



# Finance Committee Agenda

## City of Newton In City Council

Monday, June 27, 2016

7 PM

Room 211

### ITEMS SCHEDULED FOR DISCUSSION:

- #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 06/30/16) [04/22/16 @ 12:53 PM]
- #223-16 Mayor's re-appointment of James A. Pellegrine as a Constable**  
JAMES A. PELLEGRINE, 60 Clinton Street, Newton, re-appointed as a Constable for the City of Newton for a term of office to expire June 30, 2019. [06/15/16 @ 3:55 PM]
- #225-16 Transfer \$44,823 within the Library budget to fund utility and other expenditures**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of forty-four thousand eight hundred twenty-three dollars (\$44,823) from the Library's Salaries Accounts to supplement the below Library accounts as follows:
- |                          |          |
|--------------------------|----------|
| Electricity.....         | \$22,600 |
| Natural Gas .....        | \$13,700 |
| Water & Sewer.....       | \$3,250  |
| Tuition Assistance ..... | \$2,750  |
| Equipment R&M .....      | \$2,523  |
- [06/13/16 @ 3:49 PM]
- #224-16 Authorization to appropriate a \$19,800 grant for drunk driving prevention**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of nineteen thousand eight hundred dollars (\$19,800) from the Drunk Driving Trust Fund Prevention, Education, and Training Grant for Fiscal Year 2017 from the Massachusetts Office for Victim Assistance awarded to the Police Department. [06/13/16 @ 3:49 PM]

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

**Referred to Public Facilities and Finance Committees**

**#226-16** **Transfer \$233,013.67 within the DPW snow removal line items**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred thirty-three thousand thirteen dollars and sixty-seven cents (\$233,013.67) from the Public Works Regular Overtime Snow Operations Account to the Public Works Snow Removal Rental Vehicles/Buildings/Schools. [06/13/16 @ 3:49 PM]  
**Public Facilities on 06/22/16**

**#228-16** **Transfer of funds within DPW Budget to fund safety bollards in West Newton Square**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Public Works Salaries Account to the Public Works Property Repairs and Maintenance Account for the purpose of funding the installation of safety bollards in West Newton Square. [06/13/16 @ 3:49 PM]

**Referred to Public Facilities and Finance Committees**

**#229-16** **Taking of a temporary construction easement for the Elliot St Bridge Project**  
HIS HONOR THE MAYOR recommending that the City Council acquire temporary construction easement through an eminent domain taking in the private lands of 393-396 and 404-406 Elliot Street, a distance of 135' ±, and award damages to be determined to Chatham Properties. [06-20-16 @11.26 AM]  
**Public Facilities Approved 8-0 on 06/22/16**

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

**#357-15** **Request for CPA funding for the Newton Highlands Playground**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of two million five hundred thousand dollars (\$2,500,000) from the Community Preservation Fund's open space and general reserves or fund balance to the Parks & Recreation Department, for the rehabilitation of the Newton Highlands Playground at Winchester and Dedham Streets, as described in the proposal submitted to the Community Preservation Committee in November 2015. [12/15/15 @ 12:32 PM]  
**Programs & Services Approved 8-0 on 06/22/16**  
**Public Facilities Approved 8-0 on 06/22/16**

**Referred to Public Facilities and Finance Committees**

**#227-16** **Request to appropriate \$13,129,065 for Fire Station 3/HQ Project**  
HIS HONOR THE MAYOR requesting authorization to appropriate the sum of thirteen million one hundred twenty-nine thousand sixty-five dollars (\$13,129,065) from bonded indebtedness for the purpose of funding the Fire Station 3/Headquarters Construction Project. [06/13/16 @ 3:49 PM]  
**Public Facilities Approved 8-0 on 06/22/16**

- #174-16**      **Acceptance of MGL Chapter 60 Section 1 of MGL**  
COUNCILORS SANGIOLO, HARNEY and COTE requesting adoption of local option provision in Chapter 60A, Section 1 of Massachusetts General Law that exempts military personnel from paying excise tax if they are deployed outside the state for at least 45 days. [4/27/16 @ 1:39 PM]
- #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]
- #173-16**      **Interest charges on late payment of utility bills**  
COUNCILOR SANGIOLO requesting creation of a policy or ordinance related to interest charges on late payments of utility bills to the City and proportional return of interest charges if or when the utility bill is abated. [04/27/16 @ 1:39 PM]

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

- #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]

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

- #175-16**      **Authorization to enter into a settlement agreement with National Grid.**  
HIS HONOR THE MAYOR requesting authorization for the City to enter into a settlement agreement with Boston Gas Company d/b/a National Grid. [04/25/16 @ 6:52 PM]

**Referred to Public Facilities and Finance Committees**

- #191-16**      **Funding to relocate the Zervas modulars to NSHS and Brown Middle School**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars (\$500,000) to the Public Buildings Department for the purpose of funding the relocation modular classrooms from the Zervas Elementary School to Newton South High School and Brown Middle School from the following accounts:

| <u>Department</u> | <u>Account</u>               | <u>Amount</u> |
|-------------------|------------------------------|---------------|
| Executive Office  | Full-time Salaries           | \$40,000      |
| Treasury          | Debt Service (010772-582A48) | \$403,784     |
| Treasury          | Debt Service (010772-582A49) | \$21,216      |

Financial Info Systems      Full-time Salaries      \$35,000  
 [05/09/16 @ 4:59 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 |

#287-15

**Submittal by the Mayor of the 5-Year Financial Forecast**

HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 5-Year Financial Forecast for Board of Aldermen review/acceptance. [10/01/15 @ 1:53 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 a policy to record all meetings and post all 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]



- #31-15(3) Discussion of Financial Impact of Leaf Blower Ban on Newton's Budget**  
PROGRAMS & SERVICES COMMITTEE requesting a discussion of the financial impact of a seasonal leaf blower ban on the City's operating budget. [03/24/16 @1:41 PM]

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

- #31-15(4) Amend Chapter 20 Section 51 Civil Fine for Littering to Include Yard Waste**  
PROGRAMS & SERVICES COMMITTEE requesting that the City of Newton Ordinances Chapter 20, Section 51, Depositing of Litter, be amended to include leaves, yard waste, and other similar material, and that civil fines be associated with violations of the section and added to Chapter 20, Section 21. [03/24/16 @1:41 PM]

**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]

- #248-12 Ordinance amendments to Article IV Purchases and Contracts**  
RECODIFICATION COMMITTEE recommending that **ARTICLE IV. PURCHASES AND CONTRACTS, Secs. 2-182 through 2-205**, be amended to make it consistent with state law.

**Respectfully submitted;**

**Leonard J. Gentile, Chair**



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

RECEIVED  
Newton City Clerk

2016 APR 22 PM 12:53

David A. Olson, Clerk  
Newton, MA 02459

#165-16

Telephone  
(617) 796-1100

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TDD/TTY  
(617) 796-1089

E-mail  
swarren@newtonma.gov

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

Ladies and Gentlemen:

I am pleased to appoint Michael S. Engel of 83 Staniford Street, Unit #7, Newton as a trustee of the John C. Chaffin Fund. His appointment is subject to your confirmation.

Thank you for your attention to this matter.

Very truly yours,

Setti D. Warren

Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE

FIELD EXPERIENCE

- 2015-Present**      **Madeline English Elementary/Middle School, Everett, MA**  
**School Guidance Counselor** - 450 student case load
- PARCC administration
  - Director of Kiwanis Student Builders Club
  - Deployment of RTI (Response to Intervention) peer tutoring program
  - Handle all 504 plans on my caseload
  - Conduct IEP mandated student observations
  - Directly assist Educational Team Leader in IEP meetings with parents/guardians/advocates
  - Teach guidance curriculum in classrooms
  - IEP counseling consults
  - Interact with students individually to help them make more appropriate academic plans and life decisions
  - Active member of The Massachusetts School Counseling Association
  - Complete IEP progress reports
  - Basic French Creole speaker
  - Deployment of tardiness reduction program through parent meetings, SRO communication and positive reinforcement with students
  - Extensive Utilization of translators for ELL parent meetings
- 2008-2015**      **Everett High School, Everett, MA**  
**School Guidance Counselor** - 530 student case load
- Was awarded the prestigious Everett Public Schools Gold Apple Award in 2010
  - Teach guidance curriculum within classrooms
  - Interact with students individually to help them make more appropriate academic plans and life decisions
  - Selected to work on and eventually help coordinate The Race To The Top Campaign within Everett Public Schools
  - Manage all 504 plans and their respective meetings on my case load
  - Create and run workshop for Guidance staff focusing on details of online management program – X2 Aspen
  - Selected to write and administer \$38,000 "Safe Schools" grant
  - Administer MCAS
  - Deliver monthly classroom lesson plans
  - Manage all class scheduling needs
  - Create cumulative tracking sheets to ensure timely graduation
  - Liaison to team of freshmen teachers to ensure smooth transition to high school
  - Maintain a file for each student including all current academic and home life documentation
  - Assist athletes with NCAA Clearing House procedures
  - Active member of The Massachusetts School Counseling Association
  - Director of ELL (English Language Learner) Summer Academy which deployed differentiated and personalized reading instruction/programs
  - 10<sup>th</sup> grade students scored the highest ever score on the MCAS, School moved up a level
  - Awarded perfect attendance award
- 2007- 2008**      **Newton South High School Internship, Newton, MA**  
**Internship in Newton South High School Guidance Department**
- Counsel students on a one to one basis helping them develop adjustment and problem solving abilities
  - Organize group sessions, including norms, introductions and ice breakers
  - Coordinate with Director of Guidance to create a safe and engaging environment
  - Consult with a team of five counselors to improve school services
  - Administration of career assessments to meet the needs of individuals and groups
  - Organize initiative for the Newton South Club Organization
  - Consult with parents to improve student's academic experience
- 2007-2008**      **Boston English High School Practicum, Jamaica Plain, MA**  
**Internship, Boston English Guidance Department**
- Work under the supervision of a certified guidance counselor
  - Interface with students to simplify their college application process
  - Provide computer services within the college center
- 2005-2006**      **Countryside School Elementary School, Newton, MA**  
**Substitute teacher**

## EDUCATION

- 2013-2015** Educator Leadership Institute (EDCO-Endicott College) Newton, MA  
**M.E.D. Organizational Management**
- 3.96 GPA
  - 500 hour internship at The George Kevarian Elementary/Middle School Everett, MA
  - Worked directly with school principal
  - Created School Improvement Plan (SIP)
- 2006-2008** University of Massachusetts Boston, Boston, MA  
**M.E.D. School Counseling**
- 3.5 GPA
  - Active member of The Massachusetts School Counselors Association
- 1996-2000** Trinity College, Hartford, CT  
**B.A. - English Literature, Performance Arts**
- Varsity Football; Varsity Lacrosse
  - Actor, Trinity College theatre productions
  - Reporter, *Trinity Tripod* campus newspaper
  - Tutor, Trinity/Hartford Learning Corridor Initiative
- 1995-1996** Phillips Academy Andover, Andover, MA  
**Post Graduate Year, High School Diploma**
- GPA 3.5
  - Football quarterback, second undefeated season in school's 227-year history
  - Actor, Phillips Academy theatre productions
  - Winner of Hubbard lacrosse leadership award
- 1991-1995** Newton North, Newton, MA  
**Graduate**
- Lacrosse All American; *Boston Globe* "Player of the Year"
  - Captain, State Championship lacrosse team; Football: Bay State League All Star quarterback
  - Big Brother, Boston Chapter Big Brother Big Sister
  - Future leaders program participant

## COACHING

- Head Varsity Lacrosse Coach - Marian High School, Framingham, MA
- Quarterback Coach - Harlem Hellfighters, Harlem, NY
- Head Varsity Lacrosse Coach Medford, Ma High School
- Head Lacrosse Coach, U17 Team Central Lacrosse Program

Department of Elementary and Secondary Education (DESE)  
 Current Licensure:

School Guidance Counselor grades 5-12

Principal/Vice Principal grades k-8

Sheltered English Immersion (SEI) Administrative Certification



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#223-16

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E-mail  
swarren@newtonma.gov

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

Ladies and Gentlemen:

I am pleased to reappoint James A. Pellegrine of 60 Clinton Street, Newton as a Constable for the City of Newton. His term of office shall expire June 30, 2019 and his appointment is subject to your confirmation.

