

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JULY 8, 2009

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

Absent: Ald. Parker

Also Present: Ald. Mansfield

Others Present: Fran Towle (Commissioner, Parks & Recreation Dept.), Carol Stapleton (Manager, Parks & Recreation Dept.), Shelley Chamberlain (Director of IT, School Dept.), Sandy Guryan (Asst. Supt., Budget), Jonathan Yeo (School Committee)

REFERRED TO PROGRAM AND SERVICES AND FINANCE COMMITTEES

#177-09 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend from E-rate Receipts the sum of two hundred one thousand four hundred ninety seven dollars and fifteen cents (\$201,497.15) for the purpose of implementing the School Department wireless technology plan for Newton South, as well as district-wide management. [06/09/09 @ 5:09 PM]

ACTION: **APPROVED 7-0**

NOTE: Shelley Chamberlain, Director of IT for the Newton Public Schools, presented this item. She explained that the 15 elementary school and the 4 middle schools have all been equipped with wireless technology. They are now requesting this money to bring the technology to Newton South High School. It was not implemented when South was renovated several years ago as the technology was not mature enough at that time. Ms. Chamberlain said that the teachers at South have all received new laptops that are ready for wireless but there is no wireless technology available. This is the same kind of managed technology that will be incorporated into the new Newton North High School. She said the newest technology (80211) will be implemented in both high schools. The vendor, E Plus, came in and did a complete survey for them. She added that because the School Department has experience with this technology having installed it in 19 other schools, they do not have to pay for someone else to do the work, they can do it themselves. A detailed budget for this project is attached.

Ms. Chamberlain said that all operating systems will be compatible with this technology and it is dual platform technology. This will cover the entire Newton South campus including some of the outside space. This is why they need sophisticated equipment so that they can keep their network secure. Only people with passwords will be able to access the system.

Ald. Brandel moved approval of 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 7-0**

NOTE: Commissioner Fran Towle and Carol Stapleton of the Parks & Recreation Department presented this item. They reported that the Parks & Recreation Commission approved the idea of recruiting lifeguards in an effort to extend the swim season at Crystal Lake this summer. They did not, however, support any Swim at Your Own Risk policy for Crystal Lake and, in fact, were opposed to this idea.

Lifeguards

Ms. Towle provided some information regarding the efforts to recruit lifeguards including advertisements and a listing of communities and colleges that received postings. They are attached to this report. They also posted an ad on Craigslist and the City of Newton website. Ms. Towle made several phone calls as well to her colleagues in surrounding communities. So far, they have received one response from Craigslist and none from their other advertisements. They have posted a deadline of July 17th for responses. Ms. Towle contacted the YMCA and they did not have any lifeguards available for this purpose as they were not certified for lake front guarding. Ms. Towle said she will report back to the Committee after the July 17th deadline with any further responses. Ald. Johnson suggested posting an ad on the Massachusetts Municipal Association website and/or website. Ms. Towle said she would speak to Dolores Hamilton in order to do that. Ms. Stapleton said she has posted the ad in many locations around the City. A rough budget for extending the season is also attached to this report.

Ald. Brandel asked about drowning incidents at Crystal Lake. According to an email from Lt. Downing of the Newton Police Dept., there have been 5 drownings in the last 20 years - three were accidental and two were suicides.

Swim at Your Own Risk

Ald. Mansfield said he was disappointed with the Parks & Recreation Commission's decision to not adopt a Swim at Your Own Risk policy. In his view, people were swimming at Crystal Lake now and he felt having a policy in place would be more reasonable. Ms. Towle said the minutes of the meeting showed that the Commission's concern was with the safety of allowing people to swim unsupervised.

Ald. Johnson felt that with 5 drownings in 20 years, safety didn't seem to be a huge issue. The Law Department stated at the last meeting that liability would not be an issue as long as the City was not charging a fee for unsupervised swimming and that signs were in place declaring that swimming was at one's own risk. Ald. Johnson felt that the City needed to change with the desires and needs of its residents. Looking beyond the status quo was necessary. She was also disappointed with the recommendation of the Parks & Recreation Commission.

Ald. Baker wondered if there was some way in which swimmers could be “certified” by the City in order to swim at their own risk. He said some people were expert and experienced swimmers and were far less likely to get hurt. If the concern was with safety, this would be a way to qualify people. Ald. Mansfield believed that the swimmers that would come off-season would not be casual swimmers.

Ald. Freedman noted that boating at one’s own risk was allowed on the lake so why would swimming be different. Ms. Towle said that swimming attracted more people than boating and a life vest was required for boaters.

