

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, JUNE 22, 2011

7:45 PM Room 222, Room 209

Clerk's Notes: After the first three items are discussed, the Programs and Services Committee will join Public Facilities Committee in room 209 to discuss #367-10.

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor:

#167-11 JOHN MCDERMOTT, 7A Washburn Street, Newton Corner, appointed to the Election Commission for a term of office to expire March 31, 2015 (60 days 08-05-11 [05/23/11 @ 3:47PM]).

Re-appointment by His Honor the Mayor:

#168-11 RICHARD LIPOF, 105 Baldpate Hill Road, Newton Center, re-appointed to the Election Commission for a term of office to expire on March 31, 2015. [05/23/11 @ 3:49PM]

#373-10 ALD. GENTILE, HARNEY, SANGIOLO requesting amendment to §20-13, *Noise Control*, of the City of Newton Revised Ordinances to prohibit outdoor athletic events from starting before 7 AM and increase the maximum fine to \$300. [12-10-10 @ 12:53 PM]

#367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
(B) Installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

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

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

- #355-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Real Property & Reuse Committee. Issues regarding reuse of public buildings to be referred to the Public Facilities Committee and issues regarding reuse of City owned land would be referred to the Land Use Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
- #356-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Post-Audit Committee. All post audit/follow-up items will be discussed in the substantive committee that originally heard the item. Effective date of this change will be January 1, 2012.[11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
- #357-10 PRESIDENT LENNON and ALD. LAPPIN requesting a change to the rules of the Board of Aldermen to eliminate the Committee on Community Preservation. All Community Preservation items will be referred to the Finance Committee. Effective date of this change will be January 1, 2012. [11/26/2010 @ 11:59 AM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
- #357-10(2) ALD. YATES proposing a change in the proposed rule to eliminate the Committee on Community Preservation: community preservation items relating to housing and recreation shall be referred to the Programs and Services Committee; items relating to historic preservation and open space shall be referred to the Zoning and Planning Committee; all items shall then be referred to the Finance Committee. [12/6/2010 @ 10:57PM]
REPORTED BACK TO PROG/SERV FROM RULES ON 6/8/2011
- #95-09(2) PROGRAMS & SERVICE COMMITTEE requesting establishment of an Advisory Committee to review processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. Members of the Advisory Committee shall be appointed by the Chairman and Vice Chairman of the Programs & Services Committee and the President of the Board. [11/16/09 @ 3:59 PM]
- #52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007.
[02/09/07 @ 12:36 PM]

REFERRED TO PROGRAMS AND SERVICES COMMITTEE

- #114-11(2) ALD. HESS-MAHAN & ALD. SALVUCCI requesting a discussion on the definition of “tot lot” in the ordinance and whether there are other play areas/structures which should be protected from the presence of dogs.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]
- #83-07(2) ALD. YATES proposing a RESOLUTION to the City’s representatives and senator in the General Court asking them to co-sponsor the legislation of the Massachusetts Municipal Association that would give cities and towns the same power to determine their health care costs that agencies of the State have.[9/13/2010 @ 9:38am]
- #98-10 ALD. YATES requesting that the Board of Aldermen and His Honor the Mayor take all possible steps to change state law to save local costs by giving cities and towns the right to negotiate health plans on the same basis as the Commonwealth. Such steps would include, but not be limited to, joining the Coalition to Save our Communities and notifying our city legislators of our urgent concern about this matter. [03/23/10 @ 4:29 PM]

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE

- #99-11 ALD. ALBRIGHT, JOHNSON, and DANBERG requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Department of Public Works, Parks and Recreation Department, Executive Office, and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee of the Board of Aldermen that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial

condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10
REFERRED TO FINANCE 02/23/2011

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]

#306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08/26/08 @ 5:03 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

206-10 VETERANS' AGENT requesting a discussion and support for the replacement of the WWII Honor Roll on the grounds of City Hall at the intersection of Walnut Street and Commonwealth Avenue. [07/06/10 @ 4:41 PM]

REFERRED TO LAND USE AND PROGRAMS & SERVICES COMMITTEES

#474-08(2) ALD. HESS-MAHAN & VANCE proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to conform with a proposed amendment to Chapter 30 re transfer of the special permit granting authority to the Zoning Board of Appeals and/or the Planning & Development Board for projects that are not classified as Major Projects pursuant to Article X.

REFERRED TO RULES SUBCOMMITTEE

#287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least \$1.6 million per year for Newton). [02/27/07 @ 10:21 PM]

#370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

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

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

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

#89-08 ALD. PARKER requesting the following:

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

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

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

PUBLIC FACILITIES NO ACTION NECESSARY ON 11/3/10

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

Respectfully Submitted,

Amy Sangiolo, Chairman

Richard A. Lipof

Richard A. Lipof, President and founder of Lipof Real Estate Services, Inc, has been appraising and consulting for the real estate industry since 1988. He provides market research, feasibility studies and comprehensive appraisals for debt financing, equity placements, portfolio review, acquisition and disposition, and development. Mr. Lipof is the Chief Review Appraiser for Lipof Real Estate Services, Inc.

Clients of Mr. Lipof's include local and regional banks, conduit lenders, mortgage brokers, federal regulatory agencies, law firms, and national and international property owners, managers, and developers. In the past he has provided valuation and advisory services on all major types of real estate including multi-family apartment, office, retail, industrial, self-storage facilities, affordable housing, and residential and condominium development projects. Mr. Lipof is a qualified expert witness in Massachusetts Probate and Superior Courts.

