



Finance Committee Report

City of Newton In City Council

Wednesday, April 12, 2017

Present: Councilors Gentile (Chair), Ciccone, Norton, Brousal-Glaser, Rice, Blazar, Fuller, and Rice

City staff present: Julie Kirrane (Long-Range Planning Manager; School Department), Alex Valcarce (Deputy Commissioner of Public Buildings), Linda Walsh (Deputy Commissioner of Health and Human Services), Ted Jerdee (Utilities Director), Lou Taverna (City Engineer), Nicole Freedman (Transportation Director), Maureen Lemieux (Chief Financial Officer/Chief of Staff), and Sue Dzikowski (Comptroller)

Referred to Public Facilities and Finance Committees

#255-14(5) Transfer of funds within the Zervas School Project Budget

HIS HONOR THE MAYOR requesting an amendment to the Zervas Elementary School Project – Project Budget – legal Level of Control included in Board order #255-14(4) approved December 1, 2014 by transferring a total amount of two hundred thirty-two thousand nine hundred thirty-one dollars (\$232,931) from the “Owners Contingency” as follows: \$179,356 to the “Furniture / Fixtures / Equipment” line item, \$35,305 to the “Computer Equipment” line item, and \$18,270 to the “Moving” line item. [03/27/17 @ 2:20 PM]

Public Facilities Approved 4-0 on 04/05/17

Action: Finance Approved 8-0

Note: Long-Range Planning Manager Julie Kirrane and Deputy Commissioner Alex Valcarce joined the Committee to review the request for transfers within the line items in the Zervas School Project budget. The project is at a point where it is time to purchase furniture and technology items for the new school. The school’s enrollment will reach 490 students over the next few years. The line item budgets for both technology and furniture were based on the Massachusetts School Building Authority (MSBA) guidelines established in 2004 of approximately \$600 per student for each of those budgets. Since that time, furniture and technology costs have increased; therefore, the budget line items were revised by increasing the \$600,000 furniture budget to \$815,750 and the technology budget from \$600,000 to \$672,750.

The bids for the furniture came in under the revised budget at a little over \$779,000; therefore, the Administration is requesting a transfer of \$179,356 from the Owner’s Contingency line item to the Furniture / Fixtures / Equipment” line item. The cost of the furniture is \$2.50 less per student than the cost of the furniture for the Angier School Project.

The plan for purchasing technology items is to outfit the school with its full technology infrastructure and purchase equipment for approximately 400 students. When the school opens, enrollment will be between 370 and 400 students and will not reach the anticipated 490 students for a few years. It does not make sense to purchase technology equipment for 490 students at this time, as the equipment will be outdated in three years. There has been no change in scope for technology. The Administration is requesting a transfer of \$35,305 from the Owner's Contingency line item to the Computer Equipment line item.

In addition, there is a request to transfer \$18,270 from the Owner's Contingency to the Moving line item. The moving budget was set at \$60,000 but that was based on the use of cardboard boxes for moving. The City determined that reusable plastic crates were a better option for this school's move and future school moves resulting in an increased cost of \$23,270. There was a transfer of \$5,000 from the Mayor's Contingency leaving an \$18,270 shortfall in the line item budget.

There may be a need for additional transfers for change orders or unanticipated expenses within the project budget but the project is currently on time and within budget. The Public Buildings Department continues to manage the project to ensure that there are no cost overruns. With that, Councilor Gentile moved approval of the transfers, which carried unanimously.

#86-17 **Accept grant for a conference/training for Environmental Health Specialists**
HIS HONOR THE MAYOR requesting authorization to accept and expend a grant in the amount of three thousand dollars (\$3,000) from Association of Food and Drug Officials to allow for attendance to a conference for training for the Environmental Health Specialists. 03/27/17 @ 2:19 PM]

Action: **Finance Approved 8-0**

Note: Deputy Commissioner of Health and Human Services Linda Walsh presented the request for acceptance of a grant for \$3,000 to train Environmental Health Specialists, who inspect all commercial and institutional establishments that provide food within the City. One of the City's long time Environmental Health Specialists is retiring and his replacement will need to get up to speed on all of the standards, codes, and technology associated with food inspections. The City has four inspectors that will be training to stay up to date on their certifications. The four Environmental Health Specialists are responsible for all inspections.