Liability

Ald. Merrill was concerned about the liability of swimming at one’s own risk. At the last discussion of this item in January of 2009, Dan Funk, City Solicitor offered the following:

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.

Ecological/Environmental Concerns

Ald. Hess-Mahan wondered what the impact on the quality of the water in the lake would be if there were more swimmers throughout the year. If a Swim at Your Own Risk policy went into affect, more people might be entering the lake. Carol Stapleton said the ecology of the lake would change and the increased parking in the neighborhood would also be a problem. Ms. Stapleton said an expert on ecology would have to answer that question more fully. She reminded the Committee that if a Swim at Your Own Risk policy were enacted, it would be advertised in the Boston newspapers. The Boston newspapers publish a list of places that allow swimming and what the policies are for each which could attract a wider audience to the lake. Ald. Hess-Mahan noted that Walden Pond ended up closing some walking trails due to overuse and damage done to the environment there. Ald. Mansfield said that abutters of the lake and their guests swim off season and there has never been a concern regarding their safety or their impact on the ecology of the lake.

Ald. Brandel felt that Crystal Lake appeared to be a fragile lake. He did not think it could tolerate higher usage and he was concerned that there would be a number of casual swimmers, and not just the experienced and expert swimmers. He would like to know what the affect would be on the ecosystem of the lake. Ald. Hess-Mahan concurred with these concerns. He pointed out that abutters to the lake and their guests had access to restrooms during the off-season, whereas other people who might come to swim would not. He believed that would have an impact on the quality of the water.

Ald. Baker said there are other lakes that allow this kind of activity and he wondered why Crystal Lake would be any different. He didn't feel the impact would be significant. Ald. Johnson also felt that the increase in lake usage would not be significant enough to cause any harm, but she is not insensitive to it. She suggested putting some restrictions of time and dates on the unsupervised swimming. Perhaps there could be a pilot program to test this for one season to discover the impact. Ald. Freedman was also concerned about the ecological impact. but he wanted to balance that against the net benefit to the community. He also thought doing more research would be beneficial. Ald. Merrill suggested finding out the policies of other lakes in the state, such as Walden Pond and Lake Cochituate.

Follow Up

Ald. Baker suggested sending another letter to the Parks & Recreation Commission requesting them to look at this issue again in the context of a pilot effort for next season. Before the pilot is undertaken, however, there would be some examination of the potential ecological impact on the lake. They could also designate limited times, dates and areas of the lake to be open for swimming at one's own risk, in an effort to limit the impact. Ald. Baker suggested utilizing the time of the intern in the City Clerk's office to assist in the research. Ald. Brandel said it would be difficult to determine and measure the ecological impact. He also wondered who would monitor the pilot program to gather the data. Ald. Mansfield said it was important to get as much comparative data as possible. He felt Lake Cochituate and Walden Pond were not comparable. He suggested a lake in Braintree called Sunset which he felt was very similar to Crystal Lake. The Committee voted to send a supplemental letter to the Parks & Recreation Commission. Ald. Hess-Mahan and Brandel abstained on this vote and all other members voted in favor. The Commission will not be meeting again until September, 2009.

The Committee voted to hold this item.

#292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor the Mayor develop a written policy of standards and processes that could be uniformly followed by community groups for the use of the branch library buildings. [11/07/08 @ 11:11 AM]

ACTION: **HELD 7-0**

NOTE: Ald. Brandel said he had some information for the Committee regarding library policy and the existence of commercial entities that may possibly subsidize the branch operations. The Waban branch, for example, is using that model. There are a number of different things that need to be taken into account when putting a commercial enterprise into a public building. One problem is that the building is zoned for public and not private use. Another consideration is the process by which rent would be charged for a commercial enterprise. This would require a market rate approach rather than the license agreement that is currently being offered to the branch libraries. Taxation is another issue as the building would now have to be taxed at a commercial rate, rather than not taxed at all. The Law Department was not ready to present this item yet as it needs to conduct more research. Sandy Pooler said he would come to the next discussion of this item after the recommendations from the Law Department are available.

Ald. Brandel moved to hold this item and the Committee voted in favor.

#146-09 ALD SANGIOLO requesting a discussion to explore the possibility of the sale of City of Newton-related merchandise to benefit various city departments. [05/06/09 @ 4:46 PM]

ACTION: **APPROVED 7-0**

NOTE: Sandy Pooler, Chief Administrative Officer, sent a memo to the Committee regarding this item. It is attached to this report.

