

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, MARCH 17, 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. Donnalynn Kahn, Acting City Solicitor, will be joining the Committee this evening.

ITEMS SCHEDULED FOR DISCUSSION:

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#70-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-three thousand seventy-five dollars (\$23,075) from the Budget Reserve for the purpose of funding payments for mosquito control. [02/23/10 @ 7:21 PM].

REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES

#391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to 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

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

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]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

REFERRED TO PROG & SERV AND PUBLIC FACILITES COMMITTEES

#68-10 ALD. FULLER, CROSSLEY, SCHNIPPER, DANBERG, FREEDMAN, JOHNSON, LAPPIN, SWISTON, BAKER, LINSKY, ALBRIGHT & YATES requesting a Resolution to His Honor the Mayor to conduct a comprehensive survey of the physical condition, maintenance and renovation/replacement needs of municipal buildings, roads, sidewalks, recreational, utility and other infrastructure elements throughout the city, resulting in a database for prioritizing, maintaining and tracking of maintenance, and capital projects. [02/23/10 @ 2:04 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]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

REFERRED TO LAND USE & PROGRAMS & SERVICES COMMITTEES

#59-10 ALD. HESS-MAHAN proposing that Article X of the Rules & Orders of the Board of Aldermen be amended to require that all plans, maps, photographs, and other documents and exhibits required to be filed with applications for special permits/site plan approvals and/or presented at public hearings and working sessions of the Land Use Committee must also be submitted in electronic form in order to facilitate compliance with recent amendments to the Open Meeting Law regarding recordkeeping requirements. [02/23/10 @ 3:24 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#51-10 ALD. CROSSLEY, HESS-MAHAN & LINSKY requesting adoption of a policy to purchase only fuel-efficient vehicles for municipal use whenever such vehicles are commercially available and practicable, in order to satisfy the requirements to qualify as a Green Community under MGL Chapter 25A, §10(c). [02/09/10 @ 7:25 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]
- #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. [09/13/09 @ 1:07 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]
- #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]
- #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.

#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]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

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 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]

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 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]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

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]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

#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]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

#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]

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

#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.

FINANCE VOTED NO ACTION NECESSARY ON 3/8/10

- #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.
- #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]
- #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



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100
Facsimile
(617) 796-1113
TDD/TTY
(617) 796-1089

10 FEB 23 PM 7:21
CITY CLERK
NEWTON, MA. 02159
swarren@newtonma.gov

February 23, 2010

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

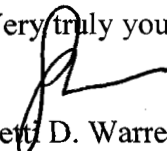
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$23,075 from the Budget Reserve for the purpose of funding payments for mosquito control. Funds will be provided to the East Middlesex Mosquito Control Project to treat catch basins with mosquito larvicide in order to control the spread of West Nile Virus.

By attacking the mosquitoes in the larva stage, the Health Department has been able to minimize or eliminate the need to spray to control adult mosquitoes.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: Budget Reserve
0110498-5790 \$23,075
To: Mosquito Control
Program
C501053-5301 \$23,075

RAW
02/24/2010

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



Setti Warren
Mayor

HEALTH AND HUMAN SERVICES DEPARTMENT

Linda Walsh, Interim Commissioner
1294 Centre Street
Newton, MA 02459-1544

Telephone 617.796.1420 Fax 617.552.7063
TDD/TTY 617.796.1089



Public Health
Prevent. Promote. Protect.

10 FEB 23 PM 7:21
CITY CLERK
NEWTON, MA. 02159

February 1, 2010

Mayor Setti Warren
1000 Commonwealth Avenue
Newton MA 02459

RE: Docket item request
Expenditure for mosquito control

Dear Mr. Mayor,

Please docket an item before the Board of Aldermen to appropriate \$23,075 for mosquito control. The funds will be used to continue a program of treating catchbasins with Altosid WSP as part of a West Nile Virus vector control plan.

I have attached the program elements and costs as described by David Henley, superintendent for the East Middlesex Mosquito Control Project.