Thank you for your attention to this matter.

Sincerely Yours,

Setti D. Warren  
Mayor

RECEIVED  
Newton City Hall  
2016 JUN 15 AM 8:41  
David A. Olson, DNS  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE

June 13, 2016

His Honor the Mayor  
City of Newton  
1000 Commonwealth Avenue  
Newton Center, Massachusetts 02459

Dear Honorable Mayor Warren,

As you can see, my experience serving the public is a lifelong endeavor. After graduating from Newton Public Schools, I went on to work for the City beginning with the school system, then to city hall in the print shop, from there to the Newton Police Department until I retired in January of 2009. Presently I own a successful cleaning business working for businesses and residential homeowners all over the city.

I feel my success in dealing with the public is from my employment opportunities and the many charitable organizations, I have been part of including the Newton Boys and Girls Club, Nonantum Children's Christmas Party Association, Newton Special Athletics and as post Advisor for the Newton Police Explorers Post for twenty years. I am a member of the Newton Sons of Italy, the Newton Knights of Columbus and the Italian American Police Officers Association.

I take pride in the numerous young adults I have mentored and the small part I have played in fulfilling their dreams to succeed in law enforcement and athletics. It was also gratifying to redirect young adults and small children to a better future by maintaining my involvement in charitable organizations from a very young age.

An appointment as a constable would be a perfect way for me to use my knowledge and longtime experience with the public in the City of Newton. Your consideration in this matter would be greatly appreciated.

Sincerely,

  
James A. Pellegrine



The Hanover Insurance Company | 440 Lincoln Street, Worcester, MA 01653  
Citizens Insurance Company of America | 645 West Grand River Avenue, Howell, MI 48843  
Massachusetts Bay Insurance Company | 440 Lincoln Street, Worcester, MA 01653

**PUBLIC OFFICIAL BOND**

Bond No.: BONA856596

**Know all men by these presents,**

That James A. Pellegrine

as Principal, and The Hanover Insurance Company and/or Massachusetts Bay Insurance Company having its executive office in Worcester, Massachusetts, as Surety, are held and firmly bound unto the City of Newton in the penal

sum of Five Thousand Dollars (\$ 5,000.00 ) Dollars, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents, the liability of the Surety being limited to said penal sum regardless of the number of years this bond remains in force or is renewed or of the number of premiums that shall be payable or paid.

**The condition of this obligation is such,** That, Whereas the said Principal was elected or appointed as Constable

**Now, therefore,** if the Principal shall, during the term three years beginning on the 24th day of February, 2016, well and faithfully perform all and singular the duties incumbent upon it in said office or position, then this obligation shall be void; otherwise it shall be and remain in full force and virtue.

This bond may be extended at the option of the Surety by continuation certificate.

This bond may be terminated and cancelled, at any time, by the Obligee giving written notice to the Surety specifying the effective date of cancellation, or by the Surety mailing written notice to the Obligee and the effective date of such cancellation shall be at the expiration of fifteen days after the date of such notice.

**In Witness Whereof,** the Principal has hereunto set its hand and seal and the Surety has affixed its corporate seal and caused these presents to be signed by its Attorney-in-Fact this 24th day of February, 2016.

Witness:

James A. Pellegrine *James A. Pellegrine*

By: \_\_\_\_\_

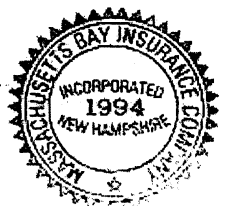
THE HANOVER INSURANCE COMPANY

By: \_\_\_\_\_

MASSACHUSETTS BAY INSURANCE COMPANY

By: *David O. Smith*  
David O. Smith, Attorney-in-Fact

RECEIVED  
2016 MAR 0 AM 3:08  
City of Newton  
David O. Smith  
Newton MA 02459



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE HANOVER INSURANCE COMPANY and MASSACHUSETTS BAY INSURANCE COMPANY, both being corporations organized and existing under the laws of the State of New Hampshire, and CITIZENS INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Michigan, do hereby constitute and appoint

David O. Smith

of Burgin, Platner, Hurley, Quincy, MA

and each is a true and lawful Attorney(s)-in-fact to sign, execute, seal, knowledge and deliver for, and on its behalf, and as its act and deed any place within the United States, or, if the following line be filled in, only within the area therein designated any and all bonds, recognizances, undertakings, contracts of indemnity or other writings obligatory in the nature thereof, as follows:

Constable

in the amount of: \$5,000.00

WHEREAS, the Board of Directors of the Company duly adopted a resolution on March 24, 2014 authorizing and empowering certain officers of the Company to appoint attorneys-in-fact of the Company to execute on the Company's behalf certain surety obligations and other writings and obligations related thereto (the "Original Surety Resolution");

WHEREAS, the Company's Board of Directors wishes to affirm the continued authority of all of the attorneys-in-fact that were issued pursuant to the Original Surety Resolution prior to the date hereof and that remain issued and outstanding; and

WHEREAS, the Company's Board of Directors wishes to restate the Original Resolution and adopt certain related resolutions;

NOW THEREFORE, be it hereby:

RESOLVED: That the authority of all attorneys-in-fact of the Company validly issued pursuant to the Original Surety Resolution prior to the date hereof and that remain issued and outstanding as of the date hereof are hereby ratified, confirmed and approved in all respects.

RESOLVED: That the President or any Vice President, in conjunction with any Vice President, be and they hereby are authorized and empowered to appoint Attorneys-in-fact of the Company, in its name and as it acts, to execute and acknowledge for and on its behalf as surety, any and all bonds, recognizances, contracts of indemnity, waivers of citation and all other writings obligatory in the nature thereof, with power to attach thereto the seal of the Company. Any such writings so executed by such Attorneys-in-fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company in their own proper persons.

RESOLVED: That all such surety Attorneys-in-facts issued by the Company from and including the date hereof shall be authorized pursuant to the foregoing resolution (the "Surety Resolution").

RESOLVED: That the President or any Vice President of the Company, in conjunction with any Vice President, be and hereby are authorized and empowered to establish, and from time to time review and amend, written security measures, protocols and safeguards for all Attorneys-in-fact issued by the Company pursuant to the Surety Resolution, including without limitation, security features on the actual certificates issued by the Company and evidencing such Attorneys-in-fact.

IN WITNESS WHEREOF, THE HANOVER INSURANCE COMPANY, MASSACHUSETTS BAY INSURANCE COMPANY and CITIZENS INSURANCE COMPANY OF AMERICA have caused these presents to be sealed with their respective corporate seals, duly attested by two Vice Presidents, this 27th day of April, 2015.



THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

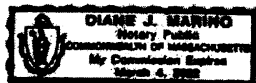
*Robert Thomas*  
Robert Thomas, Vice President

THE HANOVER INSURANCE COMPANY  
MASSACHUSETTS BAY INSURANCE COMPANY  
CITIZENS INSURANCE COMPANY OF AMERICA

*J. Michael Pace*  
J. Michael Pace, Vice President

THE COMMONWEALTH OF MASSACHUSETTS )  
COUNTY OF WORCESTER ) ss.

On this 27th day of April 2015 before me came the above named Vice Presidents of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, to me personally known to be the individuals and officers described herein, and acknowledged that the seals affixed to the preceding instrument are the corporate seals of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, respectively, and that the said corporate seals and their signatures as officers were duly affixed and subscribed to said instrument by the authority and direction of said Corporations.



*Diane J. Marino*  
Diane J. Marino, Notary Public  
My Commission Expires March 4, 2022

I, the undersigned Vice President of The Hanover Insurance Company, Massachusetts Bay Insurance Company and Citizens Insurance Company of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Companies, and do hereby further certify that the said Powers of Attorney are still in force and effect.

GIVEN under my hand and the seals of said Companies, at Worcester, Massachusetts, this 24th day of February 2016.

CERTIFIED COPY

*Theodore G. Martinez*  
Theodore G. Martinez, Vice President





SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#225-16

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(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 transfer the sum of \$44,823 from Newton Free Library Salary to the following accounts to utility and other incidental expenditures:

- \$22,600 to 0160102 5210 Electricity from 0160103 511101 Salaries PT < 20 hrs
- \$13,700 to 0160102 5211 Natural Gas from 0160103 511001 Salaries FT
- \$ 3,250 to 0160102 5230 Water & Sewer from 0160103 511102 Salaries PT > 20 hrs.
- \$ 2,750 to 0160103 5321 Tuition Assistance from 0160103 511102 Salaries PT > 20 hrs
- \$ 2,523 to 0111507 52408 Dept. Equipment R&M from 0160103 511102 Salaries PT > 20 hrs

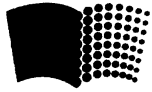
Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

RECEIVED  
Newton City Hall  
2016 JUN 13 PM 3:49  
DAVID A. OLSON, CMC  
Newton, MA 02459





# Newton Free Library

The door to your imagination

Library Director  
Philip E. McNulty



Mayor  
Setti D. Warren

June 13, 2016

Ms. Maureen Lemieux  
Chief Financial Officer  
City of Newton

Re: Transfers to close out fiscal year 2016.

Dear Maureen,

The Library requests that the following transfers be made to accommodate anticipated shortfalls.

- \$22,600 to 0160102 5210 Electricity from 0160103 511101 Salaries PT < 20 hrs
- \$13,700 to 0160102 5211 Natural Gas from 0160103 511001 Salaries FT
- \$ 3,250 to 0160102 5230 Water & Sewer from 0160103 511102 Salaries PT > 20 hrs.
- \$ 2,750 to 0160103 5321 Tuition Assistance from 0160103 511102 Salaries PT > 20 hrs
- \$ 2,523 to 0111507 52408 Dept. Equipment R&M from 0160103 511102 Salaries PT > 20 hrs

This total of \$44,823 would leave us with an estimated budget surplus in non-benefit personnel lines of \$5100, after allocating funds to our attrition line. We are holding several utility bills until this transfer can be accomplished and the transfer to Public Buildings will cover existing bills for fire extinguisher inspections.

Sincerely Yours,

Philip E. McNulty  
Library Director



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#224-16

Telephone  
(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

RECEIVED  
Newton City Hall  
2016 JUN 13 PM 3:49  
DAVID A. OLSON, CLERK  
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the acceptance and appropriation of the sum of \$19,800 awarded for a Drunk Driving Trust Fund Prevention, Education and Training Grant for FY2017. The Massachusetts Office for Victim Assistance has awarded funds to the High School PSA in the amount of \$10,400 and to the SADD (Students Against Destructive Decisions Newton Chapter in the amount of \$9,400.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor





*City of Newton*  
*Police Department*



TELEPHONE  
(617) 796-2101  
FAX # (617) 796-3679

*Office of the Chief of Police*  
HEADQUARTERS  
1321 WASHINGTON STREET  
NEWTON, MASSACHUSETTS 02465

DAVID L. MacDONALD  
CHIEF OF POLICE

May 31, 2016

The Honorable Mayor Setti Warren  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459-1449

Re: Request to Receive and Expend Grant Funds

Mayor Warren and Members of the City Council,

The Newton Police Department has been officially notified that we have been awarded a Drunk Driving Trust Fund Prevention, Education and Training (DDTF PET) grant for F72017, effective July 1, 2016. The Massachusetts Office for Victim Assistance has awarded funds to the High School PSA in the amount of \$10,400.00, and to the SADD (Students Against Destructive Decisions Newton Chapter) in the amount of \$9,400.00. Attached are copies of the Award Letter and Funding Request Worksheets for each agency which provide a breakdown of the expenditure of these funds.

I am respectfully request that you docket an item with the Board of Aldermen to accept the grant in the total amount of \$19,800.00. Thank you for your consideration of this matter.

