

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JUNE 3, 2009

Present: Ald. Johnson (Chairman), Freedman (Vice Chairman), Baker, Brandel, Hess-Mahan, Merrill, Parker and Sangiolo

Also Present: Ald. Harney and Mansfield

Others Present: Fran Towle (Commissioner, Parks & Recreation), Carol Stapleton (Manager, Parks & Recreation), Tom Cahill (Red Cross Lifeguard Training), Jayne Colino (Director, Senior Services), Alice Bailey (Senior Services), Sandy Pooler (Chief Administrative Officer), Karyn Dean (Committee Clerk)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor 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 Human Resources Departments. [07/17/08 @ 9:53 AM]

ACTION: **HELD 5-0 (Ald. Freedman, Hess-Mahan and Merrill not voting)**

NOTE: Ald. Johnson said that she wanted to make her intent clear with this item. Her intent is not to talk about particular people or say that someone is or is not doing their job. Ald. Johnson also said that the City of Newton is about people. The City's greatest asset and greatest expense is its employees and her concern is to staff people in a way that is most efficient and helpful. Change is not something that happens with an organizational chart. It comes with leadership and also with people who help the leaders implement change in a thoughtful, consistent, fair and equitable way. She said if the City does not have people with that as their focus and within their capabilities, she is not sure they can be successful. Just moving people around isn't the answer.

Working Group

Ald. Johnson's idea is to bring together a group of people, to work over the summer, and discuss the future of the HR Departments of Newton. This group would be a mixture of members of the School Department, School Committee, Board of Aldermen, department heads of both the School and Municipal HR departments, as well as other department heads. She said the issue is understaffed HR departments. She felt that operating two parallel HR departments with similar functions limits the resources. Because of this, there are things that have to be done that aren't always accomplished. She thinks there is a great opportunity at this point in time because of the transitions happening in the School Department and in the Mayor's office. This group would come away with some recommendations to put forward to the new mayor, new Superintendent and new School Department HR director, of how to make a more effective use of the HR department(s) going forward.

Government Organization

Ald. Johnson explained that there were many different alternatives to organization in government HR departments. She noted that there are functions present in some of these alternatives that are not present in Newton's organization. She also noted duplications in the school and municipal HR departments. (Organizational charts for the municipal and school HR departments are attached).

Transforming HR

Ald. Johnson also spoke about transforming Human Resources for strategic purposes. For example, in her own company, the HR Department has evolved from an operational to a strategic practice. She pointed out that this is a process oriented endeavor. Again, she said that this was an opening for a discussion, a process to look for recommendations and ideas to bring to the new mayor and superintendent.

Role of Leadership

Ald. Brandel felt this was a good concept because 80% of the City budget went to personnel. Therefore, it was the most obvious place to look for the best return on the citizen's investment. He also said that if government is ever going to be transformed, it can only happen with people who are motivated to make changes. The HR Departments are the people who understand motivation and compensation. He was very supportive of this discussion. Ald. Sangiolo said that the executive department needs to be invested in this as well, or nothing can change.

Ald. Baker said that the School Committee is not another department of the City. It is a duly elected body and they have the authority and responsibility for supervising and running their own department. Therefore, he was unclear about how this could work. He said that Ald. Johnson had enormous expertise in this area, but ultimately, the decision will have to be made by the leadership. He did not think the Board could be the deciding body. What he is not clear about is whether the output of this process would be a positive one especially because they need leadership at both the school and municipal levels to agree. He pointed out that the HR directors report to different executives and the staff needs their support for any change. Ald. Sangiolo said having the conversation is very important. If the School or the City departments do not want to look at options, it is important that everyone know that. Ald. Baker said that the Board does not make policy for the School Department. It is the privilege of the School Committee to do that and they are accountable to the public for those decisions. It is a structural difference in how parts of city government operate.

Moving Forward

Ald. Johnson said she's heard too much pessimism on several of these items. She feels it is a time for change and did not understand why there would be any opposition to looking at alternatives. She pointed out, for example, that there is no one in the city with compensation expertise, and yet 80% of the budget goes towards compensation. She believed that the HR professionals that are currently working in the City and the Schools likely have untapped talent. The HR director in the School Department was leaving his position and that presented another new opportunity for making some change, or

recruiting someone with the types of expertise necessary to move forward with any recommendations that might come out of the group. She said she did not feel the answer was necessarily merging the two departments, but unless they started looking at their options, there was no way to know the best path to take.

CAG and HR

Ald. Sangiolo asked why the Citizen Advisory Group did not look at HR more closely. Ald. Johnson said she had a discussion with both Malcolm Salter and Ruthanne Fuller, co-chairs of the CAG, regarding the HR issue. They responded that while they realized the importance of the role of the HR departments, it was not possible to look at every single aspect of the City in depth. Ald. Parker said the conversations he had with CAG members led him to understand that they would have liked to look at the issue more. However, they had a very difficult time getting information from the School Department. Things were convoluted, complex and obscured and because of that, the CAG did not know what was currently in place. Therefore, they could make no recommendations.

Groundwork

Ald. Parker felt it was incumbent upon the Board of Aldermen, and every elected official in the City, to pick up on the advice of the CAG and the Blue Ribbon Commission, and help lay the groundwork for the new mayor. It would not be possible for a new mayor to step in on January 1st and make the kinds of changes the community is looking for without that groundwork being done. The suggestion was made that one can do research as part of one's campaign, but there is a point at which you need people on the inside of government to provide input. As an incumbent alderman, Ald. Parker has had the time to sit down with Dolores Hamilton to see how the City's department works. He did not think that anyone had that same level of access to what is going on inside the School Department. And beyond that, he felt it was productive to get everyone in the same room for the conversation. It could happen in the manner that Ald. Johnson has suggested and in other forums as well. Ald. Parker has called a meeting this week to discuss this and other issues facing the City. He felt these conversations were necessary and extremely useful, and he thanked Ald. Johnson for her efforts.

Ald. Brandel said that the School Department and the Municipal departments are so incredibly "siloed". He said the Board represents the public and they are supposed to provide oversight and review. The idea of whether or not departments do or do not want to do something should not be a factor. He thinks the public wonders why they let these things get in the way of moving things forward and they had to get out of the mode of business as usual and the protectionism of the departments. The public will is for the city to get past the obstacles of the present and past and look at options. The public want the Board to express their will to the Executive and the School departments. It is then up to the Executive and School departments to answer to the public. If they think that their departments are operating well and there is no room for improvement, then they should express that publicly.

The Committee voted to hold this item and it will be on the June 17, 2009 agenda. Dolores Hamilton, Paul Stein and Marc Laredo have already accepted the invitation to attend that discussion.

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]

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

NOTE: Ald. Sangiolo mentioned a Resolution was passed to reinstate some of the senior transportation services in FY10 that were cut in the FY09 budget. In order to make that happen, she said some questions needed to be answered.

Special Permits

Ald. Sangiolo said she received an email from Ouida Young from the Law Department in regard to the special permit issue. It is attached to this report. Ald. Sangiolo said she has the sense that there is no desire from the Executive Department to get the money from the special permits for transportation services.

Sandy Pooler said that the special permits were written in a way that precludes the donations from going to a senior transportation system. (See attached memo from Ouida Young). The obligations of the special permit do not apply in this circumstance. The city would have to re-establish a true city-wide transportation system that ran on routes and picked people up along the way. This would be a very expensive system and even taking in the contributions from the special permits would not remotely sustain the cost. Ald. Sangiolo acknowledged that the old "Nexus" system was out of the question, but she wondered if there was something similar enough that would obligate the special permit holders to contribute the money. It was Ald. Johnson's understanding, from Mr. Pooler and the Law Department, that that was not possible. The Law Department has gone back to these special permit holders and they are not willing to change the terms of their special permit. Mr. Pooler said for future special permits, perhaps something may be worked out for this endeavor, but that would need to be discussed further.

Voucher Fees

Ald. Sangiolo asked Jayne Colino about the taxi voucher system. Ms. Colino said a voucher was needed for each leg of a trip and they ask for a maximum contribution of \$3 but will accept no lower than a \$1 contribution. They averaged a \$2 contribution. Ald. Sangiolo wondered why they just don't set the cost at \$3 for everyone. Ms. Colino said they were transitioning from an older system that included federal funds and, by law, could not set a fee, just a suggested contribution. Based on the feedback from the budget presentation last year, it was suggested that they raise the rate from \$2. This year they went to a sliding contribution of \$1 to \$3 with a waiver for those who could not afford any cost at all (currently, 20 people have waivers). Ms. Colino said they no longer receive the federal funds. Ald. Parker also felt there should be an established fee of \$3.

