

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 16, 2011

Present: Ald. Sangiolo (Chairman), Baker, Linsky, Blazar, Rice, Merrill, Fischman, Hess-Mahan

Also present: Ald. Gentile, Crossley, Harney, Fuller, Yates

City Staff: Donnalynn Kahn (City Solicitor), Ouida Young (Assistant City Solicitor), Bob DeRubeis (Commissioner, Parks and Recreation), Dori Zaleznik (Commissioner, Health and Human Services).

School Committee: Kurt Kusiak

Newton Schools Foundation: Rick Iacobucci

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

ACTION: **HELD 8-0**

NOTE: There was a robust discussion of this item, particularly with regard to whether the school committee has autonomous control over the sale of the naming rights for school facilities (which some believe are city assets), how this program would be administered, whether there would be any fees charged by the Newton Schools Foundation to lead this fundraising effort, and the general concept of whether the sale of naming rights for public buildings particularly, school buildings, was something the city should pursue. Below is a detailed report of the discussion.

Kurt Kusiak, Ward 3 School Committee member, and Rick Iacobucci, Executive Director of Newton Schools Foundation (NSF) joined the committee to discuss the item. Also present for the discussion were Donnalynn Kahn and Ouida Young from the Law Department. Mr. Kusiak and Mr. Iacobucci explained that the proposal to sell naming rights was for the purpose of funding technology under the Newton Schools Foundation's "21st century classroom" drive. Mr. Kusiak stated that the proposal has not been formally presented to the School Committee yet. The hope is to create an endowment so that some of the budget for technology could then be appropriated to other areas which don't have enough funding. NSF has agreed to do this fundraising effort and they've looked at areas that could be named at each of the high schools. There are no consulting fees, but NSF will receive reimbursement for administrative fees/costs for materials which would be minimal to what a professional funding company would charge. This reimbursement could range from 1 – 8 %.

Alderman Linsky expressed reservation – not about selling naming rights, but with the designation of the funds raised for a particular purpose as opposed to a system-wide purpose. He believes that designating funds to achieve a system-wide goal (even though

it is a recognized need), limits the potential pool of donors and amount of donations. For instance, more money might be raised if the funds could be targeted to the donor's interest (a donor might give more if the funds could go towards the theater program at North, versus if the funds must go towards the technology fund).

Mr. Kusiak stated that equity then becomes an issue – a policy decision by the School Committee which in Ald. Linsky's opinion, has "paralyzed the system for years."

Alderman Baker asked who has authority regarding the sale of a naming right. He expressed his concern that the School Committee would have that right over a city asset. Mr. Kusiak responded stating that the School Committee has the right. The School Committee will hold a public hearing and after receiving public input, the School Committee would vote on acceptance at its next scheduled meeting.

Ouida Young, Assistant City Solicitor, explained to the Committee that the power to sell naming rights falls within the jurisdiction of the School Committee. The Board of Aldermen doesn't have any authority to vote on a donor, whether private or commercial, because of the power that the state statute puts in the hands of the School Committees in Massachusetts. Case law suggests that the entity that has custody of the asset has the right to sell naming rights. The Schools have much autonomy because they have custody of the asset.

Alderman Gentile agreed with Alderman Baker's assertion that this was a city asset and while he agrees that the School Committee has the right to determine how it operates, there is some question whether they have a right to sell the naming right to a city-wide asset.

Alderman Baker said he has misgivings about the policy – the hallmark of Newton is to fund public resources with public funds – the rare exception is to memorialize individuals or recognize someone who made a contribution to the city. Ald. Gentile pointed to the Millennium/Balsamo Park example where the Mayor and the Board approved acceptance of the contribution by Mr. Balsamo in exchange for the naming of the park. But Alderman Baker reiterated his concern about schools and the idea that the sale of naming rights, particularly to corporations, is a marketing tool for those corporations.