Very truly yours,

Linda Walsh
Interim Commissioner of Health and Human Services

Cc: David Olson, City Clerk
Sarah Ecker, Chief Financial Officer
Robert Rooney, Chief Operating Officer
David Wilkinson, Comptroller
John McNally, Senior Environmental Inspector

Arlington
Bedford
Belmont
Brookline
Burlington
Cambridge
Concord
Framingham
Lexington
Lincoln
Malden
Maynard
Medford

THE COMMONWEALTH OF MASSACHUSETTS
STATE RECLAMATION & MOSQUITO CONTROL BOARD

EAST MIDDLESEX MOSQUITO CONTROL PROJECT

11 Sun Street, Waltham, MA 02453-4101
Phone: 781-899-5730 Fax: 781-647-4988
www.town.sudbury.ma.us/services/health/emmcp
emmcp.ma@verizon.net

Melrose
Newton
North Reading
Reading
Sudbury
Wakefield
Waltham
Watertown
Wayland
Wellesley
Weston
Winchester

10 FEB 23 PM 1:12
CITY CLERK
NEWTON, MA. 02159

January 29, 2009

John McNally
Newton Health Dept.
1294 Centre St.
Newton, MA 02459

John,

The East Middlesex Mosquito Control Project (EMMCP) proposes to control *Culex* mosquitoes in catchbasins as part of a West Nile Virus vector control plan. The cost to apply Altosid WSP to 9,480 Newton catchbasins will be \$23,075.

The cost of service is increasing this year due to additional overhead costs related to field operations. Altosid WSP is being planned for use in the catchbasin larviciding program, because of an increasing cost disparity between Altosid and products containing *Bacillus sphaericus*.

For this proposal the EMMCP will employ seasonal workers who have obtained Massachusetts pesticide applicator licenses. Bicycles will be the primary mode of transportation for these applications. Each worker will carry a photo identification that indicates the individual is an employee of the EMMCP.

Subject to funding, the application will be scheduled to start in July 2009. The Newton Public Works Department will be contacted to prevent conflicts between the catchbasin cleaning program and the application of mosquito larvicides. The EMMCP staff will provide oversight to the application and determine the efficacy of the treatment.

Should you require any additional information concerning this proposal, let me know.

Yours truly,

David M. Henley
Superintendent

CITY OF NEWTON

IN BOARD OF ALDERMEN

March , 2010

ORDERED:

The request for approval of Home Rule legislation for enactment by the General Court be and is hereby approved by the Honorable Board of Aldermen:

AN ACT FURTHER AMENDING THE PROVISIONS OF SECTION 5 OF CHAPTER 279 OF THE ACTS OF 1992 IN ORDER TO ADD TO THE POLICE CHIEF SELECTION COMMITTEE A MEMBER OF THE NEWTON POLICE SUPERIOR OFFICERS ASSOCIATION AND AN ADDITIONAL CITIZEN MEMBER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the provisions of SECTION 5 of Chapter 279 of the Acts of 1992 are hereby further amended by deleting, in its entirety, the language contained in said SECTION 5, and inserting in its place the following language:

“SECTION 5. For all subsequent appointments, a selection committee of eleven persons shall be established to assist in the selection process. The committee will be made up as follows:

(1) One member of the board of aldermen, appointed by the president and subject to the approval of said board of aldermen.

(2) One Newton citizen appointed by the board of aldermen under the same process as clause (1).

(3) One representative of the Newton Police Association, appointed by said association.

(4) One representative of the Newton Police Superior Officers Association, appointed by said association.

(5) One business executive of the city of Newton.

(6) One attorney.

(7) One member of the judiciary, active or retired.

(8) One member of the Massachusetts Police Chief’s Association, except a former police chief from the city of Newton.

(9) Three citizens of the city of Newton.

Committee members appointed in clauses (5) to (9), inclusive, shall be appointed by the mayor and approved by the board of aldermen in accordance with the procedures set forth in section 3-3 of the charter of the city of Newton. Every effort shall be made to include not less than four women on the selection committee.”

Section 2. This Act shall take effect upon its passage.

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

391-08
#391-08

INTEROFFICE MEMO

To: Alderman Stephen M. Linsky, Chairman
Public Safety & Transportation Committee

From: Marie M. Lawlor *mml*
Assistant City Solicitor

Date: November 14, 2008

Re: Item #391-08 – adding two members to the Police Chief Selection
Committee

Attached please find a Draft Board Order together with a redlined version of the requested changes to Section 5 of Chapter 279 of the Acts of 1992.