Ms. Colino is projecting 17,649 rides this year. Ald. Parker said the extra dollar or so would bring in more revenue and be enough to add back some of the rides that were cut.

Reinstatement of Services

Starting July 1st, the City will subsidize most rides by \$10 and some by \$9. Ms. Colino said they will be reinstating the highest demand 10 medical destinations outside the City of Newton on July 1st. With more money, they would like to reinstate the long-term care transportation and the house of worship destinations, which would cost \$52,800. Ms. Colino did not take out the donation rates because that is not guaranteed revenue. Ald. Johnson pointed out that this money is based on estimated ridership, which could change and is an unknown. Projecting demand is difficult, but Ms. Colino said she has pretty good data from the past three years. Ald. Johnson noted that if the ridership changed and the money ran out before the end of the year, they would have to come back for more money. Ald. Sangiolo wanted to know what it would cost per ride to make this program self-sustaining and Ms. Colino said that cost could be \$13. Ald. Sangiolo said she would also like to see trips to the Library added to the service.

Houses of Worship

Ald. Brandel asked if houses of worships have come forward to offer help with transportation services. Ms. Colino said they were working on a house of worship outreach project to determine what services they offer, how they might subsidize the senior transportation system, and raise the awareness for the need in their congregations.

Other Resources

Ms. Colino said they are looking at various resources in the City to find the funds to restore transportation services. The special permits were just one of those. She has had conversations with the Comptroller about a trust fund that was established in the 1970s to “bring niceties to people in homes for the aged.” They went to the Attorney General several years ago to modernize that definition and she feels strongly that they will get some funds from that source. She also suggests re-implementing the services with some limits so unpredictable demand will not catch them off guard.

Ald. Sangiolo would like to hold this item and the Committee voted in favor.

#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]

ACTION: **HELD 8-0**

NOTE: The Parks & Recreation Commission held their meeting on April 27, 2009 and discussed the issue of extending the swim season to Labor Day. The minutes of that meeting regarding this issue are attached to this report. Carol Stapleton was present at that meeting as well as Tom Cahill, the state Red Cross Chairman. Fran Towle, Commissioner of Parks & Recreation, reported that she presented the ideas of the Programs & Services Committee and they primarily discussed the concept of swim at

your own risk. Ms. Towle is not recommending that people swim at their own risk. She thinks it will become a safety issue.

Extending Season

Ald. Baker thought there were two dimensions to this: one was extending the swim season with staff, perhaps with reduced hours or staffing; the other was swim at your own risk. Ms. Towle said the Commission did discuss staffing. Training for lake staff requires more than 30 hours and training for pool staff requires about 20 hours. The two are not interchangeable. She finds it difficult to keep the pool staffed through Labor Day and thinks it will be extremely challenging to keep Crystal Lake staffed through the holiday as well. Ms. Stapleton explained that the people that staff the facilities are mainly college and high school students. There are not many who are available through Labor Day as they have to get back to school, many out of state, and others who are athletes and need to get back to school to start pre-season training. Ms. Towle said being a lifeguard used to be considered a prestigious position but it does not seem hold that status any longer.

Ald. Johnson said there may be people who are not students that may be interested in life guarding for a couple of weeks at the end of the summer, especially those who are interested in extending the season. She urged Ms. Towle and the Parks & Recreation Commission to look at some other options. Ms. Stapleton said they would need other support staff in addition to the lifeguards. For instance, they would need people in the bath house and dealing with the parking lot.

Ald. Parker said he and other aldermen have found that people recall a time when Crystal Lake had a supervised swimming season through Labor Day and would like to return to that. Ald. Parker said that at recent meetings of the Friends of Crystal Lake, there were no objections to extending the supervised lifeguard protected season through Labor Day. Ald. Mansfield felt that people could be recruited and would even volunteer to staff the lake later in the summer (provided they are qualified).

Ald. Merrill suggested contacting the YMCA to see if any of their lifeguards might be certified for lakefront guarding and might work out an arrangement with Crystal Lake. The City could then allow the YMCA members to use Crystal Lake at no charge.

Swim at Your Own Risk

Ald. Johnson asked for the opinion of the Law Department in terms of swim at your own risk. Dan Funk presented an opinion at the last meeting and the excerpt from that report is as follows:

”Mr. Funk explained that according to the regulations of the Parks & Recreation Commission, any “ticket” (tag) holder is allowed to swim at the lake during the open season. After the season is over, there is no fee. According to the Recreational Use Statute, Chapter 21, Section 17C, as long as the city is not charging a fee, the city would not be liable for personal injuries or property damage sustained by members of the public while on the land in the absence of “willful, wanton, or reckless conduct”

by the City. Those terms remained undefined and a search of other cases would be necessary to sort that out. As long as the area was left in a condition that wasn't setting anyone up for harm and proper notice was given that lifeguards were not on duty via signs, Mr. Funk felt there would be no liability. However, the City would have to be very careful to look at potential problems to best protect the public and to avoid liability. He felt it would be best to limit this to the beach area. The policy decision has to be made by the Parks & Recreation Commission as the control, use, and regulation of the lake is under their control and not the Board of Aldermen."

Ald. Mansfield said he has had conversations with many people requesting the opportunity to swim at the lake beyond the regular season, at their own risk. They continually point out that many facilities around the state post signs warning that no lifeguard is on duty and swimming would be at their own risk. Ald. Mansfield said that people currently swim at the lake beyond the season from many points around the lake, but not from the main beach since it is closed. The City now has a park adjacent to the beach which could accommodate people when the full program is not open.

Ald. Parker said there has also been a broad level of support for swim at your own risk from the public beach area. Residents do not, however, support swimming from any point around the lake other than the public beach area. Ald. Parker pointed out that abutters to the lake are allowed to swim at their own risk. He felt it would be detrimental to public safety to ignore the issue that these people, and others, already do swim there at their own risk. If there was a policy in place it may help protect the public. He said he would like to put together a policy with the appropriate city departments, including the law department, for a workable swim at your own risk policy for this season.

Ald. Merrill did not support a swim at your own risk policy. He felt the safety risk was too great.

Ald. Sangiolo asked about the experience in Wellesley with swim at your own risk. Ms. Stapleton said that the closest house around Lewis Pond in Wellesley is about a half mile. One would have to park at a locked gate, and then walk a half mile to get to the lake. At the end of the season, the beach is stripped of all equipment and a Swim at Your Own Risk sign is posted. This begins the day after the season closes and ends the day the pond reopens in the summer.

Lifeguard Training

Tom Cahill, from the Red Cross, explained that the training courses for waterfront life guarding are quite extensive and are different from pool life guarding. The waterfront training involves more hours and a search and rescue component. In a clouded body of water, the situation with a missing person is much more urgent than in a confined, clear pool. This training brings the hours up to about 50 hours for waterfront. There is then an additional 20 hours of training once they are hired by the City of Newton. A main

component of Red Cross training is never to swim alone or unsupervised. As a water safety professional, he would never endorse a swim at your own risk policy.

Safety History

Ald. Brandel asked if there were any injuries or drowning in the non-supervised area Crystal Lake. The Committee asked for a report of incidents in both the supervised and non-supervised areas. Lt. Hugh Downing from the Newton Police Department provided information that is attached to this report. His report shows 3 accidental drownings and 2 suicides by drowning over the past 20 years.

Water Quality

Ald. Brandel asked what role the Aquilator played in the safety of the lake. Ms. Stapleton said it was a water quality issue and it needed to be in operation to keep the water at a healthy level.

Follow Up

Ald. Baker would like to ask the Parks & Recreation Commission to look at the options that were suggested at tonight's meeting for extending the swim season. He would also ask that they look again at the swim at your own risk issue since people are engaging in that activity now. He suggested a pilot program. Ald. Brandel did not think a pilot program was a good idea and advised caution.

Ald. Mansfield said that some of the suggestions that were made tonight should be sent in a memo to the Parks & Recreation Commission. Their next meeting is on June 15, and then they won't meet again until September. Ald. Baker also suggested some research about other communities and how they handle a swim at your own risk policy, and pass that information onto the Parks & Recreation Commission as well. Ald. Johnson thought they should make a recommendation. There are many different areas that could be researched, but it may not be possible to analyze every aspect of this.

Ald. Hess-Mahan and Ald. Brandel were concerned with the financial resources that would be necessary to keep the lake open for 2 additional weeks. That information could have a significant impact on this idea. Ald. Baker said, because of this, it may be infeasible to have any action for this year, but gather information for next year.

