



## **Finance Committee Report**

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

**Monday, June 13, 2016**

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

**#165-16      Mayor's appointment of Michael Engel as a trustee of the Chaffin Fund**  
MICHAEL S. ENGEL, 83 Staniford Street, Unit #7, Auburndale, appointed as a lifetime trustee of the Chaffin Fund/Fig Newton Scholarship replacing Charlotte Kaitz. (60 days 6/30/16) [04/22/16 @ 12:53 PM]

**Action:**      **Finance Held 7-0**

**Note:**      Councilor Fuller moved hold on Mr. Engel's appointment, as he was unable to attend the meeting to discuss his appointment to the Chaffin Fund Board of Trustees. The motion to hold carried unanimously.

**#164-16      Mayor's re-appointment of Edward Gourdeau as a Constable**  
EDWARD W. GOURDEAU, JR., 94 Clearwater Road, Newton Lower Falls, re-appointed as a Constable for the City of Newton for a term of office to expire April 30, 2019. (60 days 6/30/16) [04/13/16 @ 3:55 PM]

**Action:**      **Finance Approved 7-0**

**Note:**      Newton Fire Fighter Edward Gourdeau is being re-appointed as a Constable of the City for a sixth three-year term. The appropriate paperwork is on file with the Clerk's office, including a copy of the required \$5,000 bond. The Chair did not feel it was necessary for Mr. Gourdeau to attend the meeting as he is a re-appointment and well known to most Committee members but he can be invited to the next meeting if there are any questions. Councilor Ciccone moved approval of the re-appointment, which carried unanimously.

**#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  |
| f. Riverside, Old Jordan Marsh                 | \$16,045 |

g. Canton Circle LLC, 714-724 Beacon Street

\$10,000

**Action:** Finance Approved as Amended 7-0 to approve Line Item F for \$16,045 and amended the request to include \$34,463 designated for traffic improvements in Lower Falls from the Riverside, Old Jordan Marsh Mitigation Fund for a Total Request of \$50,508

**Note:** City Engineer Lou Taverna presented the request for approval of a portion of the docket item. The Department of Public works would like to use the \$16,045 from the Cabot, Cabot and Forbes mitigation fund (the old Jordan Marsh site on Grove Street) to partially fund the installation of traffic and roadway improvements on Grove Street and other streets in the vicinity, including a torpedo shaped island on Concord Street. The estimated costs of the proposed improvements are \$61,228. The Public Works Department initially thought that they had an additional \$34,463 within their budget from the same mitigation fund that was designated for traffic improvements in Lower Falls; however, that money reverted to the mitigation fund when it was not spent. Mr. Taverna is requesting that the Committee support amending the request to include the appropriation of \$34,463, as well as the \$16,045 for a total appropriation of \$50,508. The remaining funds of \$10,720 will be funded through the Department's Street Maintenance/Construction Supplies Account.

The Committee reminded Mr. Taverna that the installation of the traffic island and any significant changes to other roadways must be approved by the City Council. Mr. Taverna explained that the plan is to have a trial of the roadway changes before anything is implemented. The City met with the Lower Falls community to present the changes and the community supported the changes with a trial before implementation. With that, Councilor Lappin moved approval as amended to include the additional funds and approval of Line item F, which carried by a vote of seven in favor and none opposed.

**#211-16** **Transfer request for \$600,000 to fund retroactive pay for the firefighters' contract**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of six hundred thousand dollars (\$600,000) from Current year Wage Reserve to Fire Department Full-time Salaries to fund the FY 2015 and FY 2016 retroactive payments for the recently settled agreement between the City of Newton and Newton Firefighters Association, IAFF Local 863. [05/31/16 @ 4:35 PM]

**Action:** Finance Approved as Amended 7-0 @ \$700,000

**Note:** Chief of Staff Maureen Lemieux provided the attached letter requesting an amendment by increasing the request to \$700,000 to ensure that there is enough money to fund all of the retroactive payments for Fiscal Years 2015 and 2016 negotiated as part of the contract settlement with the Newton Firefighters' Association. The City still has to pay out overtime for the rest of this fiscal year and it is difficult to estimate how much overtime the Fire Department will need. Any additional funds that are not needed will be turned back to Free Cash. Fire Chief Bruce Proia and Chief of Staff Maureen Lemieux presented the request to the Committee. A Memorandum of Agreement detailing the changes to the contract was attached to the agenda for the meeting. The City and the Firefighters Association were scheduled to appear before the Joint Labor Management Committee (JLMC) for

contract arbitration but the City and the union were able to negotiate a collective bargaining agreement before going to arbitration.