Proposed changes to:

Chapter 279, Acts of 1992 AN ACT EXEMPTING THE POSITION OF CHIEF OF POLICE IN THE CITY OF NEWTON FROM THE PROVISIONS OF THE CIVIL SERVICE LAW

[Sections 1-4 and Sections 6-7 are not reprinted here]

Added language is underscored; deleted language is struck through.

SECTION 5. For all subsequent appointments, a selection committee of eleven persons shall be established to assist in the selection process. The committee will be made up as follows:

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(1) One member of the board of aldermen, appointed by the president and subject to the approval of said board of aldermen.

(2) One Newton citizen appointed by the board of aldermen under the same process as clause (1).

(3) One representative of the Newton Police Association, appointed by said association.

(4) One representative of the Newton Police Superior Officers Association, appointed by said association.

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(5) One business executive of the city of Newton.

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(6) One attorney.

Deleted: 5

(7) One member of the judiciary, active or retired.

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(8) One member of the Massachusetts Police Chief's Association, except a former police chief, from the city of Newton.

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(9) Three citizens of the city of Newton.

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Committee members appointed in clauses (5) to (9), inclusive, shall be appointed by the mayor and approved by the board of aldermen in accordance with the procedures set forth in section 3-3 of the charter of the city of Newton. Every effort shall be made to include not less than four women on the selection committee.

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CITY OF NEWTON

IN BOARD OF ALDERMEN

November , 2008

ORDERED:

The request for approval of Home Rule legislation for enactment by the General Court be and is hereby approved by the Honorable Board of Aldermen:

AN ACT FURTHER AMENDING THE PROVISIONS OF SECTION 5 OF CHAPTER 279 OF THE ACTS OF 1992 IN ORDER TO ADD TO THE POLICE CHIEF SELECTION COMMITTEE A MEMBER OF THE NEWTON SUPERIOR OFFICERS ASSOCIATION AND AN ADDITIONAL CITIZEN MEMBER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any general or special law to the contrary, the provisions of SECTION 5 of Chapter 279 of the Acts of 1992 are hereby further amended by deleting the language contained in said section and inserting in its place the following language:

“SECTION 5. For all subsequent appointments, a selection committee of eleven persons shall be established to assist in the selection process. The committee will be made up as follows:

- (1) One member of the board of aldermen, appointed by the president and subject to the approval of said board of aldermen.
- (2) One Newton citizen appointed by the board of aldermen under the same process as clause (1).
- (3) One representative of the Newton Police Association, appointed by said association.
- (4) One representative of the Newton Police Superior Officers Association, appointed by said association.
- (5) One business executive of the city of Newton.
- (6) One attorney.
- (7) One member of the judiciary, active or retired.
- (8) One member of the Massachusetts Police Chief's Association, except a former police chief, from the city of Newton.
- (9) Three citizens of the city of Newton.

Committee members appointed in clauses (5) to (9), inclusive, shall be appointed by the mayor and approved by the board of aldermen in accordance with the procedures set forth in section 3-3 of the charter of the city of Newton. Every effort shall be made to include not less than four women on the selection committee.”

Section 2. This Act shall take effect upon its passage.

Approved as to legal form and character:

DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JANUARY 20, 2010

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

Absent: Ald. Merrill

Also Present: Ald. Harney and Yates

Others Present: Nancy Perlow (Director, Newton Library), Audrey Cooper, Barbara Litzke, Beth Wilkinson (Library Trustees), Jayne Colino (Director, Senior Services), Marion Knapp (Newton Council on Aging), Alice Bailey (Senior Center Staff), Mike Avitzur (Senator Cynthia Creem's Office), Bob Rooney (Chief Operating Officer), Karyn Dean (Committee Clerk)

Chairman's Note: The Committee is inviting Department heads for brief introductions and informational discussions. Nancy Perlow, Library Director, and Jayne Colino, Director of Senior Services, joined the Committee.

LIBRARY

Nancy Perlow, Director of the Newton Library, joined the Committee. She provided a handout with some Library statistics which is attached to this report. She also handed out the January newsletter to each of the Committee members.

Budget

She said that 81% of their municipal appropriation was spent on personnel. About 12% of the municipal budget, minus the benefits they pay the staff, was spent on materials. The 12% figure was key because in order to be eligible for state certification there were certain requirements. One of those was that 12% of the budget had to be spent on materials. The Newton Library spent more than 12% because the Trustees and the Friends of the Library did fundraising, (combined, they raised about \$240,000) and they received some state aid for materials as well. Ms. Perlow said the state was trying to make it easier for libraries to meet the requirements. They continue to look for different ways to fundraise and get advice on how they might do that.