Mr. Kusiak said while it is preferable to name public buildings and facilities for virtuous reasons, in his mind, making sure kids get taught at a level they should be (and that could be achieved with a Staples sponsored gym) is preferable then having a pure naming system. He stated that if we're not innovative, we'll pay the consequences.

Alderman Sangiolo made a request to the Law Department for a written opinion on whether we (the Board) can take control of naming rights by enacting an ordinance over the school buildings. Ouida Young responded stating that she would want to distinguish this from the case where a donor voluntarily gives a donation with a condition attached. She stated that under a state statute, school committees can take a gift with conditions. She said this was similar to Druker Auditorium at the Newton Free Library – the donation was made to the Friends of the Library who turned the money over to the City to pay for the construction of the Library.

Ald. Fischman asked what other communities have done this and asked whether or not they could time limit the naming right. Mr. Iacobucci responded that it was possible to

sell the naming right for a specific, limited period of time. He also stated that Gloucester is an example of a community selling a naming right. New Balance bought the naming right over a high school stadium they wish to construct – the gift was for \$500K - \$50,000 per year over a period of 10 years. He added that sale of naming rights to corporations are normally not in perpetuity in contrast with sale of naming rights to individuals which often are in perpetuity. He also added they are mindful that other parts of the buildings are already named and they would preserve the original names – example: the Mary Jones Library sponsored by X corporation or X foundation or X. He said they wouldn't go after corporations that were not respectful to public education or those that sell products not suitable to children. Mr. Kusiak added that he consulted with a Duke lawyer who has extensively studied First Amendment rights and naming rights. Both said there would be no Enron or Budweiser sponsorships.

Alderman Gentile said he understands the need and doesn't want to dwell on who has the right to do what but still the issue is selling a city-wide asset and doesn't think the School Committee has the authority to sell an elementary school (which it has custody of), if it doesn't think it needs it anymore. He did state that he was pleased to hear they will respect those spaces that have already been named and that the revolving account will be controlled by the school committee and not the Newton Schools Foundation and that once it is set up for a specific purpose, it must be spent for that specific purpose. He also said that if we are going to go this route that we try to raise as much as we can and likes the concept of renewal. Ald. Gentile explained why he believed we should be going out to bid: to see what we get for proposals from companies who do this full time and whether there will be a lower fee or commission because the 8% figure mentioned earlier, seemed high to cover the cost of incidentals. Mr. Kusiak stated that we are not paying people and that there would be no profit or commission made. The only cost would be administrative. Mr. Iacobucci stated that the 8% figure would be the extreme case. He stated that if they are going to market areas in both high schools, they need to create materials and need to be reimbursed for the cost of making those materials. Ald. Gentile asked if there was going to be an accounting and both Mr. Iacobucci and Mr. Kusiak said yes. Mr. Kusiak added that they have identified two people who have volunteered to lead the fundraising effort, Helene Miller who heads the fundraising for Beth Israel and Madeline Bell who is the director of fundraising for Hebrew University. Both are Newton residents.

Ald. Rice asked if there was a similar policy on the city-side. Commissioner Bob DeRubeis was in the room for another item but responded that the Parks and Recreation Commission has a naming policy but does not sell naming rights. Ald. Rice asked if the Board has to set a new policy to allow Parks and Rec to sell the naming rights. Ouida Young replied stating that Parks and Rec was a different animal and cited the Balsamo Park example where the Mayor and Board had to accept the donation. She again stated that the state statute distinguishes school committees from other entities.

Ald. Baker asked if the attorneys present, Donnalyn Kahn and Ouida Young were there representing the School Committee or the Mayor or the Board and they responded they were there to answer any questions that arose regarding this issue. Ald. Baker said that as he read through the naming policy (handed out at the meeting), that it doesn't reflect what has been said during this discussion. The policy as written doesn't specifically address the sale of naming rights but refers to donations and gifts. Mr. Kusiak said that this is a

balancing act. If someone is going to give \$10 million for a stadium (Gillette Corporation) vs. \$100K for beloved former superintendent, they would probably go with the Gillette option. Alderman Baker stated that then it's really just a matter of price. Mr. Kusiak responded saying that the thumb on the scale is giving it to a person who has contributed to Newton in a serious way. If there isn't a huge difference (in price) the thumb will win. Ald. Baker stated that there is no thumb vs. price in the school committee's written policy. He said it is about what are the values and what do you care about. The Mayor could make a .05 difference in allocation in how much the schools get to fund technology and that it was a political judgment on how we get funding.