There are two years of retroactive payments, salary changes, and longevity changes within the contract. Funding for the contract was set aside in a Wage Reserve but there is not enough money in the Wage Reserve to fund all of the retroactive payments and the FY 2016 Longevity increases, as the contract has been in negotiation for two years. The attached memo provides a breakdown of how the requested funds would be used.

Chief of Fire Bruce Proia is pleased with the contract. The new contract includes language requiring that all Newton Firefighter I and II employees attend and complete a training program at a fire academy to become a Certified Firefighter I/II by the expiration of their probationary period. In addition, the contract language provides for a new technical rescue squad. Chief Proia feels strongly that the City needs to have certified and specialized firefighters to provide comprehensive public safety to the citizens.

The Fire Department will receive its new technical rescue truck this fall and it will be staffed with 16 highly trained firefighters. The staffing will include four of the positions saved from Engine 6 deactivation; four positions will be added this fiscal year and for the next two years. The plan to achieve full staffing on the rescue squad is to reassign firefighters from different trucks to the technical rescue squad. There will be overtime implications for the first few years but the department will meet all minimum manning requirements. The new agreement also expands the residency requirement from a 10-mile residency limit to a 35-mile residency limit. A new rank structure was created for the Wires Division personnel. The agreement is beneficial to both the City and the firefighters.

A committee member asked for the wage percent increases overall for each of the contract years. Chief of Staff Maureen Lemieux explained that in FY 15, there is a 1.5% wage increase, in FY 16 it is 2% and a new longevity scale takes effect. The longevity ends up being approximately a .5% increase on the salary line item each year. In FY 17 there is a 1.5% wage increase, an increase from 1.75% to 2% for the emergency medical response stipend and a 1% stipend for hazardous duty but as the tech rescue truck will not be on the road until January 1, 2017, it is really only a .5% increase for FY 17 as it is only in effect for ½ of the fiscal year. In FY 18, the increase is 2.5% because there are no steps for the senior people, which make up 75% of the department. There is an increase in the hazardous duty stipend on the last day of the contract, which will affect the next contract. Overall, it is more than a 2.5% increase in wages, but the contract includes a new technical rescue squad and certified firefighters. Ms. Lemieux will provide a memo that provides the full increase percentage for each of the contract years.

There was concern that there is a statement in the Memorandum of Agreement that “there will not be a reduction of the current per piece manning as referenced in Article XXX of the current collective bargaining agreement.” Therefore, if the City had to deactivate fire apparatus, the Fire Department’s staffing level would not change. In the Chief’s opinion, the number of firefighters on the

fire ground is most important. Ms. Lemieux added that it would be up to the City Council not to cut a piece of apparatus in the years to come. The structures in the City are not getting smaller or less complicated and if the City wants to provide unparalleled public safety it needs all of the current pieces of fire apparatus. It was pointed out that once the contract agreement expires there would be opportunity to renegotiate that statement.

Councilor Lappin moved approval of the request as amended to include the additional \$100,000 in funding to be transferred from the Retiree Health Insurance Account. The Committee voted seven in favor and none opposed to support the motion.

### **Referred to Public Facilities and Finance Committees**

#### **#213-16 Funding for design and site plan approval for the Cabot School Project**

HIS HONOR THE MAYOR, requesting authorization to appropriate four hundred thousand dollars (\$400,000) from bonded indebtedness for the purpose of funding the completion of the schematic design and site plan approval for the Cabot School Project.  
[06/06/16 @ 1:54 PM]

**Public Facilities Approved 6-0 on 06/08/16**

**Action:** **Finance Approved 7-0**

**Note:** Chief of Staff Maureen Lemieux presented the request to bond \$400,000 to fund the completion of the schematic design and site plans for the Cabot Elementary School Project. The Design Review Committee and the Cabot School Committee reaffirmed the original approved design was the appropriate design for the project. Commissioner of Public Buildings provided the attached breakdown of what the requested money would fund. Mr. Morse also provided a list of expenditures of the previously approved funds, which was attached to the agenda. There was concern during the Public Safety and Transportation Committee discussion that looking at a second design had brought the costs over the original funding for the project but the list Mr. Morse provided makes it clear that it not the case. Ms. Lemieux added that it was more of a fixed phase for that phase of the project. She would expect that any additional costs incurred by the designers and project manager would roll into the next phase of the project. Councilor Fuller moved approval, which carried by a unanimous vote.