Respectfully,

David L. MacDonald  
Chief of Police

cc: Maureen Lemieux  
David Wilkinson

Enclosures(3)

DLM/ip





May 18, 2016

Chief David MacDonald  
Chief of Police  
Newton Police Department  
1321 Washington Street  
Newton, MA 02465

RE: FY2017 DDTF PET Award Notification

Dear Chief MacDonald,

On behalf of the Victim and Witness Assistance Board, the Massachusetts Office for Victim Assistance is pleased to inform you that the Newton Police Department has been awarded a Drunk Driving Trust Fund Prevention, Education and Training (DDTF PET) grant for FY2017. Pursuant to this award, services may begin July 1, 2016 and expenditures for this contract may not begin earlier than this date. Funds have been awarded as follows for program(s) within your agency:

**High School PSA - \$10,400.00**

**SADD- Students Against Destructive Decisions Newton Chapter - \$9,400.00**

Attached to your award e-mail, you will find documents pertaining to your contract:

- 2016 DDTF Policies & Procedures Manual
- FY17 DDTF PET Contract Conditions
- Blank DDTF Budget Form for revision

Please submit the *signed contract conditions and updated budget to MOVA* via mail and email to One Ashburton Place, Suite 1101, Boston MA, 02108 no later than **June 8, 2016**.

Your Grants Manager is Kristin Potrikus. She can be reached at [kristin.potrikus@state.ma.us](mailto:kristin.potrikus@state.ma.us) and is available to assist you throughout the contracting process. **We must receive the enclosed, completed documents no later than the above due date in order for our office to finalize a contract for this DDTF award.**

Thank you for all of your work. We look forward to working with you towards our goal of enhancing OUI prevention, education and training across the Commonwealth.

Sincerely,

Liam T. Lowney  
Executive Director

CC: Chief David MacDonald, David Wilkinson, Daniel Devine



**Drunk Driving Trust Fund (DDTF)  
Funding Request Worksheet**

[Print Funding Request Instructions](#)

Organization

Program

Contact Name

Contact E-mail

Fill out this form by completing the requested information in each applicable box. All required information (including the funding request narrative) must be provided; however, any category of expense not applicable to your budget may be left blank, or enter "N/A." This funding request must include only those expenses to be paid with DDTF funding, and only those costs listed below as allowable. Note that the Funding Request Summary Page is an auto-calculated page based on the information you provide in the preceding pages.

**Employees:** Salary and Fringe for all individuals directly involved in carrying out the specified project.

**Consultants:** For all individuals who are contracted with by the subgrantee in order to provide a service that the awarded agency is not able to provide. Include hourly rate and total billable hours for the span of the contract.

**Travel:** Transportation & mileage for all employees directly involved in carrying out the specified project.

**Supplies & Equipment:** Supplies are considered expendable items that fall under the categories of printing, postage, communications, program supplies and costs, publicity/advertising, office supplies, insurance (professional liability), equipment maintenance/repair/lease (prorated if shared), household supplies, etc. Equipment is considered non-expendable items costing more than \$1,000 that may include phone systems, photocopiers, fax machines, computers, overhead and LCD projectors, VCR/DVD, television sets, TTY/TDD machines and braille equipment, filing cabinets, desk and chairs, lighting, memberships with professional organizations, etc.

**Program Implementation Costs:** Any other costs that are directly associated with the management of the project, that must be reasonable cost figures based on market analysis, and subject to the approval of a MOVA grants staff member.

A budget narrative section is also provided to you for each category within this worksheet. This is where your justification and/or linkages to the program narrative must be entered. For requests that require pro-rated costs, such as rent or utilities, you must include the pro-rate calculation you used to determine the cost your DDTF program will be responsible for. If you need additional space for the budget narrative, a separate document can be included as the budget narrative with a note in the narrative space on this form referring to that document.

*Please keep in mind that funding requests are submitted to MOVA during the application process and reviewed by the procurement team, MOVA staff, and Board. Funding requests should not be considered finalized, and funding recipients should not commit funds until a contract with MOVA is executed.*

[View Funding Request Summary](#)

## Employees

#224-16

List each position by title and name of employee, if available. Show the hourly rate and the the number of hours to be devoted to the project.

Fringe benefits should be based on actual known costs or an approved negotiated rate. If not based on an approved negotiated rate, list the composition of the fringe benefit package in the appropriate Budget Narrative section. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

| Employee Name | Title    | Service Category       | Hourly Rate | Hours per Week | Weeks per Year | Fringe | Amount     |
|---------------|----------|------------------------|-------------|----------------|----------------|--------|------------|
| Newton Police | Sergeant | Direct Service         | \$51.71     | 1              | 37             |        | \$1,913.27 |
| Newton Police | Officers | Direct Service         | \$42.56     | 4              | 37             |        | \$6,298.88 |
| Dan Devine    | Officer  | Administrative Support | \$42.56     | 0.5            | 32             |        | \$680.96   |
| <b>Total</b>  |          |                        |             |                |                |        | \$8,893.11 |

X  
X  
X

Add row

View Funding Request Summary

## Consultants

For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project.

| Consultant Name | Organization | Service Category | Fee | Total Hours | Amount |
|-----------------|--------------|------------------|-----|-------------|--------|
| N/A             |              |                  |     |             |        |
| <b>Total</b>    |              |                  |     |             |        |

X

Add row

View Funding Request Summary

## Travel

Itemize travel expenses of staff personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Describe the purpose of each travel expenditure in reference to the project objectives in the Budget Narrative section and show the basis of computation (e.g., six people to 3-day training). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known; or if unknown, indicate "location to be determined."

| Purpose | Service Category | Item | Quantity | Unit Price | Amount |
|---------|------------------|------|----------|------------|--------|
| N/A     |                  |      |          |            |        |

X

Total

#224-16

Add row

View Funding Request Summary

### Supplies & Equipment

List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$1,000, such as books, hand held tape recorders). Generally, supplies include any materials that are expendable or consumed during the course of the project. Note that this table will automatically identify items as "Supplies" or "Equipment" based on their unit price.

| Item              | Service Category | Quantity | Unit Price | Description | Amount   |
|-------------------|------------------|----------|------------|-------------|----------|
| Food and Beverage | Direct Service   | 1        | \$506.89   | Supply Item | \$506.89 |
| <b>Total</b>      |                  |          |            |             | \$506.89 |

X

Add row

View Funding Request Summary

### Program Implementation Costs

List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent or provide a monthly rental cost and how many months to rent, explained fully in the Budget Narrative section. Public agencies' indirect costs may be included here, as well.

| Item         | Service Category | Quantity | Unit Price | Amount |
|--------------|------------------|----------|------------|--------|
| N/A          |                  |          |            |        |
| <b>Total</b> |                  |          |            |        |

X

Add row

View Funding Request Summary



# Funding Request Narrative

#224-16

Please provide a brief narrative, explaining what the allocated money for each line item will be used for. If no money will be allocated to that line item, please indicate "n/a" or "none."  
For rent requests, you must enter the pro-rated calculation you used to determine you amount requested.

For example: *We have allocated \$30,000 to "Personnel" to cover 1 FTE for 18 months, for the oversight and management of the DDTF program. This staff person will oversee the DDTF Program which includes but is not limited to grants management, site visits, and processing statistical and financial reports.*

| Line Item                    | Description  |
|------------------------------|--|
| Employees                    | The Newton Police Department plans to use \$8,893.11 in planning and holding meetings with students. These plannings and meetings will consist of a Sergeant and four patrol officers. The grant will be maintained for roughly 37 weeks during the school year. the intention is to hold meetings once a month. Officer Devine will be the staff person who will prepare and submit all required paperwork. |
| Consultants                  | N/A  |
| Travel                       | N/A  |
| Supplies & Equipment         | The Newton Police Department is requesting \$506.89 for the purchase of food and beverages while having these meetings with the students.  |
| Program Implementation Costs | N/A  |



# MASSACHUSETTS OFFICE FOR VICTIM ASSISTANCE

## Drunk Driving Trust Fund (DDTF)

### Funding Request Worksheet

#224-16

Print Entire Funding Request

Print Funding Request Summary

Organization Newton Police Department

Program Creating a SADD Chapter in Newton High Schools

Contact Name Daniel Devine

Contact E-mail ddevine@newtonma.gov

| Expense Item                 | Direct Service    | Admin Support   | Total Request     |
|------------------------------|-------------------|-----------------|-------------------|
| Employees                    | \$8,212.15        | \$680.96        | \$8,893.11        |
| Consultants                  |                   |                 |                   |
| Travel                       |                   |                 |                   |
| Supplies & Equipment         | \$506.89          |                 |                   |
| Program Implementation Costs |                   |                 |                   |
| <b>Total</b>                 | <b>\$8,719.04</b> | <b>\$680.96</b> | <b>\$9,400.00</b> |

Direct Services 93%

Administrative Support 7%



Drunk Driving Trust Fund (DDTF)  
Funding Request Worksheet

[Print Funding Request Instructions](#)

Organization

Program

Contact Name

Contact E-mail

Fill out this form by completing the requested information in each applicable box. All required information (including the funding request narrative) must be provided; however, any category of expense not applicable to your budget may be left blank, or enter "N/A." This funding request must include only those expenses to be paid with DDTF funding, and only those costs listed below as allowable. Note that the Funding Request Summary Page is an auto-calculated page based on the information you provide in the preceding pages.

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**Program Implementation Costs:** Any other costs that are directly associated with the management of the project, that must be reasonable cost figures based on market analysis, and subject to the approval of a MOVA grants staff member.

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*Please keep in mind that funding requests are submitted to MOVA during the application process and reviewed by the procurement team, MOVA staff, and Board. Funding requests should not be considered finalized, and funding recipients should not commit funds until a contract with MOVA is executed.*

[View Funding Request Summary](#)

## Employees

#224-16

List each position by title and name of employee, if available. Show the hourly rate and the the number of hours to be devoted to the project.

Fringe benefits should be based on actual known costs or an approved negotiated rate. If not based on an approved negotiated rate, list the composition of the fringe benefit package in the appropriate Budget Narrative section. Compensation paid for employees engaged in grant activities must be consistent with that paid for similar work within the applicant organization.

| Employee Name | Title    | Service Category       | Hourly Rate | Hours per Week | Weeks per Year | Fringe | Amount     |
|---------------|----------|------------------------|-------------|----------------|----------------|--------|------------|
| Newton Police | Sergeant | Direct Service         | \$51.71     | 1              | 37             |        | \$1,913.27 |
| Newton Police | Officers | Direct Service         | \$42.56     | 4              | 37             |        | \$6,298.88 |
| Dan Devine    | Officer  | Administrative Support | \$42.56     | 0.5            | 32             |        | \$680.96   |
| <b>Total</b>  |          |                        |             |                |                |        | \$8,893.11 |

X  
X  
X

Add row

View Funding Request Summary

## Consultants

For each consultant enter the name, if known, service to be provided, hourly or daily fee (8-hour day), and estimated time on the project.

| Consultant Name | Organization | Service Category | Fee | Total Hours | Amount |
|-----------------|--------------|------------------|-----|-------------|--------|
| N/A             |              |                  |     |             |        |
| <b>Total</b>    |              |                  |     |             |        |

X

Add row

View Funding Request Summary

## Travel

Itemize travel expenses of staff personnel by purpose (e.g., staff to training, field interviews, advisory group meeting, etc.). Describe the purpose of each travel expenditure in reference to the project objectives in the Budget Narrative section and show the basis of computation (e.g., six people to 3-day training). In training projects, travel and meals for trainees should be listed separately. Show the number of trainees and the unit costs involved. Identify the location of travel, if known; or if unknown, indicate "location to be determined."

| Purpose | Service Category | Item | Quantity | Unit Price | Amount |
|---------|------------------|------|----------|------------|--------|
|         |                  |      |          |            |        |

X

Total

#224-16

Add row

View Funding Request Summary

### Supplies & Equipment

List items by type (office supplies, postage, training materials, copying paper, and expendable equipment items costing less than \$1,000, such as books, hand held tape recorders). Generally, supplies include any materials that are expendable or consumed during the course of the project. Note that this table will automatically identify items as "Supplies" or "Equipment" based on their unit price.

| Item                     | Service Category | Quantity | Unit Price | Description | Amount     |
|--------------------------|------------------|----------|------------|-------------|------------|
| Food and Beverage        | Direct Service   | 1        | \$506.89   | Supply Item | \$506.89   |
| Two (2) \$500 Gift Cards | Direct Service   | 2        | \$500.00   | Supply Item | \$1,000.00 |
| <b>Total</b>             |                  |          |            |             | \$1,506.89 |

X

X

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View Funding Request Summary

### Program Implementation Costs

List items (e.g., rent, reproduction, telephone, janitorial or security services, and investigative or confidential funds) by major type and the basis of the computation. For example, provide the square footage and the cost per square foot for rent or provide a monthly rental cost and how many months to rent, explained fully in the Budget Narrative section. Public agencies' indirect costs may be included here, as well.

| Item         | Service Category | Quantity | Unit Price | Amount |
|--------------|------------------|----------|------------|--------|
| N/A          |                  |          |            |        |
| <b>Total</b> |                  |          |            |        |

X

Add row

View Funding Request Summary

# Funding Request Narrative

#224-16

Please provide a brief narrative, explaining what the allocated money for each line item will be used for. If no money will be allocated to that line item, please indicate "n/a" or "none."  
For rent requests, you must enter the pro-rated calculation you used to determine you amount requested.

