



Finance Committee Agenda

City of Newton In City Council

Monday, December 18, 2017

7 PM
Room 211

Items scheduled for discussion:

- #398-17 Reappointment of the Comptroller**
COUNCILORS LENNON AND LAPPIN, pursuant to Section 2-7 of the City Charter, recommending that the City Council reappoint Susan Dzikowski as Comptroller; said term will begin on January 1, 2018 for a term of two years or until a successor is duly qualified.
- #399-17 Accept a grant from Mass Preservation Project for East Parish Burying Ground**
HIS HONOR THE MAYOR requesting authorization to accept a grant in the amount of fifty thousand dollars (\$50,000) from the Massachusetts Preservation Project Fund to be used by Historic Newton for preservation work at the East Parish Burying Ground. NOTE: The Mayor accepted the grant in August 2015 but the request for authorization was not docketed.

Referred to Public Facilities and Finance Committees

- #171-17 Ordinance Amendment Sec 29-80 Sewer Use Charge**
HIS HONOR THE MAYOR requesting an amendment to Section 29-80 Sewer Use Charge of the City of Newton Ordinances by adding the following sentence at the end of Paragraph (a): Notwithstanding the foregoing, seasonal water takers not eligible for an outdoor meter under said Section 29-24, shall pay a charge for the use of sewerage works in proportion to water consumption. [05/30/17@ 3:21 PM]
Public Facilities Approved 6-0 on 12/06/17
- #400-17 Authorization to settle a claim for \$10,000**
HIS HONOR THE MAYOR requesting authorization to settle a claim of ten thousand dollars (\$10,000) from the School Department budget as full and final settlement of a claim against the Newton Public Schools and the City of Newton.
Note: A motion for Executive Session may be entertained when this item is discussed in Committee.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: ifairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Items not scheduled for discussion:

#342-17 Curb betterment abatement request

MELISSA PARENTE requesting an abatement of a curb betterment assessment in the amount of three thousand four hundred dollars (\$3,400), which improved 321 Central Street Auburndale. [10/13/17 @ 2:09 PM]

Referred to Programs & Service, Public Facilities and Finance Committees

#178-17 Appropriate \$500,000 for renovations to the Newton Free Library

HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of funding renovations at the Newton Free Library to include expansion of the Children's Room and other improvements to the First Floor. [05/30/17 @ 2:38 PM]

Item split into Part A and Part B. Part A – \$75,000 for design and soft costs. Part B - \$425,000 for construction costs; City Council Approved Part A on 06/19/17

Referred to Public Facilities and Finance Committees

#123-17 Pilot Program for curbside food waste collection

COUNCILORS SANGIOLO, NORTON, CROSSLEY, LENNON, AUCHINCLOSS, HARNEY, FULLER, ALBRIGHT, LAPPIN, AND LAREDO requesting the City through the Department of Public Works, pilot a curbside food waste collection program. [04/21/17 @ 11:15 AM]

Referred to Land Use and Finance Committees

#122-17 Discussion on fees for Special Permits

COUNCILOR COTE requesting a discussion with the Planning & Development Department regarding the fees charged for Special Permits and what the actual costs are for issuing Special Permits. [04-18-17 @ 12:32 PM]

Referred to Public Facilities and Finance Committees

#91-17 Licensing agreement for wireless carriers to install equipment on city poles

COUNCILORS CROSSLEY, ALBRIGHT AND LAPPIN requesting a discussion with the administration regarding possible licensing agreements with wireless carriers, and to create a policy and to develop and adopt a uniform license agreement for wireless carriers to install wireless communication devices on city-owned poles in the public way. [03/27/17 @ 4:44 PM]

Referred to Public Facilities and Finance Committees

#6-17 Request to establish filing fee for wireless attachments in the public way

COUNCILORS CROSSLEY, ALBRIGHT, LAPPIN AND GENTILE requesting the establishment of a filing fee from petitioners seeking to attach wireless communications devices to existing or proposed structures in the public way. [12/23/2016 @ 8:37 AM]

