

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JANUARY 23, 2008

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

Absent: Ald. Merrill

Also Present: Ald. Linsky

Others Present: Marie Lawlor (Assistant City Solicitor), Fran Towle (Commissioner, Parks and Recreation), Carol Stapleton (Parks and Recreation), Susan Burstein (Chief Budget Officer), Jayne Colino (Director, Department of Senior Services), Nick Parnell (Commissioner of Public Buildings), Janice Bourque (Chair, Crystal Lake Task Force), Karyn Dean (Committee Clerk)

#19-08 ALD. BAKER, LENNON & JOHNSON recommending the reappointment of David A. Olson as City Clerk/Clerk of the Board of Aldermen for a two-year term.

ACTION: **APPROVED 5-0 (Ald. Sangiolo, Baker not voting)**

NOTE: Ald. Johnson said that she wanted to speak as a member of the Board as the leader of the search committee for this position. She said if she could be as successful in finding candidates as she has been with Mr. Olson she would be quite happy. She pointed out that Mr. Olson has been outstanding and has proven all the skeptics on the Board wrong. Ald. Parker concurred with Ald. Johnson and said that David Olson was wonderful and was an excellent selection. He was happy to support the motion.

Ald. Johnson moved approval of Mr. Olson's appointment and the Committee voted in favor 5-0.

Appointment by His Honor the Mayor

#20-08 JUDI MacKENZIE, 9 Oak Vale Road, Waban, appointed as a member of the NEWTON COMMUNITY EDUCATION COMMISSION for a term to expire on June 30, 2009. (60 days: 3-22-08) [01/14/08 @ 11:38 AM]

ACTION: **APPROVED 5-0 (Ald. Sangiolo, Baker not voting)**

NOTE: Ms. MacKenzie said she has been living in Newton with her family for 7 years. She said that she has attended many of the Newton Community Education courses and has given feedback on those courses. She believed it was a great program and wanted to

share her ideas and be a part of it. Ald. Freedman noted that her resume was a few years old and asked Ms. MacKenzie for an update. She said that she has been at home with her 2 children and has been on the PTO at Angier School, headed up some committees there and was a frequent volunteer. She noted that writing and yoga were her hobbies. As a side comment, Ms. MacKenzie said that the snow removal in the live parking area at the Angier School has been excellent.

The Committee thanked Ms. MacKenzie for volunteering for this appointment and voted approval by a vote of 5-0.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#10-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$73,000 from Budget Reserve for the purpose of supplementing the transportation budget in the Department of Senior Services for FY08.
[01-02-08 @ 4:53 PM]

ACTION: **5-0-1 (Ald. Freedman abstaining; Ald Baker not voting)**

NOTE:

Introduction of System

Jayne Colino, Director of the Department of Senior Services presented this item. She said had oversight of the Department of Senior Services and its primary function was the Newton Senior Center, but another major function was the transportation system for seniors. In July of 2006, the Department of Senior Services was established. It had previously been a part of the Department of Health and Human Services. Ms. Colino said that one of her first acts was to re-bid the transportation services. When they were under Human Services, it was not a streamlined system and was more a patchwork of vendors and phone numbers, etc. She felt like it was an opportunity when the previous bids had expired to consolidate them all into one bid and make a more accessible system of transportation.

New System

Ms. Colino explained that the current system worked on a voucher system where riders needed to get a voucher in order to access the vehicles – one voucher for each leg of the trip. There was now one provider and one phone number to call for the user to access the system. The changes included enhancing the previous level of services and expanding where they could travel. The major changes included:

- An expansion of grocery shopping services so that people had access to any grocery store in the city and the ability to take the time they needed to shop.
- The addition of Houses of Worship. They had heard from people that one of the first things they disconnected from when challenged by mobility was those community settings.

- The addition of trips to visit loved ones and friends in nursing homes and hospitals. People communicated that they felt they weren't able to be supportive to those confined in those settings.
- Continuation of a 2-mile limit out the City as people often needed to get to doctors, etc., that were just over the border of Newton into Wellesley or Waltham, for example.

