

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 15, 2008

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

Others Present: Craig Manseau (Executive Secretary, Elections), Thomas Krause (Newton Resident), Nancy Perlow (Director, Newton Free Library), Ryan Hanson (Newton Free Library), Beth Wilkinson (President, Library Board of Trustees), Audrey Cooper, Barbara Lietzke (Library Trustees), Karyn Dean (Committee Clerk)

#291-08        ALD. BAKER & ALBRIGHT recommending the appointment of Gerald Tischler as a member of the Dogs Off-Leash Advisory Committee to replace Kate Wissel pursuant to 3-30(c) of Ordinance Z-11. [08-08-08 @ 9:10 AM]

**ACTION:**    **NO ACTION NECESSARY 4-0 (Ald. Freedman, Merrill, Parker, Sangiolo not voting)**

**NOTE:** Ald. Albright explained that Mr. Tischler was not interested in serving at this time. The committee voted in favor of No Action Necessary.

#337-08        ALD. JOHNSON, LINSKY AND ALBRIGHT requesting an assessment of the accuracy of the present voter rolls maintained by the Election Commission in light of reported instances relating to the failure to list voters who were presumably registered during the recently conducted primary election. [09-19-08 @ 9:29 AM]

**ACTION:**    **NO ACTION NECESSARY 6-0 (Ald. Parker and Sangiolo not voting)**

**NOTE:**

Explanation of “Active” and “Inactive” Classifications

Craig Manseau, Executive Director of Elections, explained that there was a misconception that the City Census form had something to do with voter activity and it does not. It only relates to affirming a persons residence in the City of Newton. It does play an integral part in maintaining an accurate voting list and that is why it is sent out. If a voter/resident does not return their census, they will become “Inactive” as a voter. This does not mean they are no longer registered. “Active” and “Inactive” voters are all registered voters. The fact that a voter has voted consistently has no bearing on whether they are considered Active or Inactive. Those terms relate only to the affirmation of residency via the Census.

### How Inactive Voters May Vote

When an “Inactive” voter comes into a polling site, they are required to fill out an affirmation form that confirms their residency right there at the polling location. After the form is filled out, they can vote, and they are again listed as Active. The Inactive votes are treated as any other vote. Mr. Manseau said that some poll workers may use inaccurate words like “dropped” or “eliminated” in reference to Inactive voters and that may have caused significant concern and confusion. He has worked and is working in training sessions with poll workers to be sure they use the right terminology. The City of Newton uses two voter lists – one for Active, and another for Inactive. He thinks that using one master list would eliminate some of the confusion and he would bring that up with the Election Commission.

### Percentage of Active and Inactive Voters

In the City of Newton, 78% of the voters were Active and 22% were Inactive as of September 16<sup>th</sup>, 2008. Confirmation notices have since gone out (on October 3<sup>rd</sup>) and the number of Inactive voters has gone down. In past years, the percentages were 84% Active and 16% Inactive. There was a delay in getting out the Census this year and a delay in the Confirmation notices going out and this likely contributed to the higher percentage of Inactive voters. Inactive voters are not sent notice of their status.

### Rules for Removal of Voter from Voting List

Mr. Manseau said that in the 16 months he has been with the City of Newton, no one has been deleted from the voting list unless they have died, or unless there has been an official notification. The laws state that if a resident does not respond to a City Census and also does not participate in the voting process for 2 federal elections, they are removed from the voting list. There is a very strict process for removing a voter and strict notification rules as well.

### Street Listing Book

Ald. Baker asked about the orange street listing book. Mr. Manseau said that voters and nonvoters were all listed in that book. If someone was not listed in the book, it would be because their Census was not returned. The book was a street listing of the responses they received from the Census forms in a particular year. This book was not a complete voter list at all. Mr. Manseau said that ordering a voter extract would provide a full list of Active and Inactive voters.

### Registering in Other Towns/Cities

Ald. Baker said that every voter has an ID number so that if they registered in another city or town, that number would go with them. Mr. Manseau confirmed that and said if that happened, the voter would be automatically removed from the Newton system as the Elections Dept. works on a state-wide computer system (VRIS) that notes these changes.

### Purge Voting List

Any person that has voted in a particular election gets “purged” from the voting list. Names are purged from the list because they have voted. It does not mean anyone is

removed from a voting list. A purge voting list is a list of everyone who has voted in a particular election.

#### Mailing of Census Forms

Mr. Manseau noted that the Census forms were sent out in March instead of January this year due to the Presidential primary. The Secretary of State moved the election from March to February and the vendors that take care of the Census also take care of the voting process. Most communities had their Census sent out later. Mr. Manseau said that he learned a lesson from this and was already working on getting bids out to vendors for the upcoming Census.

#### Processing of Census Forms

When the Census form is returned to the Elections office, it gets time-stamped. Then it goes downstairs to the Supervisor of Data Entry for the Census and the data is entered in the database. If there are no changes to a census form, it is simply scanned in. It is possible to check the system to see if a particular person has returned their census.

#### Provisional Ballots

Some people that registered at the Registry of Motor Vehicles have found that their names have not appeared on either Active or Inactive voting lists. Their only option to vote at that point is a provisional ballot. They fill out paperwork, they vote, and the ballot is put into a bright orange envelope. Those ballots are reviewed and 90% of the RMV reviews that came through Newton in the last election were found to be good ballots. The results of the election are then amended. The RMV was not getting the information to the VRIS in a timely fashion and that has been a statewide problem.

#### Posting Information

The Committee suggested perhaps posting some information regarding the Inactive list at the polling sites. It would inform people in advance of what that means and what must be done prior to voting that day. Mr. Manseau said he would check with the Secretary of State's office to see what kind of postings would be permissible.

#### Public Comment

Tom Kraause, 480 Walnut St. had an experience at a polling station in which he found he was on the Inactive list. He asked if a second mailing of the Census was done and Mr. Manseau said it was. Mr. Kraause asked if there was a mechanism that could validate the updated database of census information. For instance, matching up how many forms came into the office with how many were entered into the system. Mr. Manseau said he would think about that and look into it.