The idea of state aid was that municipalities needed to support their public libraries. The library's budget can not be cut out of proportion to the rest of the city's departmental budgets. They were required to have a 2.5% increase of their municipal appropriation over the average of the last 3 years. They were also required to be open 63 hours a week, which they were. If they didn't meet the 2.5% increase amount, it was possible for a library to apply for a waiver.

If a library doesn't meet certification, it does not receive state funds and the residents from that community can not borrow materials from any other community in the state. Beth Wilkinson, Library Trustee, said it was very unusual for a city like Newton to apply for a waiver. Generally it would be the smaller, less well-endowed cities or towns that would request them. However, this 2.5% figure was the difficult requirement to meet and they were very close to not meeting it this past year. When they got the extra money from fundraising, it brought up the amount that the 2.5% represented, which made it more difficult.

Personnel

Ms. Perlow said that since the director left two years ago, no personnel had left the Library. Currently, however, they had three positions open. Two people left about a month ago and there would be a retirement in a month. They had an assistant supervisor of reference position open, a website designer, and the special library services positions open as well. They were currently interviewing to fill these positions.

Rental

Ald. Fischman wondered if it would be financially beneficial for the library to rent out space to private parties when it was not open. Ms. Wilkinson thought that the extra personnel needed for scheduling and managing groups may negate any gains. There would also be a concern about securing the collection as the floor plan was fairly open. Custodial staff was already overworked and may not be adequate for private events. Ms. Wilkinson said they could look into this more if the Board wanted them to. Ald. Sangiolo pointed out that the building was technically under the control of the Library Trustees, so if they were to raise any money through rentals it would stay under the control of the Library.

The Committee thanked Ms. Perlow for providing this update of the Newton Library.

SENIOR SERVICES

Jayne Colino, Director of Senior Services addressed the Committee. She provided an organizational chart which is attached to this report. She explained that her position was the only one fully funded by the City. The other positions were funded either through an outside source or a combination of City and outside sources. The goal of their department was to improve the quality of life of all seniors in the City. They accomplish that in two ways: they try to address people's interests through their programs; and address their needs through their services. The majority of what they provide was within the four walls of the Senior Center, but there has been an effort in the last several years to expand the services and connect people with the services. They have been working on letting people know there were services beyond the Center itself. These services were designed to provide the options people need to age in Newton. Senior Services was endeavoring to be a liaison to as many services as possible and they want to make access to these services simpler and comprehensive. Ms. Colino said the goal was all about aging where one chooses to age with the help of the community.

Ms. Colino said about 4,000 elders came into the Center for services or programs this year and that has stayed fairly consistent with past years. They were dealing with 6 decades of the population (from 50 – 100 years old). Some people perceived the Senior Center as a resource for only low-income or frail elders. She explained that the Center provided for that population

but, as described earlier, the primary goal was for all elders in the City to have access to as many resources as possible and it covered needs as well as interests.

Budget

Ms. Colino explained that about 78% of their budget came from the City, and 6% (about \$45,600) was from Community Development Block Grant Funds (CDBG). They were waiting to hear back from their most recently submitted proposal to CDBG. FY11 was the beginning of the next 5 year block of funding from them. They have asked for an increase to the positions that were currently funded by CDBG and they also asked for the addition of another part-time outreach worker. This was to respond to the growing demographic requiring their services. They currently have a clinical social worker and an outreach social worker on staff. The demand for their services has increased to the extent that the clinical social worker was hired to do mental health support, counseling and therapy for individuals, couples, families and groups. About half of her time right now was doing case management and needs assessments, service planning and monitoring of cases that may be changing. That's why they have asked for another outreach worker through the CDBG proposal so they can get back to supporting the mental health aspects of aging. The Senior Fund helped to establish an emergency relief fund that the social workers can access when every other resource has been accessed (food stamps, perpetual benevolent fund, the Cousens fund, etc.) and exhausted. They received a per capital grant from the state of \$7.00 per elder.