Need for Funds

Ms. Colino said they were suffering from success and the program has grown in its ridership and demand. She provided a chart for the Committee that showed the usage for 2007, YTD 2008, and what they're projecting it to be at the end of FY08. She has since provided an updated chart which is attached to this report. Last year they provided just under 22,000 rides; to date they have provided 12,275 rides; and they project 24,550 rides by the end of the year. Within those projections they have experienced a 250-300 ride increase per month. Because of the snow last month, the ridership went down. She explained that she tended to estimate ridership and costs on the higher rather than the lower end so that the services could be accommodated.

The \$73,000 reflected the difference between what they currently had and what they projected they will need in order to keep services from being cut. Ms. Colino explained that this service was funded through various sources. The primary funding was the City at \$199,000 annually. Another source was the State formula grant which was just under \$20,000. The third source of \$44,000 was housed in a revolving account. That money was provided by a voluntary suggested donation of \$2.00 per voucher. She noted that it was difficult to use that money in a budgetary sense because they did not know what the voucher sales would be. There was no time limit on the use of the voucher so if someone bought a voucher last year, that money went into last years bills, however, the voucher may not be used until this year. About \$27,000 of the revolving account was currently encumbered to the transportation contract. She said when she started the conversation with the administration about additional funding, there was approximately \$35,000 in that account.

Ms. Colino stated that if they had no additional funds from the City, all City funds would be exhausted by the end of February. The additional funds - the State formula grant and the revolving account - would fund them until perhaps April but would not take them to the end of this fiscal year.

Public Education/Requests for Additional Destinations

They have educated people about the cost of this service individually and more recently, Ms. Colino said she has been explaining it in any public address she makes. She found that discussions around this item usually came up in response to a request for more destinations. The top destinations requested that they did not provide service for was the library and pharmacies.

“Means” Test

Ald. Parker said they needed to look at this in the overall picture of the budget for next year. He said free rides should be offered to anyone who could not afford them. He was concerned about providing free taxi rides to people who could actually afford to pay. Denying a ride to someone who can't afford a ride because they're subsidizing people who can afford it was troublesome to him. Ms. Colino said they were on the verge of doing a paper survey to see if seniors, who were able, would be willing to pay more for the service. They were hoping to do an electronic type of survey through CTY with a specific question about people's willingness/ability to pay for the service if there was a potential cut. She said she has seen examples of people who have come forward saying they just didn't realize how much the service was costing and increased their donation. And if people realized they were taking a ride at the expense of someone else not getting it who was more in need, that just might have an impact. Means testing would be difficult but Ald. Parker suggested having a flat rate for rides and if people wanted a fee waiver they could have it with just a verbal request and no formal means test.

Destinations

Ald. Parker asked why rides to the library weren't being provided as opposed to other locations since the library was a City facility. Ms Colino explained that they were focused on providing for basic services such as grocery shopping, doctors appointments, houses of worship, and the senior center which encompassed meals and socialization. Ald. Parker pointed out that getting to pharmacies was also a basic need. She said they have a small grant from Charles River Mass Medical Society to get drugs to the people, but most people wanted to get to the pharmacies themselves. They have tried to address that with some private funding but it hasn't been responded to very well. When they were bidding this process, she didn't have much feedback from people about the library. Once people started using the system and started trusting it, more destinations, like the library, were being demanded. Ald. Parker suggested that as she prepared for the next budget process, she should include what it might cost to include the library in this system. He said he would like to see this provided. She said there have been discussions with the library in terms of budget and fundraising. She was hoping they could find some creative way to make this work.

Costs of Service

Ms. Colino said that they pay \$12.72 per ride and ask for a voluntary suggested donation of \$2 per voucher. The trips to houses of worship cost \$10 as they tended to occur at off peak times. The system used to have a law attached to it that came from the funding source requiring that they do not ask for a fee, only a suggested donation, and that it be anonymous. They no longer get those funds so they do keep track of who is buying the vouchers. She said that there were people they knew couldn't afford it and they suggested they didn't contribute and those that they had a strong sense that could afford it but didn't make the donation. Ald. Parker said it would be interesting to know what the total amount of donations were and the administrative costs of collecting, depositing, etc. It may turn out that it's not worth asking for the donation if the administration of the

money costs more than what was collected. He wanted to look ahead to next year's operating budget to see how they could better fund this.

