

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, FEBRUARY 3, 2010

7:45PM - Room 222

Chairman's Notes:

The Committee has requested that Department Heads with Departments under the jurisdiction of the Programs & Services Committee come in for brief informational discussions. Craig Manseau, Executive Secretary of Elections, and Cindy Stone, Director, Newton History Museum will be joining the Committee this evening.

The Committee will meet jointly with the Public Facilities Committee to hear a presentation from His Honor the Mayor regarding possible reorganization plans for the Public Works, Parks and Recreation, and Public Buildings Departments at approximately 8:15 PM in Room 209.

The Committee will then reconvene in Room 222 to discuss any remaining items on the agenda.

ITEMS SCHEDULED FOR DISCUSSION:

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#37-10 HIS HONOR THE MAYOR requesting a transfer of funds in the amount of thirty thousand dollars (\$30,000) for the purpose of supplementing the FY'10 budget for veteran's benefits as follows:

From: Veteran Services Salaries.....\$13,000  
Veteran Services Employee Benefits.....\$3,000  
Budget Reserve .....\$14,000  
To: Veteran Services Expenses (Veteran Benefits).....\$30,000  
[01/26/10 @ 11:48 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#36-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-five thousand five hundred forty-two dollars (\$25,542) from an insurance company payment for the purpose of repairing damage caused by an auto accident to the War Memorial located at the Newton Highlands Playground. [01/26/10 @ 11:48 AM]

#125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree

ordinance as recommended in the Tree Preservation Ordinance Report.  
[04/17/09 @ 9:14 PM]

- #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]

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:**

- #242-03(5) PROGRAMS & SERVICES COMMITTEE requesting evaluation of the Off Leash Dog Pilot Program (Section 3-30(e) as established by ordinance Z-11) which was extended to June 30, 2010 to provide an opportunity for a fuller evaluation of the ordinance. [01/25/10 @ 4:45 PM]

**REFERRED TO PUB SAFETY & TRANS AND PROG & SERV COMMITTEES**

- #20-10 ALD. HESS-MAHAN AND HARNEY requesting special legislation prohibiting the use of handheld mobile devices to send, read or receive electronic messages while operating a motor vehicle within the City of Newton and in order to protect its citizens and to limit unnecessary motor vehicle accidents, injuries, and fatalities, and that the appropriate committees conduct a public hearing to examine the feasibility thereof. [01/04/10 @ 5:07 PM]

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

- #13-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Budget Reserve for the purpose of supplementing the Law Department legal assistance account.

**ITEM DIVIDED INTO A AND B ON 1/20/10**

**A: \$50,000 HELD 6-0 (Sangiolo not voting)**

**B: \$50,000 APPROVED 6-0 (Sangiolo not voting)**

- #394-09 ALD. BAKER requesting clarification of the Rules of the Board regarding referrals to Committee of appeals of decisions of the Traffic Council.  
[11/30/09 @ 9:34 AM]

**REFERRED TO RULES SUBCOMMITTEE**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #376-09 HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.

#363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/19 @ 1:07 PM]

**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]

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

#358-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand dollars (\$55,000) from tax revenue from the local option meals tax to restore funding to the Senior Transportation Program. [10/09/09 @ 5:25 PM]

#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**

#130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]

#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]

**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 PS&T AND PROGRAMS & SERVICES COMMITTEES**

#391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to  
(#122-92(3)) petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the

Newton Superior Officers Association and an additional citizen member.  
[11/4/08 @ 12:31 PM]

**PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0 (Ald. Coletti, Danberg and Harney not voting) on 10/21/09**

#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**

#274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07/17/08 @ 9:53 AM]

**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]

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

#271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources. [07/17/08 @ 9:53 AM]

**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]

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

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07/08/08 @ 1:29 PM]

**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]

- #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]

**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]

- #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]

- #262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08/22/07 @ 3:53 PM]

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

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission.  
[02/27/07 @ 10:21 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]

#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]

#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]

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

**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.

#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.

#346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

Respectfully Submitted, Amy Sangiolo, Chairman



City of Newton, Massachusetts  
Office of the Mayor

#37-10 Telephone (617) 796-1100  
Facsimile (617) 796-1113  
TDD/TTY (617) 796-1089  
E-mail swarren@newtonma.gov

SETTI D. WARREN  
MAYOR

January 26, 2010

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

10 JAN 26 AM 11:48  
CITY CLERK  
NEWTON, MA 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$30,000 for the purpose of supplementing the FY10 appropriation for veterans' benefits. I propose that the request be funded as follows:

Transfer from Department of Veterans' Services – Salaries	\$13,000
Transfer from Department of Veterans' Services – Benefits	3,000
Transfer from Budget Reserve	14,000
Total	<u>\$30,000</u>

The City of Newton provides benefits to eligible veterans under criteria established by state law. The payment of these benefits is mandatory. The City receives reimbursement of 75% of those payments from the State in the fiscal year following payment.