### **Public Safety & Transportation and Finance Committee**

#### **#212-16 Appropriation request for \$250,000 to fund police overtime costs**

HIS HONOR THE MAYOR requesting authorization to appropriate two hundred fifty thousand dollars (\$250,000) from Free Cash to the Police Department Overtime Account to fund additional FY 2016 overtime costs.

**Public Safety & Transportation Approved 5-0-1 (Fuller abstaining) on 06/08/16**

**Action:** **Finance Approved 7-0**

**Note:** Chief of Police David MacDonald joined the Committee to discuss the request for an appropriation of \$250,000 to fund overtime costs in the Police Department. This fiscal year the department had extraordinary overtime costs because of the retirement of a Police Chief and Captain,

as well as additional training sessions for Narcan administration and Subconscious Bias that resulted in overtime costs and additional Boston Marathon overtime costs. The State also reduced the reimbursement amount for the Marathon staffing and the Municipal State Staffing Grant. In addition, the E911 Grant, which is used to fund two positions, was received late with a stipulation that the grant funds could not be used to cover any salary before the receipt of the grant in December 2015.

There was statement that the overtime expenditures were somewhat vague and better documentation for these types of docket requests would be appreciated. The Administration was asked to provide the actual overtime numbers for Fiscal Year 2016 at the close of the Fiscal Year. Ms. Lemieux explained that it could be difficult to pinpoint exactly what overtime funds are spent on but will provide the figures. With that, Councilor Ciccone moved approval, which carried unanimously.

**#189-16      Transfer from Wage Reserve for retroactive payments to AFSCME Local 2913 Members**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty thousand dollars (\$50,000) from 2016 Wage Reserve to Traffic Safety Full-Time Salaries for the purpose of funding the Fiscal Years 2015 and 2016 retroactive payments to the employees of AFSCME Local 2913 – Parking Control/Traffic Enforcement. [05/09/16 @ 4:59 PM]

**Action:      Finance Approved 7-0**

**Note:**      Chief of Staff Maureen Lemieux provided the Committee with information on the request to transfer \$50,000 from the Wage Reserve to the Traffic Safety Salaries Account to fund the collective bargaining agreement between the City and the parking control and traffic enforcement employees. The agreement includes a \$500 lump sum payment for each member for Fiscal Year 2015 and a 3% increase in both Fiscal Year 2016 and 2017. The longevity payment was also increased by \$100. A memo detailing the specifics of the agreement was attached to the agenda for the meeting. There are 62 members in that union. Ten are parking control clerks and 52 are crossing guards. When the agreement was negotiated, there was a new salary grid created for both positions to provide incentives and reward for people in the positions.

The Committee discussed whether the new Pay-by-Phone application for parking meters would result in a reduction of parking control clerks. Ms. Lemieux stated that she did not do a cost analysis on the Pay-by-Phone Program on whether it would affect the number of tickets issued by the City. She expects more than 20% of the parkers will download the application to pay for parking spaces in Newton. If the application results in less parking violations, it may result in fewer parking control clerks. There are no upfront costs associated with the parking meter application and it was chosen because surrounding communities are using the same applications. Ms. Lemieux provided an overview of how the Pay-by-Phone application works with the existing parking program in the City. The parking control clerks will also require new equipment to issue tickets for any parking violators that used the Pay-by-Phone application. The City is looking for the lightest equipment available because the clerks must carry the equipment all day.

Councilor Ciccone moved approval, which carried unanimously.