Ald. Sangiolo presented this item. She said she thought it would be a nice idea to have some City of Newton-related merchandise for sale from the City. There is merchandise available at both high schools, but it is not possible for everyone to have access to the schools to buy those items. The Newton History Museum also has items for sale but they are more historic in nature. Ald. Sangiolo explained that Mary Morgan, Assistant to the Mayor, has wanted to have a little shop to sell these types of items for a long time now. Ald. Sangiolo thought it would be a nice tribute to Mary if they could come up with a way to do this. Ald. Sangiolo said she would be willing to contribute \$200 as seed money to buy some inventory and she knew there were one or two other aldermen who would also contribute.

Ald. Baker suggested trying to tie this concept in with the Newton Pride organization, or setting up a table at the Harvest Fair to gauge the interest. Ald. Freedman was concerned that running a retail business was too complicated. Ald. Sangiolo explained that she wanted to try a simpler process of buying some inventory and giving it to Mary Morgan to see what she can sell. She wasn't interested in running a full fledged retail operation. Ald. Baker said the Mayor would need to be supportive of this in order to use his office. Ald. Sangiolo said that if the Mayor was not amenable, that David Olson would be willing to sell the merchandise from the City Clerk's office. Ald. Brandel suggested selling items from a website. Ald. Sangiolo said that Mary Morgan noted that people

often come in to City Hall looking for mementos and she would like to have something available in the building.

Ald. Sangiolo said she was comfortable buying some inventory and giving it to Mary Morgan as a pilot program. This would not require a revolving account at this time. If it is successful, they could establish a revolving account and move forward from there.

Ald. Brandel moved that they adopt this idea of a pilot program, if the Mayor consents. The Committee voted in favor.

Respectfully Submitted,

Marcia Johnson

Costs for Newton High School Managed Wireless Solution

Jun-09

<i>Item</i>	<i>Cost</i>	<i># Needed</i>	<i>Total</i>	<i>Comment</i>
Cisco Access Points	753	161	\$121,233.00	802.1 In access points
Switches	1737	15	\$26,055.00	Power-over Ethernet switches eliminates cost of electrical wiring/outlets
Module 6500	8700	1	\$8,700.00	gigabit-speed ports and memory for NSHS core router
CiscoWorks	18972	1	\$18,972.00	Network Management Software to monitor and manage complex implementation
Transceivers	290	31	\$8,990.00	Interconnect switches to backbone
48 Port Switch	3477	1	\$3,477.00	Connect switches with POE switches
Ethernet drops	200	20	\$4,000.00	In locations not wired
Fiber	75	60	\$4,500.00	cables
Cat 5 cables	15	302	\$4,530.00	cables
Upgrade	754	1	\$754.00	Cisco memory upgrade
Cisco high fan tray	287	1	\$287.00	

Grand Total:**\$201,498.00**

Lifeguard availability after August 23, 2009
through September 7, 2009 - Labor Day

	Guards Hired through 8-23-09	Guards Available 8-23-09 through 9-07-09
Crystal Lake	37	Zero
Gath Pool	29	
Full-Time	available through 9-7-09	10*
Part Time		1*

* No Waterfront Module Certification - guards to be used to staff Gath Pool

YMCA

- 1) 5-8 Lifeguards may be available the week of 8/31/09. The YMCA pool will be closed that week for maintenance
- 2) The lifeguards available will most likely be high school students, the college student will be heading back to school
- 3) The YMCA lifeguards are not certified for the waterfront module

Crystal Lake
After Season

Bathhouse	@ 8.50/hr	@ 3	25.50 per hour
Guards	@ 9.50/hr	@ 8	76.00 per hour
Head Guard	@ 11/hr	@ 1	11.00 per hour
Manager	@ 14/hr	@ 1	<u>14.00 per hour</u>
			126.60 per hour

Mon-Friday Open 3-7 (staff 2:30/7:30) 5 hours per day=25/week

$126.50 \times 25 \text{hrs} = 3,162.50$

Sat&Sun - open 1-7 (staff 12:30/7:30) 7 hours per day

$126.50 \times 14 \text{hrs} = 1,771.00$

Total - 4933.50 per week

This figure is of course if we had 8 guards to work and other support personnel also. Based on 08 staff on 38 rotating personnel - list of last day availability is attached as a separate report which is POSTED at the Lake for all to see.

Most staff are heading to college or to fall sports at local high schools.

A separate report will also be attached of other city and towns closing dates.