Public Facilities Approved 6-0 and referred the item to Finance

Referred to Zoning & Planning and Finance Committees

- #444-16** **Amendment add fines for certain violations of the Accessory Apartment Ord.**
COUNCILOR BAKER AND COMMISSIONER OF INSPECTIONAL SERVICES proposing an amendment to Chapter 20 of the City of Newton Revised Ordinances to allow non-criminal ticketing of certain violations of the Accessory Apartment Ordinance. [12/16/16 @ 1:40 PM]

Referred to Land Use, Programs & Services and Finance Committees

- #256-16** **Request to extend notification area of notice for special permit petitions**
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300’ required by Massachusetts General Law Chapter 40A to also include property owners within 600’ of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300’ will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]
- #209-16** **Discussion of expenditures related to the Complete Streets Grant**
COUNCILOR FULLER requesting discussion regarding expenditures related to the Complete Streets grant with representatives of the Department of Public Works. [05/26/16 @ 1:11 PM]
- #112-16** **Appropriation of mitigation funds for pedestrian and traffic improvements**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend the following Mitigation Funds:
- | | |
|--|----------|
| A. Village Café at 719 Washington Street | \$2,500 |
| B. 258 Nevada Street at Linwood Street | \$1,500 |
| C. Cherry Street at Washington Street | \$2,000 |
| D. O’Hara’s Restaurant, Newton Highlands | \$2,500 |
| E. Rox Diner Parking & Pedestrian Improvements | \$2,500 |
| G. Canton Circle LLC, 714-724 Beacon Street | \$10,000 |
- #40-16** **Request to accept MGL 149 Sec 148C related to earned sick time for employees**
COUNCILOR SANGIOLO requesting that City of Newton formally accept and/or take all necessary steps to accept Massachusetts General Law Chapter 149, Section 148C, in order to qualify full-time, part-time, seasonal, and temporary employees coverage under the earned sick time regulation, 940 CMR 33, as approved by the voters of

Massachusetts in the 2014 Election as Ballot Question 4 – Earned Sick Time for Employees. [01/19/16 @ 2:35 PM]

Referred to Public Facilities and Finance Committees

#223-15

Discussion on the process of licensing the use of city buildings

ALD. LAREDO requesting a discussion of the process of licensing the current and future use of city building, including: (a) how licensees may request the use of city buildings; (b) the process for determining which licensees will get the use of city buildings; (c) how the fees for the use of city buildings are set; and (d) how the current process compares to the process for permitting the use of school buildings. [08/13/15 @ 11:20 AM]

#190-15

Discussion of policy to record all meetings and post meeting materials online

ALD. SANGIOLO requesting a discussion with the Executive Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and requiring them to be posted to the City's website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member.

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]

Zoning & Planning voted No Action Necessary 7-0 on 04/12/17

Referred to Public Safety; Prog. & Serv., Zoning & Planning; and Finance Committees

#140-14(2)

Amend ordinances to add licensing requirements and criteria for lodging houses

ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton Ordinances, to establish licensing requirements and criteria for lodging houses.

Referred to Land Use and Finance Committees

#49-14

Implementation of technology to monitor compliance with special permits

LAND USE COMMITTEE requesting discussion with the Chief Financial Officer and the Chief Information Officer regarding the critical need to implement technology which enables the development, management and use of shared, searchable, mobile-accessed (both read and write) database which contains parcel-based information that can be accessed by all city departments (including Planning, Inspectional Services (ISD), Assessing, Engineering, Fire, Police, Health), the Board of Aldermen and the community. This technology must support the work of ISD and other departments in both the office

and the field to more effectively and efficiently monitor and enforce compliance with approved special permits and other related Board Orders. [02/10/14 @ 6:47 PM]

Respectfully submitted;

Leonard J. Gentile, Chair

CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL BOARD MEETING.

To: Clerk of the Board of Aldermen

Date: 11/24/17

From (Docketer): Councilors Lennonon and Lappin

Address: _____

Phone: _____ E-mail: _____

Additional sponsors: _____

1. Please docket the following item (it will be edited for length if necessary):

pursuant to Section 2-7 of the City Charter, recommending that the City Council reappoint Susan Dzikowski as Comptroller; said term will be two years or until a successor is duly qualified.

