

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICE COMMITTEE REPORT

WEDNESDAY, APRIL 7, 2010

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

Also Present: Ald. Crossley

Others Present: Donnalynn Kahn (Interim City Solicitor), Jennifer Price (Principal, Newton North High School), Joel Sternbridge (Principal, Newton South High School), Neil Giordano (Newton North TV Production), Carol Ober (Newton South Media Lab), Maurya Sullivan (Planning Dept, Telecomm), Ron Mahan (Supt., Equipment Maintenance), Robert Rooney (Chief Operating Officer), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#94-10 BETHEL CHARKOUDIAN, 18 Maple Avenue, Newton, appointed as the Ward 1 member of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

ACTION: **APPROVED 8-0**

NOTE: Ms. Charkoudian addressed the Committee. She said she has lived in Newton most of her life and was born here. She also attended public school here as did her children. She felt it was time to give back to community in any way she can. The Mayor asked if she would serve on the Parks & Recreation Commission and she agreed. She has an interest in preserving open space and maintaining areas for citizens and their pets to recreate.

The Committee thanked her for her willingness to serve and unanimously voted to approve her appointment.

Appointment by His Honor the Mayor

#95-10 ANDREW STERN, 56 Tyler Terrace, Newton Centre, appointed as the Ward 6 member of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

ACTION: **APPROVED 8-0**

NOTE: Mr. Stern graduated from Newton North High School and has lived in Newton his whole life. He served on the Parks & Recreation Commission a few years ago and explained that Bob DeRubeis was instrumental at that time in preparing an inventory of

the Parks & Recreation's assets for the first time. It gave the Commission the ability to prioritize for capital improvements on a needs basis. He noted that the Parks & Recreation Commission is given many rights and powers by Mass General Law but many can't be implemented due to funding. He would like to be able to get a better handle on the budget and to see what the policies and the goals will be. The Committee thanked Mr. Stern for returning to service and unanimously approved his appointment.

Appointment by His Honor the Mayor

#96-10 RICHARD TUCKER, 23 Woodman Road, Chestnut Hill, appointed as the Ward 7 member of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

ACTION: **APPROVED 8-0**

NOTE: Mr. Tucker addressed the Committee and explained that his children had been involved in Youth Soccer and Little League. He was also on the Dogs Off Leash Advisory Committee which introduced him to the Board of Aldermen. He felt his experience could be helpful to the City and he would like to serve. Mr. Tucker was very happy to be working with Bob DeRubeis as he found him a wonderful leader. The Committee unanimously approved Mr. Tucker's appointment and thanked him for his service.

Appointment by His Honor the Mayor

#97-10 DONALD FISHMAN, 68 Littlefield Rd., Newton Centre, appointed as an *alternate member* of the PARKS & RECREATION COMMISSION for a term to expire on April 20, 2013. (60 days: 06/04/10) [03/30/10 @ 4:09 PM]

ACTION: **APPROVED 8-0**

NOTE: Mr. Fishman addressed the Committee. He explained that he has lived in Newton for 33 years and has been involved in various volunteer organizations. His 11-year old daughter is very active in Newton sports and he has interest in finding ways to lessen pressure on Newton North High School's facilities by finding other solutions around the City. The Committee thanked Mr. Fishman and unanimously voted to approve his appointment.

Ald. Sangiolo asked all the new appointees to think about the following topics as they will need to be dealt with soon: off leash dog parks, field lighting, field usage fees, parking around fields, and sewage and drainage at Lyons Field.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#109-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from Free Cash for the purpose of supplementing the Law Department's budget for services provided by the City's outside labor counsel. [03/30/10 @ 4:12 PM]

ACTION: **APPROVED 7-0-1 (Ald. Linsky abstaining)**

NOTE: Donnalynn Kahn, Interim City Solicitor, addressed the Committee. She explained that her plan for the coming year is to fill the two openings in the Law Department with a labor attorney and a back-up labor attorney. When she took over as Interim City Solicitor in January, she recognized the exorbitant bills from outside counsel and it became her goal to get those under control. She began by appointing Dolores Hamilton and herself as the point people for outside labor counsel to cut down on the number of calls and the number of people who had access to outside counsel. She has also been having discussions with Fire union personnel along with Dolores Hamilton and together they have resolved 12 cases. There had been many bills surrounding these cases and she was very pleased to have them closed.

