

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, DECEMBER 9, 2009

Present: Ald. Freedman (Acting Chairman), Baker, Brandel, Parker and Sangiolo

Absent: Ald. Hess-Mahan, Johnson and Merrill

Also Present: Ald. Linsky and Yates

Others Present: David Olson (Clerk of the Board), Fran Towle (Commissioner, Parks & Recreation), Carol Stapleton (Manager, Parks & Recreation), A. Nicholas Parnell (Commissioner, Public Buildings), Arthur Cabral (Budget & Project Specialist, Public Buildings), Joshua Morse (HVAC Technologist, Public Buildings), Karyn Dean (Committee Clerk)

Appointment by His Honor the Mayor

#392-09 JOE FRASSICA, 123 Spiers Road, Newton Centre, appointed as a member of the ADVISORY COUNCIL OF HEALTH AND HUMAN SERVICES for a term to expire on December 1, 2010. (60 days 1/5/10) [11/24/09 @ 2:40 PM]

ACTION: **APPROVED 5-0**

NOTE: Mr. Frassica said he was approached by David Naparstek to join the Advisory Council. He is president of the Oak Hill Park Association and is able to contact several hundred people connected to that. He has attended a couple of meetings and is able to quickly disseminate information to the community. Mr. Frassica finds the work of the Council interesting and compelling. Ald. Freedman said Mr. Frassica does an outstanding job in his other civic roles. The Committee voted in favor of this appointment.

Re-Appointment by His Honor the Mayor

#393-09 STEPHEN COLCHAMIRO, 23 Vineyard Road, Newton Centre, re-appointed as a member of the ADVISORY COUNCIL OF HEALTH AND HUMAN SERVICES for a term to expire on December 31, 2011. (60 days 1/5/10) [11/24/09 @ 2:40 PM]

ACTION: **APPROVED 5-0**

NOTE: Ald. Parker moved approval of Dr. Colchamiro's appointment and the Committee voted in favor.

#364-09 ALD. BAKER, LENNON AND JOHNSON, pursuant to Section 2-7 of the City Charter, recommending the re-appointment of David A. Olson as City Clerk/Clerk of the Board for a term of two years or until a successor is duly qualified. [10/27/09 @ 9:39 AM]

ACTION: **RECOMMENDING APPROVAL 5-0**

NOTE: Ald. Baker said he would like to acknowledge the superb service of Mr. Olson and his staff. He said he has worked with Mr. Olson extensively and has always found him to be thoughtful, balanced and good-humored. He was delighted to support Mr. Olson's re-appointment. Ald. Parker said it has been his pleasure to work with Mr. Olson. He said he was an extraordinary human being and a very diligent hard worker. Ald. Parker said he will miss working with him since this is the end of his term. Ald. Freedman said he felt Mr. Olson ran everything so smoothly and well and thanked him and his staff for the good work. Ald. Brandel said as a new alderman, he found the orientation program wonderful and thanked him as well.

Mr. Olson told the Committee that he was looking forward to serving the Board for another 2 years. Ald. Freedman asked him to describe some of his accomplishments over the last term and any plans for the upcoming term. Mr. Olson said the job entailed work as the Clerk of the Board as well as the City Clerk. On the City Clerk's side he said the staff has been working very hard on dog licensing and improving the numbers of licensed dogs. He said they have seen an improvement and have licensed about 3,200 dogs this year, which is up from about 2,400. As Clerk of the Board, Mr. Olson noted the increased volume of material on the website which makes it easier for the public as well as the Aldermen to find documents and information. He said he will continue to work on all of these efforts.

Mr. Olson explained that the Committee would be voting on a recommendation to re-appointment him and that the next Board would have to approve it. Ald. Parker moved to recommend approval of Mr. Olson's appointment and the Committee voted in favor.

REFERRED TO PROG& SERV, PUB FAC,AND FINANCE COMMITTEES

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

ACTION: **APPROVED 2-0-3 (Ald. Brandel, Freedman and Baker abstaining)**

NOTE: Ald. Parker noted that up to 1993, the income eligibility level had been \$20,000 to receive the water and sewer discount. Also, if you applied for the 41A property tax deferral and were eligible, you would automatically receive the water/sewer discount if you applied for that as well. The income level was then raised to \$40,000 in 1993 and remains at that level. Since the 41A property tax deferral program's formula was adjusted, these two things were decoupled. The way it's currently written, if one has up to \$60,000 in income, one is eligible to apply for the 41A property tax deferral. If one has up to \$40,000 in income, one can apply for the water and sewer discount. This provides incentive for residents to apply for a property tax deferral in order to get a water and sewer discount, because one is eligible for the water and sewer discount only if

applying and being eligible for the 41A deferral. Right now, the Assessor's Department has to tell people that they can only get the discount for their water/sewer rates if they apply for a 41A property tax referral.