Committee members asked if there should be more Environmental Health Specialist positions and Ms. Walsh responded that she did not feel that she needed to advocate for additional positions as all of the work is getting done. Chief of Staff Maureen Lemieux stated that there is an addition of a part-time position in the Health and Human Services Department's budget for the upcoming fiscal year. It will allow the Department to bring back John McNally, the retiring Health Specialist, to help train people. Councilor Lappin moved approval of the item, which carried by a vote of eight in favor none opposed.

#87-17 **Accept grant for recruiting and training medical reserve corps members**
HIS HONOR THE MAYOR requesting authorization to accept and expend a grant from the National Association of County and City Health Officials in the amount of thirteen thousand dollars (\$13,000) for the purpose of helping to recruit and train medical reserve corps members to increase health and human service capacity to conduct outreach on health programming and initiatives throughout the community. [03/27/17 @ 2:20 PM]

Action: **Finance Approved 8-0**

Note: Deputy Commissioner of Health and Human Services Linda Walsh explained that acceptance of this \$13,000 grant would allow the Health and Human Services Department to recruit and train Medical Reserve Corps (MRC) volunteers. The MRC is a State program that is run locally by the Health and Human Services Department. The MRC consists of volunteers with medical experience or an interest in public health issues that help address public health needs and help during large-scale emergency situations. The MRC volunteers often work with the Health and Human Services Department during community flu vaccinations and the City's Health Fair. The City currently has 82 MRC volunteers that the Health Department would like to keep engaged as MRC volunteers. All volunteers are subject to CORI and SORI checks and are pre-credentialed by the State.

The Health and Human Services Department recruits MRC volunteers at health fairs and other community events. The Department also utilizes flyers and the website for recruitment. Councilor Fuller moved approval of the item and the Committee voted unanimously to support the motion.

Referred to Public Facilities and Finance Committees

#77-17 **Amendment to include ordinances on illicit discharges to storm drains**
HIS HONOR THE MAYOR requesting amendments to the City of Newton Revised Ordinances, 2012 to include new sections related to illicit discharges to storm drains, which meet the requirements set forth under the City's Municipal Separate Storm Sewer System Permit. [03/13/17 @ 4:39 PM]

Public Facilities Approved 7-0 on 03/22/17

Action: **Finance Approved 8-0**

Note: Utilities Director Ted Jerdee presented the request to amend the Ordinance to include new sections for illicit discharges to storm drains. The amendments are necessary to comply with the requirements of the Municipal Separate Storm Sewer System Permit. The proposed amendments will give the City the authority to control and enforce storm water discharge into storm drains.

The Chair explained that the requested Ordinance amendment is before the Finance Committee for the purpose of reviewing the proposed fine. The Public Facilities Committee reviewed the language and approved the proposed amendments on March 22, 2017. The Chair indicated that he had concerns related to the language related to the fine as it states that a

person who violates the provisions of the ordinance is subject to a fine not to exceed \$300. It seems to leave a lot of leeway in fining violators. It would seem to make more sense to have a set fine. The Chair proposed language that included a written warning for the first offense and a \$300 fine for all subsequent offenses. Mr. Jerdee had no issues with the proposed language. The Committee agreed with the proposed amendment to the fine language and Councilor Lappin moved approval as amended, which carried unanimously. Subsequent to the meeting, Assistant City Solicitor Bob Waddick reviewed the language and okayed it. The draft ordinance with the proposed amendment is attached.