DAVID B. COHEN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

70 Crescent Street, Newton, MA 02466

Office: (617) 796-1500

Fax: (617) 796-1512

TDD/TTY: (617) 796-1089

#306-08



June 16, 2009

Bentley University

Human Resources

175 Forest St

Waltham, MA 02452

- sample -

To Whom It May Concern:

The City of Newton, Parks and Recreation Department is recruiting lifeguards to work at Crystal Lake from Monday, August 24, 2009 through and including Labor Day, September 7, 2009. The hours of operation are 3:00pm-dusk. Applicants must meet the following requirements:

Current Certification

- Lifeguard Training & First Aide
- CPR for the Lifeguard with AED Training
- Waterfront Module

Applications can be picked up between 8:30am – 5:00pm at 70 Crescent Street, Auburndale, MA 02466, or downloaded on line at: <http://www.ci.newton.ma.us/Parks/Employment>.

Applications should be received at 70 Crescent Street, Auburndale, MA 02466, Attn: Carol Stapleton by July 17, 2009. If you have any questions please call 617-796-1500.

Sincerely,

Fran L. Towle
Commissioner



DAVID B. COHEN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

70 Crescent Street, Newton, MA 02466

Office: (617) 796-1500

Fax: (617) 796-1512

TDD/TTY: (617) 796-1089

#306-08



FRAN L. TOWLE
COMMISSIONER

Recruiting Lifeguards

Date: August 24, 2009-September 7, 2009
(Including Labor Day)

**Work
Hours:** 3:00pm – Dusk

Location: Crystal Lake – Newton

Certification Requirements:

- Lifeguard Training & First Aide
- CPR for the lifeguard with AED training
- Waterfront Module

Applications can be picked up at 70 Crescent St, Newton, 02466 or downloaded at: www.ci.newton.ma.us/Parks/Employment

Applications must be received no later than July 17, 2009 at 70 Crescent St, Newton, 02466, Attn: Carol Stapleton

Any questions please call 617-796-1500 or e-mail parks@newtonma.gov

Life Guard Ad
June 2009

Name	Other	Address	City	State	Zip
Babson College	Human Resources	231 Forest Street	Babson Park	MA	02457
Bentley University	Human Resources	175 Forest St	Waltham	MA	02452
Berklee College of Music	Human Resources	1140 Boylston Street	Boston	MA	02215
Boston College	Student Services	Beacon St	Chestnut Hill	MA	02467
Boston University	Human Resources	100 Ashford St	Boston	MA	02215
Brandeis University	Human Resources	4125 South Street	Waltham	MA	02453
Department of Conservation & Recreation	Human Resources	251 Causeway Street, S	Boston	MA	02114-2104
Framingham State College	Human Resources	100 State St-PO Box 9	Framingham	MA	01701-9101
Lasell College	Human Resources	1844 Commonwealth A	Newton	MA	02466
Mass Bay Community College	Human Resources	50 Oakland St	Wellesley Hills	MA	02481-5307
Mt. Ida College	Human Resources	777 Dedham St	Newton	MA	02459
Needham Town Hall	Parks & Recreation	1471 Highland Ave	Needham	MA	02492
New Engalnd Conservatory	Human Resources	290 Huntington Ave	Boston	MA	02115
Northeastern University	Human Resources	360 Huntington Ave	Boston	MA	02115
Regis College	Human Resources	235 Wellesley St	Weston	MA	02493
Simmons College	Human Resources	300 The Fenway	Boston	MA	02115
Town of Lexington	Parks & Recreation Dept/Town Office Bldg	1625 Massachusetts A	Lexington	MA	02420
Town of Wellesley	Parks & Recreation/Warren Bldg	90 Washington St	Wellesley	MA	02481
Town of Weston	Recreation Department	20 Alphabet Lane	Weston	MA	02493
University of Mass-Boston	Human Resources	100 Morrissey Blvd	Boston	MA	02125-3393
Wheelock College	Human Resources	100 The Riverway	Boston	MA	02215
MIT	Zesinger Sports & Fitness Center	120 Vassau St	Cambridge	MA	02139
Pine Manor	Dean of Students	400 Heath St	Chestnut Hill	MA	02467

Robin McLaughlin

From: **kkinnealey@newtonma.gov**
To: **ftowle@newtonma.gov,**
cstapleton@newtonma.gov,
rmclaughlin@newtonma.gov,
dmazzola@newtonma.gov
Date sent: **Wed, 01 Jul 2009 14:02:46 -0400**
Subject: **Lifeguard job posting**
Priority: **normal**

Hi,

The attached is a copy of the posting that we submitted to Craigslist this afternoon.