Ms. Colino said that the money they received in vouchers last year paid for one month of service. She said that something that was not reflected in last year's expenses was that in the first year of the contract they added a transportation coordinator that was hired and housed at the vendors. In the second year, anticipating the increased demand and potential of not having enough money, they eliminated that position but kept the money in the contract so that it could go to rides. She noted that last year they spent \$295,000 on the transportation service.

Ridership Numbers

Ald. Brandel asked how Ms. Colino projected the number of rides through 2008. She said she took the average ridership from last year and compared it to the average ridership so far this year, and extrapolated it for the next 6 months. She noted that this was the first time data had been collected. Ald. Brandel asked if the same individuals were using the service more often, or if there were more people using the service. Ms. Colino answered that there was a more core ridership in the Senior Center participation. Medical transportation was a less repetitive ridership for the most part. Last year 700 seniors were utilizing this service. She said she will provide the number for this year when she is before the Finance Committee as she neglected to bring that with her. Ald. Brandel asked if she could bring data of who was going where as well.

Sponsorships

Ald. Brandel asked if she could take donations or sponsorship from commercial interests. He suggested looking to pharmacies to sponsor rides and have their stores promoted on the vouchers, as well as delivering customers right to their doors as an incentive.

Taxi vs. Other Types of Services

Ald. Sangiolo asked if it would be less expensive to use a bus service instead of Veteran's Taxi. Ms. Colino said they had used different ways to bill and provide service in the past. They used vans and found it was not cost effective because there was a lot of down time for which they were paying an hourly rate whether the vans were moving or not. Now they were only paying when a ride actually occurred and not paying any down time on vehicles. Veterans Taxi does use two dedicated vans and tried to consolidate a number of rides whenever possible, especially with trips to the senior center and grocery stores. This was less possible with medical appointments as locations and times varied widely.

Ald. Sangiolo asked why the City wasn't going to Springwell, who provided medical rides, to take some pressure off this system. She noted that she was on the Board of Springwell. Ms. Colino said that Busy Bee Transportation, which provided the Springwell rides, was an overlap service for destinations beyond the 2 mile limit that Newton sets for their service. She said Busy Bee was not always able to meet the need. Ms. Colino explained that Busy Bee gets federal funds under the Older Americans Act to

provide “regionalized” transportation. She said that people had the choice to use Veterans Taxi or Busy Bee to go within the 2 mile limit as explained earlier. But if they needed to go outside the 2 mile limit, Busy Bee would be the only alternative. Ald. Sangiolo suggested that Ms. Colino look proactively at taking the medical ride service out of their program and get it into another program so they can stretch their resources.

Special Permit Donations to Nexus

Ald. Sangiolo said that part of Newton Wellesley Hospital’s special permit was to donate \$12,000 per year to Nexus but Nexus failed. She said the City should be getting that money and it could be put to use for this service. Ms. Colino said that was a larger issue than she could answer. Ald. Johnson asked Susan Burstein to look into this issue and have an answer for the Finance Committee. Ald. Sangiolo said that there were likely other special permits that had a requirement like that as well.

The Committee Clerk spoke with Comptroller, David Wilkinson, and he said that even when Nexus was in place, it took a fair amount of chasing around to get the money from Newton Wellesley Hospital and other businesses that were required to make a donation. Several of those were no longer in business. He said they stopped billing businesses when Nexus ended.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#398-07(2) HIS HONOR THE MAYOR requesting an appropriation in the amount of \$400,000 from Free Cash for the purpose of supplementing the snow and ice budget in the Department of Parks and Recreation for FY08. [01-02-08 @ 4:53 PM]

ACTION: **APPROVED as amended to \$527,758 5-0 (Ald. Baker, Sangiolo not voting)**

NOTE: Commissioner Fran Towle presented this item. This request was amended after the recent snowstorm which also brought about a lot of tree problems. The request was increased by \$127,759. Ms. Towle brought documents for the Committee detailing the costs associated with 8 snowstorms and all the tree trouble they’ve had since July 1, 2007. The documents are attached to this report.

