



## **Programs & Services Committee Agenda**

### **City of Newton** **In City Council**

**Wednesday, March 9, 2016**

**7:45 PM**  
**Room 211**

#### **Items Scheduled for Discussion:**

##### **Referred to Programs & Services and Finance Committees**

- #88-16**      **Request to transfer \$223,865 from Snow and Ice Budget Reserve for tree services**  
HIS HONOR THE MAYOR requesting authorization to transfer two hundred twenty-three thousand eight hundred sixty five dollars (\$223,865) from the Budget Reserve – Snow and Ice Removal Account to the following accounts:  
Parks and Recreation Personnel Costs – Overtime  
(0160201-513001).....\$28,280  
Forestry/Tree Services  
(0160201-5243).....\$195,585  
[02/29/16 @ 4:03 PM]
- #77-16**      **Mayor's re-appointment of Julia Malakie to Urban Tree Commission**  
JULIA MALAKIE, 50 Murray Road, Newton, re-appointed as a member of the URBAN TREE COMMISSION for a term to expire February 5, 2019 (60 days 5/6/16) [02/10/16 @ 10:00 AM]
- #78-16**      **Mayor's re-appointment of Pete Johnson to Parks & Recreation Commission**  
PETE JOHNSON, 121 Fairway Drive, Newton, re-appointed as member of the PARKS & RECREATION COMMISSION for a term to expire February 25, 2019 (60 days 5/6/16) [02/10/16 @ 10:00 AM]
- #79-16**      **Mayor's re-appointment of Donald Fishman to Parks & Recreation Commission**  
DONALD FISHMAN, 68 Littlefield Road, Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire February 25, 2019 (60 days 5/6/16) [02/10/16 @ 10:00 AM]

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The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov), or 617-796-1253. For Telecommunications Relay Service dial 711.*

- #31-15      Proposing an ordinance to limit leaf blower use**  
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]
- #31-15(2)      Amend Noise Ordinance restrictions for yard maintenance equipment**  
THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]

**Items Not Scheduled for Discussion at this meeting:**

- #76-16      Mayor's appointment of Jessica Barton to Urban Tree Commission**  
JESSICA BARTON, 9 Proctor Street, Newton, appointed as a member of the URBAN TREE COMMISSION for a term to expire February 5, 2018 (60 days 5/6/16) [02/10/16 @ 10:00 AM]

**Referred to Programs & Services, Public Facilities and Finance Committees**

- #90-16      Statement of Interest for Lincoln Eliot Elementary School**  
SUPERINTENDENT FLEISHMAN is requesting a vote of the City Council to complement the vote of the School Committee to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority (MSBA) they FY 16 Statement of Interest no later than April 8, 2016 for the consideration of Lincoln-Eliot Elementary School as a major school Building project after Cabot Elementary School. [02/29/16 @ 4:45 PM]
- #56-16      Ordinance amendment to add statutory references to policy on housing practices**  
COUNCILOR HESS-MAHAN requesting an amendment to Chapter 12, Section 50(b) *Policy of the city regarding housing practices*, to add statutory references to Title VI of the Civil Rights Act of 1964; the Americans with Disabilities Act; Section 504 of the Rehabilitation Act of 1973; the Age Discrimination Act; and any other applicable state or federal laws that were inadvertently omitted from the current ordinance. [02/08/16 @ 1:51 PM]
- #37-16      Resolution to state officials requesting a carbon fee**  
COUNCILOR NORTON requesting a Resolution to state officials calling for a fee on carbon to curb climate change. [01/22/16 @ 10:34 AM]

- #36-16      Resolution to state officials supporting fossil fuel divestment**  
COUNCILOR NORTON requesting a Resolution to state officials supporting fossil fuel divestment. [01/22/16 @ 10:34 AM]

**Referred to Programs & Services and Public Facilities Committees**

- #27-16      Updates from the Administration on the renovations at the Aquinas site**  
PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or Executive Department provide updates on removal of asbestos and other toxic materials that were identified at the Aquinas site, the scope and timing of window replacement in particular, and renovations that may be necessary to facilitate short and long-term plans for uses and operations at the site. [01/10/16 @ 1:14 PM]
- #10-16      Polling location change from Memorial Spaulding School to Temple Beth Avodah**  
NEWTON ELECTION COMMISSION requesting the Newton City Council approve a change of polling location for Ward 8, Precinct 2 from the Memorial Spaulding School to Temple Beth Avodah at 45 Puddingstone Lane, Newton beginning with the September 2016 State Primary Election. [12/17/15 @ 5:21 PM]

**Referred to Programs & Services, Public Facilities and Finance Committees**

- #357-15      Request for CPA funding for the Newton Highlands Playground**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund's open space and general reserves or fund balance to the Parks & Recreation Department, for the rehabilitation of the Newton Highlands Playground at Winchester and Dedham Streets, as described in the proposal submitted to the Community Preservation Committee in November 2015. [12/15/15 @ 12:32 PM]

**Referred to Programs & Services and Public Safety & Transportation Committees**

- #312-15      Update from Health Department on opiate overdose epidemic**  
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide.