For example: *We have allocated \$30,000 to "Personnel" to cover 1 FTE for 18 months, for the oversight and management of the DDTF program. This staff person will oversee the DDTF Program which includes but is not limited to grants management, site visits, and processing statistical and financial reports.*

| Line Item                    | Description  |
|------------------------------|--|
| Employees                    | The Newton Police Department plans to use \$8,893.11 in planning and holding meetings with students. These plannings and meetings will consist of a Sergeant and four patrol officers. The grant will be maintained for roughly 37 weeks during the school year. the intention is to hold meetings once a month. Officer Devine will be the staff person who will prepare and submit all required paperwork. |
| Consultants                  | N/A  |
| Travel                       | N/A  |
| Supplies & Equipment         | The Newton Police Department is requesting \$506.89 for the purchase of food and beverages while having these meetings with the students. Newton would also like to give a \$500 gift card for best PSA to the winner of each school. These prizes will have a total of \$1000.  |
| Program Implementation Costs | N/A  |



# MASSACHUSETTS OFFICE FOR VICTIM ASSISTANCE

## Drunk Driving Trust Fund (DDTF)

### Funding Request Worksheet

#224-16

Print Entire Funding Request

Print Funding Request Summary

Organization Newton Police Department

Program Newton High Schools PSA: The Dangers of Drinking and Driving

Contact Name Daniel Devine

Contact E-mail ddevine@newtonma.gov

| Expense Item                 | Direct Service    | Admin Support   | Total Request      |
|------------------------------|-------------------|-----------------|--------------------|
| Employees                    | \$8,212.15        | \$680.96        | \$8,893.11         |
| Consultants                  |                   |                 |                    |
| Travel                       |                   |                 |                    |
| Supplies & Equipment         | \$1,506.89        |                 |                    |
| Program Implementation Costs |                   |                 |                    |
| <b>Total</b>                 | <b>\$9,719.04</b> | <b>\$680.96</b> | <b>\$10,400.00</b> |

Direct Services 93%

Administrative Support 7%



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#226-16

Telephone  
(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 transfer the sum of \$233,013.67 from Acct # 0140110-513001 Regular Overtime Snow Operations to Acct # 0140110-5273A Snow Removal Rental Vehicles/Buildings/Schools. As is the case each year, we need to re-shuffle the amount of funding based on actual costs of in-house versus contracted snow removal operations.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

RECEIVED  
NEWTON CITY HALL  
2016 JUN 13 PM 3:49  
DAVID A. OLSEN, CFO  
NEWTON, MA 02459





City of Newton



DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE COMMISSIONER  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Setti D. Warren  
Mayor

June 6, 2016

To: Leonard Gentile, Councilor  
Maureen Lemieux, CFO  
David Wilkinson, Comptroller

From: James McGonagle, Commissioner of Public Works

Subject: Transfer of Snow Funds

I request that you reallocate the \$233,013.67 surplus from account 0140110-513001 Regular Overtime to account 0140110-5273A Rental Vehicles/Buildings/Schools. The purpose of the transfer is to close out all snow accounts for Fiscal Year 2016. The City of Newton spent a total of \$3,589,148.23 to remove 35.7 inches of snow in FY16. The total cost of personnel services was \$926,421.33 and the total cost of equipment, salt, and contracted services came to \$2,662,726.90.

Thank you for your consideration.

Jim McGonagle  
Commissioner of Public Works

Jim McGonagle  
Commissioner

Telephone: (617) 796-1009 • Fax: (617) 796-1050 • [jmcgonagle@newtonma.gov](mailto:jmcgonagle@newtonma.gov)

| BUDGET CODE | BUDGET CODE      | Title | Account | Account Title                                   | Budget                 | Period Expenses     | YTD Expenses           | Encumbrances        | Balance               |
|-------------|------------------|-------|---------|---|------------------------|---------------------|------------------------|---------------------|-----------------------|
| 0140110     | SNOW/ICE CONTROL |       | 511001  | FULL TIME SALARIES                              | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 511002  | FULL TIME WAGES                                 | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 511101  | PART TIME < 20 HRS/WK                           | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 513001  | REGULAR OVERTIME                                | \$ 813,197.57          | \$ -                | \$ 580,183.90          | \$ -                | \$ 233,013.67         |
| 0140110     | SNOW/ICE CONTROL |       | 513001A | REG OVERTIME-BLDG/SCHLS                         | \$ 132,904.68          | \$ -                | \$ 132,904.68          | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 513001E | OVERTIME/VEH MAINT-SNOW                         | \$ 42,886.95           | \$ -                | \$ 42,886.95           | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 513004  | WORK BY OTHER DEPTS.                            | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 514311  | SNOW STAND-BY PAY                               | \$ 149,019.04          | \$ -                | \$ 149,019.04          | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 514318  | SNOW WATCH PAY                                  | \$ 20,840.31           | \$ -                | \$ 20,840.31           | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 514321  | PROMPTNESS PAY STIPEND                          | \$ 586.45              | \$ -                | \$ 586.45              | \$ -                | \$ -                  |
|             |                  |       |         | <b>Total Personnel</b>                          | <b>\$ 1,159,435.00</b> | <b>\$ -</b>         | <b>\$ 926,421.33</b>   | <b>\$ -</b>         | <b>\$ 233,013.67</b>  |
| 0140110     | SNOW/ICE CONTROL |       | 52403   | MOTOR VEHICLE R-M                               | \$ 15,560.65           | \$ -                | \$ 15,560.65           | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 52409   | PUBLIC PROPERTY R-M                             | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 52410   | SOFTWARE MAINTENANCE                            | \$ 127,617.61          | \$ -                | \$ 119,767.27          | \$ 7,850.24         | \$ 0.10               |
| 0140110     | SNOW/ICE CONTROL |       | 5273    | RENTAL - VEHICLES                               | \$ 1,043,208.77        | \$ -                | \$ 613,957.39          | \$ -                | \$ 429,251.38         |
| 0140110     | SNOW/ICE CONTROL |       | 5273A   | RENTAL-VEH BLDG/SCHLS                           | \$ 424,735.00          | \$ 3,000.00         | \$ 751,208.50          | \$ -                | \$ (326,473.50)       |
| 0140110     | SNOW/ICE CONTROL |       | 5273C   | RENTAL-BOB CATS/SNOW BL.                        | \$ 37,871.47           | \$ 5,410.21         | \$ 38,046.47           | \$ -                | \$ (175.00)           |
| 0140110     | SNOW/ICE CONTROL |       | 5301    | CONSULTANTS                                     | \$ -                   | \$ -                | \$ 4,800.00            | \$ -                | \$ (4,800.00)         |
| 0140110     | SNOW/ICE CONTROL |       | 5342    | PRINTING  | \$ (88.00)             | \$ -                | \$ 124.00              | \$ -                | \$ (212.00)           |
| 0140110     | SNOW/ICE CONTROL |       | 5386    | WEATHER FORECAST SVS                            | \$ 1,550.45            | \$ -                | \$ 1,495.00            | \$ -                | \$ 55.45              |
| 0140110     | SNOW/ICE CONTROL |       | 5460    | GROUNDNS MAINT SUPPLIES                         | \$ 88.00               | \$ -                | \$ -                   | \$ -                | \$ 88.00              |
| 0140110     | SNOW/ICE CONTROL |       | 5480    | GASOLINE  | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 5481    | DIESEL FUEL                                     | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 5484    | VEHICLE REPAIR PARTS                            | \$ 178,924.05          | \$ 12,632.37        | \$ 157,218.36          | \$ 38,028.35        | \$ (16,322.66)        |
| 0140110     | SNOW/ICE CONTROL |       | 5532    | SAND & SALT                                     | \$ 785,850.67          | \$ -                | \$ 949,178.85          | \$ 330.76           | \$ (163,658.94)       |
| 0140110     | SNOW/ICE CONTROL |       | 5711    | IN-STATE CONFERENCES                            | \$ 4,100.00            | \$ -                | \$ 4,100.00            | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 5712    | REFRESHMENTS/MEALS                              | \$ 149.55              | \$ -                | \$ 149.55              | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 5783    | PRIVATE PROPERTY DAMAGE                         | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 57MEDA  | MEDICARE PAYROLL TAX                            | \$ 8,035.00            | \$ 1,265.78         | \$ 11,467.93           | \$ -                | \$ (3,432.93)         |
| 0140110     | SNOW/ICE CONTROL |       | 57OPEB  | OPEB CONTRIBUTION                               | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 58502   | CONSTRUCTION EQUIPMENT                          | \$ 12,600.00           | \$ -                | \$ -                   | \$ 12,600.00        | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 58507   | VEHL MAINT GARAGE EQUIP                         | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | 58526   | STORAGE TANKS                                   | \$ 2,500.00            | \$ -                | \$ 2,495.38            | \$ -                | \$ 4.62               |
| 0140110     | SNOW/ICE CONTROL |       | R52403  | MOTOR VEHICLE R-M                               | \$ 3,407.28            | \$ -                | \$ 3,014.40            | \$ 392.88           | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | R52409  | R&M PUBLIC PROPERTY                             | \$ 6,961.00            | \$ -                | \$ 8.25                | \$ 6,952.75         | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | R52410  | SOFTWARE MAINTENANCE                            | \$ 82.39               | \$ -                | \$ 82.39               | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | R5460   | GROUNDNS MAINT SUPPLIES                         | \$ 704.45              | \$ -                | \$ 704.45              | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | R5481   | DIESEL FUEL                                     | \$ -                   | \$ -                | \$ -                   | \$ -                | \$ -                  |
| 0140110     | SNOW/ICE CONTROL |       | R5484   | REPAIR PARTS                                    | \$ 3,919.36            | \$ 75.35            | \$ 3,731.77            | \$ 124.35           | \$ 63.24              |
| 0140110     | SNOW/ICE CONTROL |       | R58502  | CONSTRUCTION EQUIPMENT                          | \$ 5,000.00            | \$ -                | \$ 5,000.00            | \$ -                | \$ -                  |
|             |                  |       |         | <b>Total Salt, Sand, Equipment, Contractors</b> | <b>\$ 2,662,777.70</b> | <b>\$ 22,383.71</b> | <b>\$ 2,682,110.61</b> | <b>\$ 66,279.33</b> | <b>\$ (85,612.24)</b> |

**Shawna Sullivan**

---

**From:** Jack Cowell  
**Sent:** Thursday, June 23, 2016 3:49 PM  
**To:** Shawna Sullivan  
**Cc:** James Mcgonagle  
**Subject:** Snow FY16

Salt and Sand = \$949,178.85

Sidewalk/School Contractors = \$460,709.50

Road Contractors = \$904,456.39

Personnel = \$926,421.33

All other City expenses = \$367,765.87 (includes repair and maintenance costs to vehicles and property, weather forecast services, consultants, gps, software maintenance, storage tanks, bob cat rentals, etc.)