Bills

Ms. Kahn had calculated that \$25,000 a month through the end of the fiscal year should be sufficient to pay for outside counsel. She based that information on an estimate from the firm. However, she just received the March bill and it came to approximately \$55,000 which was completely out of line with her expectations. She said she will have to come back to the Board in May or June for more money as this appropriation will go for services rendered. Outside counsel now says they do not anticipate that the bill will go beyond \$25,000 a month starting in April through the end of the fiscal year.

Costly Pending Cases

Ms. Kahn noted that there are some cases that are ongoing and have been around for several years that generate many hours of billing from outside counsel. She explained that some of these cases require days and days of witnesses and hearing dates that are scheduled with a lot of time in between. At this point, so much time and money have been spent on some cases, it is difficult to determine when to cut the losses. She was hoping to resolve as many of these as soon as possible.

Intermediate Measures

Ald. Hess-Mahan wondered if the Law Department could consider some intermediate process with an in-house mediation process to avoid the filing of a grievance. This could reduce the amount of time and money spent and could also have a better outcome in terms of the relationship between the employee and the City.

Cost Concerns

Ald. Linsky said he could not recall a situation with these kinds of exorbitant costs. He said at this time of year, the City is usually draining down free cash for things like snow removal – this year, it is legal costs. He said the Law Department should shut down any billings from outside counsel and just make do through the end of the fiscal year. He said there were very likely cases on which more money was spent on outside counsel than was ever at stake. Ms. Kahn said they were not staffed to do the work through the end of the year without the help of outside counsel. Ald. Linsky said it did not matter – they should just wait and pick up the work at the start of the new fiscal year. Ald. Fischman asked why the March bill was a surprise. He noted that most vendors give an estimate and if they plan to go over that, they would inform the client and receive consent to do so. Ms.

Kahn said she could try to give them a limit but that would likely push things into next fiscal year. Ald. Baker said deferring the work may not be cost effective because people who had knowledge of the cases would no longer be working on them. The cost of bringing new people up to speed can be significant. Ald. Blazar worked in labor law and he knows that billings can go as high as a firm wants them to. He is very happy that the Law Dept. will be bringing this function in house to bring these costs under control.

Follow Up

Ald. Sangiolo said that the message to take to the Mayor would be to re-evaluate any bills coming from labor counsel going forward. There should be a conversation with outside counsel to control these costs as they are prohibitive.

The Committee approved this item by a vote of 7-0-1 with Ald. Linsky abstaining.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#110-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend six hundred seventeen thousand nine hundred ninety-five dollars and fifty-two cents (\$617,995.52) from Receipts Reserved Fund 14, Account 3314L (Cable Reserve Funds) for the reinvestment and expansion of Newton North High School's and Newton South High School's television and media production facilities. [03/30/10 @ 4:09 PM]

ACTION: **APPROVED 7-0-1 (Ald. Sangiolo abstaining)**

NOTE: Maurya Sullivan addressed the Committee. She explained that there are three cable providers in Newton: RCN, Verizon and Comcast. The revenues that the City receives from these providers go primarily to NewTV. However, a portion of the funds are retained by the City and can only be spent for the very limited purpose of cable related funding. The City gets money based on the providers' gross operating revenues and money that is negotiated as capital contributions as part of the City's assessment process for needs of the City. It continues to accrue at about \$120,000 per year. There is currently a balance of about \$825,000 in that account that has accumulated from capital contributions as well as operating revenues received. Because the money can only be spent for very limited purposes, they have waited for the right project on which to spend the funds. They also wanted to be sure that the buildings were wired to receive new equipment. About \$100,000 is taken from the account each year to cover administrative overhead including the maintenance of the City's network over which cable is broadcast. The RCN and Verizon contracts run through 2016, but the City will be renegotiating their contract with Comcast which should be done by October, 2011. The City would need to spend down this money in that time period so they can make the case for more money.

Dave Wilkinson told Ms. Sullivan that after the Board votes the funds for expenditure, the Schools would go through a regular 30B purchasing process for the studio equipment.