**Referred to Finance and Other Appropriate**

- #288-15      Submittal by the Mayor of the FY17 Capital Improvement Plan**  
HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/01/15 @ 1:53 PM]

**Referred to Programs & Services and Public Facilities Committees**

- #201-15**      **Discussion of the condition of the Kennard Estate on Dudley Road**  
ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]

**Referred to Programs & Services and Public Facilities Committees**

- #141-15**      **Discussion on tracking the gas utility infrastructure in Newton**  
ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues.  
05/26/15 @ 2:53 PM]

**Referred to Public Facil, Programs & Services and Public Safety & Trans Committees**

- #46-15**      **Discussion of parking options and permits at municipal & school parking lots**  
ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @1:35 PM]
- #483-14**      **Resolution to promote cooperative programs with food establishments**  
PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56 PM]
- #377-14**      **Discussion of proposed changes of use of the Senior Center**  
THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#216-14

**ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO**

proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:

- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
  - require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
  - require a fee for certification; and
  - impose a fine for violation of these provisions. [05/14/14 @11:51 AM]
- FINANCE VOTED NO ACTION NECESSARY 7-0 12/14/15

**REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES**

#119-14

**ALD. ALBRIGHT AND CROSSLEY** requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

#398-13

**ALD. BAKER & DANBERG** requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

#34-13

**ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY** requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#257-12

**RECODIFICATION COMMITTEE** recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

#229-12      RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.

#312-10      **REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES**  
ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools.  
[10/27/10 @11:07 AM]

**Respectfully Submitted,**

**John B. Rice, Chair**



SETTI D. WARREN  
MAYOR

## NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Road, Newton, MA 02459

Office: (617) 796-1500

TDD/TTY: (617) 796-1089

[parks@newtonma.gov](mailto:parks@newtonma.gov)



ROBERT J. DERUBEIS  
COMMISSIONER

March 1, 2016

Honorable Mayor Setti D. Warren  
Newton City Hall  
1000 Commonwealth Ave  
Newton, MA 02459

Dear Mayor Warren:

I am writing to respectfully request that you docket with the Honorable City Council for consideration a request for \$228,665 to fund to expenses incurred and anticipated due to the significant amount of tree damage caused by the February 5, 2016 snow event. Due to the severe magnitude of the event we were required to utilize Northern Tree Service and our in-house staff for an extended amount of hours.

We are requesting an appropriation of \$28,280 to account 01602011 513001 for staff overtime expenses; \$195,585 to account 01602011 5243 for contractual expenses.

Thank you for your consideration in this matter.

Sincerely,

Robert J. DeRubeis  
Parks & Recreation Commissioner

CC: Maureen Lemieux, Chief of Staff/CFO  
Dori Zaleznik, Chief Admin Officer

David A. Olson, CMO  
Newton, MA 02459

2016 MAR -3 PM 12:07

RECEIVED  
Newton City Hall

## February 5, 2016 Snow Storm Tree Costs

### CONTRACTUAL COSTS

	Friday 2/5/2016	Saturday 2/6/2016	Sunday 2/7/2016	Monday 2/8/2016	Tuesday 2/9/2016	Wednesday 2/10/2016	Thursday 2/11/2016	Friday 2/12/2016
Bucket Truck 1	\$ 4,225	\$ 5,850		\$ 3,540	\$ 2,655	\$ 2,655	\$ 2,655	\$ 2,655
Bucket Truck 2	\$ 4,225	\$ 5,850		\$ 3,540	\$ 2,655	\$ 2,655	\$ 2,655	\$ 2,655
Bucket Truck 3	\$ 4,225	\$ 5,850						
Log Truck 1	\$ 3,920	\$ 5,320		\$ 3,200	\$ 2,560	\$ 2,560	\$ 2,560	\$ 2,560
Log Truck 2	\$ 3,920	\$ 5,320						
Log Truck 3	\$ 5,200	\$ 7,600						
Log Truck 4		\$ 5,320						
Totals	\$ 25,715	\$ 41,110		\$ 10,280	\$ 7,870	\$ 7,870	\$ 7,870	\$ 7,870
<b>Total Initial Response Costs (Contracted) \$ 108,585</b>								