Trees

Commissioner Towle pointed out that the last snowstorm damaged many, many trees around the City. The Department of Public Works was going around the City and collecting tree limbs from the berm which was most helpful. She was hoping that task would be completed by the end of next week. This request included about \$20,000 for the pile of limbs/trees that end up at Rumford Ave. that has to be bid on, chipped up and hauled out of the City. The last snowstorm produced over 250 limbs down, over 46 hangers, and 13 trees that were down with 2 near houses. Ald. Hess-Mahan asked if NStar was responsible for limbs hanging on wires and Ms. Towle said they were.

Funding Consequences

Ald. Johnson asked what the consequences would be without this funding.

Commissioner Towle said that the money requested has already been spent and the contractors would be looking for the money. They have also included money for two 4-7 inch storms at about \$115,000. It also included \$29,000 in seed money for trees, which was typical, so they could do some emergency work as needed between now and the end of the year.

Better Budget Planning

Ald. Parker said it was awkward to have Parks and Recreation and DPW coming in for money that's already been spent. He suggested as they are planning for the FY09 budget process, that they cover at least a minimal year and be able to come in before the fact, rather than after the money has been spent, to ask for more funding. The Chief Budget Officer, Susan Burstein, said they had come in with a 5 year average but they have had a higher than average winter.

Costs of In-House Work

Ald. Parker asked how much it would cost to do this work in-house. Perhaps an investment in equipment and overtime might be a more effective way to go. He would like to have it costed out to see what the real policy alternatives were.

Ald. Freedman moved to approve this item and the Committee voted 5-0 in favor.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#359-07 HIS HONOR THE MAYOR requesting that the sum of \$50,000 be appropriated from Free Cash to conduct a study of the properties along Crystal Lake for the purpose of developing a Master Plan for the redevelopment of these city-owned properties. [10-30-07 @ 5:17 PM]

ACTION: APPROVED 4-2-1 (Ald. Johnson, Brandel opposed; Ald. Freedman abstaining)

NOTE:

Introduction

Commissioner Towle introduced Janice Bourque, Chair of the Crystal Lake Task Force. She noted that Ms. Bourque and the community have spent an enormous amount of time and effort along with the committee to evaluate the property and put together a plan. One thing that has come to the forefront was that they all felt they needed advice and expertise to put together a plan so that residents have an idea of what might happen to this area. To do that they needed the money requested in this item.

Need for Study

Ms. Bourque said the task force was a group of concerned and committed citizens. Right now the plan included the bathhouse area and 20 Rogers Street. She noted that in trying to figure out how the area might best be used, everyone seemed to come up with a

different plan without understanding the environmental or structural state of conditions were or what the issues regarding run-off, etc. might be and what the impact of any refurbishing, reuse or replacement might be. In November of 2006, the community was asked for its input and ideas and those were consolidated and given to the task force to put together some type of plan. In that process, they also recognized that they needed to go through an RFQ process. They have been involved with Commissioner Parnell in crafting that and it's been reviewed and just about ready to go out to various organizations to find out what type of team they might put together to address the multiple concerns and issues. There was also a lot of discussion around the cost of the bath house, integration of parking, etc. They didn't really have the expertise to know and understand what the real costs would be and how any work could be phased in.

Commissioner Parnell concurred that the area needed an independent study and a cohesive vision. He said they didn't need a grand, expensive vision but a plan for maintaining the land and so forth. Ald. Parker said he was one of the aldermanic representatives on the task force and one of the questions that needed to be answered was what the structural constraints of the building and the topography were. That would include things like the run off in the parking lot going into the lake and the ingress or egress of the parking lot. They were running up against the limits of their expertise and they didn't want to come up with any plans that, in the end, were unfeasible. Ald. Parker said he perceived this study as an unbiased look at the City's options. It would provide a range of options, some affordable, some not, and the opportunity for use of CPA funds or community fundraising would become more viable. He said people didn't like to contribute to planning, but to the actual finished product.