#### Follow-Up Items

The items that the committee would like Mr. Manseau to investigate are:

- Signage at the polls regarding information about Inactive voters;
- Controls in reconciling the number of Census forms that come into the office and the number that go into the database;

- Digitizing information;
- Combining the Active and the Inactive voter lists; and
- Putting a voter advisory insert in The Tab.

Mr. Manseau said his office has been extremely busy with new registrations and absentee ballots. He commended the entire staff for their hard work. He is predicting over 90% turnout for the election. Ald. Johnson suggested a follow up with the Committee when Mr. Manseau had some information to share.

The Committee voted No Action Necessary on this item.

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

#357-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-five thousand dollars (\$25,000) from Budget Reserve for additional design options for the City properties at Crystal Lake. [09-30-08 @ 4:16 PM]

**ACTION:** **PUBLIC FACILITIES HELD 7-0**  
**HELD 6-1 (Ald. Parker opposed; Ald. Sangiolo not voting)**

**NOTE:** Please see the October 15, 2008 Public Facilities report for the details of this discussion.

**REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES**

#329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09-02-08 @ 12:00 PM]

**ACTION:** **PUBLIC FACILITIES HELD 7-0**  
**HELD 8-0**

**NOTE:** Please see the October 15, 2008 Public Facilities report for the details of this discussion.

#329-05(2) ALD. PARKER & JOHNSON requesting further amendment to the noise ordinance to: improve enforceability and effectiveness of the ordinance; remove the source-based exemption for noise generated by birds, and; address the differential treatment of construction noise on weekends. [08-26-08 @ 3:15 PM]

**ACTION:** **HELD 8-0**

**NOTE:** There was no discussion of this item as the hour grew late. It is scheduled for the October 22, 2008 Programs & Services Committee meeting.

#293-08 ALD. BRANDEL, SANGIOLO, YATES & GENTILE requesting a discussion with the Library Director and Library Trustees regarding the

financial information they used in evaluating the branch libraries during the FY09 budget process and how that information factored into their decision to close the branches in the aftermath of the override referendum failure. [07-25-08 @ 2:54 PM]

**ACTION:** **NO ACTION NECESSARY 8-0**

**NOTE:** Ald. Johnson explained that this was a continuation of a discussion in this committee on September 3, 2008. This is an historical discussion of the numbers used in the decision to close the branch libraries as a result of the budget cuts to the department. She met with Nancy Perlow, Director of the Newton Library, prior to this meeting to discuss some of the questions and concerns the committee had around the numbers that were presented at the last discussion. Ald. Johnson noted that although there may be some disagreement with the numbers that are presented, she asked that the committee listen respectfully.

#### Library Presentation

Ms. Perlow made a Power Point presentation that is attached to this report. It provided information that was requested by the Committee during the September 3, 2008 meeting. (She noted that the 5% that is indicated in this presentation was replaced by 6.6% that was the actual budget cut mandated by the Mayor's office. She also noted that some of the dollar amounts have changed since her last presentation as she now has all the final numbers from the last fiscal year.)

Ms. Perlow explained that if the Newton Library became de-certified, that would prevent any Newton citizen from borrowing materials from any other library in the state.

#### RFID

Ryan Hanson explained that Radio Frequency Identification (RFID) refers to a technology which reads chips placed in the library books. It's a wireless barcode system. Right now the books have to be read individually with a barcode reader. The RFID system is a way of transmitting that data over the airwaves so that stacks of books can be read at one time and materials can be automatically sorted and read without a person having to touch it each time. Materials can be put on a belt and deposited into individual bins.

Ald. Parker said that Kathy Glick-Weil told him in the past that they could more than make up the cost of buying an RFID over the years with a reduction in circulation costs. He wanted to know how much savings the city might appreciate with the purchase of this system, or would there be a savings at all. Ms. Perlow said that the advice she has received in her research of RFID was to not promise reduction of staff. Beth Wilkinson

explained that in general, they could expect to save 2 people per year, however, the experience of others was that circulation and other tasks went up enough that they needed 2 people to perform those added functions. Ald. Parker said they needed to look at the functions of RFID independently as the other added functions might have occurred

nonetheless. He would like the numbers analyzed to determine if there could be any savings.

#### Librarian Hours

Ald. Parker also asked Ms. Perlow to break down the 51.5 hours that the Branch Librarians spent at the Main Library each week (noted on Staffing for Branches page of the presentation). She said it was very difficult to break that down aside from 12 hours selecting books and having branch meetings. The work was done sometimes by the branch librarians, sometimes the Main Branch librarians – the work was very interconnected and cooperative. She knew the tasks but said it was difficult to pick out the exact hours on each task. Ald. Johnson agreed that it would be very difficult to determine this break down. Ald. Parker asked if Ms. Perlow could provide circulation numbers for particular hour segments of the day. Ms. Perlow said she would check into that.

#### Challenge of Numbers

Ald. Gentile said that he received, and thought many of the aldermen received, communication from a citizen challenging the numbers used by the Library in determining the closing of the branches. He asked if the Library Director and the Trustees received that as well and if there was any validity to it. They said they did and that the numbers were completely wrong and they stood by their own data.

#### Interest in Reopening the Branches

Ald. Sangiolo asked if there was any interest in reopening the branches if a funding source became available. Beth Wilkinson explained that the Trustees had felt for a long time that the wave of the future for libraries was not branch operations. She had just returned from a Gates Foundation conference at which she had meetings with several other New England library representatives, and they all felt that as well. The interest is focused towards electronic access 24 hours a day, 7 days a week. Because Newton could afford the luxury of keeping the branches open, they did so. But when the time came that they had to make a cut, it was their decision to maintain the more important functions at the Main Library and close the branches. Going forward, if the money continued to be available, they would have kept them open. However, with the state budget cuts looming and the budget situation in Newton, they could not see that as part of their future plan. The Main Library has crucial equipment and other needs that require funding.

Ald. Sangiolo said she's trying to figure out the best use for the branch library facilities. She wondered if a benefactor came in and offered to fund the branch libraries for several years, would the Library be open to that. Ms. Wilkinson said if the money was guaranteed and the Director and Trustees all agreed, it would be hard to turn down such a gift, and they would be open to that.