Mr. Iacobucci reiterated that when looking at corporations, they will not go after tobacco, alcohol, junk food, or soft drink companies but will only consider corporations that take responsibility with the community so there shouldn't be a concern about a Foxwoods library. Alderman Sangiolo asked about defense contractors, like a Raytheon, and he said no, the beauty of the gift is that they do not have to accept it. Alderman Baker pointed out that the issue is not acceptance of a gift, but rather a sale.

Alderman Fuller stated that there will have to be some degree of trust in the school committee who will be receiving every gift. She agreed that there was a distinction between a gift and a sale, but stated there are a tremendous amount of people and companies out there that if they were only approached, would be willing to give to the schools and that if we don't make the effort to reach out, they won't give. She believes we will find out that most people want to give anonymously but acknowledged there are many who want to have their names on the wall. As long as the school committee is thinking deeply who they are willing to get the money from and what the plaque is going to say, she is fine with it. She also stated that there is an endless supply of classrooms and space so there is plenty of opportunities for naming rights. Alderman Sangiolo pointed out that the moneys here are only going toward technology and nothing else. Alderman Fuller responded that technology is a good choice. Alderman Gentile added that technology is not a recurring expense. Ald. Sangiolo agreed but added that we also need money to rebuild/replace our schools.

Ald. Blazar agrees with Ald. Baker that this is not the way to raise funds. He is concerned about the process of eliminating potential donors. It is easy to eliminate alcohol and tobacco companies, but what about a Bank of America or a Citibank, who are only interested in publicity. He understands and is sympathetic to the need for money but thinks this is the wrong way to go about it. When asked if he had another way to raise funds by Mr. Kusiak, Ald. Blazar suggested we need to assess our needs and plan accordingly – something that wasn't done a few years back (decision on Newton North) which is why we are in this mess. Mr. Kusiak said if he (Ald. Blazar) could think of a better way, he would embrace it, but they can't think of a better way and make it happen. In his judgment, the bottom line is what is best for the kids. He stated that the selling of naming rights is likely not the best possible answer as it is not pure, and shared that he wishes overrides could be passed when we need them.

Alderman Gentile asked Ald. Blazar if he would accept the hypothetical offer by a company like New Balance of \$500,000 for a 10 year sponsorship of Dickinson Stadium. Ald. Blazar said he was not sure, he is troubled by the commercialization of an educational institution.

Mr. Iacobucci stated that when putting the program together, they can go to individuals and foundations first and if there is concern by the Aldermen or the community, they can take a corporation off the list if they are not meeting a public responsibility.

Alderman Sangiolo offered that it really goes back to Ald. Fuller's point that it is a matter of trust. In response to Mr. Kusiak's question to Ald. Blazar on how else can you raise the funds, she suggested debt exclusion overrides – which is a mechanism employed by other communities to fund technology and programs. That is an example of something this community has not tried.

Ald. Harney associated his position with the comments made by Ald. Gentile and Fuller. He said we have to look at every possibility and agrees with Ald. Gentile that if we are going to do it, do it in a big way. We have resources here in the City and we should take advantage of it.

Ald. Fischman is supportive and suggested that naming rights is just one aspect in the whole picture and maybe they should call it something else – like a private/public partnership. He said people are selling naming rights to highways, etc. and didn't understand why we were spending so much time discussing it. He is concerned about parity across the system and this is a good use of the funds.