Plan for Equipment

The current Newton North High School equipment has either been purchased with these funds or has gone through NewTV and then to the school. The plan is to outfit the new studio in the new Newton North building in its entirety, as well as to purchase some equipment for Newton South High School. This money would also fund a staff person to work with both schools. Last year, \$26,000 was appropriated from this fund to buy portable equipment for Newton North and that equipment will go to the new North building. This equipment has provided a dramatic increase in programming with NewTV. Much of the older equipment can not be moved and is pretty much obsolete. Everything that will be left in the current building and might be usable will go through a surplus process with Mike Cronin of the School Dept. They will try very hard to make the best use of any equipment that still had some life left in it. Technology transitioned to digital about 10 years ago and the equipment in the current studio pre-dates that. Ms. Price and Mr. Sternbridge indicated that their studios will be ready to open in the fall with this appropriation.

Shared Program and Aide Position

Jen Price, Principal of Newton North, said the TV Production Program is a wonderful program and a big draw for students. In a large school, it is necessary to provide smaller venues for students to find interests and new ways of learning and the TV program is a very popular one. The space in the new building for the studio is wired and there is plenty of room for what they need. Ms. Price also noted that the position that would be funded through this money would be shared between the two schools and programs. This provides a more comprehensive program and good coordination between the two. She felt very comfortable that this position could be funded each year with the renewable revenue of this fund. The position pays \$40K with benefits and the person would spend $\frac{3}{4}$ of their time at North and a $\frac{1}{4}$ at South. As a back up, the school department would maneuver within their budget to provide funds for this position if for some reason the Board did not approve its continued funding. The position is crucial to the success of the program. Ms. Price said the School Committee is very supportive of the way the principals want to fund and operate their buildings.

Chapter 74

Newton South has a much smaller program than Newton North. The program at North is a Chapter 74 program and South's program is run as electives. The program at South is growing, however, and they do need the equipment to accommodate the demand and the newer technology. Mr. Sternbridge is happy with the allocation that will go to South. Ms. Sullivan pointed out that the proximity of Newton South to NewTV is such that there are more students that can participate at NewTV's studios than North students. The Chapter 74 program is open to students citywide. Students at South can attend the courses at North and they have found pathways for this to happen. A South student could start at South and then move on to the more advanced program at North. Chapter 74 refers to career and technical vocational programs in the Commonwealth. Newton North is the location of most of the Chapter 74 programs as part of their comprehensive high school with students at both schools having access. Students are bussed to North for the

carpentry and auto programs each morning and the schools are moving towards making the TV studio part of that as well.

Ald. Hess-Mahan asked if more content could be streamed on the school's website (games, performances, etc.). Mr. Giordano said they had just attended a seminar that day about streaming and would definitely look to include much more.

Ald. Rice moved to approve this item and the Committee voted 7-0-1 with Ald. Sangiolo abstaining. She wants to speak to the Mayor's office to see if they would consider funding the Aide position going forward.

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]

ACTION: **APPROVED 5-0 (Ald. Fischman, Hess-Mahan and Rice not voting)**

NOTE: Ald. Hess-Mahan explained that this item would satisfy one of the criteria in the application submitted by Newton to become designated as a Green Community under the Massachusetts Green Communities Act. This designation would qualify Newton to apply for up to \$1M in grant awards to fund various energy efficiency and renewable energy projects in the City. Newton would become of the first communities to take part in this program.

Update

Ald. Crossley said the City was on course to meet the May 14th deadline for the designation application. The deadline to submit an application for a grant is May 28th. She summarized the status of the other items in Public Facilities and Zoning and Planning Committees. The two items in the Zoning and Planning Committee do not actually require an amendment to any of the ordinances as it was determined by Dept of Energy Resources (DOER) that the ordinances were sufficient to meet the criteria. The item in Public Facilities was under discussion that evening. The Stretch Code was put in place by the City last year. The item in this Committee requires adoption of a policy to purchase fuel-efficient vehicles.