**#210-16      Appropriation request for \$21,898 to pay telephone bills from prior fiscal years**

HIS HONOR THE MAYOR requesting authorization to appropriate twenty-one thousand eight hundred ninety-eight dollars (\$21,898) from Free Cash to the Fire Station Maintenance, Telephone Account to fund additional telephone costs. [05/31/16 @ 4:35 PM]

**Note:** *This request includes an authorization to pay an unpaid bill of a prior year from Verizon Communications, which requires a 2/3 majority vote by the City Council to be approved.*

**Action:**      **Finance Approved 7-0**

**Note:** Chief of Staff Maureen Lemieux explained that the request is to cover expenses incurred in previous years by the City for the rental of six communication lines for the Fire Department's receivers and transmitters. It appears that the City has not paid Verizon for the lines since 2010. It appears that the bills were sent to an employee of the Fire Department that was out of the office for some time and then retired from the Fire Department. Verizon added late fees to the bills but the City was able to negotiate with Verizon to remove a portion of the late fees. The Fire Department cannot pay prior year bills out of its operational budget as it requires a 2/3 majority vote by the City Council to pay the old bills. Two communications lines are disconnected; however, the Fire Department still uses four rented lines. The plan is to switch all communication lines to the city-owned fiber in the near future eliminating the need to rent lines from Verizon. Councilor Lappin moved approval of the item, which carried by a vote of seven in favor and none opposed.

**Referred to Public Safety & Transportation and Finance Committees**

**#197-15(2)      Pilotless Aircraft Operation**

COUNCILORS ALBRIGHT, BAKER, AND NORTON proposing an ordinance regulating the operation and registration of pilotless aircraft in the City of Newton. [04/07/16 @ 4:25 PM]

**Public Safety & Transportation approved 5-0 on 05/04/16**

**Action:**      **Finance Approved 5-0-2 (Lappin, Norton abstaining)**

**Note:** The Chair stated that the Finance Committee's only role in this proposed ordinance is to act on the fees and fines and not the substance of the ordinance. The Public Safety and Transportation Committee previously reviewed and approved the substance of the proposed ordinance. The draft ordinance includes a \$10 fee for registration of drones and a \$50 fine for any violation of the proposed ordinance following the issuance of a warning for the first offense.

Newton resident Howard Samuels raised concerns that the proposed ordinance duplicates the Federal Aviation Administration (FAA) regulations making the ordinance unnecessary. His concerns also included the registration fee of \$10, as the draft ordinance language does not specify if the registration fee is per drone or for multiple drones. Councilor Ciccone stated that the Public Safety and

Transportation Committee discussed whether the proposed ordinance was necessary and felt that the proposed ordinance went beyond the FAA regulations and voted unanimously to recommend that the proposed ordinance be adopted. There was a suggestion that the Law Department review and clarify the proposed registration fee language. Councilor Blazar moved approval of the proposed ordinance, which carried by a vote of five in favor and two abstentions.

**Note:** Subsequent to the meeting, the Law Department provided the attached revised draft ordinance, which clarifies that the \$10 fee is a one-time registration fee for one or multiple drones owned by one person. The attached e-mail from Assistant City Solicitor Maura O'Keefe states that the information presented by Mr. Samuels is not applicable to the proposed ordinance but to drones flown within the FAA's jurisdiction.

### **Referred to Public Safety & Transportation and Finance Committees**

#### **#64-16      Increase the number of Chief of Operation positions in the Fire Department**

HIS HONOR THE MAYOR requesting a temporary increase in the number of Chief of Operations in the Fire Department from one to two Chief, as the current Assistant Chief of Operations is on extended sick leave, does not intend to return to his position, and his accrued time does not run out until August 2016. An Assistant Chief has been working as the acting Chief of Operations and the Fire Chief would like to permanently appoint him as the Chief of Operations before August 2016, as the acting Chief of Operations cannot attend bargaining sessions due to a possible conflict of interest should he return to a union position as Deputy Chief. [02/09/16 @ 2:47 PM]

**Public Safety & Transportation voted No Action Necessary 4-0 on 06/08/16**

**Action:**      **Finance Voted No Action Necessary 7-0**

**Note:**      The docket item request is no longer necessary; therefore, Councilor Ciccone moved no action necessary, which carried unanimously.

All other items before the Committee were held without discussion and the Committee adjourned at 9:05 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 CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of His Honor the Mayor and with the confirmation of the CITY COUNCIL pursuant to MGL Chapter 41, Section 91, be it known that EDWARD GOURDEAU, 94 Clearwater Road, Newton Lower Falls, is hereby re-appointed as a CONSTABLE of the City of Newton for a term of office to expire on April 30, 2019. In accordance with MGL Chapter 41, Section 92, a surety bond in the amount of \$5,000 has been filed with the City Clerk.