**Total = \$3,608,531.94**

35.7 inches of snow fall for the season

Cost per inch = \$101,079.33

**Jack Cowell**  
**Financial Analyst – City of Newton, MA**  
**617-796-1082**



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#228-16

Telephone  
(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

RECEIVED  
Newton City Council  
2016 JUN 13 PM 3:49  
David A. Olson, Clerk  
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to transfer the sum of \$30,000 from Acct # 0140115-511001 DPW Transportation Salaries to Acct # 0140115-52409 DPW Public Property Repairs & Maint to cover the costs of the safety bollards installed in West Newton.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Setti D. Warren  
Mayor

June 20, 2016

**APPROVED**

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

RE: Taking a Temporary Construction Easement  
Elliot Street Bridge Rehabilitation

Dear Honorable Mayor Warren:

As you know, the City of Newton and Town of Needham are undertaking the rehabilitation of the Elliot Street Bridge, with the actual work to commence in early July. This repair work is of critical importance to both municipalities, as is the need to complete the rehabilitation of the bridge this construction season.

In order to access the abutments to the bridge on the Newton side, the contractor will need to cross over private property located at ##393-396 and ## 404-406 Elliot Street. These properties are residential rental units owned by Chatham Properties, LLC. A map showing the temporary construction easement is attached to this letter.

The City's Law Department has been working with the property owner to secure that owner's voluntary agreement to allow the temporary construction easement. That process, however, has taken much longer than anticipated. Many of the property owner's requests have been agreed to by the City (such as no storage of construction equipment or materials other than safety fencing and erosion control overnight; having the property owner added to the contractor's insurance coverage; and restoring the property to its original condition at the end of construction activities). However, there are still a few outstanding issues and at this time, the property owner has not agreed to give the City a temporary construction easement.

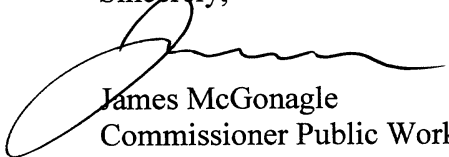
The City's contractor must have access to the bridge abutments on the Newton side, and there is no alternative "work around" that would allow the construction to go forward without the temporary construction easement over a maximum 20 ft. wide strip of land as shown in the attached map.

RECEIVED  
Newton City Clerk  
2016 JUN 20 AM 11:26  
David A. Oison, Clerk  
Newton, MA 02459

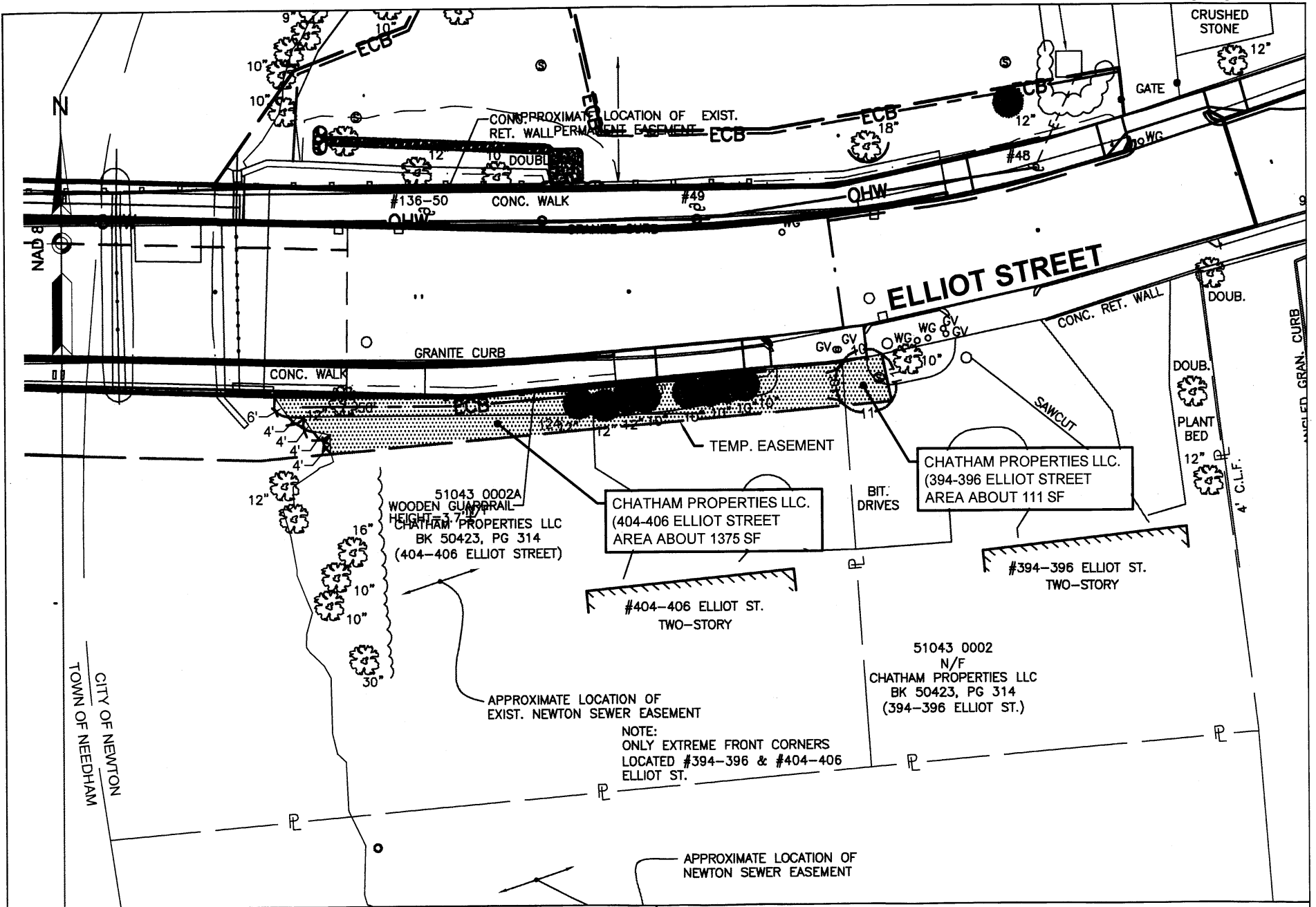
The City will continue negotiations with the property owner, but in the event that those negotiations are unsuccessful, I am requesting that the City take the necessary temporary construction easement as shown in the attached map using eminent domain. The City Council will need to act on this request at its July meeting in order to keep the rehabilitation of the Elliot Street Bridge on schedule.

Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'James McGonagle', with a large, sweeping flourish extending to the left.

James McGonagle  
Commissioner Public Works



**TEMPORARY EASEMENT  
ELLIOT STREET  
NEWTON, MA**



NOTE:  
ONLY EXTREME FRONT CORNERS  
LOCATED #394-396 & #404-406  
ELLIOT ST.

CHATHAM PROPERTIES LLC.  
(394-396 ELLIOT STREET  
AREA ABOUT 111 SF

CHATHAM PROPERTIES LLC.  
(404-406 ELLIOT STREET  
AREA ABOUT 1375 SF

51043 0002A  
WOODEN GUARDRAIL  
HEIGHT = 37 1/2"  
CHATHAM PROPERTIES LLC  
BK 50423, PG 314  
(404-406 ELLIOT STREET)

51043 0002  
N/F  
CHATHAM PROPERTIES LLC  
BK 50423, PG 314  
(394-396 ELLIOT ST.)

#394-396 ELLIOT ST.  
TWO-STORY

#404-406 ELLIOT ST.  
TWO-STORY

APPROXIMATE LOCATION OF  
EXIST. NEWTON SEWER EASEMENT

APPROXIMATE LOCATION OF  
NEWTON SEWER EASEMENT

CITY OF NEWTON  
TOWN OF NEDHAM



Setti D. Warren  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

DOCKET  
357-15

#357-15  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

**Community Preservation Committee  
Funding Recommendation for  
NEWTON HIGHLANDS PLAYGROUND REHABILITATION (CONSTRUCTION)**

date: 8 June 2016

from: Community Preservation Committee

to: The Honorable City Council

**PROJECT GOALS & ELIGIBILITY**

This project will implement the CPA-funded design for the rehabilitation of Newton Highlands/Joseph Lee Playground off Upland Road, near the corner of Winchester and Dedham Streets. The project will create a new drainage and stormwater management system; a new Little League field and a new natural turf multi-purpose field for soccer, football and lacrosse; lights for night play on the fields; a new tot lot; new basketball and tennis courts; and a new support building with restrooms, changing rooms and storage. Accessible pathways will cross and surround the site. Paths on the wooded hillside will be improved but will not be expanded.

The project's CPA eligibility, as the rehabilitation of recreation land, was established for its design phase.

**RECOMMENDED FUNDING**

On December 10 by a vote of 7-1 (Beryl Gilfix opposed, Laura Fitzmaurice absent) the Community Preservation Committee recommended appropriating \$2,500,000 for this project from the Community Preservation Fund's open space/recreation reserve and unrestricted fund balance and reserve to the control of the Parks & Recreation Department for any purpose included implicitly in the following summary budget:

**Newton Highlands Playground Rehabilitation - Construction Budget**

| Uses of Funds   |             |   |                    |
|---|-------------|---|--------------------|
| Site preparation, demolition, earthwork & drainage, general site improvements | \$1,350,000 | Electrical work (including overhead lights) | \$360,000          |
|   |             | Mobilization, Overhead and Profit (15%)     | \$386,894          |
| Plantings   | \$270,000   | Contingency (10%)                           | \$257,556          |
| Playing fields & courts   | \$283,000   | Construction Admin. - Weston & Sampson      | \$110,550          |
| Park support building   | \$312,000   | Project Mgmt. - Parks & Recreation Dept.    | \$12,500           |
| Subtotal  | \$2,215,000 | <b>Total Uses</b>                           | <b>\$3,342,500</b> |
| Sources of Funds  |             |   |                    |
| CPA   |             |   | \$2,500,000        |
| Parks & Recreation Dept. Operating Budget                                     |             |   | \$12,500           |
| Community Fundraising (\$44,000 in addition to \$10,000 listed in proposal)   |             |   | \$54,000           |
| Other sources, including CDBG (CDBG amount to be determined)                  |             |   | \$776,000          |
| <b>Total Sources</b>  |             |   | <b>\$3,342,500</b> |

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

contact Alice E. Ingerson, Community Preservation Program Manager

email [aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) phone 617.796.1144



## SPECIAL ISSUES CONSIDERED BY THE CPC

**Project Need:** Newton Highlands Playground has long been the Parks & Recreation Dept.'s top capital spending priority. Because the Dept. has been unable to maintain the site adequately for many years, the fields are now barely usable or safe. Once it is fully rehabilitated, however, this site will significantly narrow – though it cannot completely fill – the gap between Newton's rapidly growing demand for organized outdoor recreation and the City's finite supply of public outdoor recreation facilities.

**Project Budget:** In response to CPC questions, the project team acknowledged that it might be possible to complete the project for less than the total CPA funding originally requested. As one example, CPC vice chair Jane Sender suggested that younger trees could probably be planted and maintained not only at a lower cost but more successfully in the long term than the mature trees included in the current planting budget.

**Reliance on CPA Funds:** Even after finding additional private donations at the CPC's urging, the Parks & Recreation Dept. requested CPA funding for over 99% of this project's costs. The CPC's recommendation for 75% CPA funding is intended, not as a criticism of this project, but to preserve funds for Newton's other CPA-eligible needs. Member Beryl Gilfix voted against the recommendation because she would have preferred to see the project use an even lower proportion of CPA funding.