Salary and benefit funds are available for transfer within the Department of Veterans' Services budget due to a vacancy at the start of the fiscal year.

The payments the Veterans' Agent authorizes fluctuate each year, depending on how many veterans apply. Year to date approved requests have been averaging \$4000 per month due to difficult economic times. This request is an estimate of what will be necessary for the balance of FY10.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren  
Mayor

From: Budget Reserve  
0110498-5790 \$14,000  
Veterans Salaries  
0150301-511001 \$13,000  
Veterans Fringes  
0150301-57HLTH \$ 3,000

SDW: sce

1000 Commonwealth Avenue New  
www.newtonm

To: Veterans Expenses  
0150301-5709 \$30,000

DEDICATED TO COMMUN

COMPTROLLER'S OFFICE

DATE: 01/27/2010  
TIME: 12:07:15

CITY OF NEWTON, MASSACHUSETTS  
BUDGET CONTROL STATUS

BUDSTAT1

SELECTION CRITERIA: expbudgt.key\_orgn='0150301'

ACCOUNTING PERIOD: 7/10

ACCOUNT	TITLE	BUDGET	PERIOD	ENCUMBRANCES	YEAR TO DATE	AVAILABLE	YTD/
			EXPENDITURES	OUTSTANDING	ENC + EXP	BALANCE	BUD
BUDGET CODE - 0150301 - VETERAN SERVICES							
511001	FULL TIME SALARIES	135,576.00	10,388.84	13,000.00	76,757.36	58,818.64	56.62
514001	LONGEVITY	1,300.00	.00	.00	.00	1,300.00	.00
514399	OTHER SPECIAL COMP	3,282.00	251.52	.00	1,861.25	1,420.75	56.71
515102	CLEANING ALLOWANCE	500.00	.00	.00	500.00	.00	100.00
5210	ELECTRICITY	.00	.00	.00	.00	.00	.00
5230	WATER & SEWER SERVICES	100.00	25.00	.00	47.04	52.96	47.04
52401	OFFICE EQUIPMENT R-M	634.00	.00	.00	408.00	226.00	64.35
53401	TELEPHONE	400.00	12.75	.00	77.08	322.92	19.27
5341	POSTAGE	256.00	10.36	.00	69.54	186.46	27.16
5342	PRINTING	200.00	31.65	.00	83.05	116.95	41.53
5420	OFFICE SUPPLIES	610.00	.00	.00	321.24	288.76	52.66
5594	FLAGS & BUNTINGS	3,500.00	.00	.00	.00	3,500.00	.00
5709	VETERAN BENEFITS	30,000.00	2,678.00	.00	29,603.28	396.72	98.68
5710	VEHICLE USE REIMBURSEMENT	400.00	.00	.00	.00	400.00	.00
5711	IN-STATE CONFERENCES	880.00	.00	.00	.00	880.00	.00
5730	DUES & SUBSCRIPTIONS	95.00	.00	.00	85.00	10.00	89.47
5782	PARADES & EVENTS	10,200.00	.00	.00	.00	10,200.00	.00
57DENTAL	DENTAL INSURANCE	296.00	39.56	.00	205.05	90.95	69.27
57HLTH	HEALTH INSURANCE	19,803.00	1,558.80	3,000.00	10,951.63	8,851.37	55.30
57LIFE	BASIC LIFE INSURANCE	57.00	9.44	.00	42.48	14.52	74.53
57MEDA	MEDICARE PAYROLL TAX	1,191.00	85.28	.00	388.90	802.10	32.65
TOTAL	VETERAN SERVICES	209,280.00	15,091.20	16,000.00	121,400.90	87,879.10	58.01
TOTAL REPORT		209,280.00	15,091.20	16,000.00	121,400.90	87,879.10	58.01



CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 BUDGET RESERVE STATUS REPORT  
 January 29, 2010