Ald. Brandel wanted a circulation comparison between 2007 and 2008. Ms. Perlow stated that she would get that information for him. Ald. Sangiolo asked for an accounting of the Trust Funds and what they are used for which is attached to this report. He said

that he felt the Director and the Trustees made the decision about closing the branch libraries based on what would be best for the Library. However, he said the public he's heard from did not agree with that decision and has asked them to reopen the branches. Beth Wilkinson said she hasn't heard the same level of concern that Ald. Brandel has. Ald. Sangiolo said that she has been hearing that some people really want the branches reopened. Ald. Sangiolo asked that the letters the Board received from residents regarding the branches be sent to the Trustees, and the Committee Clerk has sent them.

#### Possible Sponsor

Ald. Gentile said he felt the library system that included branch libraries really worked for many residents. He said he understood that it was the Library professionals' job to keep an eye on the future, but he felt they needed to look at what worked here. He noted that there may be a local institution as a means of doing a payment in lieu of taxes that may agree to take on a branch library and fund it so it could be reopened and staffed. It is being discussed in Auburndale in a very preliminary way.

Beth Wilkinson asked about equity in terms of reopening just one or two branches. Ald. Gentile said it would be imprudent to turn down a gift worrying about equity. He said there were already problems with equity in schools, and that before this closure of branches, others had already been closed.

Ald. Baker and Johnson explained that discussion about future uses of the branch library buildings was more appropriate for another docketed item (#292-08) that addresses that subject. Ald. Johnson said it could be put on the next Programs & Services agenda. The Committee voted in favor of No Action Necessary for this item.

#338-08      ALD. HESS-MAHAN, FISCHMAN, SCHNIPPER, VANCE, BAKER, ALBRIGHT & DANBERG proposing a RESOLUTION opposing Ballot Question 1: A proposed law to eliminate the personal state income tax.  
[09-20-08 @ 2:41 PM]

**ACTION:**      **APPROVED AS AMENDED 8-0**

**NOTE:** Ald. Hess-Mahan said this was a Resolution for the Board to go on record as being opposed to the elimination of the personal income tax in the Commonwealth of Massachusetts. This is the statewide Ballot Question 1 which looks to repeal the income tax by 2010. A number of organizations including the Mass. Municipal Association and the Mass. Taxpayers Foundation have analyzed this in conjunction with Governor Patrick's finance office. Ald. Hess-Mahan explained that if the income tax is eliminated it removes \$12.5 billion in revenues out of a \$32 billion budget (42%). Most of the expenditures in the budget are to one extent or another, mandatory. MBTA funding, capital spending, education spending, and Medicaid are among the mandatory expenditures. Not only would the state lose programs and local aid, some amount of federal matching funds could be lost as well. The money would have to be made up by cuts in non-mandatory spending areas and that could include aid to public libraries, veteran's benefits, special education funding, and kindergarten expansion, among other

things. The exact amount of cuts for Newton is hard to estimate, but the expectation is it would be significant.

A number of other cities and towns have passed similar Resolutions including Worcester and Cambridge. Boston is voting on a Resolution soon. The Mass. Taxpayers Association study looked at other states without income taxes and they have higher property taxes, sales taxes and fees. Ald. Hess-Mahan noted that he checked with the Law Dept. and the Office of Campaign Finance to be sure that it was appropriate and legal to put forth a resolution of this type and it is. Their Interpretive Bulletin is attached to this report. Ald. Johnson was concerned about the appropriateness of a resolution from the Board and she would like to include a list of other communities who support the resolution incorporated into this resolution. Ald. Hess-Mahan noted that other communities (such as Cambridge, Worcester and Wayland) put in their resolution an encouragement to voters to vote against the question. He did not include that in this resolution.

Ald. Brandel asked what the purpose was of passing this resolution. Ald. Hess-Mahan said that it puts them on record as being in opposition. Ald. Hess-Mahan also said that the resolution does not say that the Board goes on record as opposing Question 1, it goes on record as opposing the elimination of the personal income tax. One reason for that is that it forces more of the reliance on property tax and local sales tax and most strongly hits low and moderate income taxpayers. New Hampshire, for example, has fewer services and extremely high property taxes – the third highest in the nation. Ald. Parker said that they had made their opinions known on other issues that did not pertain as directly to the City of Newton as this did. He said it would be wrong not to express their opinion on this and perhaps raise the profile of this issue to educate the voters about this question.

#### Back Up Plan

Ald. Brandel was concerned that the City of Newton did not have a backup plan if the question should pass and the state personal income tax was repealed. He said the community would be looking to them to answer that. Ald. Johnson said that regardless of the resolution, the community would still ask the question regarding what the City would do should the question pass. Ald. Freedman said the only options within the Board's power would be to go for an override or cut spending. Anything else would be controlled by the state. That was a more detailed discussion.

#### Amendment

The Committee voted approval of this item with some changes. The final Resolution is attached to this report.

Motion to adjourn.

Respectfully Submitted,

Marcia Johnson, Chairman



# Newton Free Library

Background to FY08 Budget Cuts  
Presentation to the Programs and  
Services Committee

October 15<sup>th</sup>, 2008

# Library Mission Statement

The mission of the Newton Free Library is to provide in an accessible and equitable manner the widest possible range of library services for the informational, educational, cultural and recreational enrichment of all members of the Newton Community.

Approved by the Newton Free Library Board of Trustees, March 2, 2004.

# Executive Summary

- In the fall 2007 the Mayor asked department heads to submit an allocation budget or 6.6% cut over FY08.
- Current Library Director Kathy Glick-Weil analyzed the budget and library statistics and recommended to the Trustees the the branches be closed, and the main library be closed one hour on Sundays.
- After long and thoughtful discussion, the trustees reached a unanimous decision to close the branches and close the one hour on Sundays.
- Both the Director and the trustees based their decision on preserving the finest library services for the most residents in Newton.
  