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

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of fifty thousand five hundred eight dollars (\$50,508) to be appropriated from the Special Permit Mitigation Funds established with contributions from Cabot Cabot and Forbes for the old Jordan Marsh Project be and is hereby appropriated, granted, and expenditure authorized under the direction of the Commissioner of Public Works:

FROM:	Mitigation Receipts Reserved (Riverside, Jordan Marsh) .....\$50,508
TO:	Lower Falls Traffic Improvements (C4010716F-52409).....\$50,508

Under Suspension of Rules  
Readings Waived and Item Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date\_\_\_\_\_



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

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(617) 796-1100

Facsimile  
(617) 796-1113

TDD/TTY  
(617) 796-1089

E-mail  
swarren@newtonma.gov

June 13, 2016

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

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to amend Docket Item # 211-16 by increasing the total request from \$600,000 to \$700,000. I request that this additional \$100,000 be transferred from Retiree Health Ins Acct # 0110491-57HLTH to Acct # 0121001-511001

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

RECEIVED  
Newton City Hall  
2016 JUN 13 PM 9:08  
DAVID A. OLSON, CLERK  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE



**City of Newton, Massachusetts**  
**Office of the Mayor**

#211-16

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SETTI D. WARREN  
MAYOR

To: Councilor Leonard Gentile, Chairman, Finance Committee  
From: Maureen Lemieux, Chief Financial Officer *ml*  
Subject: Fire Department Retroactive Funds  
Date: June 09, 2016

RECEIVED  
Newton City Clerk  
2016 JUN 10 AM 9:10  
David A. Olson, CMC  
Newton, MA 02459

As you know, the City and the members of IAFF Local 863 reached agreement on February 24, 2016 to enter into a 1-year (FY15) and 3-year (FY16-FY18) Collective Bargaining Agreement. The attached agreement secures a Technical Rescue Team, required certification as Firefighter I and II for all new hires, as well as several other items. In return, the City has agreed to adjust the pay grid, longevity payments and some stipend adjustments.

Specifically, retroactive funds are required as follows:

<b><u>FY2015 Retroactive Funds</u></b>	<b>\$210,000</b>
<b><u>FY2016 Retroactive Funds</u></b>	<b>\$313,000</b>
<b><u>FY2016 Longevity</u></b>	<b><u>\$77,000</u></b>
<b>Total</b>	<b>\$600,000</b>

I will be at the Finance Committee meeting on Monday, June 13<sup>th</sup> and will be happy to answer any questions that members of the Honorable Council may have.

CITY OF NEWTON

IN BOARD OF ALDERMEN

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through the Chair Leonard J. Gentile, the transfer of the sum of six hundred thousand dollars (\$600,000) from the Current Year Wage Reserve and one hundred thousand dollars (100,000) from the Retiree Health insurance Account to the Fire Department Salaries Account to provide funding for FY 2015 and FY 2016 retroactive payments for the recently settled collective bargaining agreement between the City of Newton and Newton Firefighters Association, IAFF Local 863 be and is hereby approved as follows:

FROM:	Wage Reserve (0110498-5197).....	\$600,000
	Retiree Health Insurance (0110491-57HLTH .....	\$100,000
TO:	Fire Salaries (0121001-511001).....	\$700,000