Referred to Public Facilities and Finance Committees

#78-17 Appropriate \$71,800 for engineering services

HIS HONOR THE MAYOR requesting authorization to appropriate and expend seventy-one thousand eight hundred dollars (\$71,800) from the Storm Water Surplus Account for the purpose of funding professional engineering services for the design and construction engineering phases of the rehabilitation of the Flowed Meadow Pump Station. [03/13/17 @ 4:39 PM]

Public Facilities Approved 7-0 on 03/22/17

Action: **Finance Approved 8-0**

Note: Utility Director Ted Jerdee presented the request to appropriate \$71,800 from the Storm Water Surplus Account to fund engineering services through design and construction phases of the rehabilitation of the Flowed Meadow Pump Station. The pump station is located adjacent to the Auburndale Cove in the Flowed Meadow conservation area. The pump station controls the water level in the meadow to alleviate backyard flooding of properties abutting the meadow. The pump station also provides some mosquito abatement by keeping the area dry.

Woodward and Curran will be providing engineering services and construction management services for the project. The pump is in need of a significant amount of repairs and upgrades including structural upgrades, HVAC repairs, electrical repairs and roof repairs. The project is listed in the Capital Improvement Plan with an estimated cost of \$175,000; however, the estimated construction cost is likely closer to \$200,000. Mr. Jerdee did speak with Woodward Curran regarding the possibility of replacing the station with a new prefab building. Woodward Curran's engineer feels that the building is structurally sound and does not warrant replacement. The Committee understood the need for the requested funds and Councilor Ciccone moved approval. The Committee voted eight in favor and none opposed to support the motion.

#88-17 Transfer of \$25,000 to purchase bicycle racks

HIS HONOR THE MAYOR requesting authorization to transfer the sum of twenty-five thousand dollars (\$25,000) from the Department of Public Works Full-time Salaries-Transportation Account to the Department of Public Works Other Capital Equipment Account for the purpose of purchasing bicycle racks to be located throughout the City. [03/27/17 @ 2:20 PM]

Action: **Finance Approved 8-0**

Note: Transportation Director Nicole Freedman explained that the requested \$25,000 would be used to install 72 to 74 bike racks in village centers throughout the City. In addition, there will be approximately 4 bike racks installed at a few schools with overcrowded bike racks. The City has not installed bike racks in quite a while and the demand for bike racks in the centers has increased. The plan is to install the traditional upside down loop racks as they are the best for the bikes and require the least maintenance. The Transportation Division will notify the abutters to all of the planned locations for the bike racks once the final siting is complete.

The bike racks are to be funded through salary savings within the Transportation Division. The funds are available because both the Transportation Director's position and the Transportation Engineer's position were open for a few months this past year. The funds will also be supplemented with CDBG funds and mitigation funds. Councilor Brousal-Glaser moved approval, which carried unanimously.

Referred to Public Facilities and Finance Committees

#92-17

Transfer \$130,000 for repair of traffic signals

HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty thousand dollars (\$130,000) from the Department of Public Works Full-time Salaries Account to the Department of Public Works Transportation Electrical Equipment Repairs & Maintenance Account to fund costs associated with the repair of traffic signals throughout the City due to knock-downs as well as general maintenance requirements. {03/27/17 @ 2:19 PM}

Public Facilities Approved 4-0 on 04/05/17

Action:

Finance Approved 8-0

Note: Transportation Director Nicole Freedman joined the Committee to review the request for \$130,000 to fund repair and maintenance of traffic signals. The proposed funding is from salary savings in the Department of Public Works Highway Division. There is a significant amount of turnover in the Highway Division resulting in vacancies, which generate savings.

The Transportation Division has aggressively repaired and maintained the traffic signals and streetlights throughout this fiscal year. On average these repairs have resulted in a rate of spending of \$36,000 per month. The original budget of \$300,000 is almost depleted and before there is any deficit spending, the department wanted to request supplemental funds. The Department of Public Works is also anticipating reimbursements of almost \$30,000 from claims and from the streetlight vendor, which will also be used to adequately fund the repair and maintenance of streetlights and traffic signals until the end of the fiscal year.

The Committee members were appreciative that there was no deficit spending. Council Lappin moved approval of the item, which carried by a vote of eight in favor and none opposed.