Cost/RFQ

Ald. Hess-Mahan asked if the \$50,000 appropriation would still be enough if 230 Lake Avenue was acquired. Ald. Parker said that it would because by the time the RFQ went out they would know whether or not 230 Lake Avenue would be part of the plan. Commissioner Parnell said this was going to be a broad based look at the area and would give the task force an outside, expert perspective. He said they have a number of on-call architects and on-call landscape people. They would run a proposed team or group of teams by the task force and let them know who they were thinking of using. Using an RFQ process would take months. Using the RFQ form, however, allowed them to solicit and get feedback and dialogue.

CPA Funds/Community Contributions

Ald. Johnson said that she knew of many projects funded with CPA money that were for design studies only and perhaps this should be one of them. She did not want to support this as she didn't think this should come out of operating money and she didn't think there was enough support, financially, from the community. Ald. Freedman agreed but said he appreciated the volunteer efforts of the neighbors. Ald. Johnson noted that many projects have been postponed because the community did not come up with any money.

Ald. Hess-Mahan said that City owned property that was acquired with CPA funds could use further CPA funds for a study. The bath house was not acquired with CPA funds. He said that was the problem with Albemarle as well because the City already owned that

property. Ald. Freedman wondered if the amount of CPA funds could be used pro rata for the property that was acquired with CPA funds at Crystal Lake.

Limits of the Task Force

Ms. Bourque said the task force put together with no financial responsibility. Their charge was to come up with a plan to recommend to the City based on community input. They wanted to take that information to the professionals who would do this study to see what was or was not possible. If they were unable to have this study done, they didn't feel they would be able to make much of a recommendation, and they would disband the task force. There would be no further work for them to do.

Timing

Ald. Freedman said he felt the timing for this project was all wrong. He said he didn't see much value in a plan that would lay out the area but would not cost it out. At best they would end up with some interesting ideas to think about while they postponed any work for a long time because of the financial situation of the City. At worst it would raise false hopes and expectations for an area that was completely unaffordable for the City now and in the future. Ald. Johnson said she also felt the timing was off as there were many other projects in the City that needed to be addressed in a difficult economy.

The Committee passed this item by a vote of 4-2-1.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#397-07 ALD. JOHNSON AND COLETTI requesting to increase the fee for dogs being off-leash except where dogs are legally able to be off-leash.
[12-04-07 @ 12:22 AM]

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

NOTE: Ald. Johnson explained that while they were working on the Dogs Off Leash Park ordinance, they discovered that there might be a need to increase the fines for dogs that were off leash otherwise in order to dissuade people from breaking this law.

Current Ordinance

Marie Lawlor, of the City's Law Department, explained the fines were currently graduated from \$25, \$35, to \$50 for 1st, 2nd, and 3rd and subsequent offenses per calendar year per dog off leash. Her comparison to other local cities and town showed that they were in line with most of them with a little variation. Wellesley and Concord had flat fines of \$50 for each offense. The \$50 fine was set by Massachusetts General Laws but Newton had opted out of this system and therefore could set its own schedule of fines of not more than \$300. Any city or town that stays in the system has to funnel their fines collected from dogs into the county treasury department in the "dog fund". This was to

be used for cities and towns to help pay for damage done by dogs in their community. Opting out allow cities and towns to keep their fines in their own treasury but does not allow them to draw from the “dog fund”.

New Fines Suggestions

Ald. Parker said that this ordinance was not enforced very often so he suggested that when it was enforced that it be a high penalty. He would like to do the same as the Newton North Smoke-Free ordinance with a fine structure of \$75, \$150 and \$300. He noted that officers always had the discretion to give a warning. He felt to get compliance in Newton they would have to get serious about the fines. Ald. Freedman suggested a flat \$50 fine and Ald. Brandel agreed. Ald. Baker suggested \$60. Ald. Johnson and Parker felt they needed to go to \$75 as a flat fine. There was concern that if the fine was too high, the officers would be less likely to write a ticket.

Ald. Johnson asked if the fines and/or license fees could go into a fund in the City to deal with dog issues such as fences for parks, etc. Ald. Parker suggested the money be used to hire another animal control officer. Ms. Lawlor said she would look into these options.

Picking up Canine Waste

This fine for failing to pick up canine waste was the same as dogs off leash. Ald. Freedman felt it was a much greater public hazard to have dog feces unattended than to have dogs unattended. He suggested raising this fine as well.