Karen, HR

The City of **Newton, MA** is looking for **LIFEGUARDS** to work from August 24, 2009 through September 7, 2009 at beautiful Crystal Lake. The hours are 3:00 pm to dusk.

Certification requirements:

- Lifeguard Training & First Aid
- CPR for the lifeguard with AED training
- Waterfront Module

Please apply on or before July 17, 2009. Applications are available on line at: www.ci.newton.ma.us/Parks/Employment or may be picked up at 70 Crescent St. Newton, MA 02466. Please submit completed applications to the 70 Crescent St. address or by email to: parks@newtonma.gov. Questions? Please call 617-796-1500.

[boston craigslist](#) > [metro west](#) > [education jobs](#)[email this posting to a friend](#)

Avoid scams and fraud by dealing locally! Beware any deal involving Western Union, Moneygram, wire transfer, cashier check, money order, shipping, escrow, or any promise of transaction protection/certification/guarantee. [More info](#)

please [flag](#) with care:[miscategorized](#)[prohibited](#)[spam/overpost](#)[best of craigslist](#)

Lifeguard (Newton)

Reply to: job-us56v-1248864540@craigslist.org [Errors when replying to ads?]

Date: 2009-07-01, 1:55PM EDT

The City of Newton, MA is looking for LIFEGUARDS to work from August 24, 2009 through September 7, 2009 at beautiful Crystal Lake. The hours are 3:00 pm to dusk.

Certification requirements:

- Lifeguard Training & First Aid
- CPR for the lifeguard with AED training
- Waterfront Module

Please apply on or before July 17, 2009. Applications are available on line at:

www.ci.newton.ma.us/Parks/Employment or may be picked up at 70 Crescent St. Newton, MA 02466. Please submit completed applications to the 70 Crescent St. address or by email to: parcs@newtonma.gov. Questions? Please call 617-796-1500.

- Location: Newton
- Compensation: \$9.25+/hour
- Principals only. Recruiters, please don't contact this job poster.
- Phone calls about this job are ok.
- Please do not contact job poster about other services, products or commercial interests.

PostingID: 1248864540

Copyright © 2009 craigslist, inc.

[terms of use](#)[privacy policy](#)[feedback forum](#)



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#146-09

Telephone
(617) 796-1100
Telefax
(617) 796-1113
E-mail

Dcohen@newtonma.gov

Memorandum

To: Programs and Services Committee
From: Sandy Pooler, Chief Administrative Officer
Date: July 7, 2009
Re: City Store

Ald. Sangiolo asked me to look into the idea of creating a "city store," someplace that people could buy items with City of Newton logos.

Currently, there is no place to buy such items. I asked all our department heads if any of their departments sell Newton paraphernalia. None does. The History Museum sells mugs with old maps imprinted on them. Several years ago, the Parks and Recreation Department sold sweatshirts with the City's logo, as a fundraiser, although the demand was fairly weak. Some departments, such as DPW, Parks & Recreation, and the Assessing Department, have bought clothing with the City seal or other city inscriptions for their employees to wear during work hours, but these are not available for the public to buy¹.

In order to sell Newton merchandise the following would need to happen:

- Create a revolving fund to take in and distribute proceeds from sales. The fund could carry forward year to year. The Mayor would need to docket and the Board would need to approve an item to authorize the expenditure of monies from the revolving fund.
- Fund the revolving account².
- Designate someone to purchase merchandise and maintain an accurate inventory.
- Designating a secure location to store merchandise

¹ Nor would we want them to be sold to the public, they should identify city employees who are acting in an official capacity.

² Ald. Sangiolo suggested that some Aldermen were interested in donated funds to buy and initial stock of items. Such donations could be deposited in the revolving fund.

- Designate people to sell the merchandise. Ald. Sangiolo suggested the City Clerk might be a fitting location. I think the volunteers at the information desk in the rotunda could display some of the merchandise, but they would need to be supervised, i.e., a city employee should be responsible for collecting and depositing the money from sales. I also think the volunteers could deal with a limited number of items, but not a full store of many items.
- Monies raised from sales would need to be deposited in the bank and records of expenditures receipts would need to be kept on the City's books, as is done with other revolving accounts.

I think it might be possible for departments to sell a small number of Newton items, but selling a larger catalogue of items seems to me to be beyond the scope to what city staff should be spending their time doing.

There are stores at the two high schools. They sell items with their schools' logo. These may be locations suitable for selling Newton merchandise.