- The FY08 municipal budget was 79% for personnel and 21% for expenses.
- Most expenses were fixed and could not be cut: utilities, postage, printing, Minuteman Library Network dues.
- To be eligible for state aid, the library must spend a set minimum on books and materials.
- In prior budget cuts in recent years, the main library cut the following positions: full-time secretary, full-time cataloger, 20-hour library assistant.
  
- Statistics show the low circulation and number of visitors at the branches compared to the Main Library.
- Nonetheless, the Trustees reviewed the decision to cut the branches
  - Could not cut the materials budget because of state requirements
  - Librarians at the branches could not be replaced with volunteers because of union rules
  - Closing one morning would only save the salaries of part-time employees for several hours.

# Roles in the Decision Making Process

- The Mayor's request to prepare budgets with cuts
- Library Director's recommendation to the Trustees
- Library Director and Trustees discuss and analyze possible cuts
- Trustees vote on budget cuts
- The Revised Ordinances of the City of Newton and the By-Laws of the Board of Trustees state that the Trustees have charge of all the affairs of the Newton Free Library.

# From Minutes of Trustees' Meeting:

Newton Free Library  
Board of Library Trustees  
November 20, 2007

Present: Audrey Cooper, Chair, Sandy Butzel, Al Costa, Len Goldberg, Beth Wilkinson; Kathy Glick-Weil, Director; Nancy Perlow, Assistant Director; Devra Simon, Development Director

“Kathy announced that the Mayor has asked for 5% cut in budgets, which is about \$260,000 for the library. Kathy recommended closing the branches. There was a discussion on library priorities, possible budget cuts, and program and circulation statistics for the branches. Al made a motion that with 5% cut to the library budget, the four branches would be closed. Sandy seconded the motion and all voted in favor.”

# Considerations in the Decision to Close the Branches

- Library priorities
- Strategic Plan developed by Trustees, library staff, and Newton citizens
- Description of the Libraries of the future by Ann Wolpert of MIT during strategic planning session in Fall of 2005
- Possible budget cuts, i.e. closing main library one morning, materials budget, staffing
- Cuts to the library budget in the previous several years
- Statistics showing use of the main library including circulation and number of visitors
- Statistics showing use of the branches including circulation and number of visitors
- Costs to keep the branches open
- State aid requirements
- Equity in the branches for the four villages involved

# Branch Expenses Summary

Staff	Utilities	Book Budgets	Minuteman Terminals	Cleaning/Custodial
\$212,995	\$34,427	\$34,000	\$3,908	\$9,640
<b>Total: \$294,970</b>				

# FY08 Branch Utilities Summary

	Auburndale	Newton Corner	Nonantum	Waban	Totals
NSTAR	\$4,397	\$1,753	\$1,944	\$2,106	<b>\$10,200</b>
Keyspan (gas)		\$6,306		\$5,215	<b>\$11,521</b>
Burke (oil)	\$6,450		\$4,550		<b>\$11,000</b>
Water	\$543		\$254	\$909	<b>\$1,565</b>
<b>Totals</b>	<b>\$11,390</b>	<b>\$8,059</b>	<b>\$6,748</b>	<b>\$8,230</b>	<b>\$34,427</b>



# FY08 Branch Book Budgets

	Auburndale	Newton Corner	Nonantum	Waban	Totals
Adult	\$5,500	\$5,000	\$6,000	\$5,000	<b>\$21,500</b>
Children	\$4,000	\$2,500	\$3,500	\$2,500	<b>\$12,500</b>
<b>Totals</b>	<b>\$9,500</b>	<b>\$7,500</b>	<b>\$9,500</b>	<b>\$7,500</b>	<b>\$34,000</b>

# FY08 Minuteman Terminals

	Auburndale	Newton Corner	Nonantum	Waban	Totals
Millennium License	\$677	\$677	\$677	\$677	<b>\$2,708</b>
Public Computer	\$300	\$300	\$300	\$300	<b>\$1,200</b>
<b>Totals</b>	<b>\$977</b>	<b>\$977</b>	<b>\$977</b>	<b>\$977</b>	<b>\$3,908</b>

# FY08 Staff Costs

	Auburndale	Newton Corner	Nonantum	Waban	Totals
Librarian	\$44,735	\$27,545	\$51,647	\$56,455	<b>\$180,382</b>
Page	\$800	\$800	\$800	\$800	<b>\$3,200</b>
Fringe Benefits	\$7,000*	\$7,000*	\$8,413*	\$7,000*	<b>\$29,413</b>
Totals	<b>\$52,535</b>	<b>\$35,345</b>	<b>\$60,860</b>	<b>\$64,255</b>	<b>\$212,995</b>

\*Estimated

# FY08 Custodial Costs

6 Hours of overtime/week for all branches  
(1.5 hours overtime each branch)

Auburndale	Newton Corner	Nonantum	Waban	Total
\$2,410	\$2,410	\$2,410	\$2,410	\$9,640

# Auburndale FY08

MLN Terminals		Staff Costs		Cleaning		Utilities		Book Budget	
Millennium	\$677	Librarian	\$44,735	1.5 Hrs OT	\$2,410	NSTAR	\$4,397	Adult	\$5,500
Public	\$300	Page	\$800			Burke (Oil)	\$6,540	Children	\$4,000
		Fringe Benefits	\$7,000*			Water	\$543		
<b>Total</b>	<b>\$977</b>		<b>\$52,535</b>		<b>\$2,410</b>		<b>\$11,390</b>		<b>\$9,500</b>
<b>Total: \$76,812</b>									

\*Estimated

# Newton Corner FY08

MLN Terminals		Staff Costs		Cleaning		Utilities		Book Budget	
Millennium	\$677	Librarian	\$27,545	1.5 Hrs OT	\$2,410	NSTAR	\$1,753	Adult	\$5,000
Public	\$300	Page	\$800			Keyspan (Gas)	\$6,306	Children	\$2,500
		Fringe Benefits	\$7,000*						
<b>Total</b>	<b>\$977</b>		<b>\$35,345</b>		<b>\$2,410</b>		<b>\$8,059</b>		<b>\$7,500</b>
<b>Total: \$54,291</b>									

