	<b>\$25,000</b>

Adding to the levy limit amounts of certified new growth added to the community's tax base:

<b>C. FY2001 New Growth</b>	<b>\$15,000</b>
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Adding to the levy limit amounts authorized by override votes:

<b>D. FY2001 Override</b>	<b>\$100,000</b>
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<b>E. FY2001 Subtotal (A + B + C + D)</b>	<b>\$1,140,000</b>
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Comparing the FY2001 levy limit to the FY2001 levy ceiling and applying the lesser number (compare E and F)

F. FY2001 Levy Ceiling \$2,500,000

\$1,140,000  
Applicable FY2001 Levy Limit  
(lesser of E and F)

Calculating FY2001 levy limit with debt exclusion or capital outlay  
expenditure exclusion:

H. FY2001 Levy Limit \$1,140,000

I. Add FY2001 Debt Exclusion or  
Capital Outlay Expenditure Exclusion \$50,000

\$1,190,000  
Applicable FY2001 Levy Limit with Debt Exclusion  
or Capital Outlay Expenditure Exclusion

In FY2001, this community can levy up to \$1,190,000, its applicable levy limit with this debt exclusion  
or capital outlay expenditure exclusion.

**Requirement that installation of synthetic in-filled turf athletic fields on city-owned properties use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible.**

The installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible.

“Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account estimated cost, effectiveness, environmental, safety, public health, legal and technological factors.

“Maximum extent feasible” means no prudent, practical, and feasible alternative exists, taking into account the best available technology, cost effectiveness and other competing issues such as safety, public health, and environmental risks and benefits. In determining what is the maximum extent feasible, the City shall consider, at a minimum, effectiveness, engineering feasibility, commercial availability, safety, environmental impact and cost. Cost shall not be the overriding factor in determining “maximum extent feasible,” and must include consideration of projected life cycle costs, including, but not limited to, maintenance, repair, replacement, recycling and/or disposal costs over the estimated useful life of the installation. “Maximum extent feasible” is intended to be a flexible standard that may vary depending on consideration of the factors listed above and site conditions for each specific installation.