Referred to Public Facilities and Finance Committees

#94-17 **Authorize bond for intersection realignments and traffic signals on Dedham St**
HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one million four hundred thousand dollars (\$1,400,000) from bonded indebtedness for the purpose of funding the Dedham and Nahanton Streets intersection and the Dedham, Brookline, and Carlson Streets intersection realignments and traffic signalization upgrades. [03/27/17 @ 2:19 PM]

Public Facilities Approved 4-0 on 04/05/17

Action: **Finance Approved 8-0**

Note: Transportation Director Nicole Freedman stated that the item is a request to fund the realignment of the Dedham/Nahanton Streets intersection and the Dedham Street/Brookline Street/Carlson Avenue intersection. The project is in the final design phase and is expected to go out to bid in May or June with construction beginning in July. The only issue that may skew the timeline is the taking of an easement from Mount Ida College that is necessary to realign the Dedham Street/Brookline Street/Carlson Avenue intersection. The project is to improve vehicle, pedestrian and bicycle safety at both intersections. There will also be a slight improvement to the level of service of both intersections but that is not the goal of the project. With that, Councilor Lappin moved approval, which carried unanimously.

Referred to Public Facilities and Finance Committees

#93-17 **Appropriation of \$4,582,904 for the Accelerated Roads Program**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend the following amounts for the purpose of funding the City's Accelerated Roads Program:

<u>Account</u>	<u>Amount</u>
Parking Metter Receipts-14D Accts	\$982,904
Free Cash	\$3,600,000

Public Facilities Approved 4-0 on 04/05/17

Action: **Finance Approved 8-0**

Note: City Engineer Lou Taverna joined the Committee and provided the attached list of roadways to be resurfaced over the course of this year's construction season. This is the start of the City's Accelerated Roads Program to bring the average pavement conditions of the City's roadways up to good or very good over the next ten years. The bid for these roadways including sidewalk rehabilitation, curb betterment installation, and accessible ramps came in at \$3,875,000. The above request would be used to fund the contract and provide additional funds for rehabilitation of some small local roads, which are often neglected, and some preventative maintenance on roads in good condition.

The funding from these accounts will allow the Department of Public Works to begin its paving program in April instead of waiting until the start of the fiscal year. There is \$3.6 million

available in FY 2016 Free Cash for this purpose. The Municipal Modernization Bill changed how the City can use its Parking Meter Receipts. Since November 2016, the receipts have been going directly to the General Fund instead of being held in separate accounts until the end of the fiscal year and then dropping to the General Fund. The requested \$982,904 from parking meter receipts is the money that was in the parking meter receipts accounts up to November 2016. The Comptroller will set-up a capital account for the Accelerated Roads Program that will automatically roll funds over into the next fiscal year.

The request is a portion of the \$9 million that the Administration intends to spend on the Accelerated Roads Program in Fiscal Year 2018. The Administration expects to fund the remaining money through several sources including Chapter 90 funding, Overlay Surplus, and the Department of Public Works budget. The ultimate goal is to include the program funding in the operating budget but this will take time. Chief of Staff Maureen Lemieux explained that in future years there will be times when the City will bond for roadway rehabilitation depending on the resulting life expectancy of the road. Bonding is likely to be used for full-depth reconstructions and for rehabilitation of the 11 miles of concrete roadway.

There was discussion regarding whether or not the City should bond for all of the roadway rehabilitation. Ms. Lemieux feels that it is better to look to other sources of funding before bonding the work. In the Financial Forecast there is a placeholder to bond \$6.2 million per year for the Accelerated Roadway Program but the hope is to that the City does not need to bond that full amount. The Financial Forecast only assumes funding from Chapter 90 and the operating budget along with bonding.

In terms of the work, the Department of Public Works is coordinating with the Utilities Division and the private utility companies to ensure that all gas, electric, water, drain and sewer work is done before roadway rehabilitation. Committee members requested a list of the smaller roads that will be done once that is determined. Mr. Taverna agreed to provide that list as soon as it is available. In addition, Committee members request to list all of the City's roadways with their respective Paving Condition Index on the City's website. Mr. Taverna explained that the Department wants to scrub the data provided by its contractor before putting that information on the website. There was also a request to provide a breakout of all of the funding sources for this year's \$9 million for the program. Ms. Lemieux will provide that to the Committee. With that, Councilor Ciccone moved approval, which carried unanimously.