Ald. Sangiolo offered that the reason the item was docketed was that initially the proposal was not what is currently being presented, that it had evolved over time and continues to evolve. The hope was to discuss issues of who has the right to sell the naming rights, are naming rights a city asset, who gets control of the funds, does it need to go out to bid, does this impact outstanding bonds, etc. Ald. Fischman said he understands those are important issues but the conversation has been about whether we should do it or not.

Ald. Baker said it is important to be careful where you go and whether you say yes and there are outstanding issues with the Law Department and there is no agreement between the NSF and the School Committee. Mr. Kusiak said they will set up a revolving account first and then get an agreement after that. It has already been docketed for the next school committee meeting.

Ald. Gentile stated that the only opportunity to weigh in on this is when we (the BOA) authorize the revolving fund and encouraged Mr. Kusiak to get all of the information to the Board ahead of time. He said we will want to know how the reimbursement will work and will want the written agreement. He said he trusts to the school committee to make judgments but may not always agree with them. If there is an issue, the Board will get another bite at the apple when the budget comes in.

Ald. Sangiolo asked Ald. Gentile if his concerns regarding going out to public bid were alleviated. He stated that he was concerned about handing over to an entity a lucrative contract to make a lucrative commission but if the school committee is convinced that using volunteer help will in the long run, help them raise money, then he will be fine.

Mr. Kusiak said the reason they went with NSF is because the two women, Ms. Miller and Ms. Bell have a good track record and are local and they can target local individuals and businesses rather than national corporations.

Ald. Baker again, reiterated his concern that the discussion that has occurred and the process on how this program would be carried out is not reflected in the naming policy. Mr. Kusiak agreed and said it would be internal with NSF.

Ald. Fuller shared that she wants to be completely transparent and said that Julie Sall and Liz Richardson had approached her to serve on the steering committee for this fundraising effort.

Ald. Hess Mahan moved hold on the item. Ald. Linsky thanked both Mr. Kusiak and Mr. Iacobucci for coming to the committee and said there are many moving parts and while we are all on board that there is a need for funds, there is not necessarily agreement on specifying where those funds should go. He asked if this was all going for technology. Mr. Kusiak and Mr. Iacobucci both responded that it is for the 21st Century Classroom and is not just about technology, but about technology support and a new way of teaching. They are focusing on technology because that is what is appealing. Mr. Kusiak added that when he started this process over 3 years ago, his thought was to get an endowment that pays for technology into the schools so they can take the money that is currently budgeted for technology and use it for something else. This will also allow the PTOs to focus on raising funds for other crucial needs. Mr. Iacobucci thanked the committee for their time and attention to this.

The committee unanimously approved the motion to hold. It is expected that the Law Department will provide the Committee with an opinion on the questions raised during this discussion.

#275-11 ALD. LAPPIN AND LENNON requesting an addition to the Board of Aldermen's rules to require that the Board of Aldermen review the salary of the City Clerk/Clerk of the Board of Aldermen during a 90 day period following the Clerk's election pursuant to Sec. 4-20 of the City of Newton Rev Ord, 2007. [09/22/11 @ 1:50PM]

ACTION: **REFERRED TO RULES SUBCOMMITTEE 7-0 (Baker not voting)**

NOTE: The Programs and Services committee voted to refer it to the Rules Subcommittee. The item will be discussed in Rules Subcommittee at its next meeting. The motion to refer carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#363-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred thousand dollars (\$100,000) from bonded indebtedness for the purpose of funding the mechanical and electrical repairs to the Gath Pool. [10/31/11 @ 2:48 PM]