\*Estimated

# Nonantum FY08

MLN Terminals		Staff Costs		Cleaning		Utilities		Book Budget	
Millennium	\$677	Librarian	\$51,647	1.5 Hrs OT	\$2,410	NSTAR	\$1,944	Adult	\$6,000
Public	\$300	Page	\$800			Burke (Oil)	\$4,550	Children	\$3,500
		Fringe Benefits	\$8,413*			Water	\$254		
<b>Total</b>	<b>\$977</b>		<b>\$60,860</b>		<b>\$2,410</b>		<b>\$6,748</b>		<b>\$9,500</b>
<b>Total: \$80,495</b>									

\*Estimated

# Waban FY08

MLN Terminals		Staff Costs		Cleaning		Utilities		Book Budget	
Millennium	\$677	Librarian	\$56,455	1.5 Hrs OT	\$2,410	NSTAR	\$2,106	Adult	\$5,000
Public	\$300	Page	\$800			Keyspan (Gas)	\$5,215	Children	\$2,500
		Fringe Benefits	\$7,000*			Water	\$909		
<b>Total</b>	<b>\$977</b>		<b>\$64,255</b>		<b>\$2,410</b>		<b>\$8,230</b>		<b>\$7,500</b>
<b>Total: \$83,372</b>									

\*Estimated



# Branch Circ Compared to ML

	Auburndale	Newton Corner	Nonantum	Waban	Branch Total	Main Library
FY07 Circulation	23,575	8,469	13,315	9,673	<b>55,032</b>	<b>1,874,106</b>
<p>The Main Library is open 70 hours/week and circulates 515 items/hour.            The branches together are open 63 hours/week and circulate 17 items/hour</p>						
<p>The circulation at the Main Library on a Sunday is more than 3 times the circulation at all the branches for one week</p>						
Circulation	FY07	Circ/Hour Open	Circ/Week	Circ during one week – Jan. 2008		
Main Library	1,874,106	515	36,041	Sunday Only: 4,533		
All Branches	55,032	17	1,058	7 Days: 1,067		

# Circulation of New Books at Branches and Main Library

	Auburndale	Newton Corner	Nonantum	Waban	Total	Main Library
FY08 Total Circulation	25,774	8,566	12,716	10,558	<b>57,614</b>	558,211
Circulation Of New Books As % Of Total Adult Circulation FY08	44.6%	29.7%	50.0%	67%		21.8%

# 2008 Circulation Activity to Newton Residents

Main Library and Branches	Main Library	Branches
79.30%	78.80%	90.20%

# 2008 Interlibrary Loan Activity

FY08 Interlibrary Loans Received From Other Libraries:

114,400

FY08 Interlibrary Loans Provided To Other Libraries:

135,418

# Number of Visitors

Number of Visitors	Auburndale	Newton Corner	Nonantum	Waban	Total All Branches	Main Library
FY07	11,882	6,734	10,166	9,672	38,454	602,000
One Week March 2008	330	167	130	182	809	15,326
Visitors/Hr Open	18	11	9	12	13	219
<b>The Number of visitors to the main library is more than the number of visitors to all the branches in two weeks</b>						

# Staffing for Branches

Hours/week spent at the branches	Auburndale	Newton Corner	Nonantum	Waban	Main Library	All Branches
Branch Librarian	20	18	21	22	51.5	
Page	2	2	2	2		
Circulation Staff	4				10	17.3*
Technical Services					6	
Custodial						15
	Vacation	Floating holidays	Personal	Sick	Total	
*Days Taken/year For all 4 branches	80	8	8	24	120	
120 days/52 weeks = 2.3 days/week x 7.5 hours/day = 17.3 hours/week						

# State Aid

Municipalities and their libraries are certified to receive State Aid to Public Libraries after compliance with statutory and regulatory minimum standards of free public library service is verified on the annual ARIS (Annual Report Information Survey) and State Aid forms sent to the Massachusetts Board of Library Commissioners.

State Aid to Public Libraries is awarded annually. The purpose of State Aid to Public Libraries is

- To encourage municipalities to support and improve public library service
- To compensate for disparities among municipal funding capacities
- To offset the cost of circulating public library materials to Massachusetts nonresidents from certified municipalities

## **State Aid to Public Libraries Components:**

- Library Incentive Grant – based on population
- Municipal Equalization Grant – uses a calculation based on the state lottery formula
- Nonresident Circulation Offset – distributed to municipalities whose libraries report circulation to patrons from other certified Massachusetts municipalities. Reimbursement is based on the number of nonresident transactions the library reports. In FY08 the reimbursement per transaction was \$.12.

# State Aid Certification

**Certification Requirements:** To receive State Aid to Public Libraries a municipality and its library must be annually certified by the Board of Library Commissioners as meeting a municipal appropriation requirement for the current fiscal year and as having met certain minimum standards of public library service in the previous fiscal year, as detailed in M.G.L., Ch. 78, s. 19A and 19B, amended by current budget language.

Massachusetts General Law states that for a municipality to be eligible for State Aid to Public Libraries monies, it must appropriate for public library service at least the average of the municipal public library appropriations (excluding capital) for the prior three fiscal years, increased by 2 1/2 %. This is the Municipal Appropriation Requirement (MAR).

Massachusetts General Laws require that libraries “be open a minimum number of hours per week.” The Minimum Hours Open requirement is scaled to the population size of the municipality. Cities and towns with a population of 25,000 and over must be open 63 hours/week, six days/week, and be open some morning, afternoon and evening hours.

Massachusetts General Law requires that libraries must “expend a reasonable portion of the library’s total budget on library materials.” The Board of Library Commissioners uses the total operating expenditure figure (excluding personnel benefits) when calculating the library’s compliance with the materials expenditure standard. Cities and towns with a population of 50,000 and over must spend 12%.