Policy

Bob Rooney, Chief Operating Officer, provided a policy within the *City of Newton Vehicle Use and Procurement Policy*. It is attached to this report. It is important to note that neither this policy nor the Green Communities application require the purchase of hybrid vehicles. Mr. Rooney said that the Executive Department is keenly interested in supporting energy management and fuel efficiency in its fleet of vehicles. There are about 65 vehicles in the current inventory that could be affected by this policy. Some vehicles in the fleet would be exempt including safety equipment and heavy equipment which is in keeping with the application guidelines. Ron Mahan, Superintendent of

Equipment Maintenance, explained that some equipment, like snow removal pick-up trucks, need to be exempt in order to maintain utility effectiveness. He noted that the Assessing Department recently had some of their cars replaced with the Ford Focus which gets about 28-29 mpg. The Public Works supervisors, however, might need a heavier car so they can maneuver when they are out in snowstorms. He said there were some even higher mpg vehicles that could be used for the Health Dept. His point was that the departments have different needs so they would need to be sure the vehicles were matched with the need. He did not think that would be difficult to do utilizing fuel-efficient vehicles. He also noted that his department has starting experimenting with bio-fuel.

Costs

Mr. Mahan explained that the cars in the fleet are on a 10-year recycle plan with many of them about 5 years old. He felt he could find fuel-efficient vehicles at auction when the current cars are cycled out of the fleet and would not have to spend significantly more money for them. Mr. Rooney said they did a life cycle analysis and found that assuming the cost savings on fuel, the costs were equal over 10 years between fuel efficient and non-fuel efficient vehicles. Finding fuel efficient vehicles at auction will become easier and less expensive each year. Neither Mr. Rooney nor Mr. Mahan felt this policy would be more costly in the long run than the current procurement policy.

Goals

Mr. Rooney said they would be looking at other options in saving fuel costs and better utilization of the fleet in general. The goal would be to have a smaller fleet, more efficient utilization of the vehicles and fuel efficiency in their use. The Executive Department supports this policy.

The Committee voted to approve this item by a vote of 5-0 with Ald. Fischman, Hess-Mahan and Rice not voting.

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]

LAND USE APPROVED 8-0 ON 3/16/10

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

NOTE: Ald. Baker reported that the Rules Subcommittee had a brief discussion of this item earlier in the evening and agreed to move it on to Programs & Services with the recommendation to hold it in Committee. Ouida Young of the Law Department will need to work on language in order to encompass current and future technologies in this Rule.

Ald. Hess-Mahan said this item originated with Ms. Young and some conversations she had with the Attorney General's office over the implementation of the Open Meeting Law changes. Some additional requirements will be placed on municipalities to hold on to and preserve records of what takes place at public hearings and open meetings. In the Land Use Committee, information is provided in paper form and much of this paperwork is generated from an electronic file, as well as PowerPoint presentations or other visual aids. Also physical models of projects are presented in some form or another. These models would need to be preserved under the new open meeting law and electronic preservation of these models would constitute compliance. Since there is not sufficient storage space for the physical models, this would be the better solution. Scanning can be done for some documents but scanning is time consuming and takes up more computer space. All of this will also make the information more easily accessible on the City of Newton website and enhance understanding of the special permit process. Ald. Hess-Mahan stressed that the electronic files will be in addition to paper files, not replace them. Ald. Hess-Mahan said it was not a requirement in the open meeting law that materials be presented in an electronic format. However, this rule would facilitate the requirement that all materials be preserved under the Open Meeting Law changes.

Ald. Baker wondered what the responsibilities would be to preserve the materials that the public, as opposed to the petitioner, may bring to a public hearing. Ald. Sangiolo said that documents from the public are scanned and attached to the agendas or reports and can be found online with the item information. Ald. Hess-Mahan said he also receives communications via email which also get preserved with the file materials. He also stated that there would be a mechanism to waive this rule in a situation that would be overly burdensome.

The Committee voted to hold this item 7-0 with Ald. Linsky not voting, so that Ms. Young has an opportunity to provide some draft language.

Respectfully Submitted,

Amy Sangiolo, Chairman



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April 2, 2010

Honorable Board of Aldermen
Newton City Hall
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Ladies and Gentlemen:

I write to submit documentation in support of Docket Item #51-10 "... requesting adoption of a policy to purchase only fuel-efficient vehicles for municipal use...". The attached policy entitled "Energy Management and Procurement of Fuel Efficient Vehicles" is one section from a more encompassing *City Vehicle Use and Procurement Policy*.