Referred to Zoning & Planning, Land Use and Finance Committees

#104-15 **Qualification of affordable units developed at Comm Ave, Pearl St, and Eddy St**
ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department re how many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify for inclusion on the State's Subsidized Housing Inventory List; if a property is not on the list, what can be done to make it eligible. [04/09/15 @ 12:00 PM]

Action: **Finance Held 8-0**

Note: The units referred to in the item are not included in the State's Housing Inventory List (SHIL) of affordable units because they cannot be placed on the list retroactively after being rented and there was no lottery process for the rentals, which is required by the State. The Committee held the item in order to get a report from the Planning and Development Department regarding whether there is a plan in place to ensure that there is an affirmative marketing plan in place when these units turnover. The Committee would also like a status report on the individual units and whether they are expected to turnover in the near future.

The Committee would like to meet with Metro West Collaborative Development, who is absorbing CAN-DO to make sure that they are aware of the State's requirements for listing on the SHIL. It would also be helpful to understand if the City's financial commitments change with Metro West absorbing CAN-DO. Councilor Lappin moved hold on the item, which carried unanimously.

All other items before the Committee were held without discussion and the Committee adjourned at 9:30 PM. Draft Council Orders for the above items that are recommended for City Council action are attached.

Respectfully submitted,

Leonard J. Gentile, Chair

CITY OF NEWTON

IN BOARD OF ALDERMEN

2017

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chair Deborah J. Crossley and the Finance Committee through its Chair Leonard J. Gentile, the following transfers of funds to cover the additional costs above the line item allocations in Board Order #255-14(3) for furniture, fixtures, and equipment, computer equipment, and moving for the new Zervas Elementary School be and are hereby approved as follows:

From: Zervas14-5795A Owners Contingency.....	\$232,931
To: Zervas14-585FFE Furniture.....	\$179,356
To: Zervas14-585ITE Technology	\$35,305
To: Zervas14-5727 Moving Expenses.....	\$18,270

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the authorization to expend a grant from the Association of Food and Drug Officials in the amount of three thousand dollars (\$3,000) to be administered by the Commissioner of Health and Human Services to be used to allow attendance to a conference for training environmental health specialists, be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the authorization to expend a grant from the National Association of County and City Health Officials in the amount of thirteen thousand dollars (\$13,000) to be administered by the Commissioner of Health and Human Services for the purpose of helping to recruit and train medical reserve corps members to increase capacity to conduct outreach on health programming and initiatives throughout the community, be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON, MASSACHUSETTS
(To be added as **Article V in Chapter 29** of the City of Newton Ordinances)

Last updated on:
February 14, 2017

DRAFT

ARTICLE V. Prohibition of Illicit Discharges to the Storm Drain System

29-134 Purpose

- (a) Increased and contaminated stormwater runoff is a major cause of impairment of water quality and flow in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding. Regulation of illicit connections and discharges to the municipal storm drain system is necessary for the protection of the natural resources and infrastructure of the City of Newton (hereafter the “city”), and to safeguard the public health, safety, welfare and the environment.

- (b) The objectives of this article are:
 - (1) To prevent pollutants from entering the city’s municipal storm drain system (MS4);
 - (2) To prohibit illicit connections and unauthorized discharges to the (MS4);
 - (3) To require the removal of all such illicit connections;
 - (4) To comply with state and federal statutes and regulations relating to stormwater discharges; and
 - (5) To establish the legal authority to ensure compliance with the provisions of this article through inspection, monitoring, and enforcement.

Editor’s Note: The term “MS4” as used in federal and state regulations is an acronym for “municipal separate storm sewer systems.” As used in this article, “MS4” refers to the city’s municipal storm drain system.

29-135 Definitions

For purposes of this article, the meaning of the terms used shall be as follows:

Best Management Practice (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

Clean Water Act: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CFR: The Code of Federal Regulations

CMR: The Code of Massachusetts Regulations

Commissioner: The commissioner of the department of public works or his/her designee.

Discharge of Pollutants: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Discharger: A person or persons who discharge or allows to be discharged any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

Groundwater: Water that comes from or resides in the ground.