Based on current funding forecasts, the *Community Preservation Plan* targets approximately \$5 million for the rehabilitation of Parks & Recreation facilities over the next 5 years. The current 5-year *Capital Improvement Plan*, as corrected by Commissioner DeRubeis, lists about \$14 million of potential CPA funding requests for this purpose over the next 5-6 years, including historic buildings that serve Parks & Recreation. The *Community Preservation Plan's* targets also differ significantly from the total potential CPA requests in the *CIP* for the Public Buildings Dept. (see attached excerpt from the *Community Preservation Plan*). To guide the submission of future City proposals, the CPC hopes that both the total of potential CPA requests and funding expectations for particular resources in the *CIP* can be revised to align more closely with the funding forecasts and allocation targets in the *Community Preservation Plan*.

### ADDITIONAL RECOMMENDATIONS (*funding conditions*)

1. The CPC assumes all recommended funds will be appropriated within 6 months, and the project will be completed within 18 months, after the date of this recommendation. If either of these deadlines cannot be met, Parks & Recreation should submit a written request to the CPC to extend that deadline.
2. Immediately after completing the project, the Parks & Recreation Dept. should present an in-person and written final report of project results to the CPC, including a comparison of budgeted to actual expenditures and any updates to the department's list of potential future CPA requests in the *Capital Improvement Plan*.
3. Any CPA funds appropriated but not used for the purposes stated herein should be returned to the Newton Community Preservation Fund.

### KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on how well it meets goals 1 and 2 above.

### ATTACHMENTS

(delivered to the clerks of the Programs & Services, Public Facilities and Finance Committees)

- Five-year potential proposals and target allocations from *Community Preservation Plan*
- Copy of the CPC's project webpage for Newton Highlands Playground, with links to additional information: [www.newtonma.gov/gov/planning/cpa/projects/upperfalls.asp#Highlands-construction](http://www.newtonma.gov/gov/planning/cpa/projects/upperfalls.asp#Highlands-construction)
- Slide presentation to CPC public hearing on 10 December 2015
- Proposal and supporting materials submitted to the CPC

All **public comments** received were supportive, other than those of the League of Women Voters, which supported the project while questioning its heavy reliance on CPA funds. All comments received in writing are on the webpage above, though they have not been included in the Council's packet.

Newton, Massachusetts CPA program project webpage  
**bold, green text** links to full-text documents

## Newton Highlands Playground (Joseph E. Lee Playground)

Winchester & Dedham Streets, Newton, MA 02461

### goals:

Implement the 2008 CPA-supported master plan below by: rehabilitating this community park to improve the usability, accessibility, and aesthetics of the playing fields; installing new play equipment; and rehabilitating existing woodland paths.

### design & construction funding, updated December 2015:

- \$200,000 CPA funds for design (appropriated)
- \$2,500,000 CPA funds for construction (recommended)
- \$66,500 non-CPA funding - City staff time for project mgmt. & private community fundraising
- \$2,766,500 TOTAL IDENTIFIED PROJECT FUNDING

### contact:

- Commissioner of Parks & Recreation  
 City of Newton  
 246 Dudley Road  
 Newton, MA 02459  
 email: [bderubeis@newtonma.gov](mailto:bderubeis@newtonma.gov)  
 phone: 617.796.1500

## Proposal Review & Appropriations - Final Design

### 2013

14 February 2013 - [final design pre-proposal](#), with large-scale [aerial photograph & map](#) and [site photographs](#)

13 November 2013 - [final design full proposal](#), including: project summary, budgets, letters of support, supporting [photos & maps](#) *This large file may load slowly.*

### 2014

22 January 2014 - [slide presentation to CPC public hearing](#) and [minutes of CPC public hearing](#)

3 February 2014 - [additional letters of support](#)

March 2014 - [updated project budgets & response to CPC/community questions](#)

1 April 2014 - [CPC funding recommendation](#)



22 April 2014 - **Board order** (appropriation)

11 December 2014 - **CPC agreement to revised funding conditions** (elimination of non-CPA matching funds)

## Proposal Review & Appropriations - Construction

12 November 2015 - **construction full proposal**, including: project summary, budgets, project team, site history, **city & state reviews of project design**

*Some files below are large and may load slowly. To see plans at full scale, set viewing to 100%.*

project plans :

- **color plans, maps & photos**
- **materials to be used**
- **grading plans**
- **planting plan**
- plans for **support building & irrigation**

project background reports:

- **geotechnical/engineering report**
- **existing building report & drainage report**

1 December 2015 - **additional community letters received by the CPC**

10 December 2015 - After this public hearing, the CPC voted 7-1 to recommend \$2,500,000 of funding for this proposal. The CPC docketed this amount with the City Council in December, but at the request of the Commissioner of Parks & Recreation, agreed to hold its written recommendation pending receipt of a final plan for the project, which might be phased or reduced in scope.

May 2016 - **Commissioner of Parks & Recreation updates to the CPC**

8 June 2016 - **CPC funding recommendation** (\$2.5 million)



SETTI D. WARREN  
MAYOR

# NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Road, Newton, MA 02459  
Office: (617) 796-1500  
TDD/TTY: (617) 796-1089  
parks@newtonma.gov



ROBERT J. DERUBEIS  
COMMISSIONER

May 20, 2016

Alice Ingerson  
CPA Program Manager  
Newton City Hall  
1000 Commonwealth Ave.  
Newton, Ma 02459

Dear Alice,

I am writing to inform you that the Parks & Recreation Department wants to secure the \$2,500,000 appropriation that was voted on by the CPC at the December 10, 2015 public hearing. ~~This recommendation has not been docketed with the City Council at this time, I do anticipate bringing it forward to the Council after meeting with the CPC.~~

This is a \$3,300,000 project, and I fully intend on continuing to pursue alternative funding sources in an attempt to get this project completed in an expeditious manner. I look forward to meeting with CPC at the next scheduled meeting.

Sincerely,

Robert J. DeRubeis

CPC staff correction:

The \$2.5 million recommendation voted by the CPC on 10 December 2015 was docketed with the City Council later that month and received docket number 357-15. The CPC then held its written recommendation at the request of Parks & Recreation.

cc: Carol Schein, Open Space Coordinator

|                    |  |  |  |
|--------------------|--|--|--|
| COMMISSION MEMBERS | WARD 1 – BETHEL CHARKOUDIAN<br>WARD 2 – ARTHUR MAGNI, CHAIRMAN<br>WARD 3 – PETER JOHNSON | WARD 4 – PETER KASTNER<br>WARD 5 – BYRON DUNKER<br>WARD 6 – ANDREW STERN | WARD 7 – RICHARD TUCKER, VICE-CHAIR<br>WARD 8 – DONALD FISHMAN<br>SECRETARY-ROBIN MCLAUGHLIN |
|--------------------|--|--|--|

ALTERNATES: MICHAEL CLARKE, JACK NEVILLE, SAM FIGLER, PAT PALMER



NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Rd., Newton, MA 02459
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



SETTI D. WARREN
MAYOR

ROBERT J. DERUBEIS
COMMISSIONER

May 31, 2016

Alice Ingerson, Ph.D.
Community Preservation Program Manager
1000 Commonwealth Avenue
Newton, MA 02459

Dear Alice:

I am writing in preparation for the June 8, 2016 meeting of the CPC. The Committee has requested that I respond to questions posed regarding non-CPC funding sources and the work that is anticipated to be completed with CPC funds.

Q.1 What are the funding sources you anticipate looking to for the difference between the original estimated \$3.3 million total project cost and the recommended \$2.5 million in CPA funds?

I will look to the City to fund some of the shortfall through CIP. Athletic lights at other sites are already identified on the CIP. I would add these lights to the list and propose to move them in front of other sites that have existing lighting. The building would be another element that could be on the CIP. There has been discussion to reach out to business entities in the neighborhood through a fundraising effort. We would also revisit the leagues that will be regular users of the site. Newton West Little League paid for the lights at Lyons Field.

Q.2 What is the breakdown of which portions of the original scope of work you anticipate completing with the CPA funds, vs. which portions of that scope you anticipate completing with other funds?

When concerns arose surrounding the amount of CPC funding that might be available, the department had to consider phasing this project. We reached out to Weston & Sampson and requested that they provide us with multiple renditions of possible phasing options that were feasible. They supplied us with three renditions, all containing pros and cons. The department felt that the one that allowed completion of both fields and hardscape was the one that had the most merit. This plan eliminates lights and the building. The lights are identified in the construction documents as a \$312,000 line item and the building is in at \$360,000.

Table with 4 columns: COMMISSION MEMBERS, WARD 1-3, WARD 4-6, WARD 7-8. Lists names of representatives for each ward.


ALTERNATES: MICHAEL CLARKE, JACK NEVILLE, SAM FIGLER, PAT PALMER



The plan would be to run conduit for the lights and the building so that these elements could be added without much disruption to what had already been completed. The ideal situation would be to have all the money in place prior to construction, so that we would not incur multiple stagings.

That being said, I am in front of you this evening requesting that the 2.5 million dollar CPC recommendation for Newton Highlands Playground Rehabilitation be forwarded to the City Council for their approval.

In closing, I want to thank the Community Preservation Committee for their time and effort in approving this project and for their generous funding allocation to help see this important community resource become a reality.

Sincerely,  
  
Robert J. DeRubeis, Commissioner

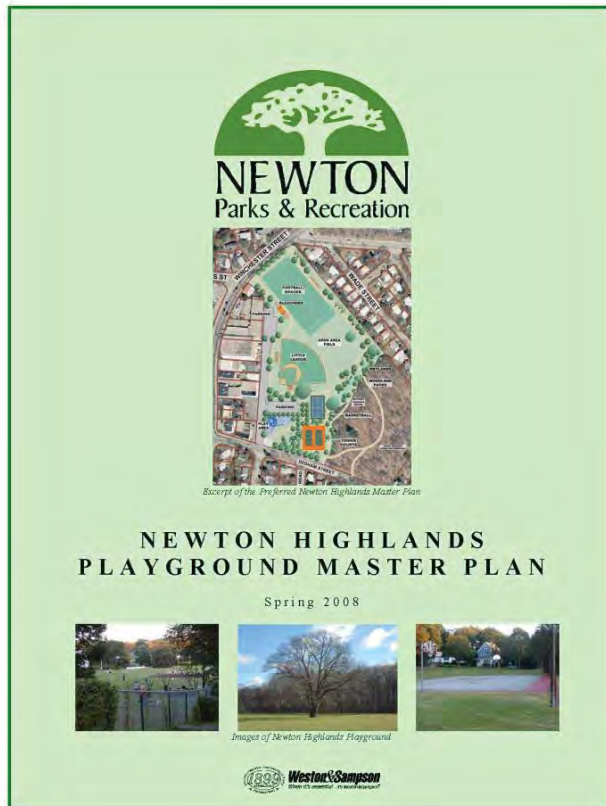
# Newton Highlands Playground Improvement Project

December 10, 2015

## CPC Public Hearing



Newton Highlands Playground Improvement Project | CPC Public Hearing | December 10, 2015



A comprehensive + methodical process to implement improvements



Newton Highlands Playground Improvement Project | CPC Public Hearing | December 10, 2015



Lack of capital investment over a period of decades renders facilities substandard

Newton Highlands Playground Improvement Project | CPC Public Hearing | December 10, 2015