### IN-HOUSE OVERTIME COSTS

	Friday 2/5/2016	Saturday 2/6/2016	Sunday 2/7/2016	Monday 2/8/2016	Tuesday 2/9/2016	Wednesday 2/10/2016	Thursday 2/11/2016	Friday 2/12/2016
6 Employees	\$ 2,580	\$ 4,900	\$ 1,100	\$ 1,800	\$ 800	\$ 800	\$ 800	\$ 800
<b>Total Initial Response Costs (in-house) \$ 13,580</b>								

### DEBRIS DISPOSAL

Contracted Disposal of work 1,300 Cubic Yards	\$35,500
Inhouse Disposal, overtime work	\$3,200
<b>Total debris disposal</b>	<b>\$38,700</b>

### POST STORM DANGEROUS TREE MITIGATION

-----There are now trees throughout City that require immediate attention to mitigate risk caused by the storm. This includes tree removal and removal of large damaged portions of the tree. The quantity of work exceeds the capability of the inhouse crew to address in a reasonable time frame. A combination of in-house crews and contracted services will address these locations.

Contracted Services	\$ 51,500
Inhouse overtime work	\$ 11,500

**Total post storm mitigation \$63,000**

### STORM COST TOTALS

CONTRACTED SERVICES	\$ 195,585
STAFF OVERTIME COSTS	\$ 28,280
<b>TOTAL</b>	<b>\$ 223,865</b>





SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#77-16

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E-mail  
swarren@newtonma.gov

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Julia Malakie of 50 Murray Road, West Newton as a member of the Urban Tree Commission. Her term of office shall expire on February 5, 2019 and her appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

RECEIVED  
Newton City Clerk  
2016 FEB 10 AM 10:00  
David A. Olson, Clerk  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.newtonma.gov](http://www.newtonma.gov)



DEDICATED TO COMMUNITY EXCELLENCE

# Julia Malakie

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## Community Activities

- Member of City of Newton Urban Tree Commission since 2003
- Founding director & current president, Newton Tree Conservancy
- Helped organize annual Community Tree Plantings since 2009
- Newton Citizen Pruner since beginning of program in 2005
- Volunteer, MDAR Wasp Watchers biosurveillance for Emerald Ash Borer
- Member, Newton Conservators, & participant in invasive weed pulls
- NewtonServes volunteer, Tour de Newton greeter
- Blogger at Village14
- Steering committee, Newton Villages Alliance

## Education

**S. I. Newhouse School of Public Communication, Syracuse University**  
Coursework for Master of Science in Photojournalism, 1987-1988

**Graduate School of Business Administration, University of Chicago**  
M.B.A. degree with concentrations in finance and accounting, 1979

**Massachusetts Institute of Technology**  
B.S. in Economics, 1977

## Work History

### Lowell Sun

Photojournalist/online assistant, shooting and editing photos, video and slideshows, and updating web content for [lowellsun.com](http://lowellsun.com), covering local and regional news, sports and features since 1989

### Associated Press

Photo stringer in Boston bureau, covering local, regional and national stories, 1988-2006

### General Motors Corporation, Detroit, Michigan

Corporate financial analyst on Comptroller's and Treasurer's Staffs, 1979-1985

## Background & Interests

- Raised in Newton, 1973 graduate of Newton High School, and resident of Newton since 1988
- Member, West Suburban YMCA
- Interests include public affairs, political, environmental and legal issues, music and theatre, and physical fitness



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#78-16

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E-mail  
swarren@newtonma.gov

Honorable City Council  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Ladies and Gentlemen:

I am pleased to reappoint Pete Johnson of 121 Fairway Drive, Newton as a member of the Parks and Recreation Commission. His term of office shall expire on February 25, 2019 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

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DEDICATED TO COMMUNITY EXCELLENCE

## Pete Johnson

### Personal:

Life-long Newton resident

Member of Parks & Recreation Commission since 1990, including several terms as chairman

Former Newton West Little League coach, manager, and officer

Recently retired (November 30, 2015)

### Professional Experience:

1989–2015      Ahold USA (formally, Stop & Shop Company)

- As independent consultant (1989–2004), Ahold employee (2004–2007), EDS employee (2007–2010), Hewlett Packard employee (2010–2015) and Hewlett Packard Enterprise employee (2015).
- Subject matter expert (SME) and developer for Ahold USA financial systems, providing training, development, enhancements, and maintenance to these systems.
- Project manager and primary developer for development of new, multi-corporation versions of the General Ledger and Store Inventory systems in the AFS environment, with a staff of 12-15 analysts, programmers, and trainers. This process involved a rewrite of much of the systems. Converted 1 operating company first, followed rapidly by analysis, conversion and implementation of 5 additional operating companies.
- Member of original Ahold Financial Services (AFS) design team responsible for developing a plan to implement a full suite of financial systems across 5 supermarket chains (which were originally separate chains, but were now to be consolidated under the Ahold corporate umbrella).
- Worked with various teams that designed, developed, tested and implemented Accounts Payable, General Ledger, and Store Inventory systems for utilizing OLAS, a vendor-supplied package as a base, with a large amount of customization.