Illicit Connection: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed or approved before the effective date of this article.

Illicit Discharge: Direct or indirect discharge to the municipal storm drain system that is not composed entirely of stormwater, except as exempted herein. The term does not include a discharge in compliance with an NPDES Stormwater Discharge Permit or a Surface Water Discharge Permit or to discharges or flows exempted pursuant to the provisions of section 29-141 hereof.

Impervious Surface: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious surface includes without limitation roads, paved parking lots, sidewalks, and roof tops.

MS4: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, or other drainage structure(s) that together comprise the storm drainage system owned or operated by the city. MS4 is an acronym for “municipal separate storm sewer system.” As used in this article, MS4 refers to the city’s municipal storm drain system.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes and regulates the discharge of pollutants to waters of the United States.

Non-Stormwater Discharge: Discharge to the MS4 not composed entirely of stormwater.

Notice of Violation: A written notice given to a person by the commissioner that states that said person has violated the provisions of this article on any specified occasion.

Outfall: the terminus of a storm drain or other stormwater structure where stormwater is discharged.

Person: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person, or any other entity.

Pollutant: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (1) paints, varnishes, and solvents;
- (2) oil, gasoline and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes;
- (7) sewage, septage, fecal coliform and pathogens;
- (8) dissolved and particulate metals;
- (9) animal wastes;
- (10) rock, sand, salt, soils;
- (11) construction wastes and residues; and
- (12) noxious or offensive matter of any kind.

Process Wastewater: Water which during manufacturing or processing comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

Recharge: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

Stormwater: Runoff from precipitation or snow melt.

Surface Water Discharge Permit: A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorize the discharge of pollutants to water of the Commonwealth of Massachusetts.

Toxic or Hazardous Material or Waste: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. c.21C and c.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

Watercourse: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

Waters of the Commonwealth: All waters within the jurisdiction of the Commonwealth of Massachusetts, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

Wastewater: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

29-136 Applicability

This article shall apply to flows entering the MS4, a watercourse, and any waters of the Commonwealth located within the boundaries of the City of Newton. The provisions of this article shall take precedence over any conflicting provisions of any ordinances or parts of ordinances of the city.

29-137 Authority

This article is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Home Rule Procedures Act, and pursuant to the regulations of the Federal Clean Water Act found at 40 CFR 122.34.

29-138 Responsibility for Administration and Enforcement

The commissioner of the department of public works or his/her designee shall administer, implement and enforce the provisions of this article.

29-139 Regulations

The commissioner may promulgate rules and regulations to effectuate the purposes of this article. Failure by the commissioner to promulgate such rules and regulations shall not have the effect of suspending or invalidating the provisions of this article.

29-140 Prohibited Activities

- (a) **Illicit Discharges.** No person shall dump, discharge, cause or allow to be discharged any pollutant or non-stormwater discharge into the MS4, into a watercourse, or into the waters of the Commonwealth.
- (b) **Illicit Connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the MS4, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- (c) **Obstruction of the MS4.** No person shall obstruct or interfere with the normal flow of stormwater into or out of the MS4 without prior consent from the commissioner. No person shall dump or dispose of yard waste (leaves, grass clippings, etc.) into the open watercourses (swales, brooks and streams) that make up the MS4.

29-141 Exemptions

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a pollutant to the MS4, as determined by the commissioner:

- (1) Waterline and hydrant flushing;
- (2) Flow from potable water sources;
- (3) Discharge of flow resulting from fire fighting activities;
- (4) Discharge from de-chlorinated swimming pool water (less than one part per million chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
- (5) Discharge from landscape irrigation or lawn watering;
- (6) Water from individual residential car washing;
- (7) Discharge from street sweeping;
- (8) Dye testing, provided verbal notification is given to the commissioner prior to the time of the test;
- (9) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air conditioning condensation;
- (10) Flow from springs;
- (11) Natural flow from riparian habitats and wetlands;
- (12) Diverted stream flow;
- (13) Rising groundwater;
- (14) Non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the written approval, waiver, or order and applicable laws and regulations; and
- (15) Discharge for which advanced written approval is received from the commissioner as necessary to protect public health, safety, welfare or the environment. In particular, this exemption shall apply to sand and salt that is applied to driveways, sidewalks, streets and parking lots for de-icing and public safety purposes.