Public Comment

Jeff Goldman of Herrick Road said he went to the Friends of Crystal Lake meeting and he supports what Ald. Parker and Mansfield have said in increasing public access through swim at your own risk. He said one way it could work is to have people sign a waiver or take a swim test be allowed to swim there.

Jack Whittenberg of Arlington Road said it may be that extending the season by 2 weeks might not require 8 lifeguards. If the area were restricted, they may be able to get along with 4. He suggests recruiting lifeguards and making the area compatible with the number they can hire.

Sonia Kurzweil of Lake Avenue asked what the details of a swim at your own risk policy would include. Ald. Johnson said that remained to be seen. The Programs & Services committee can only make a recommendation to the Parks & Recreation Commission and it would be up to them. Ald. Johnson suggested that if Ms. Kurzweil had any ideas, she could submit them to the Committee Clerk. (No suggestions were submitted).

Barbara Gardell of 296 Lake Avenue said she would like to correct a previous statement made by Ald. Parker that that Friends of Crystal Lake were generally in favor of swim at your own risk at Crystal Lake. She said that statement was not correct. They were generally not in favor.

Letter to Parks & Recreation Commission

Extended Season

Ald. Parker suggested that Ald. Johnson send a letter to the Parks & Recreation Commission asking that all available methods of recruiting staff, either hired or volunteer, working out a public private partnership with the YMCA, and/or any other options to get trained lifeguards for 2 weeks at the end of the summer, be undertaken, in whatever method the professional staff thinks is best. Funding considerations also need to be made. The Committee voted to recommend sending the letter to the Parks & Recreation Commission.

Swim at Your Own Risk

Ald. Parker said the most productive thing they could do would be to have a joint meeting with the Parks & Recreation Commission to discuss the swim at your own risk issue. Ald. Sangiolo suggested that since the full Board meeting and the Parks & Recreation Commission meeting were being held the same night (June 15), members could leave the Board meeting and join in. Ald. Parker thought it was better to be in the same room for the discussion. Ald. Baker asked that the letter to the Commission also request that the issues surrounding swim at your own risk and how it is handled in other communities be explored, so that that might occur at the end of the regular season. Ald. Mansfield requested a friendly resolution to explore swimming at your own risk in a safer way. Right now, that activity does occur, but he would like it to be recognized and put some parameters around it to make it safer. The Committee agreed with Ald. Hess-Mahan abstaining from the vote to recommend the swim at your own risk request be included in the letter to the Parks & Recreation Commission.

A letter was composed and sent to the Parks & Recreation Commission on June 11. A copy is attached to this report. The agenda for their June 15 meeting is also attached.

The item was held by the Committee.

#124-09 ALD. HARNEY requesting to amend the Rules and Orders of the Board of Aldermen to place a term limit on the President of the Board to two consecutive terms. [04-27-09 @ 10:38 PM]

ACTION: **APPROVED 4-3-0 as amended to three consecutive terms (Ald. Baker, Freedman, Hess-Mahan not voting; Ald. Freedman not voting)**

NOTE: Ald. Harney presented this item. He provided a document detailing the policies of several other cities and towns regarding term limits on the legislative body president. It is attached to this report. Please refer to it for the specifics of the particular communities. The information was given to him by either the Clerk of the Board or Selectman, or the City Solicitor.

Ald. Harney said the community that most supports his case for term limits is Boston. In 2007, the City Council amended its rules to limit the presidency to two consecutive one-year terms. The Council member terms are two years. There was a sense among the members that the leadership became too entrenched and politics prevented movement from within the Council. Limiting the term would allow more leadership opportunities in general. Prior to the rules amendment, the longest serving president was Jimmy Kelly who served 7 years, Chris Ianella served 6 years, and Michael Flaherty served 5. Maureen Feeney was the first president under the new rules and she served 2 years. Ald. Harney said that there are politics involved within the Board of Aldermen. He believed the presidency was an honor and limiting the term would allow more leadership opportunities. He proposed limiting the presidency to two consecutive two-year terms.

Ald. Parker believed that while he does not support term limits on officials elected by the public, he does support term limits for leadership posts within an organization. He thinks it's particularly important to note that turnover in leadership positions is healthy. Ald. Parker said he was more comfortable with three consecutive three-year terms and proposed a friendly amendment to that effect.

Ald. Baker said as the current incumbent he is the only person to whom this new rule would apply. He has to view this institutionally however and he feels the Board should have a wide choice of candidates for president and that should include every member of the Board. He said that incumbency tends to have power when the record is strong.

Ald. Brandel found the comparative data very useful. He also said he thought the public was very interested in the role of the President. He felt that bringing renewal to the leadership role of president would be a good practice. As far as how many terms were appropriate, he was unsure. He wanted to point out that this has nothing to do with Ald. Baker. This had to be looked at from an institutional point of view, and not as a personal indictment.

Ald. Hess-Mahan said he has yet to hear a compelling argument for any term limits and can not vote for it. He was struck by the fact that most communities do not have any limits. He felt the comparison to Boston was not reasonable. The Council members get paid \$80K or \$90K a year and perhaps even more for being President. The Board President does not get paid any more than any other member. Also, he felt that if the Board wanted a different President, they could vote for a different President.

Ald. Merrill said he did not support term limits. The cities stated in the comparable data, aside from Boston, did not have any term limits. He said that if any member of the Board

would like to be President, they can put their name in for consideration and the Board will vote their will.

Ald. Johnson noted that Ald. Bauckman was president for 20 years. She did not know why the Board didn't make any changes during that term, but felt that people can become entrenched. She is not generally in favor of term limits and if they were to do this, she thinks the 6 year limit is more reflective of the pattern of the past. She noted that there is strength in incumbency and it can be difficult for a body to make a different choice.

Ald. Sangiolo said that the Newton School Committee has term limits. Ald. Parker said that Florence Rubin had told him that there had been an entrenched Chairman of the School Committee for a number of years. Therefore, the Charter Commission imposed the term limits to end that Chairmanship.

Public Comment

Tom Phillips, 138 Algonquin Road said he thought imposing term limits was undemocratic because it makes ineligible, potentially, the best candidate. He also believes it is unnecessary because he has not heard of any recent history or pattern of abuse of this office. He also felt it was not a regular practice in most communities and he also felt term limits were quite unpopular. He felt elections are term limits.

Bill Hicks, 72 Algonquin Road said he agreed with Mr. Phillips. He felt an incumbent could have experience and may be the best person to continue in the presidency. He also felt that elections are term limits. He didn't think that it was a good policy to try to win the presidency by changing the rules.

The Committee voted to approve this item with the amendment to three consecutive terms.

#111-08(2) ALD. JOHNSON and PARKER requesting regularly scheduled updates and discussion each month in regard to the offering of a RESOLUTION to the Mayor, President of the Board of Aldermen, and Chair of the School Committee that they, during the budget development and review process, identify short term tactics to improve the City's operational efficiency and effectiveness. In addition, they establish a citizen advisory group to assist in planning for additional tactics and strategies to improve the City's operational efficiency and effectiveness in future fiscal years, and report progress to the Board of Aldermen, School Committee and the public before any vote is taken by the citizens of Newton for any operational override. [04/01/08 @ 11:22 AM]

ACTION: NO ACTION NECESSARY 5-0 (Ald. Freedman, Hess-Mahan and Merrill not voting)

NOTE: Ald. Johnson noted that the Citizen Advisory Group has completed its work and reported its findings. Therefore, this item was voted no action necessary.

