

CITY OF NEWTON
IN BOARD OF ALDERMEN
POST AUDIT & OVERSIGHT COMMITTEE REPORT

TUESDAY, JANUARY 27, 2009

Present: Ald. Albright (Chairman), Lennon, Swiston, Harney and Mansfield
Absent: Ald. Coletti, Schnipper and Freedman
Also present: Ald. Baker
City Staff: Ouida Young (Associate City Solicitor) and Marc Welch (Director of Urban Forestry; Parks and Recreation Department)

Chairman's Note: The Committee reviewed the resolutions that were approved by the Board of Aldermen during budget discussions. The Committee discussed the library resolution. The books have not been moved out of the branch libraries. Groups and individuals are utilizing the branch libraries. There was some discussion of whether it is appropriate for the branch libraries into the real property reuse process. The Committee concluded that it would be helpful to have the Mayor's response to the resolutions before proceeding with the discussion.

#178-04(3) ALD. LAPPIN requesting a report from the Commissioner of Public Buildings regarding why no progress has been made on the implementation of the construction project database approved by the Board of Aldermen on April 20, 2004.

ACTION: HELD 5-0

NOTE: This item was held at the last meeting in order to get some input from the Law Department. Associate City Solicitor Ouida Young joined the committee for the discussion. Ms. Young spoke with Ald. Lappin, who was unable to attend the meeting, regarding the item. Ald. Lappin stated that she is interested in inputting information into the database after projects are complete and not including ongoing projects. When the database was originally proposed, one of the major concerns Ms. Young had was that identifying potential problems as they were coming up during a construction project is sensitive because it often will involve issues of potential liability. The point of the database, as Ms. Young understands it, was to take the "lessons learned" and apply them prospectively to other projects. Therefore, it does not necessarily require that as those issues are being presented in an ongoing current project that they be entered into a database and used for a project that does not exist yet. You can input the data once the project is completed and it is closed out.

Ald. Albright asked if the Newton South High School project could now be entered into the database. Ms. Young responded that it could be entered to the extent that it is relevant. One of the judgment calls that need to be made is what constitutes a "lesson learned" and what is not particularly useful. Ald. Swiston suggested creating a task force immediately after a project is done for a post mortem. Ms. Young agreed that Ald. Swiston's suggestion might be beneficial. Many of the issues that are presented as problems during a particular project do not necessarily translate out usefully into "lessons learned" for the next project. Therefore, there needs to be a

clear vision about what is useful. Many of the experiences that happened over at Newton South High School informed the construction process that went on at Newton North High School. People might not be happy how that subsequently played out, but a good example is that the value that commissioning brings to a project was very clearly understood when the Newton North project was put together. Ms. Young understands that the commissioning at Newton North has been expanded to include the exterior. This was brought about by what happened at Newton South coupled with the ongoing developments on how to put buildings together sensibly. Ms Young pointed out that the information collected after a project closes need not be kept in a database –searchable Word files might work just as well if not better.

Ms. Young phoned the City Solicitor of Somerville to discuss Somerstat and how it applies to construction projects. Its purpose is to monitor projects that are ongoing and it is a major review process across all of the City of Somerville’s departments. It is not a software project so much as it is a concerted effort to analyze what is happening in each department systematically and collect information. Ald. Swiston asked what the legal issues were in Somerville. Ms. Young explained that when she spoke with the City Solicitor, she inquired if there was concern about issues becoming public knowledge. The City Solicitor responded that it is a concern and they are very sensitive to that. First, the reviews are not done in public but on an administrative level. Three full-time employees in Somerville do this across all of the departments. When they get into the sensitive areas, the code words are the Law Department will investigate.

Ald. Swiston asked if Somerstat was software. Ald Albright responded that Somerstat is a process not software per se. Ms. Young state that what is important is not the piece of software used to organize the data but the people who ask for the data, analyze the data, and track the data. It sounds like a very valuable process but not necessarily one that translates fully into a “lessons learned” for the future.

Ms. Young reiterated that one of the key factors for successful implementation is that the information that is input needs to be relevant to the next building projects. You have to have some idea of what is important and valid data for the next project. It is the manpower and analysis that is important and not so much the format.

Ald. Lennon asked Ms. Young if Ald. Lappin was comfortable with a report or another format. Ms. Young responded that she believed that Ald. Lappin felt very strongly that a database is helpful and that she would like to be able to get reports. Ms. Young did not believe that Ald. Lappin disagreed about the need to have analysis. Ald. Lappin was not as concerned about tracking for current projects but wanted to take what had been derived or learned from those projects and move it over to another project. Ald. Swiston pointed out that the Commissioner of Public Buildings stated that he does not have the manpower to create and maintain the database. Ms. Young pointed out that if you have a good project manager, there is current information every week. There are project meetings every week, problems are identified in the minutes and there is a monthly report from the project manager. The issue is to distill from that heap of information what is relevant to future projects. Ald. Albright feels that Ald. Lappin is asking for some way to assess how well a project went and learn from it. Ms. Young pointed out that Somerville has major commitment on manpower.