29-142 Emergency Suspension of Storm Drainage System Access

- (a) The commissioner may suspend MS4 access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the commissioner may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.
- (b) No person shall reinstate MS4 access that has been suspended or terminated without the prior written approval of the commissioner.

29-143 Industrial or Construction Activity Discharges

Any person subject to an industrial or construction activity NPDES storm water discharge permit may be required to provide proof of compliance with said permit in a form acceptable to the commissioner prior to the allowance of discharges to the MS4. The commissioner shall be permitted to enter and inspect facilities subject to regulation as often as may be necessary to determine compliance with this article.

29-144 Watercourse Protection and Maintenance

Every person owning or in control of property through which a watercourse passes, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly restrict the flow of water through the watercourse. The provisions in this section are intended to complement, not replace, maintenance responsibilities of the city where a drainage easement has been established.

29-145 Notification of Spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the MS4, a watercourse, or waters of the Commonwealth, said person shall take all necessary steps to ensure containment, and cleanup of the release in accordance with the provisions of this article and any regulations promulgated pursuant to this article. Further, in the event of a release of oil or hazardous materials, the person shall immediately notify the city's fire department and the commissioner. In the event of a release of other pollutants, the person shall notify the commissioner no later than the next business day. Notification of a release to the commissioner shall include all pertinent information regarding the release including proof of notification to the Massachusetts Department of Environmental Protection if such notification was required.

29-146 Enforcement

- (a) The commissioner shall enforce the provisions of this article and any regulations promulgated hereunder and may issue and prosecute violation notices and enforcement orders and may pursue all civil and criminal remedies for such violations.
- (b) **Entry to Perform Duties Under This Article:** To the extent permitted by state law, upon reasonable notice to the owner or other party in control of the property, or if authorized by the owner or other party in control of the property, the commissioner, his/her agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this article and the

regulations promulgated hereunder and may make or cause to be made such examinations, surveys or sampling as the commissioner deems reasonably necessary. What constitutes reasonable notice shall be determined by the commissioner in his/her sole discretion, based upon the nature and the imminence of a threat to the city's natural resources, environment, infrastructure, public health, public safety or public welfare.

- (c) Civil Relief: The commissioner may seek injunctive relief in a court of competent jurisdiction to restrain a person from continued violations of the provision of this article or the regulations promulgated hereunder, or any notices, orders or written approvals or to compel said person to abate or remediate violations hereunder.
- (d) Orders: The commissioner may issue a written order to enforce the provisions of this article and the regulations promulgated hereunder, which may include:
 - (1) elimination of illicit connections or discharges to the MS4;
 - (2) performance of monitoring, analyses, and reporting;
 - (3) that unlawful discharges, practices, or operations shall cease and desist;
 - (4) remediation of contamination in connection therewith;
 - (5) payment of a fine to cover administrative and remediation costs; and
 - (6) implementation of source control or treatment BMPs.
- (e) If the commissioner determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the city may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- (f) Within thirty (30) days after completion by the city of all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the city, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the commissioner within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the commissioner affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall accrue on any unpaid costs in accordance with the provisions of Massachusetts law.
- (g) Notices of Violation and Orders shall be written and shall be served by the city upon the persons to whom or to which they apply.
- (h) Criminal Penalty: Any person who violates any provision of this article, the regulations promulgated hereunder, or an order or written approval issued hereunder, shall be subject to a written warning for

the first offense, and shall be subject to a fine ~~not to exceed three hundred dollars of~~ (\$300.00) for subsequent offenses. Each day or part thereof that such violation occurs or continues shall constitute a separate offense. Violations may result in the revocation of city licenses.