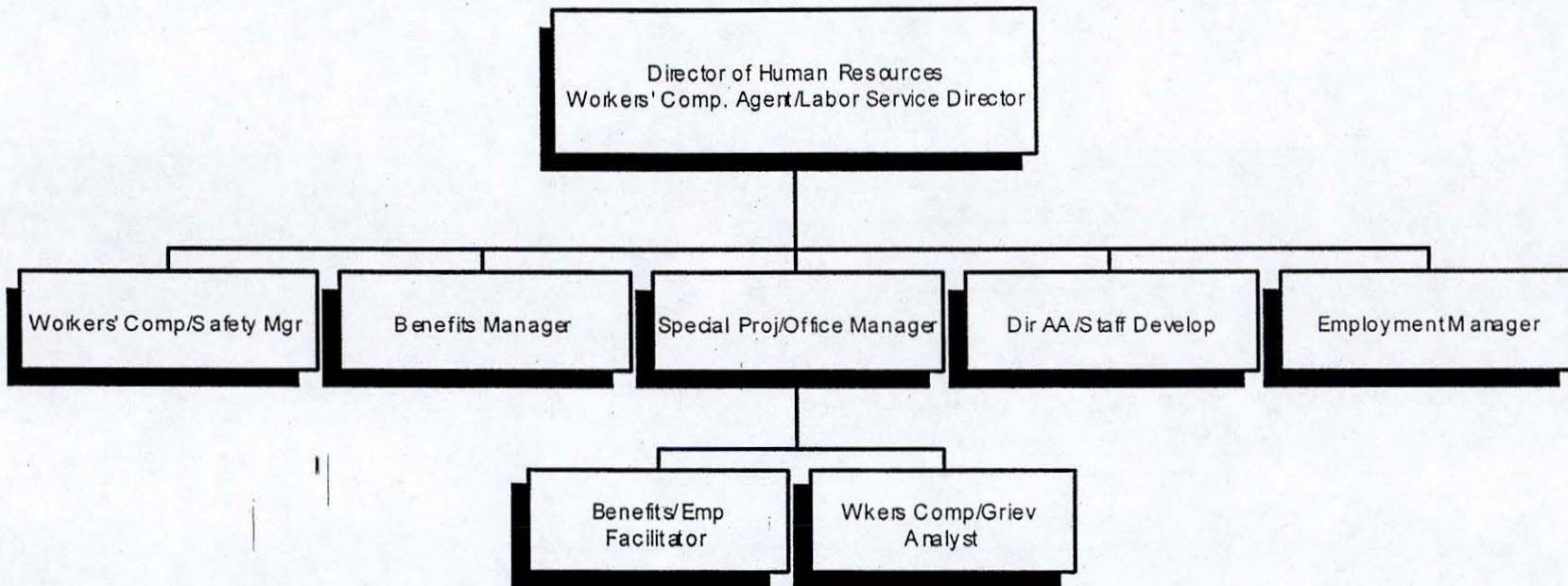
Motion to adjourn.

Respectfully Submitted,
Marcia Johnson, Chairman

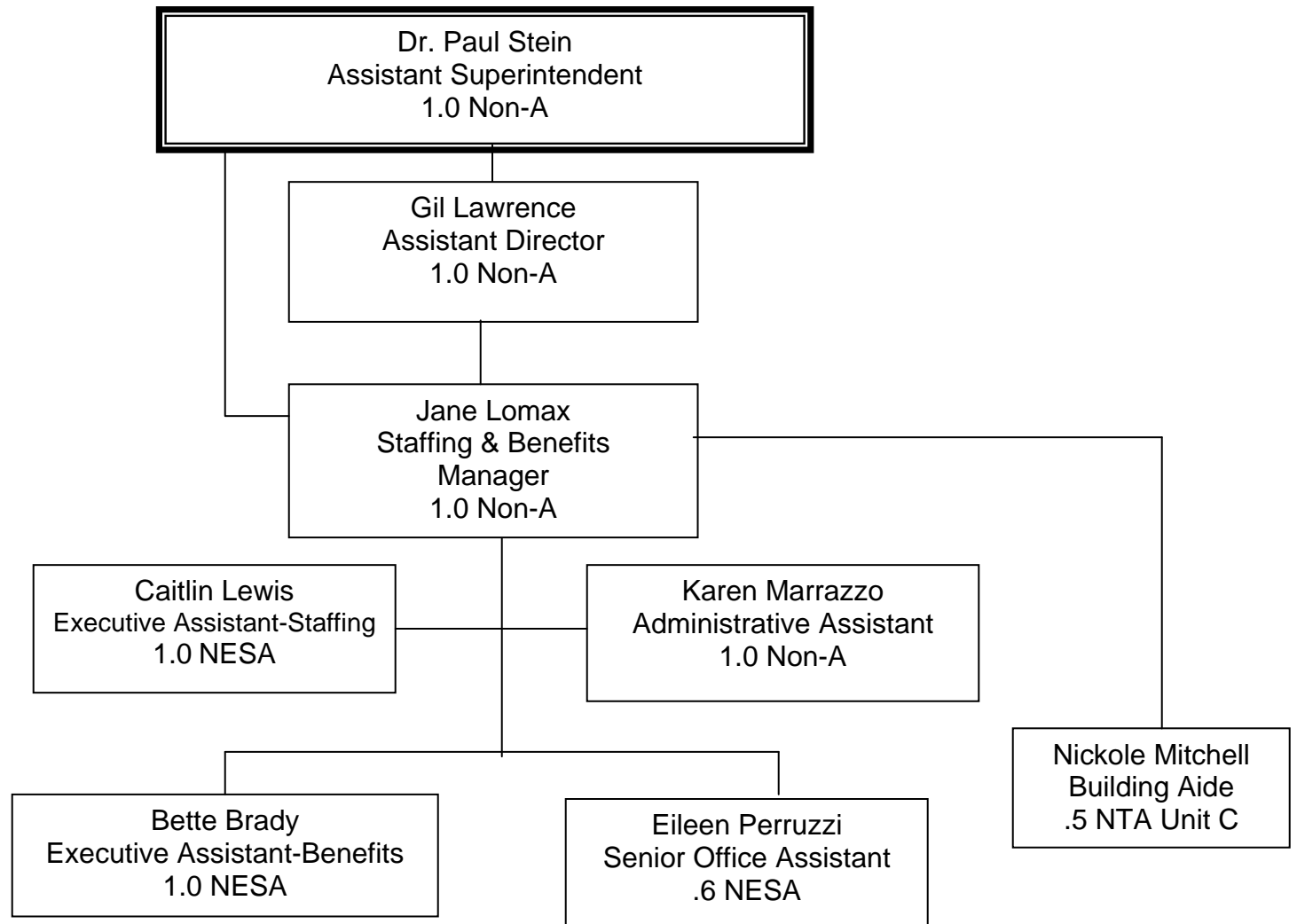
DEPARTMENT: 109 - HUMAN RESOURCES

CITY OF NEWTON BUDGET ORGANIZATION

#272.08



NEWTON PUBLIC SCHOOLS HUMAN RESOURCES



#258.08

Karyn Dean

From: "Pooler Sanford" <spooler@newtonma.gov>
To: kdean@newtonma.gov
Date sent: Fri, 05 Jun 2009 11:53:50 -0400
Subject: (Fwd) Newton Wellesley Hospital Special Permit Board Order
Priority: normal

Karyn,

This is the e-mail from Ouida to Amy to which I referred Wednesday night. Please pass it along to the P&S Committee.

Thanks,
Sandy

----- Forwarded message follows -----

From: "Ouida C.M. Young" <oyoung@newtonma.gov>
To: sangiolo@rcn.com
Date sent: Fri, 29 May 2009 18:07:01 -0500
Subject: Newton Wellesley Hospital Special Permit Board Order
Copies to: jcolino@newtonma.gov,
mkruse,
dfunk@newtonma.gov,
spooler@newtonma.gov
Priority: normal

Ald. Sangiolo:

Jayne Colino and I have reviewed the various special permits that include references to contributions to a citywide transportation system. As I think you know, each board order in which some reference is made to contributions of this sort does so in a unique manner, although there are similarities. However, in most instances, there are two road blocks to using these board orders as funding sources for the various transportation programs run by the Senior Center.

The first problem is that none of the senior transportation programs constitute the sort of citywide transportation program referred to in the various board orders as "the Nexus bus system", a "citywide transportation system", an "inter-village bus service, an "inter-city jitney bus", an "intra-city bus service", or an "intra-city transportation system". However it was referred to, the special permit board order transportation system envisioned, and as implemented, had an established "route" and it transported anyone picked up along its route. The senior transportation programs are limited as to who will be transported, and they operate on a "demand" basis, rather than on a "route" basis. Both these systems provide transportation, but I don't believe that they are functional equivalents.

Even if we get over the first problem, which I don't believe can be done absent major changes to the senior transportation programs, in many instances there is an additional complication because some of the board orders do not state a specific amount for the annual contribution. Referring to the amount of the contribution in phrases such as "fair share basis", "fair share contribution" or "proportionally shared annual contribution" was recognized at the time as problematic language, but efforts by the Planning Department to develop at least some formula by which to calculate these contributions, I believe, expired with the Nexus system itself. There are, however, several board orders that refer to a

specific dollar amount in terms of the annual contribution, the most significant of which is the 275 Grove Street board order that called for an annual \$25,000 contribution to the City's "inter-village bus service."

Turning specifically to the N-W Hospital board order, condition #8 of BO#151-95 states that "the Hospital shall contribute \$25,000 to the initial cost of an intra-city transportation system and shall make a proportionally shared annual contribution towards its maintenance and continued operation, in an amount to be determined by the Director of Planning and Development."