Ald. Parker would like to have these two things connected again. He would also like to adjust this income level for inflation to \$60,000. This is only for low-income seniors who qualify for the 41A program and would get the deferral anyway. He just wanted to simplify this process for the residents and the Assessors Department.

Tom Daley, Commissioner of Public Works, said he had not spoken to Ald. Parker or Elizabeth Dromey about this item. His only concern was that the water system was in flux with the new meters and consumption issues and rates. The new system will be starting in February so it would be his preference to get a year of data under their belts and get the rates regulated before making any changes.

Ald. Parker moved approval of this item. He felt this item had been around long enough and felt this was a simple policy change to make things more streamlined. He provided language for this change which is attached. Ald. Baker would like to amend the motion and refer this item to the next Board. He would like to hear from the Law Dept. and the Assessor's Department for clarification. Ald. Parker said he would get a memo from the Assessor's Dept. At the time of this report, that memo was not available.

Ald. Sangiolo said she was going to vote for this item, but could not promise she would ultimately support it. She needed to see what happened when the new water meter system was in place and rates were regulated. Ald. Baker said he was going to abstain because he needed further clarification.

#383-09 ALD. LINSKY AND HESS-MAHAN requesting adoption of a RESOLUTION to be forwarded to the President and Attorney General of the United States along with Newton's congressional delegation in conjunction with similar resolutions and actions being taken by communities nationwide to: urge Congress to repeal the ban on releasing cleared detainees into the United States, and; welcome, in particular, a cleared detainee into our community who was represented by two Newton attorneys who were recognized for their efforts by the Newton Human Rights Commission as soon as such ban is lifted. [11/10/09]

ACTION: **REFERRED TO 2010-2011 BOARD OF ALDERMEN 5-0**

NOTE: Ald. Linsky introduced Doris Tennant, who is one of the attorneys mentioned in the docket item. He realized that this will ultimately be referred to the next Board, but he wanted to give a preliminary explanation of this item. Ald. Linsky said that since the President intends to close Guantanamo in the next few months, this is a timely item. Detainees, once cleared and freed, aren't always able to return to their home countries for various reasons. The United States currently has a ban on releasing these individuals into this country.

Ms. Tennant explained that the United States will send this particular detainee back to Nigeria where he would likely be subject to very abusive treatment and possible imprisonment. He has never been charged with anything and has been cleared for release. He was picked up in a wide sweep in Pakistan and has been held for 7 ½ years. He was working for a social service organization at the time. He had been threatened by a gang in Algeria. She said the United States had been paying bounties of \$25,000 a head for neighbors to turn people in. She said that this Resolution would be a symbolic gesture to facilitate his settlement somewhere else with the hope that the ban would be lifted in the United States.. Amherst did this as a symbolic gesture as a way of saying to an Ambassador somewhere that their hometown would be welcoming to cleared detainees.

Ald. Baker and Sangiolo recommended that this item be referred to the next Board. They both felt this deserved more time for deliberation and wanted to give this its best opportunity for a fair outcome. Ald. Baker felt a profile on this individual would be helpful for the Board to understand the complexities of this case. Ms Tennant said she would be happy to provide that document. She will send it to the Committee Clerk. At the time of this report, that document had not yet been received.

The Committee voted to refer this item to the 2010-2011 Board.

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

ACTION: **REFERRED TO 2010-2011 BOARD OF ALDERMEN 5-0**

NOTE: Ald. Yates docketed this item on behalf of Lois Pines. He was unable to be present for this item and Ms. Pines addressed the committee. Her home was located across the street from a residential construction site. She and her family were deeply impacted by the noise caused by the pile drivers and crushers used to excavate the foundation of the home. She said this went on for four weeks making her home uninhabitable all day, Monday through Saturday, and she had to leave her house each day. She found out that using explosive to excavate ledge was quick and not as noisy. Using pile drivers and crushers was a less expensive option and the contractor and/or the owner decided to use that option.