CPC Funding leveraging upgrades to Upland Avenue



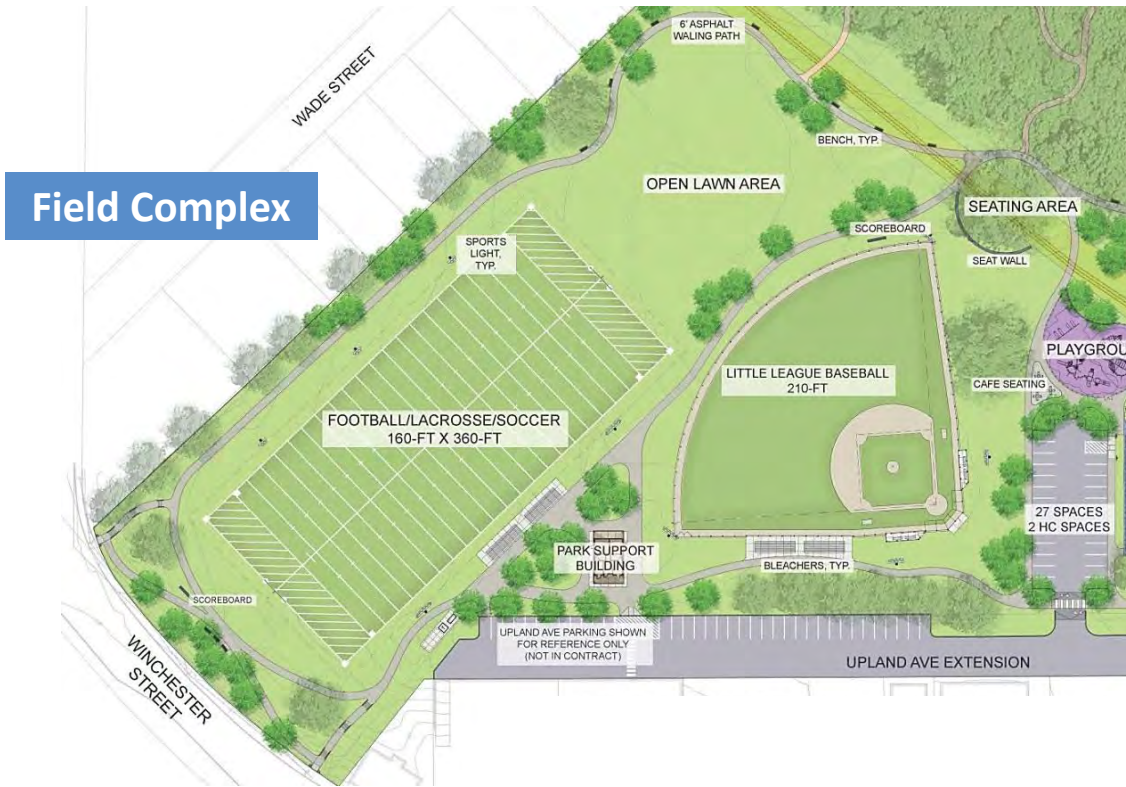
- Field Work (Test Pits, Soil Borings, Soil Testing, Utility Research)
- Well-drilling procurement
- Preliminary Design Drawings
- Design Development Drawings
- Final Design Drawings
- Construction Documents
- Newton Internal Department Technical Review Approvals
- DRC Approvals
- Conservation Commission Approvals
- Environmental Investigations (Structures)
- Utility Coordination, including EVERSOURCE
- Project Meetings (20 and counting)
- Public Facilities Approval (Board of Alderman Subcommittee)**
- Tentative Bidding Early 2016 | Construction 2016**



CPC Funded Design + Permitting Work Completed to Date



Overall Illustrative Site Plan



Field Complex Enlargement Plan



Winchester Street Illustrative View of Field Complex



SETTI D. WARREN  
MAYOR

## NEWTON PARKS AND RECREATION DEPARTMENT

246 Dudley Rd, Newton, MA 02459

Office: (617) 796-1500

TDD/TTY: (617) 796-1089

parks@newtonma.gov



**NEWTON**  
Parks & Recreation  
ROBERT J. DERUBEIS  
COMMISSIONER

November 10, 2015

Alice E. Ingerson, Ph.D.  
Community Preservation Program Manager  
Newton Planning & Development Department  
City Hall, 1000 Commonwealth Ave.  
Newton, MA 02459

Dear Ms. Ingerson:

This letter is to confirm the Parks & Recreation Department has current custody and the commitment of staff time for project management of the Newton Highlands Project.

If you have any questions, please call the Parks & Recreation Office at 617.796.1500.

Sincerely,

Robert J. DeRubeis  
Parks & Recreation Commissioner





## Newton, Massachusetts Community Preservation Program FUNDING REQUEST

 PRE-PROPOSAL

 PROPOSAL

Last updated December 2014.

Please submit this completed file directly – do not convert to PDF or other formats.

For full instructions, see [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa) or contact us:

Community Preservation Program Manager,  
City of Newton Planning & Development Department, 1000 Commonwealth Ave., Newton, MA 02459  
[aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) 617.796.1144

#357-15

(For staff use)  
date rec'd:

2:30 pm  
12 Nov 2015

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

|  |   |  |  |   |
|--|---|--|--|---|
| <b>Project TITLE</b>   | <b>Newton Highlands Playground - Construction</b>   |  |  |   |
| <b>Project LOCATION</b>  | Full street address (with zip code), or other precise location.<br>Winchester and Dedham Streets, Newton Highlands 02461  |  |  |   |
| <b>Project CONTACTS</b>  | Name & title or organization  | Email  | Phone  | Mailing address   |
| <b>Project Manager</b>   | Carol Schein,<br>Open Space Coordinator   | <a href="mailto:cschein@newtonma.gov">cschein@newtonma.gov</a>         | 617-796-1507                                       | Parks and Recreation Dept.<br>246 Dudley Road<br>Newton, MA 02459 |
| <b>Other Contacts</b>  | Robert DeRubeis,<br>Commissioner  | <a href="mailto:bruberubeis@newtonma.gov">bruberubeis@newtonma.gov</a> | 617-796-1500                                       |   |
| <b>Project FUNDING</b>   | <b>A. CPA funds requested:</b><br>\$3,320,000   | <b>B. Other funds to be used:</b><br>\$22,500                          | <b>C. Total project cost (A+B):</b><br>\$3,342,500 |   |
| <b>Project SUMMARY</b>   | Explain as concretely as possible how the project will use the requested CPA funds (use a cover letter rather than this space for general information about the sponsoring organization's accomplishments). You may provide more detail in attachments, but your PROJECT SUMMARY MUST FIT IN THE SPACE BELOW. |  |  |   |
| <p><b>Project Description:</b> With the full support of the CPC, the final design phase of Newton Highlands Playground, aka Joseph Lee Playground, is complete. For the past 7 months the designers have worked with Parks and Recreation to develop the final documents, now ready to be packaged for construction bidding. The rehabilitation of this run-down 13-acre park—60% open and 40% wooded—was guided by its 2008 CPA-funded master plan, a rigorous study of its existing conditions, reviews by City departments and committees, input from the public and due consideration of the Department's operating budget and maintenance capabilities.</p> <p><b>Scope of Work:</b> Every inch of the park's open area is to be reworked. The large, active and passive recreation program, poor draining soils, high water table, Stearns Brook culvert and the need for ADA compliance underlie the reconfiguration. Its limited storm water holding capacity will be increased significantly utilizing amended soils, re-grading, extensive under-drainage systems and all new drainage structures. Improvements include a completely renovated natural turf multi-use athletic field with energy-efficient lighting and irrigation; a Little League field suitable for championship play with lights and irrigation; a small pre-fab support building with restrooms and storage; a playground with separate areas for pre-school and school-age children; fenced tennis courts and a relocated basketball court with all the appurtenances; and a parking lot for park use only that will help relieve parking issues as well as facilitate access. A site devoid of amenities now includes: benches, bubblers, trash receptacles, bicycle racks, café tables, and a network of paved accessible pathways connecting all facilities as well as looping around the park perimeter and into the wooded area. Exotic invasive plants will be removed and trees planted, adding to the aesthetic, providing shade and wildlife habitat. New park entrances and edges along Winchester and Dedham Streets will provide much-needed curb appeal and park identity.</p> <p>Carol Schein will continue as the Department's project manager, and Spurr, of Weston &amp; Sampson, the park designers, will perform construction administration. With CPC's approval of this funding request, construction could begin spring 2016, and a beautiful, true multi-generational park for all to enjoy could open in the spring of 2017.</p> |   |  |  |   |

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

|  |   |              |  |
|--|---|--------------|--|
| <b>Project TITLE</b>   | <b>Newton Highlands Playground - Construction</b>   |              |  |
| <b>USE of CPA FUNDS</b>  | <b>RECREATION LAND</b>  |              |  |
| <b>Check all that apply</b>  | rehabilitate/ restore   | ✓            |  |
| <b>COMMUNITY NEEDS</b>   | From each of at least 2 plans linked to the <a href="#">Guidelines &amp; Forms</a> page of <a href="http://www.newtonma.gov/cpa">www.newtonma.gov/cpa</a> , provide a brief quote with plan title, year, and page number, showing how this project meets previously recognized community needs. You may also list other community benefits not mentioned in any plan. |              |  |
| <p>In the Comprehensive Plan, Section 7: Open Space and Recreation</p> <ul style="list-style-type: none"> <li>• Page 7-3 Goal#2: ensure an adequate amount, variety and distribution of open space for both public benefit and biodiversity. Goal #3: To integrate compatible recreation and conservation uses. Goal #5: To assure a well-informed and well-coordinated stewardship for the open space and recreation resources for which the City is...custodian.</li> <li>• Page 7-8 #18. Enact the recommendations of the Mayor’s Committee for People with Disabilities...to remove or modify existing barriers to existing facilities.</li> </ul> <p>Recreation and Open Space Plan Update – 2013-2019:</p> <ul style="list-style-type: none"> <li>• Section 1, page 1 of 2, Plan Summary: -- Need to continue expanding accessibility for persons with disabilities on multiple tracks to address active and passive recreation sites. -- Ongoing need for active playfield space.</li> <li>• Section 9, page 12 of 23, Active Use Recreation – Action Program: Newton Highlands Playgrounds is listed under Facility Improvements.</li> <li>• Appendix D, page 10 of 17, Attachment V: Newton Parks &amp; Recreation Dept. Accessibility Prioritization Project. On the first page, N. Highlands Playground is listed as one of the Department’s top three priorities for improved access.</li> </ul> |   |              |  |
| <b>COMMUNITY CONTACTS</b>  | List at least 3 Newton residents or organizations willing and able to comment on the project and its manager’s qualifications. No more than 1 should be a supervisor, employee or current work colleague of the project manager or sponsor. Consult staff on the community contacts required for your specific proposal.  |              |  |
| Name & title or organization   | Email   | Phone        | Mailing address  |
| Byron Dunker, P&R Commission, Ward 5   | <a href="mailto:thedunkers@comcast.net">thedunkers@comcast.net</a>  | 617-965-6350 | 10 Southwick Road<br>Newton 02461                      |
| Elliott Loew, Atty.; Bd. of Directors, Newton SouthEast Little League  | <a href="mailto:emlpc@comcast.net">emlpc@comcast.net</a>  | 617-969-2660 | 51 Winchester St., Suite 205<br>Newton Highlands 02461 |
| Anil Adyanthaya, President<br>Newton Upper Falls Area Council  | <a href="mailto:adyanthaya@aol.com">adyanthaya@aol.com</a>  | 617-795-5991 | 11 Tamarac Road<br>Newton Upper Falls 02464            |
|  |   |              |  |
|  |   |              |  |
|  |   |              |  |

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

Full proposals must include separate, detailed budgets in addition to this page.