From the Massachusetts Board of Library Commissioners website <http://mbic.state.ma.us>



## State Aid Certification

In FY08 Newton Free Library received \$133,331 including

- Library Incentive Grant (LIG) \$59,416
- Municipal Equalization Grant (MEG) \$22,944
- Nonresident Circulation (NRC) \$50,970

## Financial Reports to City General Ledger

	FY 2007	FY 2006	FY 2005
Library Trust Revenue	\$37,260	\$266,118	\$525,273
State Aid Revenue			
State Library Aid	\$147,444	\$143,002	\$132,890
Regional Library Aid	\$39,170	\$38,029	\$61,025
<b>Total State Aid Revenue</b>	<b>\$186,614</b>	<b>\$181,031</b>	<b>\$193,915</b>
Municipal Appropriations			
Annual Operating Budget	\$5,076,501	\$4,885,684	\$4,697,916
Special Appropriations	\$14,000	\$43,529	
<b>Total Municipal Appropriations</b>	<b>\$5,090,501</b>	<b>\$4,929,213</b>	<b>\$4,697,916</b>
Federal Grant Revenue	<b>\$11,274</b>		<b>\$28,000</b>
Expenditures			
Annual Operating Budget	\$5,052,960	\$4,896,247	\$4,722,847
Special Appropriations	\$5,500	\$38,029	
Revolving Funds	\$36,325	\$39,235	\$37,662
Federal Grant Funds	\$5,184	\$11,756	\$16,244
State Grant Funds	\$147,444	\$143,002	\$132,890
Library Trust Funds	\$336,698	\$354,723	\$328,371
<b>Total Expenditures</b>	<b>\$5,584,111</b>	<b>\$5,455,992</b>	<b>\$5,238,014</b>

# Conclusion

We invite you to visit the library to show you the variety of services that the library provides and all the staff and work required to support these services.

We'd also like to present a brief presentation on RFID.



NEWTON

FREE

LIBRARY

THEODORE D. MANN BUILDING

LIVE  
PARKING  
ONLY

LIBRARY  
10 AM - 5 PM  
MONDAY - FRIDAY

NEWTON  
FREE LIBRARY

Trustees Funds - Budget Report			
07/01/07 Through 06/30/08			
	FY08	FY08	Difference
	Budget	Actual	
Expenditures			
Books & Audio visual: Trustees	170,000.00	121,197.97	48,802.03
Books:Friends (Books sold & Gift)	40,000.00	61,989.99	(21,989.99)
Books & Audio visual: Copier	2,200.00	1,990.12	209.88
Electronic products: Trustees	15,000.00		15,000.00
Event expenses	22,000.00	26,301.30	(4,301.30)
Programs	7,500.00	8,339.99	(839.99)
Building & Grounds	1,590.00	602.96	987.04
Museum passes & Membership	5,645.00	4,576.00	1,069.00
Piano Maintenance	1,000.00	1,080.00	(80.00)
Staff Development & Conference	2,110.00	2,110.00	-
Technology	30,000.00	32,544.37	(2,544.37)
Hospitality	5,000.00	3,842.94	1,157.06
Consultants fees	30,000.00	33,967.50	(3,967.50)
Postage & Printing	13,000.00	13,584.99	(584.99)
Admin & Credit card fees	3,000.00	7,781.24	(4,781.24)
Grant	1,327.00	1,481.97	(154.97)
Total	349,372.00	321,391.34	27,980.66



Commonwealth  
of Massachusetts

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**INTERPRETIVE BULLETIN**

**Activities of Public Officials  
in Support of or Opposition to Ballot Questions**

This office frequently is asked about the extent to which public officials may act or speak in support of or in opposition to a question submitted to the voters.

In general, officials may undertake various official actions that concern ballot questions relating to matters that are within their areas of authority, such as voicing their opinions, holding or attending meetings and making information available to the public. Officials should not, however, use public resources to engage in a campaign to influence voters concerning a ballot question, for example by authorizing a publicly funded mass mailing to voters or using city or town resources to support or oppose a ballot question.

In Anderson v. City of Boston, 376 Mass. 178 (1978), appeal dismissed, 439 U.S. 1069 (1979), the Supreme Judicial Court ruled that public resources may not be used to influence voters concerning a ballot question.

In accordance with the Anderson decision, OCPF has consistently advised that governmental entities may not contribute or expend anything of value in support of or opposition to a ballot question, whether it is on the statewide ballot or placed before voters in a single city or town.<sup>1</sup> See OCPF Interpretive Bulletin IB-91-01 and advisory opinions cited therein for more specific guidance on activities that fall under this prohibition. In addition, public resources may not be used to distribute even admittedly objective information regarding a ballot question unless expressly authorized by state law. See IB-91-01.

Anderson, however, does permit public officials to act and speak regarding ballot questions, subject to certain limitations. As the Anderson court noted with apparent approval:

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<sup>1</sup> Anderson generally does not address or restrict activities of officials concerning town meeting. There may be some limitations, however, in the case of a ballot question that is also the subject of a town meeting, such as a Proposition 2½ override. See IB-91-01.



At oral argument, the plaintiffs conceded that the mayor and persons in relevant policy-making positions in . . . government are free to act and speak out in support [of a ballot question]. *Id.* at 199 (emphasis added).

In short, the decision reflected a recognition that if officials were prohibited from stating their positions regarding a ballot question related to their official responsibility, such a prohibition would unnecessarily (and probably unconstitutionally) restrain such officials from carrying out the duties of their offices.

Nevertheless, OCPF always advises caution on the part of officials to avoid the appearance of improperly using public resources to support or oppose a ballot question. In Anderson, the court indicated that the campaign finance law reflects an interest “in assuring the fairness of elections and the appearance of fairness in the electoral process.” 376 Mass. at 193. In general, officials should be aware that some of their actions or comments may be viewed unfavorably by those who oppose their positions, even if those actions are not specifically prohibited by the campaign finance law. On the other hand, members of the public who may question an official’s conduct or comments concerning a ballot question should be aware that, as noted by the court in Anderson above, an official has the right to voice his or her opinion on a public policy issue, including a ballot question. Objections to the speech or actions of officials concerning a ballot question are sometimes based not on the law, but on other considerations that are beyond the scope of OCPF’s jurisdiction.