Effectiveness of Fines

Police Perspective

Ald. Johnson asked the Committee Clerk to check with the Newton Police and animal officers about their thoughts on fines: Did they think fining was a deterrent and what they thought the fines should be. The Committee Clerk communicated with Captain Matt Cummings of the Newton Police Department on this subject. He felt that fining as a deterrent did not work. He said fines simply put the responsibility on the Police Department when there were increases in violations. This was especially true when only a couple of animal control officer patrols had to enforce the rules for thousands of pets. He went on to say that the best laws were those drafted in ways that yielded the best compliance. At the November meeting of Programs and Services, Capt Cummings and Officer Pellegrine commented that many people were not deterred by a \$25, \$30 or \$50 ticket and felt the fines should start at \$50, and increase to \$100, and \$150.

Captain Cummings reported the following tickets for 2007:

Leash Law violations – 50

Pooper Scooper violations – 14

Failure to License – 12

Barking - 5

Committee Members Perspective

Ald. Brandel said he would like a rough cost benefit analysis of trying to enforce these offenses. He wanted to be sure it wasn't costing more to enforce this than it would bring in. He asked whether the purpose of fining was to collect money or to send a message to dog owners. Ald. Johnson explained that this was more about trying to dissuade dog owners from breaking the off leash ordinance and raising the fine might just do that. Ald.

Parker felt that the fines could raise revenue if there was aggressive enforcement if only during certain times. Ald. Freedman disagreed.

Law Department

Marie Lawlor said she would work on a draft ordinance.

The Committee voted to hold the item by a vote of 7-0.

#349-07 ALD. LINSKY AND ALD. BURG requesting adoption by the Board of a resolution to be forwarded to Newton's congressional delegation on behalf of the citizens of Newton, who are signatories to a petition containing said resolution, in conjunction with similar resolutions and actions being taken by communities nationwide to:

- (a) strongly urge the President and the Defense Department to commence immediately an orderly and rapid withdrawal of all United States military personnel from Iraq;
- (b) strongly urge the President and the Department of State to act in accordance with international law by pursuing the security and stability of Iraq through diplomacy with the cooperation of other nations and the United Nations;
- (c) and strongly urge members of Congress to use their legislative powers to bring about an end to the war and the adoption of other means to;
- (d) assist Iraq and defend the safety of the United States [10-25-07 @ 10:53 AM]

ACTION: **APPROVED with healthcare amendment 5-1-1 (Ald. Freedman opposed; Ald. Brandel abstaining)**

NOTE: Ald. Linsky presented this item. At the last meeting the committee had made a recommendation to approve but Ald. Merrill had wanted to add some language regarding healthcare for veterans. The new language was attached to the agenda and was presented to the committee.

Ald. Brandel asked if the language in this resolution was any different from the congressional delegations official positions. Ald. Linsky said he didn't think so although the intent was not to specifically align this with their stated positions. The language of this resolution was based on resolutions being passed in communities across the state and

nation and Newton wanted to add their voice and inform the representatives of their opinion.

Ald. Baker expressed concern about the references to healthcare which indicated that some veteran's were in bad shape and wanted to be sure that what was stated was indeed factual. Ald. Hess-Mahan noted that Ald. Merrill specifically made those points and his involvement with Veteran's Affairs informed him. Ald. Hess-Mahan also said that he independently knew the language and information to be factual. A draft resolution is attached to this report.

as did Ald. Linsky.

#287-07 ALD. PARKER requesting a Testimonial Resolution to honor and recognize Olympic figure skater and Newton resident Tenley Albright and to request a discussion with the Parks and Recreation Department in regards to an appropriate marker or plaque to honor 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: **NO ACTION NECESSARY 6-0 (Ald. Parker not voting)**

NOTE: The Testimonial Resolution of this docket item has already occurred. The Committee decided to split that part out of the item and re-docket it as a parents(2) to deal with the marker/plaque issue. Therefore, this item was voted No Action Necessary by a vote of 6-0.

Respectfully Submitted,

Marcia Johnson, Chairman