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer,
- Expenditure, or bond authorization
- Special permit, site plan approval,
- Zone change (public hearing required)
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other: _____

3. I recommend that this item be assigned to the following committees:

- Programs & Services
- Zoning & Planning
- Public Facilities
- Finance
- Public Safety
- Land Use
- Real Property
- Special Committee
- No Opinion

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting
- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

- _____
- _____
- _____
- _____
- _____

- _____
- _____
- _____
- _____
- _____

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion.)

Please check the following:

- 9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10. I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11. I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Signature of person docketing the item

[Please retain a copy for your own records]

CITY OF NEWTON

IN BOARD OF ALDERMEN

2017

ORDERED:

That, in accordance with the recommendation of President Scott Lennon and Vice-president Cheryl Lappin through the Finance Committee, the 2016-2017 City Council hereby recommends to the 2018-2019 City Council the re-appointment of SUSAN DZIKOWSKI as COMPTROLLER OF ACCOUNTS for a concurrent term of two years or until a successor is duly qualified.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk



527 Washington Street, Newton, MA 02458
TELEPHONE 617-796-1450
FAX 617-552-7228
www.historicnewton.org

To: Newton City Council
From: Lisa Dady, Director
Date: 27 November 2017
RE: Massachusetts Historical Commission Grant

APPROVED

S. Dady
11/27/17
RECEIVED
2017 NOV 27 PM 6:01
NEWTON CITY CLERK
DAVID A. OLSON, PM
NEWTON, MA 02459

In 2015, Historic Newton applied for a Massachusetts Preservation Project Fund grant for preservation work at the East Parish Burying Ground, which was awarded and Mayor Warren accepted the grant of \$50,000 in August 2015.

It has come to my attention that this item was never docketed for City Council approval.

We are requesting that you accept the grant. Indeed, the work was completed in 2016 and a final report has been sent to and accepted by the Massachusetts Historical Commission.

Thank you for your consideration.

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the authorization to expend a grant from the Massachusetts Preservation Project Fund in the amount of fifty thousand dollars (\$50,000) to be administered by the Director of the Jackson Homestead for preservation work at the East Parish Burying Ground.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#171-17

Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

May 30, 2017

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

RECEIVED
Newton City Clerk
2017 MAY 30 PM 3: 21
David A. Olsen, OMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to amend Sec 29-80 of the Newton Ordinances – Sewer Use Charge by adding the following sentence at the end of Paragraph (a):

Notwithstanding the foregoing, seasonal water takers not eligible for an outdoor meter under said section 29-24, shall pay a charge for the use of sewerage works in proportion to water consumption.

This change will bring the ordinance in accordance with longstanding Department of Public Works billing policy pertaining to sewer charges. City policy is and has been to charge seasonal water users not eligible for an outdoor meter a sewer charge in proportion to water consumption.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

Nadia Khan

From: Robert Waddick
Sent: Friday, December 01, 2017 1:03 PM
To: Nadia Khan
Cc: Theodore Jerdee; Marie M. Lawlor; Maureen Lemieux; James Mcgonagle
Subject: RE: #171-17 Ordinance Amendment Sec 29-80 Sewer Use Charge - with Item

Nadia,

If a property doesn't have a "building sewer" which is the service line connecting the property to the public sewer, then that property doesn't pay sewer charges.

However, there are properties that don't have a "building sewer" such as the Lakewood Tennis Club, and use water outside on a seasonal basis. Such properties are not eligible for an outdoor meter because they are not residential.

As presently written, Sec. 29-80 could be read as exempting non-residential properties without a "building sewer" that are ineligible for an outdoor meter, from paying sewer charges. Such an exemption is inconsistent with the city's established billing practices.

The proposed language makes it clear that a property that doesn't have a "building sewer" and is not eligible for an outdoor meter, must pay sewer charges for outdoor water usage.

The proposed language was drafted to make the language of Sec. 29-80 consistent with the city's established billing practices.