The chart I received from Jayne, which I believe was prepared by the Planning Department with information from the Comptroller shows that N-W Hospital made the initial \$25,000 contribution, and then a second, and last, contribution of \$10,000 in 1998.

The demise of the Nexus and absence of a substitute city-wide transportation system currently excuses N-W from an annual contribution obligation. That fact was noted by the Land Use Committee and Board in N-W's last special permit #470-04(4), in Finding #6. This Finding states:

"The Hospital acknowledges that Condition #8 of Board order #151-95 is still in effect and in the event that the City resumes an intra-city transportation system, the Hospital will make a proportionally shared annual contribution towards the maintenance and operation of such transportation system in accordance with the requirements of said Condition #8."

I may be wrong on this recollection, but I believe the Land Use Committee asked N-W to consider making the contribution to the senior transportation programs, but the Hospital didn't believe it could do so because the seniors were largely being transported to the medical office buildings for appointments, not to the Hospital itself. But the Hospital did want to affirm its commitment to the funding referenced in Condition #8 -- hence the reference in the Finding quoted above.

Finally, I contacted Howard Levine and asked him to discuss with N-W Hospital whether it would contribute to the current senior center transportation system. He has advised me that the Hospital stands behind the statement in the Finding quoted above.

As a policy matter, as you understand, all non-profit institutions in the City, including N-W Hospital, can be asked for PILOT payments, or to support specific programs. Unfortunately, as you also understand, municipalities lack, or have limited means, to legally extract those payments, even in the context of special permit grants.

Please let me know if you want to discuss this matter in more detail.

Ouida

Ouida C.M. Young
Associate City Solicitor
Newton City Hall
1000 Commonwealth Ave.
Newton Centre, MA 02459



David B. Cohen
Mayor



Fran L. Towle
Commissioner

Newton Parks & Recreation Commission

Meeting Minutes

Newton City Hall, Room 209

April 27, 2009

Attending: Walter Bernheimer, *Acting Chairman*, Peter Johnson, Arthur Magni, Kathleen Heitman, Michael Clarke, *Alternate*, Peter Kastner, *Alternate*, Fran Towle, *Commissioner*, Bob DeRubeis, *Deputy Commissioner*, Robin McLaughlin, *Secretary*

Absent: Fran Rice, Lee Mottard, Jack Neville

Also Attending: Carol Stapleton, *Recreation Manager*, Stephanie Pelkowsky, *Recreation Manager*, Tom Cahill, *Aquatics Manager*

1. The Minutes from the March 16, 2009 Commission Meeting were accepted 5-0
2. Reports of Program, Maintenance and Forestry by Commissioner Towle
 - All went well at the Newton Youth Road Race that took place on 4-19-09 and the Marathon Race, 4-20-09.
 - Newton Serves is scheduled for Sunday, April 26, 2009. There are 35-40 projects scheduled with the help of volunteers. The Parks and Recreation Department spends approximately \$10,000.00 in materials, but the department could not complete the work that is done on this day with out the assistance from the community.
 - This past weekend all of the Newton Little Leagues held their opening day festivities. Maintenance was very busy preparing the fields. Red Sox catcher Jason Varetok was the guest to throw out the first pitch for the Newton South Little League. Commissioner Towle and Mayor Cohen were present at both the Newton South and Newton West Little League opening.
 - The lighting project at Lyons Field with the Newton West Little League is moving forward. Peter Kastner inquired when the lights would be ready. Commissioner Towle responded the lights should be completed in about a month.
 - The Forestry Division continues to inventory the City Trees. There are approximately 30,000 trees on the streets. Kathleen Heitman commented on the wonderful job the Forestry Division has done in the Oak Hill area pruning the trees. Commissioner Towle commented that the tree pruning is done with tree ordinance money.

- The City has received \$600,000.00 and the OK on three projects from the State's stimulus package:

1.	Pellegrini Park - entrance area	\$200,000
2.	Stearns Park – playground	\$350,000
3.	Nahanton Park - accessible route	\$30,000
4.	Newton Ctre Plgrd - accessible route	<u>\$20,000</u>
	Total Proposed Projects	\$600,000

- Chairman Bernheimer asked if this was part of the plan approved by the CPA money and what percentage of the projects would be done?

- Commissioner Towle responded, yes this is part of the overall Master Plan from a few years ago, and in Stearns Park about 50% would be completed, the half basketball court and play apparatus. Pellegrini Park would have the parking area and entrance into the building completed. The accessible pathways, Cold Springs parking area, the Newton Center pathway from Bowne Street to the play apparatus and a small pathway through Nahanton Park. We were prepared and had shovel ready plans available we are all working together to have the information ready so the bid documents may be prepared.

- Commissioner Towle reviewed the Adopt-A-Space program. There are currently 100 public sites adopted and maintained by private citizens/companies. One of the more recent sites is at the Hyde Center. There is a Taiwan Garden going in, there is a lot of excitement about the area also the Taiwan Garden was part of Newton Serves day.
- Vacation programs including the new program at the Newton Center Hut were full for April vacation. All programs were a success.
- NSHS- bids came in for the athletic fields at 3.5 million; they were expecting bids of 4 million. The project is moving forward and hopefully the fields will be done by the fall, at that time the fields will come back to Parks & Recreation to maintain.
- Commissioner Towle reviewed the items from the Citizen's Advisory Group (CAG) Report that directly relate to the Parks & Recreation Department:
 1. Consolidation with Department of Public Works
 2. Consolidation with Community Education from Newton Public Schools
 3. Taking a closer look at fees charged for recreation programs
- Commissioner Towle asked if the Commission would like to discuss the CAG items. Chairman Bernheimer requested the items be discussed later in the agenda.
- The Commissioner will be presenting the Budget to a joint meeting of the Program & Services and Finance Committees on Wednesday April 29, 2009 at 7:00 pm. Alderman Amy Sangiolo has invited the Newton Public Schools, Community Education Department to be present at the budget presentation.
- Signs were posted at Crystal Lake warning dog owners that baited traps had been set in the area for dogs. These signs were not posted by the

City. The Police Department was called and a report was filed. Carol Stapleton along with the police officers searched for the traps but did not locate any in the immediate area.

- There is no new information regarding the Mayor's Prayer Breakfast . The Commission Secretary will e-mail you the information as we receive it.

3. St. Mary Carmen's Society Festival- Chuck Proia, Chairperson

- Mr. Proia replaces Mr. Nunzio Leone who passed away a month ago.
- Mr. Proia gave an overview of the festival. The following questions/issues were brought to the Commission by the abutters of JoAnne C. Pelligrini Memorial Playground:

Mrs. Antonellis of 42 Hawthorne Street commented for the most part the festival is run well and there is no trash left around but the band stand music is too loud. Mr. Proia commented he can work to accommodate any issue and the ride music can be cut if necessary.

Mr. Lenny DeLuca whose parents live at 30 Hawthorne Street commented the music from the rides is loud and annoying. Mr. Proia replied the issue will be addressed and the festival management can shutdown the music if necessary.

Mr. Deluca commented he hopes the festival managers do a better job this year of addressing the issues and asked if Mr. Proia would be readily available during the festival? Mr. Proia responded he will do his best to work out the issues and he has given Mr. Deluca and his brother his phone number to contact him whenever necessary.

Acting Chairman Bernheimer commented the residents should raise the issue at the time of the incident with the festival management to have it resolved immediately. Mr. Proia commented he is trying to work with everyone; he is trying to work with everyone and is there to help. The money raised from the festival goes to the neighborhood.

Mr. Deluca commented last year they reviewed the map of the festival layout and that should be status quo. Mr. Proia replied the layout should be the same as last year. There will be no music or rides in front of the house.

Mr. Deluca commented on the negative issue last year at the Marini's yard. Mr. Proia commented the issue that took place at the Marini's was addressed and this is not the appropriate forum to discuss the details.

Donna Zagani of 53 Hawthorne Street stated she counted the people in the area that are over 70 years old. There are 15 people in the area that are 70 years or older and noise is an issue. Ms. Zagani requested the festival tone down the noise because it bounces off the buildings and the music is repetitious. Mr. Proia received Ms. Zagani's e-mail last year and he will do what he can to address the issues. Acting Chairman Bernheimer commented the residents should raise the issue at the time of the incident with the festival management to have it resolved immediately.

Susan Meliacho of 52 Hawthorne Street commented she is a fan of the St. Mary Carmen's Society Festival. She is sure the noise issue will be addressed. The issue she has is with the detail on Watertown Street. On Ashmont Ave there is a horse that is trying to stop traffic and there are several officers on Watertown Street. Some of the officers should be positioned at Ashmont Ave. Mr. Proia commented he will speak with the Police Department.