- (i) Non-Criminal Disposition: As an alternative to criminal prosecution or civil action, the city may elect to utilize the non-criminal disposition procedure set forth in G.L. c. 40, §21D.
- (j) Appeals: The decisions or orders of the commissioner shall be final. Further relief shall be to a court of competent jurisdiction.
- (k) Remedies Not Exclusive: The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

29-147 Severability

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Public Facilities and Finance Committees through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the sum of seventy-one thousand eight hundred dollars (\$71,800) be and is hereby appropriated from the Storm Water Surplus Account for the purpose of professional engineering services in the design and construction services during the rehabilitation of the Flowed Meadow Pump Station.

FROM:	Storm Water Surplus (26A401A-5790).....	\$71,800
TO:	Engineering Services (0140110-513001).....	\$71,800

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Finance Committees through its Chair Leonard J. Gentile, a transfer of funds in the amount of twenty-five thousand dollars (\$25,000) from the Department of Public Works Transportation Full-time Salaries Account to the Department of Public Works Engineering Other Capital Equipment Account for the purpose of purchasing bicycle racks to be located throughout the City, be and is hereby approved as follows:

FROM:	DPW Transportation – Full-time Salaries (0140115-511002).....	\$25,000
TO:	Other Capital Equipment (0140115-585899).....	\$25,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Public Facilities and Finance Committees through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, a transfer of funds in the amount of one hundred thirty thousand dollars (\$130,000) from the Department of Public Works Full-time Salaries Account to the Department of Public Works Transportation Electrical Equipment Repairs and Maintenance Account to fund repair of traffic signals throughout the city, be and is hereby approved as follows:

FROM:	DPW – Street Maint. Full-time Wages (0140104-511002)..... \$130,000
TO:	Transportation – Electrical Equip R-M (0140115-52404)..... \$130,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN IN CITY COUNCIL

2017

ORDERED:

That, for the purpose of funding the construction and installation of traffic signal upgrades and pedestrian improvements at the intersections of Dedham and Nahanton Streets and Dedham, Brookline and Carlson Streets and any and all other costs associated therewith, there be and hereby is appropriated and authorized to be borrowed under and pursuant to Chapter 44, Section 7(1), of the Massachusetts General Laws, as amended and supplemented or pursuant to any other enabling authority, the sum of one million four hundred thousand dollars (\$1,400,000), which term shall not exceed 15 years. Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449Setti D. Warren
Mayor

March 29, 2017

To: Maureen Lemieux, Chief of Staff, and Chief Financial Officer

From: James McGonagle, Commissioner
Louis M. Taverna, P.E., City Engineer

Subject: Request for Docket Item for 2017 Roadway Rehabilitation Funds

The funds will be used for milling, paving, sidewalk rehabilitation, curb betterments installation, tree stump removal, and accessible curb ramp installation on the following streets:

Street Name	Length (LF)	Avg. ePCI	Cost
Beacon Street (Centre St to Windsor Rd)	10,600	53	\$1,290,000
Brandeis Road (Adeline St to Greenwood St)	3,100	50	\$495,000
Chestnut Street (Turnpike Bridge to Commonwealth Ave)	4,700	47	\$510,000
Church Street (Oakland St to Park St)	2,500	62	\$325,000
Commonwealth Avenue (Lowell Ave to Centre St)	5,400	62	\$580,000
Greenwood Street (Dedham St to Dudley Rd)	4,000	56	\$360,000
Waltham Street (Crafts St to Waltham City Line)	1,700	52	\$320,000
Total	32,000		\$3,875,000

Sincerely,

James McGonagle
Commissioner Public Works

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Public Facilities and Finance Committees through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the sum of four million five hundred eighty-two thousand nine hundred four dollars (\$4,582,904) be and is hereby appropriated from Free Cash and various Parking Meter Receipt Accounts for the purpose of funding the City’s Accelerated Roads Program.

FROM:	Free Cash	
	(01-3497).....	\$3,600,000.00
	Parking Meter Receipts	
	(14-3314D)	\$430,609.10
	(14D401-423021A).....	\$352,688.68
	(14D401-423021B).....	\$183,409.67
	(14D401-423021D1).....	\$16,195.55
TO:	Accelerated Roads Program	
	(C401077-5795)	\$4,582,903.00

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____