This year, they received a new small grant from the Older Americans Act Title 3 funds which helped them to establish a program for a home contractor referral program. They have collected information from home contractors and checked their licenses, their references, etc. This list was available to elders who needed some help. Newton Wellesley Hospital has been offering a fear of falling program at the Senior Center. Ms. Colino explained that this was a serious concern for seniors and it could be quite isolating. The hospital provided this service with no cost to the City.

Transportation

About 42% of their budget was dedicated to transportation services at \$248,000. It will be a priority in FY11 to continue funding that to respond to the growth in the currently provided services. Last year, some services had to be reduced and they would like to restore those - that included transportation to medical facilities within 2 miles outside the city borders, and transportation to houses of worship and long care facilities to visit loved ones. The Greater Boston Interfaith Organization was trying to organize the houses of worship in Newton on transportation services for their congregants, among other needs.

Ald. Linsky asked Ms. Colino if they have explored having volunteers provide transportation. Ms. Colino said that the liability for that would be too onerous for the City. Contracting this service to Veteran's Taxi took the City out of the transportation service business. In the past, Senior Services owned and maintained vans and did the scheduling and dispatching, but they found it was more cost effective to contract the service out. Ald. Rice asked about The Ride from the T. Ms. Colino explained that The Ride was based on disability qualifications, not age. The Ride goes almost anywhere the T goes and the Senior Services transportation services are to specific locales only.

The Committee thanks Ms. Colino for providing this update on the Senior Services Department.

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.

ACTION: **ITEM DIVIDED INTO A AND B:**

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

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

NOTE: Bob Rooney, Chief Operating Officer, addressed the Committee on this item. He explained that Donnalyn Kahn (Acting City Solicitor) was unable to attend. Even though the item was submitted under the previous administration, Mr. Rooney said it was still valid. The City does not have labor counsel on staff so that work was outsourced to Morgan Brown & Joy. The funds spent to date have mostly been for lengthy arbitration sessions generally in unfair labor practices. The advance work for those sessions was extensive. Mr. Rooney said it was difficult to project arbitration costs because cases can be appealed several times. Mr. Rooney said the money was encumbered in August and was expended over the next several months. There was approximately \$20,000 left in the account.

The Mayor was requesting \$100,000 from Budget Reserve to supplement the Law Department legal assistance account for these expenses. This will leave about \$250,000 in Budget Reserve which they felt was adequate. Ald. Baker asked if Budget Reserve money would be used to deal with severance packages. Mr. Rooney said there may be a portion requested for that purpose, but this request was solely for outside labor counsel. He said that there were arbitrations going on this week and next that were full day sessions and invoices will be coming from those soon.

In-House Counsel vs. Outsourcing

Ald. Blazar asked if the City had considered hiring a labor lawyer instead of outsourcing the work. He felt that the money being spent could support such a hire. Mr. Rooney said the administration was looking at FY11 and the legal staff to see if it would make sense to bring that function in-house. He noted that the field was very focused on Massachusetts labor law so it would be a very specific resource. Ald. Linsky said that others had expressed an interest in exploring that option as well. Ald. Fischman was interested in finding out what the Law Department thought about this option.

Cost Drivers

Ald. Hess-Mahan asked Mr. Rooney what was driving the cost for this outside counsel. Mr. Rooney replied that the main recipient for labor counsel and arbitration cases was the Human Resources Department. The policies in the City were being contested by employees and having clearer policies could lessen the number of cases. Mr. Rooney said it was extremely difficult to predict how many cases there could be and how long they could take.

Splitting Item

Ald. Linsky noted that about \$142,000 had been spent for the first half of the fiscal year, so another \$100,000 seemed to be on target to finish out the year. He wanted to give the Law Department the money to meet their current obligations but suggested approving only \$50,000 at this time. Ald. Linsky would like to hear from the Law Department about the next fiscal year and whether an in-house option was on the table, and what was happening with current arbitration cases. Ald. Baker was comfortable with voting a partial sum and hearing from the Law Department. He felt the Finance Committee might have similar concerns. Mr. Rooney said half the amount would suffice for now. He explained, however, that only one case was settled with nine to be re-opened.

Vote

The item was split into items A and B.

A: Hold \$50,000; B: Approve \$50,000.

The Committee voted to Hold \$50,000 and Approve \$50,000 by a vote of 6-0 on both parts.