As part of the City's efforts to become one of the first communities in Massachusetts to become a Department of Energy Resources (DOER) Green Community, I would be happy to discuss this policy with the Honorable Board at your convenience.

Thank you for your consideration of this matter.

Very truly yours,


Robert R. Rooney
Chief Operating Officer

Section D. Energy Management and Procurement of Fuel Efficient Vehicles

I. DEFINITIONS

Combined city and highway MPG (EPA Combined fuel economy): Combined Fuel Economy means the fuel economy from driving a combination of 43% city and 57% highway miles and is calculated as follows: $=1 / [(0.43/\text{city MPG}) + (.57/\text{highway MPG})]$

Drive System: The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the drive field:

AWD = All Wheel Drive: four-wheel drive automatically controlled by the vehicle powertrain system.

4WD = 4 Wheel Drive: driver selectable four-wheel drive with 2 wheel drive option.

2WD = 2 wheel drive, either from the front or rear of the vehicle.

Heavy-duty truck: A vehicle with a manufacturer's gross vehicle weight rating (GVWR) of more than 8,500 pounds.

Exempt Vehicles: Those vehicles 1-ton or greater, vans, or sedans required to have minimum performance requirements based on the security/safety functions within the City.

Non-exempt Vehicles: General purpose vehicles used for daily administration of the City which typically include pick-up trucks or smaller vehicles and not required for emergency use.

II. POLICY STATEMENT

The City's goal is to reduce to the maximum extent possible, the consumption of fuel within the existing fleet and purchase fuel efficient vehicles wherever practicable to further reduce energy needs within the City.

III. PURPOSE

To establish an policy for management of energy consumption through a fleet replacement strategy and guidelines for the purchase of fuel efficient vehicles for municipal / school use whenever such vehicles are commercially available and practical.

IV. APPLICABILITY

This policy applies to all divisions and departments of the City of Newton.

V. GUIDELINES

City vehicles will conform to any and all state and federal air emission standards.

Use of non-exempt vehicles will be cognizant of best practices for efficient and effective operation to include maximizing occupancy in vehicles travelling to a common destination, not leaving idling vehicles unattended for more than one minute, or stationary waiting in an idling vehicle for more than three minutes.

All departments and divisions shall purchase only fuel efficient vehicles for general municipal use whenever such vehicles are commercially available and practicable.

The City of Newton will maintain an annual vehicle inventory for non-exempt vehicles and a plan to replace existing vehicles with those that meet the fuel efficiency ratings below.

Based on the most recently published US Environmental Protection Agency data on fuel efficient vehicles, vehicles are to have a combined city and highway MPG no less than the following:

2 wheel drive car:	29 MPG
4 wheel drive car:	24 MPG
2 wheel drive small pick-up truck:	29 MPG
4 wheel drive small pick-up truck:	18 MPG
2 wheel drive standard pick-up truck:	17 MPG
4 wheel drive standard pick-up truck:	16 MPG

Note:

The latest fuel efficiency MPG ratings are available through the Massachusetts Department of Energy Resources Green Communities Program.

Exemptions

- a. Heavy-duty vehicles such as fire trucks, ambulances, vans, and public works trucks are exempt from this criterion.
- b. Police cruisers are exempt from this criterion.

Inventory

The following information shall be included in a vehicle inventory of non-exempt vehicles and said list shall be updated on an annual basis:

- a. Model; Make; Model year; Drive system; Weight Class; MPG
- b. Year purchased; Annual miles driven; Total Fuel Consumption; Vehicle Function

Note:

Departments/Divisions may use EPA combined MPG estimates or actual combined MPG.

VI. FUEL EFFICIENT VEHICLE REPLACEMENT PLAN

The City of Newton shall develop a plan to replace all non-exempt vehicles with fuel efficient vehicles as defined above. Said plan shall outline the process by which the City of Newton will replace vehicles, set goals for when the existing fleet will be replaced and review said plan on an annual basis.

VII. QUESTIONS/ENFORCEMENT

All inquiries should be directed to the department/division responsible for fleet management or the Office of the Mayor, who is responsible for fleet procurement.