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date: \_\_\_\_\_

Vendor	Amount	CODE	Further Description
DiNisco Design Partnership	\$ 450,000.00	AEFSSD	Feasibility and Schematic Design
DiNisco Design Partnership (RE 10 through 13)	\$ 52,712.00	AEFSSD	Wetlands Protection Consulting (Schofield) \$24,200, Hydrant Flow Testing \$770, Building Enclosure Consulting \$13,992, Traffic \$13,750
DiNisco Design Partnership (RE 7 through 9)	\$ 19,818.00	AEFSSD	GZA and Schofield for geotechnical engineering services- soil testing for stormwater
JLA Feasibility Study Phase	\$ 225,000.00	JLAFSSD	Feasibility and Schematic Design
	\$ 747,530.00		
Caruso & McGovern	\$ 2,179.00	Environmental and Site	Existing Condition Survey
DiNisco Design Partnership (RE 1 through 5)	\$ 121,737.00	Environmental and Site	Structural Investigations \$5,280, Environmental Consulting \$18,447, Land Survey \$27,665, Geotechnical Engineering \$39,600, Traffic \$30,745
Eversource	\$ 1,242.00	Environmental and Site	Utilities
Lord Associates	\$ 13,215.39	Environmental and Site	Tank Removal
Lord Associates	\$ 2,385.00	Environmental and Site	Tank Removal
Lord Associates	\$ 693.00	Environmental and Site	Tank Removal
Lord Associates	\$ 3,048.00	Environmental and Site	Tank Removal
Nitsch	\$ 2,800.00	Environmental and Site	Traffic Study Peer Review as Requested
Planning Horizons	\$ 3,800.00	Environmental and Site	Survey for Parking at Cabot Village
	\$ 151,099.39		
Boston Globe	\$ 339.30	Other	Advertising
Caruso & McGovern	\$ 3,773.00	Other	Existing Condition Survey
Caruso & McGovern	\$ 855.33	Other	Existing Condition Survey
Lord Associates	\$ 1,940.07	Other	Tank Removal
Petroleum Management Services	\$ 42,335.52	Other	Tank Removal
WT Rich	\$ 40,000.00	Other	Pre-Construction Services

\$ 89,243.22

\$ 987,872.61

#### Summary

Traffic/ Parking	\$ 51,095.00
Geotech/Land	\$ 149,772.00
Tank Removal	\$ 63,616.98
OPM	\$ 225,000.00
Designer	\$ 450,000.00
Utilities	\$ 1,242.00
Advertising	\$ 339.30
Pre-Construction Services	\$ 40,000.00
Existing Condition Survey	\$ 6,807.33

\$ 987,872.61

CITY OF NEWTON

IN BOARD OF ALDERMEN

2016

ORDERED:

That for the purpose of paying costs of completion of the schematic design and site plan approval for the Cabot School Project, and for the payment of all costs incidental and related thereto, there is hereby appropriated the sum of four hundred thousand (\$400,000), which amount shall be borrowed under and pursuant to Chapter 44, Section 7(21) of the General Laws, or pursuant to any other enabling authority.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

CITY OF NEWTON

IN BOARD OF ALDERMEN

2016

ORDERED:

That, in accordance with the recommendation of the Public Safety and Transportation and Finance Committees through their respective Chairs Allan L. Ciccone, Jr. and Leonard J. Gentile, the sum of two hundred fifty thousand dollars (\$250,000) be and is hereby appropriated from Free Cash to be expended under the direction of the Chief of Police for the purpose of providing additional overtime funding for the Police Department.

FROM:	Free Cash	
	(01-3497).....	\$250,000
TO:	Police salaries	
	(0120104-513001).....	\$250,000

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

CITY OF NEWTON

IN BOARD OF ALDERMEN

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through the Chair Leonard J. Gentile, the transfer of the sum of fifty thousand dollars (\$50,000) from the Current Year Wage Reserve to the Police Department Salaries Account to provide funding for FY 2015 and FY 2016 retroactive payments for the recently settled collective bargaining agreement between the City of Newton and the employees of AFSCME Local 2913 – Paring Control/Traffic Enforcement, be and is hereby approved as follows:

FROM:	Wage Reserve (0110498-5197).....	\$50,000
TO:	Police Salaries (0120102-511001).....	\$50,000

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

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Leonard J. Gentile, authorization to pay an unpaid bill of a prior year in the amount of \$21,898 to Verizon Communications is granted and the sum of twenty-one thousand eight hundred ninety-eight dollars (\$21,898) to be appropriated from Free Cash, be and is hereby appropriated, granted, and expenditure authorized, as follows:

FROM:	Free Cash (01-3497).....	\$21,898
TO:	Fire Expenses (0121005-53401).....	\$21,898

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date: \_\_\_\_\_

**Shawna Sullivan**

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**From:** Maura E. O'Keefe  
**Sent:** Tuesday, June 14, 2016 1:21 PM  
**To:** Shawna Sullivan  
**Subject:** drone ordinance  
**Attachments:** Draft Ordinance 197-15(2)(6.14.16).docx

Shawna,

Here is the revised ordinance with the language clarifying that each owner will only register once for \$10, and that cost will cover all drones owned by that owner. This fee will be used to defray the cost of creating and maintaining a shared database for the clerk's office and the police department for the purpose of local enforcement.