This bulletin provides more specific guidance regarding the scope of such permissible activities concerning a ballot question, but it cannot be seen as encompassing all situations that might arise. OCPF is aware that ballot questions, especially those concerning Proposition 2 ½ overrides and debt exclusions, are often contentious issues. Given the limited treatment of this issue in Anderson, and the absence of relevant statutory provisions, questions and issues not addressed or reflected in this bulletin will continue to be raised regarding the extent to which officials may speak or act regarding ballot questions in a manner consistent with Anderson. Those who have questions not addressed here may contact OCPF for advice.

## **I. Permissible Official Activity by Public Officials**

In general, a public official may comment regarding a ballot question. In addition, a public official may take certain actions regarding a ballot question, if the actions are consistent with his official responsibilities.<sup>2</sup> An official may therefore address an issue or advocate a position regarding a ballot question that may affect the official’s agency or which relates to a matter within the scope of his agency’s enabling legislation. See AO-02-03.

On the other hand, if an official could utilize governmental resources to promote or oppose a ballot question, the fundamental prohibition set forth in Anderson would be meaningless. While voters

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<sup>2</sup> It is worth noting, however, that *elected* officials have considerably more leeway than *appointed* officials. An *elected* official may speak about a ballot question at any time, even if the ballot question is not within the official's area of responsibility. In contrast, an *appointed* official may speak regarding a ballot question during work hours only if the question relates to a matter within the scope of the official’s area of responsibilities. In addition, an appointed official may not appear at a political committee’s campaign function to promote or oppose a ballot question during working hours. The appointed official may attend the event during non-working hours. An elected official, however, may attend such an event at any time.

have the right to know an official's position, they also have the right to expect that their tax dollars will not be used for political purposes, whether to support the election of a candidate or to gain approval of a question put before voters.

Therefore, officials may not use public resources in an attempt to promote or oppose a ballot question, e.g., by placing an advertisement in a newspaper urging a “yes” or “no” vote on the question, or by conducting a mass mailing of flyers urging a yes or no vote on a question or by distributing such a flyer through students at a public school. In addition, the Secretary of the Commonwealth has ruled that a city or town may not distribute printed information to voters regarding the question, unless it has been authorized to do so by the Legislature. (As of this writing, only eight communities have received such authorization through home rule petitions: Burlington, Cambridge, Dedham, Lancaster, Newton, Sudbury, Shrewsbury, and Yarmouth.)

In general, officials are prohibited from using any publicly funded publications, including newsletters, to influence voters concerning a ballot question. Such materials may be prepared, but they may not be sent unsolicited to voters.

Even with these restrictions, however, public officials may act or speak regarding ballot questions in a number of ways without violating the campaign finance law. Notwithstanding the Anderson restrictions, a public official may:

**A. Discuss a ballot question, including at meetings of a governmental entity or at informational meetings of private groups.**

Officials may discuss a ballot question at any time, including at an official meeting of a governmental body, such as a board of selectmen or school committee, or at informational meetings sponsored by a private group. Although sometimes a person may complain that the statements made by officials at such meetings are inaccurate or inappropriate, the accuracy or appropriateness of officials’ statements is not an issue under the campaign finance law.

**B. Take a position on a ballot question.**

Officials may endorse, or vote as a body to endorse, a ballot question, and may issue statements supporting or opposing a ballot question. However, the distribution of such statements should be restricted to such usual methods as posting on a bulletin board or a press release, not in a manner restricted by Anderson as noted below. The fact that a ballot question is discussed or a vote is taken does not make an official meeting a “political event” and therefore does not trigger an equal access requirement for the use of the meeting room or inclusion on the agenda of the meeting. See AO-95-33 (selectmen may discuss ballot question at meetings, respond to inaccurate or misleading statements and post a statement on town hall bulletin board) and AO-00-19 (selectmen may endorse candidate or ballot question).

**C. Analyze the impact of a ballot question.**

An official may conduct an analysis of a ballot question's impact on agency operations or assign staff to conduct such an analysis, provided the question would affect the official’s area of responsibility or agency. For example, a police chief may prepare an analysis of the effect of a Proposition 2 ½ override that would fund his department; if the question concerned the school budget only, however, such a use of police department resources would run counter to Anderson. The results of such analysis would be considered a public document and could be made available to the public upon request, but should not be prepared or distributed in a manner inconsistent with the next section. The



official may not conduct a study primarily to aid the proponents or opponents of a ballot question.

**D. Provide copies of the agency’s analysis of and/or position on a ballot question, or other public documents, to persons requesting copies or to persons attending public meetings of a governmental entity.** An official may distribute information containing the official's position on a ballot question or the agency's analysis to persons requesting such information, and may make a reasonable number of copies available to persons attending an official meeting (such as a public forum) of a governmental entity. However, even if the study is a public record, it may not be mailed or distributed, beyond those who attend such a meeting or request such information, to voters or a class of voters at public expense without express statutory authorization. See IB-91-01. A copy may be made available to an individual or group and may be reproduced with private funds and distributed by individuals or political committees, if such distribution is disclosed in accordance with the campaign finance law. Officials should not provide an excessive number of copies to a private group, political committee, or individual, for mailing or any other type of distribution.

**E. Hold an informational forum, participate in a forum held by a private group, and distribute a notice of the forum.** An official or agency may hold an informational forum concerning a ballot question, or participate in a forum sponsored by a private group. As noted above, the campaign finance law generally does not cover the content of public meetings. If the governmental agency distributes a notice of a forum, however, such a notice may not discuss the substance of the ballot question or contain an argument for or against the question. For example, it may announce the date, time and location of the forum, but it may not contain a discussion of the reasons for supporting or opposing the ballot question.

**F. Speak to the press.** An official may speak to the press regarding a ballot question that concerns a matter within the official’s area of responsibilities. An official may also respond to or direct staff to respond to questions from the press or the public about the official's position on such a ballot question. See AO-92-32. Officials should contact OCPF before a press release is prepared or distributed using public resources.

**G. Post information on a government bulletin board or Web site.** Information or endorsements by governmental entities or other information regarding a ballot question that are public records may be posted on a town’s Web site or bulletin board. See AO-00-12. Further use of the governmental web site or the Internet for a more political purpose, such as unsolicited e-mails to voters asking for their support, should be avoided.