ACTION: **APPROVED 7-0 (Baker not voting)**

NOTE: Bob DeRubeis, Commissioner of Parks and Recreation, presented the appropriation request to the Committee. The Gath pool building is a 50 year old building

with wires that have yet to be replaced. The necessary work is to be done in the basement where the presence of chlorine creates a corrosive atmosphere. Additionally there's a leak in the main valve that needs to be fixed. All of these pumps and valves are in the basement area as well. If these pumps aren't functioning at 100% then serious damages could occur. Ald. Blazar inquired about how much use the pool receives on a yearly basis. The Commissioner quoted the statistics that in the year 2010 38,000 people used the pool, and in 2011 41,000 people used it. Ald. Hess-Mahan then moved approval of the funds to complete these necessary repairs which carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#364-11 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend the sum of one hundred fifty thousand dollars (\$150,000) from bonded indebtedness for the purpose of funding improvements to the Bobby Braceland Playground in Newton Upper Falls. [10/31/11 @ 2:48 PM]

ACTION: **APPROVED 7-0 (Baker not voting)**

NOTE: Bob DeRubeis, Commissioner of Parks and Recreation, presented the appropriation request to the Committee. Commissioner DeRubeis explained that his department did an assessment on the parks and playgrounds in Newton. Based on that study, Braceland Park was the site ranked second lowest in the city. The second assessment that was made was what park would be most appropriate to look at for a master plan. Braceland Park ranked second highest in that regard. These studies were completed 5 years ago, and at the time the Parks and Rec Department received \$36,000 in CPA money to do the study on Braceland Park. Ald. Crossley asked why not seek more CPA funds. Commissioner DeRubeis explained that the laws for CPA funding changed and now prohibits CPA money to be used for park renovations unless the land/park was also acquired with CPA funds. Commissioner DeRubeis has investigated other potential sources but hasn't been able to obtain any funds thus far. Receiving this appropriation would get the ball rolling on renovating this park. The \$150,000 appropriation would fund part 1A which is a replacement of the tennis courts, a creation of a formal entry, fencing along Chestnut Street, as well as the addition of some planters. The tennis courts are currently unusable and rated the worst in the city. Should this money be appropriated, the department would be ready to start this project this fall. The plans are ready and the bid list is already out. Ald. Linsky inquired as to what the total renovation costs for the entire park would be. The commissioner explained that this figure would be about \$3.1 million. This estimate includes the playground area, the parking lot, as well as a pathway around the park. Commissioner DeRubeis also stated that approval of these funds would help him apply for urban self-help moneys from the state.

At the conclusion of the discussion Ald. Hess-Mahan moved approval of the item which carried unanimously through committee.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#365-11 **HIS HONOR THE MAYOR** requesting authorization to transfer the sum of thirty-two thousand dollars (\$32,000) from the Health and Human Services Consultant Account to the Health and Human Services Part-time Work Account. [11-01-11 @2:12 PM]

ACTION: **APPROVED as amended 8-0**

NOTE: Dori Zaleznik, Director of Health and Human Services, presented this item to the Committee and explained it as an administrative matter in need of correcting. When the money was outlined in the budget, it was listed in the wrong line item. They did not realize that retirees couldn't be paid as consultants and instead are required to be paid out of payroll. Additionally, Dr. Zaleznik explained that the line for the school physician was left as a payroll line rather than as a consulting line, which it should be listed as given that it's a contracted role through Newton Wellesley Hospital.

In summary, this request to transfer the needed total of ~\$32,000 (technically \$31,960) into the part-time account will come from \$27,000 from the consultants' budget and \$4,960 from the school physician line. Ald. Baker moved approval as amended, as the further explanation of the transfers clarifies that there are two transfers of two amounts happening instead of just the one from lump sum from one location as the docket item suggests. The motion to approve as amended carried unanimously.

#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]
NO ACTION NECESSARY 7-0 (Baker not voting)

NOTE: The Committee decided to vote No Action Necessary on this item as the Board's processes have been reviewed and adjusted through the Committee elimination items recently addressed but not yet approved by the Board. The motion to hold was made by Ald. Fischman and carried through committee unanimously.