None of the other information presented at last night's meeting would be applicable to this ordinance, but instead pertains to drones that would be flown within the jurisdiction of the FAA.

Maura E. O'Keefe  
Assistant City Solicitor  
City of Newton Law Department  
1000 Commonwealth Ave.  
Newton MA 02459  
617-796-1240

**ITEM # 197-15(2): DRAFT ORDINANCE FOR DISCUSSION PURPOSES**

Add the following new section:

**Sec. 20-64. Pilotless Aircraft Operation.**

Purpose: The use of pilotless aircraft has become increasingly prevalent and has a significant impact on the safety and security of the people of the City of Newton. In order to protect the privacy of residents throughout the City, and to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted in harmony with all relevant rules and regulations of the Federal Aviation Administration, and any other federal, state and local laws and regulations.

(1) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated without direct human contact from within or on the aircraft.

(2) Registration: The owner of a pilotless aircraft shall register each pilotless aircraft with the City Clerk's office, prior to operation. The cost of ~~registering a pilotless aircraft~~registration shall be ~~\$TBD~~\$10.00 per Owner and such cost of registration shall include all pilotless aircraft owned by the Owner. Owners must have proof of registration in their possession when operating a pilotless aircraft. Registration shall include the following:

- (a) The owner's name, address, email address and phone number;
- (b) The make, model, and serial of each pilotless aircraft to be registered;
- (c) A copy of the owner's Federal Aviation Administration Certificate of Registration for pilotless aircraft;
- (d) A photograph of each pilotless aircraft, clearly indicating that each pilotless aircraft is marked with the Federal Aviation Administration registration number.

(3) Operating Prohibitions. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.

- (a) No pilotless aircraft shall be operated:
  - (i) over private property at an altitude below 400 feet without the express permission of the owner of said private property;
  - (ii) at a distance beyond the visual line of sight of the Operator;

- (iii) in a manner that interferes with any manned aircraft;
- (iv) in a reckless, careless or negligent manner;
- (v) over any school, school grounds, or other City property, ~~conservation land,~~ or sporting event without prior permission from the ~~appropriate~~ City ~~Department,~~ unless a permit is required as in Section 4, below;
- (vi) for the purpose of conducting surveillance unless expressly permitted by law or court order;
- (vii) for the purpose of capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;
- (viii) over any emergency response efforts;
- (ix) with the intent to harass, annoy, or assault a person, or to create or cause a public nuisance;
- (x) in violation of federal or state law, or any Ordinance of the City of Newton.

(b) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where ~~it is~~ it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.

(4) Permit May be Required: A permit may be required to use land maintained by the Parks and Recreation Department or the Conservation Commission to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head or the Conservation Commission, or designee. No person shall use public property to launch or land a pilotless aircraft without a permit issued by the appropriate jurisdictional Department, Board or Commission of the City of Newton.

(5) Noise Ordinance: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.

(6) Penalties: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of ~~not more than~~ \$50.00(TBD) for each offense thereafter.

(7) Separate Violations: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.

(8) Severability: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.

(9) Regulations: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.

CITY OF NEWTON

IN CITY COUNCIL

, 2016

ORDERED:

That, in accordance with the recommendation of the Public Safety and Transportation and Finance Committees through their respective Chairs Allan L. Ciccone, Jr. and Leonard J. Gentile, the following item be and is hereby voted NO ACTION NECESSARY:

#64-16      HIS HONOR THE MAYOR requesting a temporary increase in the number of Chief of Operations in the Fire Department from one to two Chief, as the current Assistant Chief of Operations is on extended sick leave, does not intend to return to his position, and his accrued time does not run out until August 2016. An Assistant Chief has been working as the acting Chief of Operations and the Fire Chief would like to permanently appoint him as the Chief of Operations before August 2016, as the acting Chief of Operations cannot attend bargaining sessions due to a possible conflict of interest should he return to a union position as Deputy Chief.

Under Suspension of Rules  
Readings Waived and Item Voted NO ACTION NECESSARY

(SGD) DAVID A. OLSON, City Clerk