Ms. Pines spoke with the Law Dept., the Mayor's office, the police and several aldermen to find a resolution to the problem. The police checked the level of noise with a decibel meter and it met the standard for noise pollution per state regulation. However, she found that the noise ordinance did not cover pile drivers and she was told she had no redress by all the parties she consulted. She felt this was a flagrant omission to not take into account the impact of excessively noisy and prolonged construction on neighbors. She was able to leave her home to escape the noise, but she pointed out that sick, elderly or self-employed residents may not.

Ald. Parker said he had attempted to make changes to the noise ordinance adding restrictions to Saturday identical to Sunday, as well as shortening the allowable hours during weekdays and taking cumulative noise into consideration. Ald. Parker said he lost the vote and those changes were not made.

Ald. Baker recommended referring this item to the next Board. He said he would ask the Law Department to provide draft language in consultation with Ald. Yates that refers specifically to hydraulic rams (pile drivers). He noted that the state statute states one is liable for direct damage in the use of pile drivers. The Committee voted to refer this item to the 2010-2011 Board of Aldermen.

#287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09/20/07 @ 1:22 PM]

ACTION: **REFERRED TO 2010-2011 BOARD OF ALDERMEN 5-0**

NOTE: Ald. Parker said 2006 was the 50th anniversary of Tenley Albright's skating exhibition on Crystal Lake after she had won the gold medal in the Olympics. She is also an accomplished physician and a pioneer in the arena of women's athletics. Ald. Parker said it seemed appropriate to have some recognition of her as Crystal Lake was being improved upon. The Crystal Lake Task Force recently filed their report and so he felt now was the time to act on this item. The report included, among other things, installing some park features and paths. He wanted to hear some ideas from Fran Towle and Carol Stapleton on how to honor Dr. Albright at Crystal Lake.

Process

Ms. Towle said there was a naming process that needed to go through the Parks & Recreation Commission and that would include a public hearing. Some one or some group would need to present a proposal. She said the Task Force did some master planning and Janice Bourque would be working with a conservancy group to do some fundraising. Since a plaque or sign would require financing, she felt this may be a group to work with. Ms. Towle said it was the responsibility of the sponsoring group to propose an idea for a plaque, or bench or sign, etc. Ms. Stapleton said the location of benches and so forth would come under the recommendation of the Newton Conservancy.

Ideas for Marker

Ald. Baker hoped the Conservancy and Commission would find it fitting to honor Dr. Albright. He didn't think it would be expensive to have a plaque installed. Ald. Parker said the possibilities could be anything from a plaque to a statue so he was hoping to get some guidance. Ald. Sangiolo felt a city-sponsored proposal to honor Dr. Albright in some way would be appropriate. Ald. Parker would like there to be some ongoing discussion to determine the appropriate marker, location and sponsor.

Follow Up

Ald. Baker said he would be happy to keep this item going as Ald. Parker will be leaving the Board. He said he would try to get something to the Commission during the first part of the new year. He recommended referring this to the new Board and keeping it on the agenda. Ms. Towle said she would be happy to work with Ald. Baker on this. The Committee voted to refer this item to the 2010-2011 Board.

REFERRED TO PROG. & SERV., PUB.FAC. AND FIN.COMMITTEES

#89-08

ALD. PARKER requesting the following:

- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
- B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
- C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.

[02/13/08 @ 12:07 PM]

ACTION: REFERRED TO 2010-2011 BOARD OF ALDERMEN 5-0

NOTE: Ald. Parker said the intent of this item was to put a schedule of routine maintenance into place. This could allow for planning of resources to address these needs better. He understood that there was a deficit in terms staff and money, but he felt that having this schedule might help with City budget planning if the Mayor could see the need laid out in advance. Ald. Parker said he has seen examples of this in other municipalities.

Public Buildings Response

Nick Parnell, Commissioner of Public Buildings, addressed the Committee and introduced Art Cabral and Joshua Morse. He said there was a capital group from the incoming administration that he has been meeting with and they have discussed maintenance. He believed the most important thing was to figure out how to keep things up and running in the public buildings of the City

Mr. Parnell said the Public Buildings Department budget needed more money in order to adequately maintain the capital assets of the City. He said they looked at the envelope of the buildings and the mechanical systems and have been trying to come up with a reporting mechanism. The school buildings have a reporting system right now called School Dude. The works orders go through that system daily and they were starting to get into a maintenance direct package which allowed existing equipment to be evaluated and inspected.