#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]
ACTION: NO ACTION NECESSARY 7-0 (Baker not voting)

NOTE: Ald. Sangiolo informed the committee that she had spoken with Ald. Gentile and he was comfortable that this item could be voted No Action Necessary. Although there was still concern about early morning outdoor activity (Commissioner DeRubeis acknowledged that his department was running an early morning boot camp outdoors, but have since moved the program indoors), the disruptive early morning practices which led to the docketing of the item, have ceased. Should new concerns arise; the Board can re-docket the item. The motion to vote NAN was made by Ald. Fischman and carried unanimously.

Respectfully Submitted,

Amy Sangiolo, Chairman

205-11

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10/12/10

CITY CLERK
NEWTON, MA 02159

NAMING SCHOOL FACILITIES POLICY

The Newton School Committee possesses the inherent right to name and rename school facilities. The School Committee recognizes that the names of school facilities must be undertaken with care and scrutiny because the names of school facilities can reflect on the students, staff and community at large.

This policy is intended to ensure that names and/or other wording associated with school facilities will promote and/or be consistent with the goals of the Newton Public Schools (NPS) and the various messages that NPS is interested in conveying to students and to the public. This policy is also based upon the belief that it is important that the students and the public know of the many contributions of civic, business and other leaders both in Newton and beyond, and that this knowledge may further educational goals within the school system. It is the School Committee's further intention that names and/or wording that would tend to undermine the intended messages and goals of NPS, such as those that would interfere with NPS's basic educational mission, those that are inconsistent with the fundamental values of public school education, or those that compromise the safety of students and/or faculty, shall be avoided. To the extent possible, the names of spaces should be worded in a manner that will not restrict the future use of the space or prevent NPS from changing the use of the space as needed.

From time to time, the School Committee may approve a gift to NPS and, in conjunction with said gift, name a particular school facility, such as a classroom, athletic field or facility, theater, etc. Such gifts shall be consistent with the School Committee's policy on Gifts, Grants, Bequests and Fundraising. The School Committee wishes to ensure that the school department exercises and retains control over the curriculum, programming and staffing of NPS and that equity among the schools within the system is pursued such that all schools in our system generally will have enhanced opportunities for programs, staffing and materials.

When the naming of a school facility is not associated with a gift, but is rather being done simply to honor a particular person, organization or historical event, preference is to be given to those persons or organizations who, and events which, had a substantial impact upon the education of Newton's children. This guideline, however, shall not preclude consideration of names of persons of local, state, national or international significance. Names of persons currently employed by the City of Newton shall not be considered.

When initiated at the local school level (rooms and areas only), the naming process must be carried out by a special committee formed by the local School Council and PTO and inclusive of staff, students, parents, and community. The process must be open and allow a reasonable timeframe for considering options.

Procedures

In order for a room, area or school facility to be named, the following procedure shall be followed:

1. The proposed names and/or other wording shall be brought to the attention of the School Committee, which will hold a public hearing prior to granting approval.
2. The final name and/or other wording shall be given final approval by a vote of the School Committee.
3. The School Committee may, at its discretion, decide to name a new school facility or rename an existing facility. In the case of individual rooms or areas within a school, the School Committee may request that a special committee be formed at the local school level to carry out the naming process.
4. If a special committee is formed, upon selecting a name, it shall notify the School Committee of its decision and demonstrate adherence to the School Committee guidelines and procedures via a written report. The name shall be given final approval by a vote of the School Committee.
5. The intent of the School Committee to name or rename a facility and the date upon which a final vote will be taken shall be publicly announced by the Chair at a regularly scheduled meeting. The announcement shall be made no less than two regularly scheduled School Committee meetings prior to the final vote, which shall also be scheduled for a regular meeting.
6. At the public announcement, the community shall be encouraged to submit their comments at that or subsequent meetings prior to the vote. At least one public hearing shall be scheduled prior to the School Committee taking the final vote.