As Chief Review Appraiser, Mr. Lipof is responsible for staff training, USPAP compliance, final review authority, and client communications. Residential clients include Major regional lending institutions such as Citizens Bank, Sovereign Bank, TD Bank and local lenders such as Brookline Savings, Boston Private Bank, and Wainwright Bank. Mr. Lipof is approved with numerous wholesale lenders throughout the United States.

Mr. Lipof is a graduate of the University of Wisconsin and has completed graduate studies in real estate valuation at New York University. He is an associate member of the Appraisal Institute, a member of the Greater Boston Real Estate Board, a member of the Massachusetts Board of Real Estate Appraisers, and a licensed Real Estate Broker.

Mr. Lipof served six terms as an Alderman for the City of Newton, Massachusetts. During his tenure, he served as the Chairman of the Public Safety and Transportation Committee, the Chairman of the Real Property Reuse Committee and Vice Chairman of the Finance Committee.

Presently Mr. Lipof serves as the Chairman of the Angino Farm Commission and is a member of the Executive Board of Temple Beth Avodah.

11 MAY 23 1999
CITY CLERK
NEWTON, MA. 02159

EDUCATION

UNIVERSITY OF WISCONSIN

- B.A. 1987

NEW YORK UNIVERSITY

- Post graduate studies in Real Estate Valuation

AFFILIATIONS & LICENSING

- Massachusetts State Brokers License #138382
- Massachusetts State Certified Residential Real Estate Appraiser #711
- SRA Candidate – Appraisal Institute
- Member of the Greater Boston Real Estate Board
- Member of the Massachusetts Board of Real Estate Appraisers

Richard Lipof
Lipof Real Estate Services, Inc.

JOHN P. MCDERMOTT

OBJECTIVE

To serve as one of two Republican members of the Newton Election Commission

EMPLOYMENT

1996 - Present MassHousing Boston, MA

Purchasing Specialist

- Responsible for reviewing requisitions and pricing; Issuing purchase orders for goods and services; Oversee reconciliation of invoices applied to purchase orders for goods, service contracts, and consultants

EDUCATION

1978 - 1982 Boston College

Chestnut Hill, MA

BA Political Science

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SUMMARY OF QUALIFICATIONS

1995 - Present Republican State Committeeman

1986 - Present Chairman, Newton Republican City Committee

1988 - 1996 Treasurer, Newton Republican Club

1981 Candidate for Ward 1 Alderman

1980 - Present Involvement in the political process, as it relates to the Election Commission:

- Involved in numerous political campaigns, and voted in every preliminary, city, primary, and general election.
- Encouraged people to get involved, and to register to vote.
- Filed financial reports to OCPF as a Treasurer.
- Reviewed voter statistics and election results for analysis.
- Collected signatures for candidates and ballot questions.

Familiarity with the Election Commission office - I have been a frequent visitor since 1980. My experience has always been a very positive one. The employees are courteous, helpful, and ready to fulfill any requests, or answer any questions that I have.

11 MAY 23 P 3 48

CITY CLERK
NEWTON, MA. 02159

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

December , 2010

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Section 20-13 **Noise Control**, as most recently amended by Ordinance Z-32, as follows:

1. Insert after paragraph (7) of Section 20-13(f) *Time Restrictions* the following new paragraph:

“(8) No outdoor group, club or team sports event, game, practice, or drill taking place on an athletic field shall commence prior to 7:00 a.m.

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

#367-10(B)

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

June 17, 2011

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

17 JUN 17 P 1:15
CITY CLERK
NEWTON, MA. 02159

Ladies and Gentlemen:

I write to request that your Honorable Board amend Docket #367-10 *HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following: (B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]* by bifurcating "parens B" further to enable the Board to take up the discussion and approval of the elementary school modular classrooms independent of the discussion and approval of the permanent renovations of the F.A. Day Middle School.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Setti D. Warren".

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



PUBLIC BUILDINGS DEPARTMENT

Stephanie Kane Gilman, Commissioner
Telephone (617) 796-1600
FAX (617) 796-1601
TTY: (617) 796-1089
52 ELLIOT STREET
NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren
Mayor

June 17, 2011

The Honorable Setti D. Warren
Mayor
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Funding Request for (4) Modular Classrooms for Three Elementary Schools;
Docket Item # 367-10(2)

11 JUN 17 P 1:18
CITY CLERK
NEWTON, MA 02159

Dear Mayor Warren:

The Public Buildings Department on behalf of the School Department, is requesting the sum of \$794,750 to cover the cost of the remaining design, construction and installation of four modular classrooms at three elementary schools. The estimate is based upon \$181,125 per classroom. The elementary schools to receive modular classrooms are Burr (1), Horace-Mann (1) and Zervas (2). These modular classrooms are planned to be in place for Fall 2011.

The breakdown of the estimate is as follows:

Construction and installation	\$695,000
5% Contingency	34,750
Design	<u>140,000</u>
Sub Total:	\$869,750
Less Original Schematic Design Funding	<u>-\$ 75,000</u>
Funding Request	\$794,750

Please do not hesitate to contact me should you have any questions regarding this request.

Sincerely,

Stephanie Kane Gilman
Commissioner of Public Buildings

SKG:dla

CC: David Fleishman, Superintendent of Schools
Sandy Guryan, Assistant Superintendent Business/Finance
Maureen Lemieux, Chief Financial Officer
Robert Rooney, Chief Operating Officer