School Buildings

The school custodians used to perform simple maintenance like changing air filters, oil traps, putting on belts, etc. Mr. Parnell said now those tasks are put into a work order that is sent to Public Buildings to perform. He noted there was a bit of a communication

delay between identifying the problem and having it reported to Public Buildings. Ald. Sangiolo wondered why the custodians were no longer doing that work. Mr. Parnell noted that the custodial staff has been cut from 109 to 85. They used to go through a rigorous training program in maintenance, but the funds are no longer available for that. With the standard at about \$3.80 per square foot on an average school systems cost, Newton is at \$1.25 - \$1.75 per square foot in the charter maintenance money. Over the last five years, some of that money has gone into preventative maintenance. The needs of the school buildings have been identified in the 2007 HFMH Architects study. Mr. Morse said he could spend his time culling that study for priorities, but if the funding was not available to perform the work, it would be a wasted effort.

Municipal Buildings

On the municipal side there was about \$200,000 in the budget. Mr. Parnell said they needed a far greater amount than that. He noted that \$3.50 - \$4.00 a square foot was really necessary to maintain the buildings and keep them going. His department provided whatever they could to fix things as needed. He said they focused on the mechanical plant because it was where most of the energy dollars went, and also wanted to provide the appropriate temperatures in the buildings. Mr. Parnell thought if they could use the study from two years ago that looked at 25 city buildings, it would give them a baseline of work needed. They could then prioritize the list. Art Cabral noted that a study was also done 25 years ago that became their blueprint to start some roof and window replacements on the municipal buildings. That data could be updated along with the information that Joshua Morse could add from the HVAC perspective.

Current Planning

Mr. Morse said that an organized, documented preventative maintenance program for the City of Newton has already been started. They started with all of the boiler and heating systems in the City (school and municipal buildings) and have maintenance scheduled annually. All of the new equipment going into Day Middle School as part of the NORESCO project has already been documented in a program called PM Direct. The program automatically generates work orders based on maintenance periodicities for individual equipment. For Newton South they have set aside \$50,000 for infrastructure maintenance and have discussed setting aside funds for the new Newton North with the School Committee as well.

Future Plans

Mr. Parnell said the new Mayor would have to support any kind of plan going forward. The Citizen Advisory Group's recommendations seemed to be embraced by the new administration and he felt he had a very good meeting with the transitional infrastructure group. Mr. Parnell said that a study of current buildings was necessary. The 1986 building study was comprehensive and it needed to be updated in order to identify the needs and prioritize them. Mr. Morse said preventative maintenance was not difficult. However, the gathering of the information of all the equipment and recommended maintenance schedules is needed to perform it appropriately. Currently, that information does not reside in any one place and agreed that a comprehensive building study was essential.

Follow Up

Ald. Baker said that he would recommend referring this to the next Board. The new administration needs to determine how it wants to handle this issue and what level of support it wants to provide. Ald. Parker felt that a preliminary document could be provided in the next week or so. He said if they could provide a schedule and cost for one building, it could inform the Board and the Mayor of what a city-wide program might look like. He felt that the new Mayor was very interested in this issue but would need to understand the costs involved. Mr. Parnell said he would very much like to have the resources to implement all of these suggestions. Currently, he has to operate within the confines and budget his department was given - the City has added square footage and decreased craftsmen by 30% and the money is insufficient. He hoped the new administration would sign on for these improvements in their department.

The Committee voted to refer this item to the 2010-2011 Board.

The following three items were recommended for a vote of No Action Necessary by their docketers. The Committee voted in favor:

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07/08/08 @ 1:29 PM]

ACTION: **NO ACTION NECESSARY 5-0**

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07/08/08 @ 1:28 PM]

ACTION: **NO ACTION NECESSARY 5-0**

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.

ACTION: **NO ACTION NECESSARY 5-0**

The following items were recommended for referral to the 2010-2011 Board of Aldermen:

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

ACTION: **REFERRED TO 2010-2011 BOARD OF ALDERMEN 5-0**

- #8-09 ALD. HESS-MAHAN, LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]
REFERRED TO 2010-2011 BOARD OF ALDERMEN 5-0
- #95-09(2) PROGRAMS & SERVICE COMMITTEE requesting establishment of an Advisory Committee to review processes of the Board of Aldermen and report recommended efficiency improvements to the Board of Aldermen. Members of the Advisory Committee shall be appointed by the Chairman and Vice Chairman of the Programs & Services Committee and the President of the Board. [11/16/09 @ 3:59 PM]
REFERRED TO 2010-2011 BOARD OF ALDERMEN 5-0

Respectfully Submitted,

John Freedman, Acting Chairman