SETTI D. WARREN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

70 Crescent Street, Newton, MA 02466
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



ROBERT J. DERUBEIS
COMMISSIONER

November 16, 2011

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

RE:

Newton Parks and Recreation Department
FY12 Funding Request
Upper Falls Playground Tennis Courts, Entry Plaza and Parking Area Restoration

Background

Upper Falls Playground Master Plan

In 2006 using Community Preservation Act funds (\$36,000); Weston & Sampson worked alongside the Parks and Recreation Department and prepared a Master Plan for Newton Upper Falls Playground, a.k.a. Officer Bobby Braceland Playground. Newton Upper Falls Playground is one of the two parks the Department has identified as most in need of renovation. Weston & Sampson's scope of services included:

- neighborhood user survey;
- complete topographic survey;
- analysis of existing conditions;
- series of three public meetings; and
- draft and final phased master plan report.

Phase I

During the master planning process priorities were identified. Phase I work was estimated at \$1.1 million by Weston & Sampson in 2006.

FY12 Funding Request

Phase I-A

In 2010 Parks and Recreation narrowed the Phase I scope substantially and finalized the design. This revised scope, now referred to as Phase I-A, has been estimated in-house at \$150,000 (refer to sketch). We have worked with Engineering to develop a final construction plan and associated bid items. Phase I-A is to include the highest priorities identified by the community:

- a formal and accessible point of entry to the park with a seating area;
- a complete renovation of the two tennis courts to make them useable;
- aesthetic improvements to the park's Chestnut Street side including all new fencing and shade trees; and
- a restoration of the parking lot edge with improved access.

COMMISSION
MEMBERS

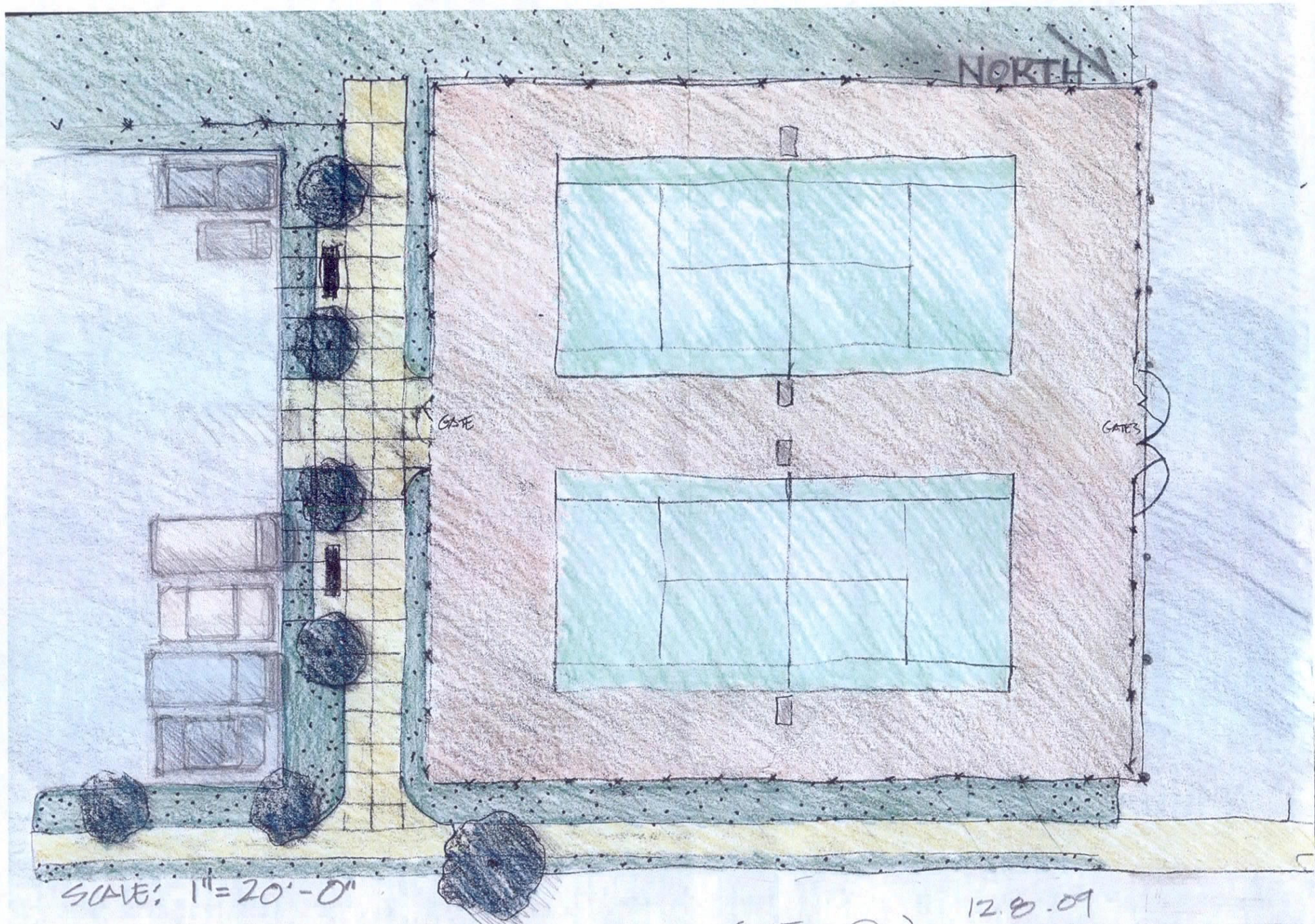
WARD 1 – BETHEL CHARKOUDIAN
WARD 2 – ARTHUR MAGNI, CHAIRMAN
WARD 3 – PETER JOHNSON