1980–1989      Independent Consultant

- Design, coding, testing and implementation of software applications for several companies, including Polaroid, New England Telephone, and Raytheon.

1977–1980      System Consulting Services, Inc.

- Part of a 5-person group that specialized in converting clients' environment to the latest operating system. The projects ran the gamut from installing a new CPU to developing standards for the new environment to actually doing the conversion of the client's entire inventory of applications.

1970–1977      Software International Corporation

- Manager of General Ledger systems for a company that provided a full range of accounting and manufacturing software packages.

### Military Service:

26th Military Police Company, Massachusetts National Guard (6 years)

### Education:

Newton Public schools

Harvard College



SETTI D. WARREN  
MAYOR

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Office of the Mayor

#79-16

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Ladies and Gentlemen:

I am pleased to reappoint Donald Fishman of 68 Littlefield Road, Newton as a member of the Park and Recreation Commission. His term of office shall expire on February 25, 2019 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

RECEIVED  
NEWTON CITY CLERK  
2016 FEB 10 AM 10:00  
DAVID A. OLSON, CHC  
NEWTON, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.newtonma.gov](http://www.newtonma.gov)



DEDICATED TO COMMUNITY EXCELLENCE

## Resume

### Personal Data

Donald Fishman

### Educational Background

B.A.	University of Minnesota	1968
M.A.	Northwestern University	1972
Ph.D.	Northwestern University	1978

### Employment History

Paxton (IL) Junior High School	1968-1971
Northwestern University	1971-1973
Boston College	1973-Present

### Administrative Experience

Chair, Department of Communication at Boston College,  
1980-1986, 1989-1992

President, Eastern Communication Association, 2004-2005; Vice President,  
2003-2004

Co-Director, Jewish Studies Program at Boston College, 2007-present

Chair, Communication and Law Division, Eastern Communication  
Association, 1988-1989, 1991-1992

Vice-President, Massachusetts Communication Association, 1979-1983

Chair, Rhetoric and Public Address Division, Eastern Communication  
Association, 1979-1980

Vice-Chair, Commission on American Parliamentary Practice, 1992-1993;  
1997-1998, 2002-2003, 2005-2006

Chair, Commission on American Parliamentary Practice, 1993-1994; 1998-2000,  
2003-2004, 2006-2007  
Executive Council, Eastern Communication Association, 1994-1996, 2002-2007,  
2011-2013  
Finance Board, Eastern Communication Association, 1994-1995, 2001-2007  
Chair, Resolutions Committee, Eastern Communication Association,  
1997-2001  
Chair, Nominating Committee, Eastern Communication Association, 1996-  
1997  
President, A&S Faculty Senate at Boston College, 1984-1985  
Parliamentarian, ECA, 1997, 1998, 1999, 2000, 2001, 2002 annual conventions  
Vice Chair, Peace and Conflict Communication Division, National  
Communication Association, 2015-2018

### **Areas of Specialization**

Communication Law  
Copyright  
Crisis Communication  
Media Criticism  
Broadcast Regulations

### **Publications:**

Authors of over 45 academic articles on communication law, crisis  
communication, and media criticism.

Executive Editor of the M.L.Sharpe series on Communication, 1995-2007

### **Awards and Honors**

1998 Haiman Award for Distinguished Scholarship in Freedom of Expression

2001 Phifer Award for Outstanding Scholarship in Parliamentary Procedure

2001 O'Neill Award for Outstanding Paper in Freedom of Expression  
presented at the National Communication Association Convention in  
Atlanta Georgia.

2003 O'Neill Award for Outstanding Paper in Freedom of Expression  
presented at the National Communication Association Convention in  
Miami, Florida.

2010 Phifer Award for Outstanding Scholarship in Parliamentary Procedure

2011 Distinguished Service Award, Eastern Communication Association

2012 Phi Beta Kappa Distinguished Teaching Award, Boston College

2014 Henry L. Ewbank Award for Distinguished Service in Parliamentary  
Organizations

### **City of Newton**

Campaign Manager for Mitch Fischman, Ward 8 Alderman, 2001, 2003, 2005,  
2007, 2009, and 2011

Member, Ward 8 Democratic Committee, 1990-present

Member, Public Relations Committee, Newton Tricennennial, 1987-1988

Member, Parks and Recreation Commission, 2012-2015

Member, Community Preservation Committee, 2012-2015