Andrea DelGrasso of 3 Ashmont Ave commented the ambulance parked on Ashmont Ave is the best thing ever, due to the traffic if you don't live on the street you do not get down the street. Mr. Proia responded that there is a parking issue but there is nothing the Police can do because of the City Ordinance's. Peter Kastner recommended Ms. DelGrasso speak with her local Alderman.

Alderman Merrill commented he and the other Ward Alderman approve of the festival.

Acting Chairman Bernheimer asked if the Commission Members had any comments or questions.

Peter Johnson made the motion to allow the St. Mary Carmen's Society Festival request. Kathleen Heitman seconded the motion. The motion passed 5-0-1 (Arthur Magni abstained).

Mr. Proia thanked the commission and made a closing comment recognizing Derek Mannion, Assistant Superintendent of Maintenance. Mr. Proia thanked Derek for the hard work he personally did preparing the Little League fields this past week-end.

4. FY10 Budget Update

- Currently there are no budget cuts for FY10. Enclosed in the packets is a printout of the current budget. Acting Chairman Bernheimer asked if the department has an accounting of income and can a report be given to the Commission. Commissioner Towle responded, yes there is a report accounting for income and is available to the Commission.

5. Newton Tennis Update

- Commissioner Towle introduced Recreation Manager, Stephanie Pelkowsky and Mike Lewitt of Newton Tennis. Commissioner Towle commented on the wonderful job done by Mr. Lewitt in regards to tennis lessons and tennis court maintenance.
- Stephanie Pelkowsky reported the rules and regulations have remained the same except for the double play rule has been changed to 1.5 hours time slots from 2 hour time slots.
- The 2008 rates & 2009 proposed rates are enclosed in Commission packets.
- Acting Chairman Bernheimer commented there no fee waiver for seniors. Stephanie Pelkowsky commented Student fees will also go up \$10.00, (there was a typo on the printed information sheet).
- Ms. Pelkowsky commented the rates have been going up a small amount each year. Mr. Kastner asked if there is a drop in usage when the rates

go up, Ms. Pelkowsky answered that yes, when there is a large increase there is a drop in usage, people do not like a large increase.

Acting Chairman Bernheimer made a Motion to accept the new tennis lesson rates as presented, with the one correction to the student rates. Peter Johnson seconded the motion. The motion passed 6-0.

6. Gath Pool/Crystal Lake – Rules, Regulations, Fees

- Commissioner Towle explained there are no recommended changes in the rules, regulations and fees at Gath Pool or Crystal Lake for 2009.
- Acting Chairperson Bernheimer asked why there are no increases in fees. Mr. Cahill replied there are no increases in fees because there are no budget cuts. Mr. Cahill commented there is usually a 20% drop off in membership when fees are raised. A 20% drop off would be significant.
- Acting Chairperson Bernheimer asked if a \$1.00 increase would cause a 20% drop off. Mr. Cahill responded not necessarily. Acting Chairperson Bernheimer asked to see the data to support the membership drop off information. Mr. Cahill responded that he would supply that information.
- Peter Johnson asked if the rules and regulations for Gath Pool and Crystal Lake should be voted on separately. Acting Chairperson Bernheimer felt that was not necessary because there were no changes in the rules and regulations.
- Kathleen Heitman inquired if there is a family rate. Commissioner Towle responded no there is no family rate.
- Acting Chairperson Bernheimer reminded the Commission that the Citizen's Advisory Group recommended a review of fees. Peter Johnson commented the seniors fees should be looked at. Currently the seniors are not charged a fee and young families take the brunt of fees when seniors are better off financially. The senior fee could generate money for scholarships. Acting Chairperson Bernheimer suggested there should be a senior fee because it is a good policy, the money goes into the general fund and the city needs money. Carol Stapleton asked Acting Chairperson Bernheimer what fee he would recommend. He recommended a 50% - 75% charge of the full fee. Carol Stapleton reported the adult fee is \$45.00 and the student fee is \$20.00.
- Kathleen Heitman inquired if the senior attendance is increasing every year. Carol Stapleton responded, the attendance last year was 409 and out of the 409 approximately 100 would need financial assistance. Kathleen Heitman asked Ms. Stapleton what she would recommend as a fair senior rate. Ms. Stapleton responded that \$20.00 would be a fair rate. Acting Chairperson Bernheimer commented this is the same amount as the student fee and next year a survey should be done of other towns of student fees.
- Commissioner Towle does not recommend raising the fees. The Citizen's Advisory Group may eventually ask for a review of all fees. The Department may need a standard policy on fees.
- Acting Chairperson Bernheimer responded that the Commission may need a policy regarding fees, down the road, but this should not stop us from raising the senior fees now. Commissioner Towle commented we have been instructed to keep fees manageable and currently the fees pay

for supplies and leadership but this does not necessarily include the maintenance of the property. Acting Chairperson Bernheimer commented that charging a fee makes sense and we can request, from the City, to have the money generated by the senior fee be used for maintenance and if not the money will go into the general fund and the City needs money.

- Kathleen Heitman asked if it would be beneficial to show the people the plans for the new bath house before charging the additional fee. Commissioner Towle responded that the Crystal Lake Task force would have a separate fundraiser for the project and any money received from fees would go right into the general fund unless a stipulation was added that the money would go back to the swim program.
- Peter Kastner suggested students and seniors should be charged the same. Peter Johnson inquired if there is a way to track the usage of a swim permit. Tom Cahill responded yes the information is in the computer.
- Arthur Magni suggested, in this situation, where the fee is being increased from zero, we should be conservative. Acting Chairman Bernheimer agreed. Michael Clarke suggested a fee 1/3 of the adult fee. Peter Kastner commented the cost of the fee will not reduce the resistance received.

Arthur Magni made a motion to accept the Crystal Lake and Gath Pool rules, regulations and fees as presented, with the addition of a \$20.00 senior fee which is equivalent to the student fee. A letter is to be sent to the Mayor from the Commission requesting the use of the funds received by the additional fee be used toward the swim program scholarships and maintenance. Peter Johnson seconded the motion. Motion passed 6-0.

7. Dog Park Update

- Commissioner Towle reviewed the information included in the Commission information packets:
 - A written report from Amy Koel, Committee Chair of the Dog off-Leash Advisory Committee (DOLAC).
 - Several e-mails & letters from abutters of Cold Spring Park regarding the Off-Leash Dog Park.
- Commissioner Towle asked Deputy Commissioner Robert DeRubeis for an update on the DOLAC. Deputy Commissioner DeRubeis is a member of the Dog off-Leash Advisory Committee. The Deputy Commissioner reported there are issues with dogs running free outside the designated area. People are being disrespectful to the abutters, and part of the issue is there was no official park until the signs went up. Officer O'Connell has ticketed individuals for being off leash on the trails, the fee is \$50.00. On May 7, DOLAC has a scheduled meeting to review Norumbega Park as a second location for an off-leash dog park. Hopefully this second park would relieve the traffic at Cold Spring Park.
- Commissioner Towle reported she has a meeting scheduled with Chief Cummings to discuss the parking issues at Cold Spring Park and when the Police will begin ticketing illegally parked vehicles.
- Anne Li of 53 Beverly Road reported the parking has been an issue for a long time but has gotten worse since the off-leash dog park was

approved by the Commission on 11-17-08. Ms. Li reports the children cannot play in the streets because the traffic has become dangerous. She reports having a dog run into her house when her son was walking out of the house. In the morning at 9 am, car music blares and people allow their dogs to bark. When she went outside to talk with a neighbor, a dog ran in front of her and cut her off. When abutters approached the dog owner's regarding the dog park rules, the dog owners behavior becomes defensive & belligerent. Ms. Li does not believe people's behavior will change. Ms. Li asked if the Off Leash Dog Park pilot could be cut short so the neighbors would not have a harrowing summer.