Ald. Harney suggested that Turner Construction, as the project manager for the Newton North project, could collect the relevant data for the project. Ald. Harney suggested that collaboration between the Commissioner of Public Buildings and the project manager might be beneficial to get the relevant data. Ald. Mansfield thinks Ald. Lappin would like information entered contemporaneously rather than as a postmortem and entered in a way that would allow it to be retrieved through searches. Ms. Young reiterated that it is not whether it is in a database or a Word document; it is how you are going to collect the information, what information is going to be input, and how you are going to use it. If the Commissioner is stating that he does not have the manpower to input the data into database fields and create new documents, there are other documents, which are more easily put together for his department that may be the best way to capture the information. What is key for all of the different options of capturing data is to have an intelligent person assimilate the information and put it in a useable format. Ald. Harney questioned who that person would be. He felt that the project manager combined with someone from Public Buildings are the people who can make the judgment call in terms of what data should be included.

Ald. Albright asked if it is possible to make the data collection part of the project manager's job, as part of the contract. Ms. Young responded that you could ask them to do that but her one caveat is that on school projects the Massachusetts Building Authority has come forward with a project manager's contract for all school projects, which she has not seen yet. As an action item the committee suggested we get in touch with the state and suggest that this ought to be part of the standard contract.

Ald. Albright pointed out that there is agreement that there needs to be a way to pull information out of a project that is useful for going forward. In fact, that is good management practice. Ald. Albright also had spoken with Ald. Lappin, who requested that the Committee hold the item. Ald. Swiston moved hold, which carried unanimously.

Chairman's note: Ald Lappin stated by phone after the meeting that entering the data at project completion is agreeable to her and that it doesn't matter how the data is stored – either database or searchable Word document or some other mechanism is acceptable.

#402-08 ALD. JOHNSON AND SANGIOLO requesting a discussion with the Executive Department as to how the tree funds are being collected and spent. [11-10-08 @ 8:53 AM]

ACTION: **HELD 5-0**

NOTE: Ald. Albright spoke with both Ald. Johnson and Ald. Sangiolo over the weekend and both were unable to attend the meeting. Marc Welch, Director of Urban Forestry was present and will provide a report to Ald. Johnson, Ald. Sangiolo, and the Committee regarding the tree funds. Ald. Albright asked if any Committee member had any items to be included in the report. Ald. Swiston asked what the report would include. Mr. Welch provided the Programs and Services Committee with a report that displayed all of the monies that have been received from the tree ordinance since its inception and all of the expenditures of the tree ordinance since day one. This is the type of information would be updated and included in the

new report. In addition, he would include in the report the guideline that the Tree Commission and the Parks and Recreation Department developed on how to use the tree ordinance money. Ald. Sangiolo also asked that Mr. Welch highlight his role when the Mayor makes a decision to negotiate with people who have been denied for an exemption.

Ald. Albright is curious about how Mr. Welch deals with the problem of a developer stating that he intends to live in a house that is being developed in order to get around the tree ordinance. Mr. Welch responded that the tree ordinance allows some ambiguity, so it becomes an issue because how do you know whether the property is occupied or not. The way that it has worked since 1999 is that if a person claims to be exempt, they fill out an affidavit that is turned into Inspectional Services with their building permit application. The affidavit was not forwarded to Mr. Welch; however, recently, the Inspectional Services Department has forwarded them to Mr. Welch. This creates a means of tracking the number of exemptions filed each year. There are approximately 250 exemptions and most of those are legitimate exemptions. The other aspect, Mr. Welch is working with the Information Technology Department on is to be able to have access to Inspectional Services Software to see what permits are being issued.

Ald. Mansfield was a member of the Board of Aldermen when the tree ordinance was created and he explained that the exemption proposed by the Programs and Services Committee was designed by the committee for owner-occupied properties and the word owner was deleted on the floor of the Board; therefore, the exemption is for occupied properties. It was the intent of the Programs and Services Committee was to have the ordinance apply to sites that were being developed and not to apply to homes that are occupied by someone. Working with the Planning Department, Conservation Commission, and the Inspectional Services Department, Mr. Welch has come up with a form that clarifies if a lot is vacant; it does not qualify for an exemption.

Ald. Mansfield suggested that the Aldermen might want to consider amending the ordinance to make the intent of the ordinance clearer. Ald. Albright thought that Mr. Welch could contribute some helpful suggestions regarding the language of the amendments. Mr. Welch agreed that he could provide the Aldermen with the different ways that developers work around the ordinance and some of the logistical issues. He is happy to pull together any information the Aldermen may want to review. Ald. Albright requested that Mr. Welch please include the information pertaining to a possible amendment in the report. Ald. Harney suggested that a docket item be filed to amend the tree ordinance. The Committee was in agreement with the suggestion. Ald. Mansfield moved hold on the item until Mr. Welch's submitted the report.

Respectfully submitted,

Susan S. Albright, Chairman