**H. Allow private groups to use a public building for a meeting concerning a ballot question.** In Anderson the court stated that the political use of certain government resources, such as facilities paid for by public funds “would be improper, unless each side were given equal representation and access.” Accordingly, ballot question committees, or other groups that support or oppose a ballot question, may use areas within public buildings that are accessible to the public (i.e., not private offices) for meetings if each side is given equal access. See AO-90-02. “Equal access” does not mean that the other side must be invited to attend a meeting. It means that both sides may, upon request, use the same space for separate meetings on the same terms and conditions. It is important to remember, however, that fundraising relating to the ballot question may not take place at such a meeting. See M.G.L. c. 55, § 14

(prohibiting any demand, solicitation or receipt of money or other things of value for any political campaign purpose in any building or part thereof “occupied for state, county or municipal purposes”).

**I. Appear on cable television:** The fact that an official may, as described above, discuss or take a position on a ballot question is not altered if such an action is broadcast on local access cable television. In addition to speaking at public meetings that may be broadcast, an official may appear on a local cable or broadcast television or radio show, during work hours if applicable, to discuss a ballot question that relates to a matter within the scope of the official’s area of responsibilities. During the course of the official’s appearance on the show, the official may state that he or she supports or opposes the ballot question. See AO-02-03. Questions concerning content of cable television programming and the use of cable television by municipalities should be directed to Cable Television Division of the state Department of Telecommunications and Energy at (617) 305-3580 or (888) MA CBL TV (888-622-2588).

## **II. Private activity by officials**

The examples listed above concern an official’s actions while using some type of public resource, i.e., staff time or material, to promote or oppose or otherwise influence a ballot question. The Anderson opinion applies to the use of such public resources, but does not extend to the use of privately-funded resources. A person’s status as a public official does not preclude him or her from engaging in political activity when not at work, including activity supporting or opposing a ballot question. The campaign finance law does not prohibit officials from acting or speaking in favor of or in opposition to a ballot question on an individual basis on their own time. It is important to keep in mind, however, that appointed, paid public employees may not, be involved *at any time* in fundraising to support or oppose a ballot question. See M.G.L. c. 55, § 13, which state that public employees may not “directly or indirectly solicit or receive” any contributions of anything of value for any political purpose. For more information regarding restrictions on fundraising, see OCPF’s *Campaign Finance Guide: Public Employees, Public Resources and Political Activity*.

Specifically, public officials may, on their own time:

**A. Serve on a ballot question committee or perform services for such a committee.** An official may, on his or her own behalf, perform services or serve as a member of a political committee, or hold any committee position, aside from treasurer or any other position that involves fundraising (if the official is appointed as opposed to elected, as noted above). In addition, as discussed below, some activities of public officials acting or speaking in favor of or opposition to ballot questions may raise issues relating to the conflict of interest law, M.G.L. c. 268A, which is enforced by the State Ethics Commission.

**B. Contribute to a ballot question committee or make expenditures to support or oppose a ballot question.** An official may use his or her own personal funds to contribute to a ballot question committee or otherwise to support or oppose a ballot question. There is no monetary limit to such contributions or expenditures.

### **III. Conflict of Interest Issues**

Some activities of public officials acting or speaking in favor of or opposition to ballot questions may raise issues relating to the conflict of interest law, M.G.L. c. 268A, which is enforced by the State Ethics Commission. The Ethics Commission has stated that a municipal official may be a member of a ballot question committee and may speak in favor of or in opposition to a ballot question. The Commission has advised, however, that such an official may not speak “on behalf of and/or as the representative of” a ballot question committee before a municipal board or in a forum sponsored by a municipality. In addition, an official should publicly disclose any relationship “that gives the reasonable basis for the impression that any person or entity can improperly influence” the official in the performance of his duties. See Commission Advisory No. 4 and Conflict of Interest Opinion EC-COI-92-5. If you have questions regarding c. 268A, contact the State Ethics Commission at (617) 727-0060.

**This bulletin provides general guidance. To ensure compliance with the campaign finance law, OCPF strongly encourages officials to contact this office if they are in doubt regarding the scope of permissible involvement in ballot question campaigns.**

If you have any questions or need further information regarding this interpretive bulletin or any other campaign finance matter, please call OCPF at (800) 462-OCPF or (617) 727-8352. The office’s web site, [www.mass.gov/ocpf](http://www.mass.gov/ocpf), provides additional guidance on this and other campaign finance topics.

Michael J. Sullivan  
Director

**RESOLUTION**

- WHEREAS** Statewide Ballot Question 1 is a proposed law to eliminate the state personal income tax; and
- WHEREAS** Passage of this binding referendum would reduce the state budget by approximately \$12.5 billion – nearly 40 percent – resulting in drastic cuts to state programs and services, capital spending, and state aid to cities and towns; and
- WHEREAS** Newton would suffer severe reductions in state aid for public education, public libraries, police grants, veterans’ benefits, property tax exemptions, payment-in-lieu of property taxes for state owned land, and other additional municipal assistance, leading to major reductions in programs and services in Newton, and
- WHEREAS** Although it is impossible to predict with certainty how the Legislature and the Governor would offset the loss of revenue, elimination of the state personal income tax would be likely to lead to dramatically increased reliance on local property taxes and could result in higher sales and property taxes, that would fall more heavily on low and moderate income taxpayers, and
- WHEREAS** Mayor David B. Cohen of the City of Newton has issued a statement opposing Ballot Question 1, and the Cambridge City Council and School Committee, the Dennis Board of Selectmen, the Franklin County Selectmen’s Association, the Gill Board of Selectmen, the Harvard School Committee, the Lexington Board of Selectmen, the Lunenburg School Committee, the Norwood Board of Selectmen, the Springfield City Council, the Worcester City Council, and the Wayland Board of Selectmen, have all adopted resolutions opposing the elimination of the state personal income tax, now therefore be it
- RESOLVED** That the Board of Aldermen of the City of Newton join other local elected officials in going on the record as being opposed to the elimination of the personal income tax in the Commonwealth of Massachusetts.