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]

ACTION: **HELD 6-1-0 (Ald. Sangiolo opposed)**

NOTE: Bob Rooney addressed the Committee on this item. He explained that the meals tax revenue had other uses than what they could afford for Senior Transportation at this time. He said they supported trying to fund this service, but it could not be from this account. The Committee Clerk checked with the Comptroller, Dave Wilkinson, and he confirmed that the revenue from the meals tax had to be earmarked by the time the tax rate was set in November. This request was not submitted at that time, therefore, the money was longer available. The Mayor's office had not yet determined another source of revenue for this item. Mr. Rooney would like to re-submit the item as it may have a different amount as well as a different source of revenue. Ald. Baker explained that the Board was very interested in seeing this service restored and would like to hold the item until the details were determined by the Mayor's office.

Vote

Ald. Baker moved to hold this item with the idea that the Mayor's office will re-submit the item as soon as possible. The Committee voted 6-1-0 to hold this item with Ald. Sangiolo opposed.

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]

ACTION: **HELD 7-0**

NOTE: Ald. Hess-Mahan presented this item to the Committee. He explained that Representative Peter Koutoujian had filed legislation which would prohibit texting while driving, but it would be considered a secondary rather than primary offense. A driver would have to be stopped for another reason, and if found to have been texting, could then be cited. The City of Boston's effort was first introduced by Councilman John Tobin, who knew of a family whose child had been killed by a driver who was texting. The version proposed by Boston would consider texting while driving as a primary offense. The proposed legislation from the City of Boston as well as Rep. Koutoujian is attached to this report.

Research

Ald. Hess-Mahan had provided some research on the issue that was attached to the agenda. It showed, among other things, that talking on hands-free or hand-held devices was equally distracting to drivers. Studies from Virginia Tech Transportation and the University of Utah showed that driving a truck while texting was 23 times more dangerous than when not, and driving a car was 6 times more dangerous. Reaction time increased substantially, and the distraction caused swerving into other lanes, and other reckless behavior. Studies were performed naturally and in a simulator. AAA became very interested when research showed that 50% of teenagers admitted to texting while driving or being a passenger in a car with a driver who was texting.

Ald. Harney said that he has seen the danger of texting while driving as he drives down the roads of Newton and the highways around the city. He fully supported this ban but wanted to be sure that other modes of communication were included as well, such as emailing. Ald. Hess-Mahan said some people have suggested a complete ban on cell phones while driving but said he felt that would be much harder to get passed and to enforce. Ald. Hess-Mahan said that virtually all states have a reckless driving statute which was separate from this type of ban.

Current Efforts

This ban would require special legislation in order to levy fines. The overarching purpose of this, however, was to get the legislature to pass some legislation. The Senate had passed a ban as a rider to the budget, but it did not get passed in the final version of the budget. Ald. Hess-Mahan said several municipalities were looking for a coordinated effort to support this ban and make it a reality. Currently 20 states had some sort of ban on texting or using a cell phone while driving.

Follow Up

Ald. Baker wondered if a public hearing was necessary since this was a public safety issue. Ald. Fischman agreed that it was a public safety issue but felt it was a good idea to have a public hearing to disseminate the information. Ald. Harney agreed. Ald. Hess-Mahan said he would like the opportunity to have some experts on the issue present at a public hearing. Ald. Linsky said he did not think that this Committee needed to be as involved in the public hearing

part of this as the Public Safety and Transportation Committee. It would come back to Programs & Services for the Home Rules Legislation to be put in place.

Ald. Sangiolo moved to hold this item and the Committee voted in favor 7-0.

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]

ACTION: **HELD 6-0 (Ald. Sangiolo not voting)**

NOTE: Please see note for #82-07 below as these two items were discussed together. After discussion, the Committee voted to hold this item by a vote of 6-0 with Ald. Sangiolo not voting.

#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]

ACTION: **HELD 6-0 (Ald. Sangiolo not voting)**

NOTE: Ald. Yates addressed the Committee on item #82-07 and #83-07. He said he was hoping there would be an opportunity to tax the telecommunications equipment, not just the poles and wires. His understanding was that it would yield \$25M to all the cities and towns in Massachusetts. He felt that the existing law preventing the taxation served no legitimate purpose and the cities and towns needed the money. He was hoping that it was on the state representatives list of priorities. The Massachusetts Municipal Association has supported this initiative.