**#37-10**

FY 2010 Original Budget Reserve Appropriation:	\$	750,000
Supplemental Budget Reserve Appropriation:		-
<b>Total Budget Reserve Appropriation</b>		<u><u>750,000</u></u>
<b>Budget Reserve Appropriations (transfers):</b>		
#205-09 Retirement Board salaries		(2,621)
#204-09 Legal settlement-DPW vehicle accident		(5,953)
#286-09 Library overtime		(15,000)
#300-09 Legal settlement: Geary vs City of Newton		(150,000)
#369-09 Legal settlement - sewer claim		(9,982)
#371-09 Military leave compensation - (2) firefighters		(34,305)
#398-09 Public bldg department position upgrade		(3,691)
#387-09 US Senate special elections		(129,800)
<b>Year to date appropriations (transfers)</b>		<u><u>(351,352)</u></u>
<b>Pending Budget Appropriations:</b>		
Banking services		(30,000)
Federal grants audit		(9,200)
Labor counsel supplemental funding		(100,000)
Unemployment compensation supplemental funding		(125,000)
Veteran benefits supplemental funding		(14,000)
Legal settlement - sewer backup		(10,000)
<b>Pending appropriations</b>		<u><u>(288,200)</u></u>
<b>Unobligated Budget Reserve account balance</b>	<b>\$</b>	<u><u>110,448</u></u>



City of Newton, Massachusetts  
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E-mail swarren@newtonma.gov

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 January 29, 2010

#36-10

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**Budget Reserve Appropriations (transfers):**

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#204-09	Legal settlement-DPW vehicle accident	(5,953)
#286-09	Library overtime	(15,000)
#300-09	Legal settlement: Geary vs City of Newton	(150,000)
#369-09	Legal settlement - sewer claim	(9,982)
#371-09	Military leave compensation - (2) firefighters	(34,305)
#398-09	Public bldg department position upgrade	(3,691)
#387-09	US Senate special elections	(129,800)

<b>Year to date appropriations (transfers)</b>		<u><u>(351,352)</u></u>
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**Pending Budget Appropriations:**

Banking services	(30,000)
Federal grants audit	(9,200)
Labor counsel supplemental funding	(100,000)
Unemployment compensation supplemental funding	(125,000)
Veteran benefits supplemental funding	(14,000)
Legal settlement - sewer backup	(10,000)
<b>Pending appropriations</b>	<u><u>(288,200)</u></u>

<b>Unobligated Budget Reserve account balance</b>	\$	<u><u>110,448</u></u>
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SETTI D. WARREN  
MAYOR

URBAN FORESTRY  
A division of  
NEWTON PARKS AND RECREATION

70 Crescent Street, Newton, MA 02466

[urbanforestry@newtonma.gov](mailto:urbanforestry@newtonma.gov)

Office: (617) 796-1530

Fax: (617) 796-1512



**MEMORANDUM**

**Date:** January 28, 2010  
**To:** Amy Mah Sangiolo,  
Alderman, Chair of Program and Services  
**From:** Marc R. Welch  
Director of Urban Forestry  
**RE: Docket item number 125-09 progress update**

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Alderman Sangiolo

I wish to update you and the Program and Services committee on the status of the docket #125-09 ". . .creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report."

Marie Lawlor and I have reviewed and gone through several iterations. Our work has focused on two things, creating ordinance language that protects City owned trees and we have looked at ways to strengthen the current tree preservation ordinance as it relates to private trees. We used the work the Urban Tree Commission's did and the existing Tree Preservation Ordinance to craft a solid starting point. One major stumbling block in creating an ordinance that applies to public trees is that existing State Laws control what can and can not be done in regards to Public Shade Trees (which are basically defined as street trees). Currently Marie is reviewing these issues against the goals related to creating the ordinance. We have found some of what was initially done in the Draft by the Urban Tree Commission can not be enacted as an ordinance but can be achieved by the Tree Warden creating regulations.

An important component to the proposed ordinance is a permitting process relative to the pruning of public trees away from overhead utility wires. This has required that Marie research the extent the City can regulate this work. Public utilities are offered certain protections in regard to these issues under state law.

A considerable issue we seem to be facing with the creation of an ordinance that protects public trees as well as closing loop holes in the current "private" tree ordinance is the impact on resources to manage and enforce it. Current staffing does not allow us to enforce and manage the current Tree Preservation Ordinance to the extent it requires. Adding an additional ordinance that regulates public trees will increase, potentially significantly, the resources needed to enforce. Additionally any improvements to the current Tree Preservation Ordinance would also further impact resources.

Currently we are continuing to look at developing an ordinance that does not supersede State Laws and Regulations. Our hope is that we will be ready to present a draft by the end of February.