- Acting Chairman Bernheimer asked if cutting the program short would make a difference. Ms. Li responded she believes it would and it's better than doing nothing.
- Rick Dyer of Terrace Avenue commented his children used to play basketball on the street but they no longer can play basket ball on the street because of the traffic. Mr. Dyer stated it is an accident waiting to happen, the police cannot be there all the time.
- Greg Rupel of 34 Dunklee Street, commented traffic volume and off leash dogs, all over the park, has increased and Dunklee Street has become a mess due to the parking issue. Somehow we must coordinate the Cold Spring parking lot with the Dog Park.
- Acting Chairman Bernheimer commented he lives on the end of Winslow Road. There are off leash dogs and owners in front of his house. People look at the signs and continue to leave their dogs off leash. The whole thing is ludicrous, there is no enforcement, people get belligerent when someone speaks to them, and the signs do not help. The experiment, no matter how long it runs will prove nothing, no behavior is changing and it is getting worse for those who live near the path. Unless the police hand out thousands of tickets the behavior will not change.
- Rick Dyer of Terrace Avenue commented there are no fences or boundaries for the dog. When it's raining and muddy, the dogs are over on the baseball fields. Mr. Donner has spoken to the Little League Commission. They knew nothing about this. The dogs are all over the place. He is hoping there will be another park to help with the traffic and volume of dogs so the families can enjoy the park. Mr. Donner has pictures and video's available of dogs, off leash, at the park.
- Peter Kastner asked what the credentials are of Amy Koel, Committee Chair of the Dog off-Leash Advisory Committee (DOLAC). Amy Koel, Ph. D, is a Dog Training and Behavioral Consultant. Peter is questioning the reliability of Amy's report. When this dog park was presented to the Commission, one of the concerns was whether the Citizen's Group could be objective in reporting about the dog park. Mr. Kastner is concerned that what the report is saying and what the abutters are saying seems to be opposite. Acting Chairman Bernheimer commented we could use some objective data and he does not consider himself objective. Acting Chairman Bernheimer asked when the trial period ended and when the temporary ordinance expires.
- Kathleen Heitman responded the nine month trial period began when the signs were put in place. The signs were installed in March 2009. The trial period ends December 31, 2009.

- The temporary ordinance ends December 31, 2009.
 - Deputy Commissioner DeRubeis commented that Amy Koel has been a pleasure to work with and she deserves a fair chance. Amy obviously wants to see the park succeed but she has been fair. Amy has been appalled at the issues the abutters have had to face. She presents both the positive and negative information she receives about the dog park.
 - Acting Chairman Bernheimer commented that her sincerity is not being questioned. But the problem is not dog training, the problem is human training.
 - Peter Kastner commented he has been part of the Commission for a long time and does not remember receiving so many written complaints. Acting Chairman Bernheimer commented, there were no e-mails back then.
 - Acting Chairman Bernheimer recommended adding to the May 18 2009 agenda:
 - Evaluating the Off Leash Dog Park experiment with the possibility of rescinding the experiment. The dog officer should be asked to appear. Also a member from the DOLAC and the abutters should be notified as well.
 - Michael Clarke commented that in the report from Amy Koel she indicates that she is aware of the issues and would be discussing the issues at the DOLAC meeting, but there is no mention of the meeting date. Deputy Commissioner responded the DOALC meeting is Thursday, May 7.
 - Peter Kastner commented if the Conservation Commission passes Norumbega Park as a dog park that would help with the issues. Acting Chairman Bernheimer commented he does not believe if Norumbega Park does become a dog park it will relieve the issues at Cold Spring Park. Cold Spring Park is a failed experiment.
 - Peter Kastner suggested a Public Interest letter be sent to the Conservators about the competing issues of the parks. Acting Chairman Bernheimer agreed this was a good idea.
8. Crystal Lake- Swim at Your Own Risk
- Commissioner Towle reminded the Commission members that President Baker came to the February Commission meeting to ask about the possibility of a “Swim at Your Own Risk” Policy at Crystal Lake and asked that a discussion be held on the subject.
 - The Commissioner asked Carol Stapleton, Recreation Manager of Crystal Lake, to give the Commission an update.
 - Ms. Stapleton responded to the best of her knowledge, four or five residents had spoken to President Baker about the possibility of a “Swim at Your Own Risk” Policy at Crystal Lake.
 - Commissioner Towle directed the Commission members to their information packets. In the packets there is documentation from Tom Cahill explaining the type of training lifeguards must go through, and a letter explaining the shortage of lifeguards that the City is able to obtain for the year. Commissioner Towle asked Mr. Cahill, Aquatics Manager to review the information with the Commission members.

- Mr. Cahill commented that being a lifeguard is now a profession. Individuals are trusted with swimmers lives. The premise of the Red Cross is swim with a buddy in a supervised area. Due to Tom's training and experience he could not agree to a Swim at Your Own Risk policy. One of the biggest issues is finding properly trained lifeguards. Most lifeguards are high school or college kids. Most college kids go back to school by the end of August and high school sports start in August.
- A pool life guard requires 30 hours of training, a lake lifeguard requires an additional 20 hours of training. The additional training includes equipment training and search procedures. The kids do a great job for us all summer.
- The City does offer swimming through Labor Day at the Gath Pool and Mr. Cahill can bring in additional lifeguards for the pool, but he cannot for the lake.
- Peter Kastner stated he would allow people to make the choice and asked if the Commission should be concerned about safety and restrict the quality of life by restricting people's choice to swim in an unsupervised area. Acting Chairman Bernheimer and Kathleen Heitman believed safety should be the priority.
- Carol Stapleton commented that she felt the abutters of Crystal Lake would be upset about a Swim at Your Own risk Policy.
- Peter Kastner asked if there was ever a report of an abutter of Crystal Lake drowning. Ms. Stapleton responded no. Acting Chairman Bernheimer stated this policy would not apply to the abutters because they are allowed to swim in the lake.
- Carol Stapleton commented there would be parking issues and sanitary issues.
- Kathleen Heitman commented that safety is the key issue.
- Arthur Magni commented this is a nice area that people want to spend a lot of money to improve upon. The area needs to be taken care of.
- Peter Johnson commented if this was an ocean beach people would swim at their own risk. He would be ok with the policy as long as there is no liability and we shut everything down at the lake.
- Michael Clarke commented he sees both sides. But there are concerns about the neighbors. People would be going through their back yards. People currently do swim at their own risk.
- Acting Chairman Bernheimer agreed and believes the Commission would be inviting more after hour's activity.
- Peter Kastner agreed the policy would increase the nuisance.
- Commissioner Towle commented the Swim at Your Own risk policy would be open to all ages, including children.
- Acting Chairman Bernheimer stated there is a city ordinance that dictates what goes on at the lake.
- Michael Clarke asked what the Commission was deciding tonight regarding the Swim at Your Own Risk at Crystal Lake. Commissioner Towle stated we are presenting research, talking with staff and having a discussion, there will be no vote tonight.

The Crystal Lake Task Force

- Carol Stapleton reported the Task Force is down to two plans, a new building or renovation of the existing building. The task force has been to the Historical Commission, P & R Commission and Conservation Commission. There will be a meeting of the task force in May to decide on the final plan. The consensus shows the plan for a new building is the preferred plan. Once the final plan is chosen, fundraising will begin. Commissioner Towle asked if the task force will be back before the Commission for approval once they have the final plan selected. Ms. Stapleton responded, yes the task force will appear before the Commission.

Crystal Lake Pathway behind 230 Lake Avenue

- Carol Stapleton reported the Notice of Intent has been processed and presented to the Conservation Commission. All work needs to be completed by October 10, 2009 because this was the agreement with the landlord.

9. New Business

1) Commissioner Towle commented the Warren Street Sound Barrier project will be on the agenda again in May. The Builder will be making a presentation to the Commission. Commissioner Towle asked the Commission members to review the Warren Street information in the information packets handed out for the next meeting. Included is a confidential letter from the Law Department regarding the Warren Street Sound Barrier.

- Peter Kastner commented the abutters to the area are concerned about the parking and access to the park lands in the Warren Street area.
- Commissioner Towle recommended the Commission members take a look at the area because the Commission will be required to make a decision. The Commission Secretary will e-mail the directions to the members.
- Michael Clarke requested the following language be added to the meeting minutes from page 2 of the law Department Memo: “the Commission renders decisions concerning parks and the use of lands under its jurisdiction.”

2) Michael Clarke commented it was very good how Commissioner Towle and Robin McLaughlin had the Commission meeting information added to the Planning Department “Friday Report”.

Meeting adjourned at 9:15 pm.