Mike Avitzur, a representative from Senator Cynthia Creem's office, joined the discussion. Mr. Avitzur said that people on the hill have not forgotten about these issues. As the budget cycle heats up in the next weeks and months, they will come to the fore.

Telecommunications

Mr. Avitzur explained that on the telecommunications issue, the Appellate Tax Board ruled that the centrally valued poles and wires on public lands owned by the telecommunications companies should not be exempt from the personal property tax. For a while, it was unclear whether that would be reversed on appeal. In the meantime, the Department of Revenue (DOR) required municipalities to keep any revenues they collected in an overlay account. Senator Creem, as well as some other legislators, put forward an amendment before this year's budget to codify the Appellate Tax Board ruling. They were unable to convince the full Senate at that time to enact the codification of that ruling, but as a compromise there was a Municipal Relief Commission that was established that Senator Creem served on and Senator Rosenberg chaired. They put forward a packet of recommendations on a host of issues related to

municipal finances, including this issue, just under a year ago. All of the recommendations were included in the Senate budget that passed last spring, however, the House balked. A budget came out for FY10 with the codification and clarification of the Appellate Tax Board ruling. Mr. Avitzur contacted the DOR and they calculated that the tax was bringing in \$718,000 to Newton this year.

The switches and signals were not included in the package. Mr. Avitzur's understanding was that there was an argument that taxing the signals and switches would be a disincentive for future expansions of wireless networks in foreseeable and unforeseeable ways. The City of Boston has been leading the charge on getting the signals and switches taxed as well. He said that this will be brought up in the FY11 budget discussions relative to Newton. Mr. Avitzur said he will bring the concerns of Newton back to Senator Creem.

Health Insurance

Ald. Yates said that on the health insurance issue, he docketed the item as being part of the Group Insurance Commission (GIC). Since then, the Citizen Advisory Group looked at this and found that it was unclear whether the GIC did a better job of holding down costs than the City did. He felt the City has had a decent track record in negotiating with the insurance providers. The state negotiated their health care costs a different way and was exempt from collective bargaining. What they gave to cities and towns was an option to join the GIC if a super majority of their union employees approved that. Ald. Yates felt that was unlikely to happen in Newton. He said the General Court was delinquent in doing things that could give cities and towns some relief. He would like to see more power give to cities and towns.

Follow Up

Ald. Yates would like to have the state representatives come into a Committee meeting to pledge their support for the telecommunications item as well as the health insurance item. He said if they were willing to send a letter to be shared with the Board that stated that when the Speaker asked for items to be included in the budget, they would ask for improvements to the telecommunications taxation for cities and towns and would also ask to include the ability for cities and towns to set their own health costs on the same basis as the state. If they could not send that letter, he would like to have them come in to speak to the Committee. Ald. Baker and Yates suggested having the Committee Clerk seek written commitments from the members of the House on these issues and ask that the House budget is made up before the Senate budget.

The Committee voted to hold this item by a vote of 6-0 with Ald. Sangiolo not voting.

Respectfully Submitted,

Stephen Linsky, Acting Chairman

#68.10

1 Executive Summary

The goal of this study is to provide the City of Newton and the Newton Public Schools with a needs assessment, space standards and long-range utilization plans for the 21 elementary and middle school buildings evaluated. Working with the Newton Schools Study Steering Committee, HMFH Architects, Inc. began the study in February 2007.

Process

The 21 facilities assessed include 15 elementary schools, 4 middle schools, the Education Center and Carr School. Through the use of a facility questionnaire, review of previous reports, tours of each facility, and interviews with faculty and staff, the study team assessed each school building in three categories:

- Facility condition
- Educational space
- Enrollment growth

In determining the current physical condition of each property the following components were assessed:

- Building exterior
- Building interior finishes
- Building systems (mechanical, electrical, plumbing, fire protection)
- Accessibility
- Code requirements
- Site conditions
- Building and site limitations

The educational space assessment identifies space deficiencies based on use, size (square feet), configuration, location within the building, and overcrowding with respect to the established Newton standards.

The enrollment growth projected for each elementary and middle school was between the current school year (2006/07) and five years from now (2011/12). The middle school enrollment projection for an additional 5 years indicates continued significant growth.

Assessment

Of the 21 buildings assessed, 16 were originally built over 50 years ago and three more than 80 years ago. Eight buildings were constructed during the 1950's, while the newest building is 36 years old. Additions and various levels of renovations have occurred on most buildings over the years. Burr, Horace Mann, Mason Rice, and Zervas have not had additions.