Bob Waddick

- (2) Chemical analyses of sewage conducted by an approved wastewater testing laboratory.
- (3) Information on raw materials, processes and products affecting sewage volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
- (5) A plot plan of sewers of the user's property showing sewer and pretreatment facility location.
- (6) Details of sewage pretreatment facilities.
- (7) Details of systems to prevent and control the losses of materials through spills to the municipal sewer. (Ord. No. R-153, 6-17-81)

Sec. 29-79. Standards for waste analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be conducted in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association, and shall be conducted at the control manhole or other structure provided, or upon suitable samples taken at said structure. In the event that no special manhole or other structure has been required, the control manhole shall be a sampling point, determined by the commissioner or, should none be established, shall be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to determine the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb and property and to determine the existence of damage or impairment to the operation of the sewerage works. (Ord. No. R-153, 6-17-81)

Sec. 29-80. Sewer use charge.

(a) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of sewage works in proportion to water consumption except that a charge for the use sewage works shall not be made for water consumption registered on or attributable to outdoor meters installed at residential properties in accordance with section 29-24 of this chapter. Notwithstanding the foregoing, seasonal water takers not eligible for an outdoor meter under said section 29-24, shall pay a charge for the use of sewage works in proportion to water consumption.

(1) Sewer rates

A charge for the use of sewer, which charge shall be made in proportion to water consumption, based on the water meter reading, or estimated water meter reading, excluding outdoor meters for the same property, for the prior quarterly billing period shall be made at the following schedule of rates or prices (effective July 1, 2016). Such sewer bill shall be issued on a quarterly basis:

Nine dollars and forty-five cents (\$9.45) per hundred cubic feet for consumption from 0 to 10 hundred cubic feet;

Ten dollars and ninety-five cents (\$10.95) per hundred cubic feet for consumption from 11 to 25 hundred cubic feet;

Eleven dollars and seventy-five cents (\$11.75) per hundred cubic feet for consumption from 26-60 hundred cubic feet;

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO. A-125

December , 2017

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to Chapter 29, Section 29-80(a) as follows:

1. Insert the sentence “Notwithstanding the foregoing, seasonal water takers not eligible for an outdoor meter under said section 29-24, shall pay a charge for the use of sewage works in proportion to water consumption.” as the last sentence of subsection (a).

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN

City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
yeas nays absent ()

(SGD) DAVID A. OLSON

City Clerk

(SGD) SETTI D. WARREN

Mayor

Date: _____

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS
CITY HALL

1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MA 02459
TELEPHONE (617) 796-1240
FACSIMILE (617) 796-1254

CITY SOLICITOR
DONNALYN B. LYNCH KAHN

DEPUTY CITY SOLICITORS
OUIDA C.M. YOUNG
ANGELA BUCHANAN SMAGULA
JEFFREY A. HONIG

ASSISTANT CITY SOLICITORS
MARIE M. LAWLOR
ROBERT J. WADDICK
MAURA E. O'KEEFE
ALAN D. MANDL
JULIE B. ROSS
JILL M. MURRAY
JONAH M. TEMPLE

APPROVED
Setti Warren
11/27/17

November 13, 2017

Mayor Setti D. Warren
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: Student Litigation Claim

Dear Honorable Mayor Warren:

The claim in the above-referenced matter stems from an incident on October 6, 2016 on a school bus between an assistant coach and a student athlete. The student suffered minor injuries with related medical bills. The police were called to the scene. The student went to the hospital that evening.

On October 10, 2016, the minor child made a claim for bodily injuries pursuant to M.G.L. c. 258 § 4 and emotional distress seeking \$100,000 in damages.

The parties have been exploring settlement and have arrived at a negotiated compromise of \$10,000 which we believe is reasonable.

Therefore, I respectfully request that you docket this item requesting authorization to settle this claim for \$10,000 from the School Department budget as full and final settlement of this claim against Newton Public Schools and the City of Newton.

Sincerely,

Angela Buchanan Smagula
Angela Buchanan Smagula
Deputy City Solicitor

cc: Superintendent David Fleishman
Heather Richards, Director of Human Resources, NPS
Ruth Goldman, Chair, Newton School Committee

RECEIVED
Newton City Clerk
2017 NOV 27 PM 5:32
David A. Olson, CMC
Newton, MA 02459

CITY OF NEWTON

IN CITY COUNCIL

2017

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, authorization to settle a claim in the amount of ten thousand dollars (10,000) from the School Department's Budget for the purpose of full and final settlement of a claim against the Newton Public Schools, 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 _____