Respectfully submitted:

Robin McLaughlin, Secretary

Karyn Dean

From: "Lt. Hugh J. Downing" <hdowning@newtonma.gov>
To: "Karyn Dean" <kdean@newtonma.gov>
Date sent: Fri, 12 Jun 2009 13:02:36 -0400
Subject: Re: Crystal Lake Info
Send reply to: hdowning@newtonma.gov
Copies to: CStapleton@newtonma.gov
Priority: normal

Dear Ms. Dean:

There is limited information available in our computer systems regarding "near drownings at Crystal Lake for the nearly 20-year period of July 1, 1989, through July 1, 2009. Most of these types of calls are normally recorded as regular ambulance runs and it would take considerable research at some cost to single those calls out. Lifeguards working at Crystal Lake have made numerous interventions during hours of operation for the public beach area, especially with young swimmers, that certainly may have lead to near-drowning scenarios had the lifeguard(s) not been present. Ms. Carol Stapleton from Parks and Recreation could probably supply more details on those occurrences. One fact we do know for sure though is the actual number drownings that took place within this 20-year period. Those drownings are as follows:

1) August 7, 1989, at 2:30 a.m.

Accidental. 20-year-old-male was swimming with a group of friends during the early morning hours when his friends heard him calling for help and lost sight of him in the water. The body was recovered in the water on the Rogers Street side of the lake.

2) January 21, 1995, at 3:45 a.m.

Suicide. 74-year-old female with terminal illness who had been reported missing in Newton for approximately 10-12 hours. The body was recovered in the water at Cronin's Cove on Lake Avenue near Beacon Street.

3) August 2, 1995, at 3:55 p.m.

Accidental. 42-year-old female swimming in public area of the lake was reported missing. The body was recovered in the water on the Rogers Street side of the lake.

4) July 29, 1998, at 2:25 p.m.

Accidental. 17-year-old male swimming in public area of the lake was reported missing. The body was recovered in the water on the Rogers Street side of the lake.

5) August 26, 2004, at 9:00 a.m.

Suicide. Female left a handwritten note and several personal items along the banks of the lake. The body was recovered on the Norwood Avenue side of the lake near Crystal Lake Manor condominium complex.

Hope this information is helpful for your report. Please direct any further questions to me at extension 2101.

Very truly yours,

Hugh

Lt. Hugh J. Downing

Board of Aldermen

2008-2009

City of Newton

1000 Commonwealth Avenue
Newton, MA 02459
[617-796-1210](tel:617-796-1210)



June 11, 2009

Mr. Fran Rice, Chairman
Newton Parks and Recreation Commission

Dear Chairman Rice and Members of the Commission:

At the June 3, 2009 meeting of the Programs & Services Committee of the Board of Aldermen, an in-depth discussion took place regarding the swimming season at Crystal Lake. During the course of the deliberation, we discussed two ways to expand the opportunities for legal and safe swimming at the lake and voted to send you this letter, respectfully urging you to take action on these proposals.

First, we discussed the duration of the supervised swimming season, which has ended well before Labor Day in recent years. Commissioner Towle informed the Committee of this year's scheduled closing date of August 23, 2009, which is two weeks before Labor Day. We were informed that the major reason for the early closing is the difficulty of finding trained life guards willing to work past that date, as many are students who go back to school in August.

Committee members discussed a number of possible solutions to this problem, including partnering with the YMCA for lifeguard training and/or coverage, and at least contacting them to find out whether they might have trained life guards available to take a shift at Crystal Lake; surveying existing staff to see how many would be willing and able to work an additional two weeks; seeking community volunteers who have the requisite lifeguard training; advertising for lifeguards returning from camps or other destinations at which they serve as lifeguards during the summer; and, of course, any other options the Commission feels could work.

One suggestion was that if a full complement of lifeguards cannot be identified for all shifts after August 23, 2009, that a modified schedule or smaller swim area be considered during that time. The need to train all lifeguards to work together as a team was also discussed, with the suggestion that lifeguards who would start later in the summer could be recruited and trained earlier in the season with participation of regular season staff.

We understand that the challenges associated with keeping the public beach area open an additional two weeks for supervised swimming are complex and that there would likely be some costs involved, but we respectfully request that you take prompt action to investigate all possible

June 11, 2009

Page 2

channels for keeping the lake open for supervised swimming through Labor Day weekend, starting by asking existing lifeguard staff whether they would be available to work the extra weeks.

Second, the Committee also discussed the type of unsupervised swimming that currently takes place in the lake, both legal swimming by abutters and illegal swimming by others from Cronin's Cove and other access points. Committee members voted to request that your Commission begin a process of researching how we could structure a "swim-at-your-own-risk" program that would designate an appropriate area for swimming and access, the latter most likely the expanded Rogers Street property only. In this manner, non-abutters would be afforded the right to legally swim in Crystal Lake off-season, while limiting negative impacts on abutters and the neighborhood and promoting public safety. It would be the desire of the Committee to have a plan in place by early 2010.

This is an important issue to many Newton residents. We respectfully request that you take action at your June 15, 2009 meeting to begin the process of investigating both of these possibilities for extending the opportunities for the public to swim in Crystal Lake.

Thank you for your consideration.

Sincerely,

Marcia Johnson, Chairman
The Programs & Services Committee
Newton Board of Aldermen



David B. Cohen
Mayor

#306-08



Fran L. Towle
Commissioner

Newton Parks & Recreation Commission

Agenda

Newton City Hall, Room 209, 7:00pm

June 15, 2009

*Reminder: Youth Awards Presentation prior to Commission Meeting on Monday,
June 15, 2009, 7:00PM in the Aldermanic Chambers*

1. Meeting Minutes- May 18, 2009
2. Commissioner's Reports on Programs, Forestry and Maintenance
3. Crystal Lake-Discussion of Extending the Season and Swim at Your Own Risk
4. Off-leash Dog Park – Review
5. Warren Street
6. Cell Phone Towers – Maurya Sullivan, Planning
7. New Business

MEMORANDUM

TO: Marcia Johnson, Chairperson
Members of the Programs and Services Committee Members

FROM: Jay Harney

DATE: June 2, 2009

RE: Docket Item# 124-09
ALD. HARNEY requesting to amend the Rules and Orders of the Board of Aldermen to place a term limit on the President of the Board to two consecutive terms.

I did not realize that this item would be on the agenda once again so quickly, and I haven't been able to do extensive research. I also have several meetings to attend on June 3rd, and I may be late for the Programs and Services Committee meeting. Thus, I would like to provide you with a little bit of information that I obtained.

ARLINGTON:

The members of the Board of Selectmen are elected to three year staggered terms. The Chairman of the Board is elected by the members annually, with a term limit of one year.

BROOKLINE:

The members of the Board of Selectmen are elected to three year staggered terms. The members elect the chairman annually. There are no term limits.

CAMBRIDGE:

The members of the City Council are elected every two years. The members of the City Council then elect the Mayor from among the Council members for a two year term. There are no term limits.

CHELSEA:

The members of the Chelsea City Council are elected every two years. The members elect the President every year to a one year term. The Presidency usually turns over every year.

DEDHAM:

The members of the Board of Selectmen are elected to three year staggered terms. The chairman is elected by the members annually. There are no term limits, but the chairmanship is rotated voluntarily by the members.

MEDFORD:

The City Council members are elected every two years. The President is elected by the members to a two year term. There are no term limits, but the Presidency tends to change every couple of years.

SOMERVILLE:

The members of the Board of Aldermen are elected every two years. The President is elected every year. It usually goes to the newer members, and they tend to serve only a year or two.

WALTHAM:

The members of the City Council are elected every two years. The President is elected by the members every year for a one year term. There are no term limits.

WESTON:

The Chairman of the Board of Selectmen is chosen every two years by a vote of the three Selectmen. There are no term limits.

WORCESTER:

The members of the City Council are elected every two years. The candidate who receives the most votes in the popular election is the Mayor for the next two years. There are no term limits.

BOSTON:

Finally, I will make the best case for term limits by citing the City of Boston. The City Council is elected every two years, and the President is elected every year by the members for a one year term. In 2007, the City Council amended its rules to limit the Presidency of the Council to two consecutive one year terms. In speaking with staff members of the Boston City Council, it appears that a majority of the Council believed that there was justification for term limiting the President. It appeared that the majority of the Council felt that by limiting the term of President to two consecutive terms, it provided more opportunity for leadership roles on the Council. There was a sense that people tended to become too entrenched in leadership positions, that politics prevented movement within the Council, and that the limiting of the President's term would allow many more opportunities for all the Council members to move up, have a chance to run for President or have an opportunity to become the chair of a committee.

Prior to the rules amendment, the longest serving President was Jimmy Kelly, who served seven years; Chris Ianella served for six years, and Michael Flaherty served for five years. Maureen Feeney was the first President under the new rules, and she served two years, 2007 and 2008.

Thus, I would ask that the committee consider voting to approve my docket item to limit the term of the Board President to two consecutive terms.

In the event that this item does not have the support of the committee, I would not be opposed to a friendly amendment to limit the term to three consecutive terms.