Based on the detailed physical assessment, the study team assigned a numerical rating of 1, 2, 3 or 4 to each property, with 1 for the lowest level of need in that category and 4 for the highest level of need.

Facility Condition Assessment

Six buildings are assessed at the highest level of facility condition needs: Angier, Cabot, Countryside, Ward, Zervas, and Carr. These buildings are all greater than 50 years old, and Angier and Ward are greater than 80 years old. The buildings assessed with the lowest facility condition need are Bowen, Memorial-Spaulding, Williams, and Oak Hill. These buildings all have had additions and partial renovations within the past 10 years.

The other eleven facilities need various levels of renovation work. All buildings require upgrades to the mechanical, electrical and plumbing systems. The majority of the buildings require at least some level of upgrades to meet the accessibility codes.

Educational Space Assessment

Angier, Cabot, Peirce and Zervas rated highest in level of need for educational space, reflecting undersized classrooms, the low net square feet of space per pupil, and minimal size or the absence of shared spaces (library, gym, auditorium). Many of the educational space deficiencies are due to the age of the buildings. Of course,

educational requirements also have changed dramatically over the past 50 years, adding the following spaces to a typical school building:

- Special needs programs
- Separate music and art classrooms
- Cafeterias
- Full-time kindergarten spaces

Bowen, Burr, Memorial-Spaulling and Williams, three of which have recent additions, have the lowest level of educational space needs.

Enrollment Assessment

The elementary enrollment is predicted to grow by nearly 1,000 students by the 2011/12 school year. The current elementary school buildings, regardless of the physical and educational space deficiencies identified in this study, cannot accommodate this expected growth. The school districts expecting the highest percentage of growth are Lincoln-Eliot (50%), Bowen (42%), Underwood (36%), and Countryside (29%). Significant growth is expected to occur on both the north and south sides of Newton. This pattern is similar at the middle schools, with the greatest growth at Day on the north and Oak Hill on the south side of Newton. Additionally, when the enrollment is projected out 10 years, the expected increase of 900 middle school students cannot be accommodated in the existing four schools. Current building capacity was assessed and the majority of schools are overcrowded in varying degrees, with Zervas experiencing the most severe overcrowding in the school system.

System-wide Options

With this combination of population growth and facilities needs, Newton faces both a challenge and an opportunity to create a visionary educational plan for the decades ahead. Based on the building assessments three system-wide options were developed. Each option provides a phased, long-range plan to address the facility conditions, educational space needs and the projected enrollment growth and incorporates the following planning assumptions identified by the committee:

- Maintain neighborhood schools
- Maintain current grade structure
- Limit elementary schools to no more than 500 students
- Redistrict as a "no cost" first step
- Include Education Center and Carr School in the planning process
- Consider "modular" classrooms as only temporary, short-term solutions

The first priority of the options is to accommodate the expected five-year enrollment growth. The second priority is to replace obsolete, and educationally deficient facilities. The third priority is to renovate and upgrade buildings to provide appropriate educational spaces and environments.

Each of the three options includes redistricting, renovation of Carr School, and relocation of the school administration and pre-school program from the Education Center for renovation as a school building. Each option assumes that Newton will submit Statements of Interest to start the Massachusetts School Building Authority process for funding assistance. Each option provides a multi-phased approach; how long any one option may take will be determined by community commitment and support, annual review of enrollment projections, and the City's capacity to oversee and fund building projects.

In all three options new construction/replacement projects are undertaken first, then renovation/addition projects, and lastly, renovation-only projects. This approach creates the most new classroom space in the short-term to meet the first priority of accommodating enrollment growth.

In brief, the key attributes of the three options are:

- Option 1 – accommodates the expected enrollment growth within the existing 15 elementary schools and adds a fifth middle school

- Option 2 – adds an additional elementary school and a fifth middle school to accommodate the expected growth
- Option 3 – adds two new middle school locations to accommodate the expected growth and converts Oak Hill Middle School to an elementary school

Each option allows for future flexibility in response to reassessment at each step of the long-range plan. October enrollment projections will be reviewed each year and the long-range plan will be adjusted to reflect new findings. Further study and community input are required to determine which option best serves the long-range needs of the school department and the City of Newton.