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

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

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

WWW.NEWTONMA.GOV/PARKS



NORTH ↗

GATE

GATES

SCALE: 1" = 20'-0"

← CHESTNUT ST →

12.8.09
 UPPER FALLS
 TENNIS COURTS/
 ENTRY WAY



The Phase I Program for a \$1,100,000 project budget would include reconstruction of the tennis courts, parking area and children's playground and also include a new arrival/entry space and significant edge improvements along Chestnut Street. The area is approximately delineated with the bold black dashed line on the diagram above. Work would also include pathway, landscape, and Charles River edge improvements (including the fishing and observation pier) as indicated on the plan.

365-11
365-11

City of Newton



Setti D. Warren
Mayor

HEALTH AND HUMAN SERVICES DEPARTMENT

Dori Zaleznik, MD., Commissioner

1294 Centre Street

Newton, MA 02459-1544

Telephone 617.796.1420 Fax 617.552.7063



Public Health
Prevent. Promote. Protect.

NOV 16 P 10:42
CITY CLERK
NEWTON, MA. 02159

November 16, 2011

Maureen Lemieux
Chief Financial Officer
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Ms. Lemieux:

I am requesting a transfer of \$27,000 from the consultant line item 0150101-5301 to the part-time line item 0150101-511101. Let me say at the outset that this is not a request for new money or a change in how the money we put into our budget was to be expended. As David Wilkinson noted when we spoke with him, this is a "housekeeping" item.

Through a clerical error, we were mistakenly paying part-time returning retirees from the consultant line not realizing that retirees cannot be paid as consultants but are always considered our employees, even when returning in a special circumstance. They need to be paid from the part-time payroll line.

In addition, we inadvertently left the line item for school physician as a payroll rather than a consulting line. We have contracted with Newton Wellesley Hospital for the school physician with the hospital billing directly for her services and covering her malpractice insurance. Payment will be directly to the hospital. In this case, the consulting line item is the proper place for the school physician total of \$4960 for the year to come from.

So in summary, we need almost \$32,000 in the part-time account. I am asking the Board of Aldermen for permission to transfer \$27,000 from the consultant account and \$4960 from the school physician payroll line to the part-time payroll line. This would leave money in the consultant account for the school physician and any other consulting assistance we should need. We have cleared this approach as proper with Mr. Wilkinson.

Sincerely,

Dori Zaleznik, MD
Commissioner