| Project TITLE  |  | Newton Highlands Playground - Construction |  |
|--|--|--|--|
| <b>SUMMARY CAPITAL/DEVELOPMENT BUDGET</b>  |  |  |  |
| <b>Uses of Funds</b>   |  |  |  |
| <u>Hard Costs</u> (refer to enclosed Weston & Sampson Detailed Opinion of Probable Cost) |  |  |  |
| Site Improvements (includes Park Support Building):                                      |  | \$2,575,560                                |  |
| Mobilization, Overhead and Profit 15%:   |  | \$386,334                                  |  |
| Contingency 10%:   |  | \$257,556                                  |  |
| Subtotal:  |  | \$3,219,450                                |  |
| <u>Soft Costs</u> :  |  |  |  |
| Construction Administration (includes rounding of \$550)                                 |  | \$110,550                                  |  |
| Project Management   |  | \$ 12,500                                  |  |
| <b>D. TOTAL USES</b> (should equal C. on page 1 and E. below)                            |  | <b>\$3,342,500</b>                         |  |
| <b>Sources of Funds</b>  |  | <b>Status</b>                              |  |
|  |  | (requested, expected, confirmed)           |  |
| CPA funds  |  | Requested                                  |  |
| CDBG funds   |  | TBD  |  |
| Neighborhood fund-raising for playground   |  | Confirmed; more expected                   |  |
| City General Fund Budget/Parks and Recreation Dept.                                      |  | Confirmed                                  |  |
| <b>E. TOTAL SOURCES</b> (should equal C. on page 1 and D. above)                         |  | <b>\$3,342,500</b>                         |  |
| <b>SUMMARY ANNUAL OPERATIONS &amp; MAINTENANCE BUDGET (cannot use CPA funds)</b>         |  |  |  |
| <b>Uses of Funds</b>   |  |  |  |
| Operations and Maintenance (refer to Operations & Maintenance/Projected Costs FY18-FY27) |  | \$33,800                                   |  |
| <b>F. TOTAL ANNUAL COST</b> (should equal G. below)                                      |  | <b>\$33,800</b>                            |  |
| <b>Sources of Funds</b>  |  |  |  |
| Parks and Recreation Operating Budget  |  | \$33,800                                   |  |
| <b>G. TOTAL ANNUAL FUNDING</b> (should equal F. above)                                   |  | <b>\$33,800</b>                            |  |
| <b>Project TIMELINE</b>  |  | <b>Phase or Task</b>                       |  |
|  |  | <b>Season &amp; Year</b>                   |  |
| Project out to bid   |  | January/February 2016                      |  |
| Begin construction   |  | April 2016                                 |  |
| Park opening   |  | Spring 2017                                |  |
|  |  |  |  |
|  |  |  |  |

| Project TITLE  |   | Newton Highlands Playground - Construction  |  |
|--|---|---|--|
| ↓ Check off submitted attachments here.  |   |   |  |
| REQUIRED.  | ✓   | PHOTOS  | of existing site or resource conditions (2-3 photos may be enough)   |
|  | ✓   | MAP   | of site in relation to nearest major roads (omit if project has no site)   |
| Full proposals:<br>detailed budget<br>attachments<br>REQUIRED.                       | <b>PROJECT FINANCES</b> printed and as computer spreadsheets, with both uses & sources of funds |   |  |
|  | ✓   | <b>development pro forma/capital budget:</b> include total cost, hard vs. soft costs and contingencies, and project management – amount and cost of time from contractors or staff (in-kind contributions by existing staff must also be costed)                        |  |
|  | ✓   | <b>operating/maintenance budget, projected separately for each of the next 10 years</b> (CPA funds may not be used for operations or maintenance)   |  |
|  | * ✓   | <b>non-CPA funding:</b> commitment letters, letters of inquiry to other funders, fundraising plans, etc., including both cash and est. dollar value of in-kind contributions  |  |
| REQUIRED<br>for all full<br>proposals.   | <b>SPONSOR FINANCES &amp; QUALIFICATIONS</b>  |   |  |
|  | ✓   | <b>for sponsoring department or organization, most recent annual operating budget</b> (revenue & expenses) & <b>financial statement</b> (assets & liabilities); each must include both public (City) and private resources (“friends” organizations, fundraising, etc.) |  |
|  | ✓   | <b>for project manager: relevant training &amp; track record</b> of managing similar projects   |  |
| OPTIONAL for<br>all proposals.   |   | <b>LETTERS of SUPPORT</b>   | from Newton residents, organizations, or businesses  |
| REQUIRED for<br>all proposals<br>involving City<br>govt., incl. land<br>acquisition. | ✓   | <b>CAPITAL<br/>IMPROVEMENT PLAN</b>   | current listing/ranking & risk factors for this project  |
|  | ✓   | <b>COVER<br/>LETTER</b>   | from head of City department, board or commission confirming: current custody, or willingness to accept custody, of the resource and commitment of staff time for project management |
|  | <b>ZONING &amp; PERMITTING</b>  |   |  |
|  | ✓   | short email confirming review by the <b>Development Review Team (DRT)</b>   |  |
|  | ✓   | <b>brief property history:</b> at least the last 30 years of ownership & use (ask CPC staff for assistance with sources)  |  |
|  | ✓   | <b>environmental mitigation plans:</b> incl. lead paint, asbestos, underground tanks  |  |
|  |   | <b>zoning relief and permits required:</b> incl. parking waivers, demolition or building permits, comprehensive permit or special permit  |  |
|  | ✓   | <b>other approvals required:</b> Newton Conservation Commission, Newton Commission on Disabilities, Massachusetts Architectural Access Board, etc.  |  |
|  | <b>DESIGN &amp; CONSTRUCTION</b>  |   |  |
|  | ✓   | <b>professional design &amp; cost estimates:</b> include site plan, floor plans & elevations  |  |
| ✓  | <b>materials &amp; finishes;</b> highlight “green” or sustainable features & materials          |   |  |

\* CPC staff note:

Though this box was checked in the proposal, no confirmation of non-CPA funding other than Parks & Recreation Dept. staff time was submitted.

**Newton Highlands Playground Improvements  
City of Newton, Massachusetts**

**Summary Opinion of Probable Cost**

**November 11, 2015**

| <b>PARK IMPROVEMENT ITEM</b>                 | <b>BUDGET COST</b> | <b>NOTES</b>  |
|--|--------------------|---|
| SITE PREPARATION AND DEMOLITION              | \$150,000          | Demolition of existing buildings and structures, courts and pavements, tree and invasive species removal, stripping and stockpiling existing topsoil.         |
| EARTHWORK AND DRAINAGE                       | \$590,000          | Cut/fill, rough and fine grading, field under drainage, overall site storm water drainage systems and structures.   |
| SITE IMPROVEMENTS                            | \$610,000          | Concrete and asphalt paving, paving base material, curbing, color sealcoat, site furniture, fencing, stairs and handrails, play equipment and play surfacing. |
| PLANTING                                     | \$270,000          | Tree planting, loam and seed, root zone mix for playing fields.   |
| FIELD AND COURT AMENITIES                    | \$283,000          | Backstop, spectator bleachers and player benches, basketball and tennis court appurtenances, scoreboards, irrigation systems.                                 |
| PARK SUPPORT BUILDING                        | \$312,000          | Prefabricated restroom and storage building, utility services and connections.  |
| ELECTRICAL                                   | \$360,000          | Electrical service and connections, athletic field lighting.  |
| CONSTRUCTION SOFT COSTS                      | \$645,000          | Overhead and profit, general conditions, contingency.   |
| CONSULTANT CONSTRUCTION ADMINISTRATION COSTS | \$110,000          | Weekly construction meetings, submittal and change order review, part-time inspection, coordination between contractor and city.                              |
| <b>PROJECT TOTAL</b>                         |                    | <b>\$3,330,000</b>  |



Newton Highlands Playground Improvements  
City of Newton, Massachusetts

**Weston&Sampson®**

**Detailed Opinion of Probable Cost**

November 11, 2015

|   |        | Unit            | Unit Cost  | Total Cost     |
|---|--------|-----------------|------------|----------------|
| <b>SITE PREPARATION AND DEMOLITION</b>      |        |                 |            |                |
| Temporary Construction Fence                | 1,940  | LF              | \$ 8       | \$ 15,520      |
| Construction Entrance Traction Pad          | 1      | LS              | \$ 5,000   | \$ 5,000       |
| Erosion Control Device - straw wattles      | 1,650  | LF              | \$ 5       | \$ 8,250       |
| Tree Protection                             | 1      | LS              | \$ 6,000   | \$ 6,000       |
| Tree Pruning, Clearing and Grubbing         | 1      | LS              | \$ 15,000  | \$ 15,000      |
| R&D Paving (Asphalt & Concrete)             | 2,722  | SY              | \$ 10      | \$ 27,220      |
| R&D Infield Surfacing (incl. Gravel)        | 1,630  | SY              | \$ 3       | \$ 4,889       |
| R&D Fence                                   | 1,392  | LF              | \$ 5       | \$ 6,960       |
| Strip & Stockpile Loam @ 6"d                | 3,390  | CY              | \$ 8       | \$ 27,120      |
| Building Demolition                         | 1      | LS              | \$ 20,000  | \$ 20,000      |
| R&D Existing Lighting                       | 1      | LS              | \$ 10,000  | \$ 10,000      |
| Misc. Demolition                            | 1      | LS              | \$ 5,000   | \$ 5,000       |
|   |        | <b>Subtotal</b> | <b>\$</b>  | <b>150,959</b> |
| <b>EARTHWORK AND DRAINAGE</b>               |        |                 |            |                |
| Cut/Fill                                    | 1,700  | CY              | \$ 15      | \$ 25,500      |
| Import Fill                                 | 3,795  | CY              | \$ 18      | \$ 68,310      |
| Rough Grading                               | 37,630 | SY              | \$ 1       | \$ 37,630      |
| Fine Grading                                | 37,630 | SY              | \$ 2       | \$ 75,260      |
| 12" HDPE Drain Pipe                         | 1,440  | LF              | \$ 35      | \$ 50,400      |
| Collector drain pipe- 18"                   | 1,975  | LF              | \$ 40      | \$ 79,000      |
| 4" Lateral Drain                            | 9,850  | LF              | \$ 18      | \$ 177,300     |
| NyloPlast Drain Inlets                      | 19     | EA              | \$ 2,200   | \$ 41,800      |
| Catch Basin (Concrete)                      | 5      | EA              | \$ 6,500   | \$ 32,500      |
| DMH (Concrete)                              | 5      | EA              | \$ 6,500   | \$ 32,500      |
|   |        | <b>Subtotal</b> | <b>\$</b>  | <b>587,700</b> |
| <b>SITE IMPROVEMENTS</b>                    |        |                 |            |                |
| Concrete Stairs                             | 10     | CY              | \$ 660     | \$ 6,600       |
| Handrail at Stairs-Stainless                | 90     | LF              | \$ 200     | \$ 18,000      |
| Concrete Paving                             | 75     | SY              | \$ 75      | \$ 5,625       |
| Concrete Paving at Thresholds and Cafe Area | 105    | SY              | \$ 75      | \$ 7,875       |
| Bituminous Concrete Paving- Walks           | 550    | TON             | \$ 180     | \$ 99,000      |
| Bituminous Concrete Paving- Courts          | 390    | TON             | \$ 150     | \$ 58,500      |
| Bituminous Concrete Paving- Vehicular       | 157    | TON             | \$ 150     | \$ 23,475      |
| Sealcoat                                    | 2,330  | SY              | \$ 10      | \$ 23,304      |
| Poured in Place Rubber                      | 5,155  | SF              | \$ 16      | \$ 82,480      |
| Accessible Trail Surfacing                  | 443    | SY              | \$ 30      | \$ 13,277      |
| Granite Curbing                             | 380    | LF              | \$ 35      | \$ 13,300      |
| Mow Strip                                   | 264    | LF              | \$ 40      | \$ 10,560      |
| Gravel Base, 8" d                           | 1,495  | CY              | \$ 35      | \$ 52,334      |
| Gravel Base, 12" d for Bit. Vehicular       | 311    | CY              | \$ 35      | \$ 10,868      |
| Play Equipment                              | 1      | LS              | \$ 140,750 | \$ 140,750     |
| Café Tables                                 | 3      | EA              | \$ 4,500   | \$ 13,500      |
| Benches                                     | 17     | EA              | \$ 1,800   | \$ 30,600      |
|   |        | <b>Subtotal</b> | <b>\$</b>  | <b>610,049</b> |
| <b>PLANTING</b>                             |        |                 |            |                |
| Tree Planting                               | 85     | EA              | \$ 750     | \$ 63,750      |
| Rootzone Mix                                | 2,545  | CY              | \$ 36      | \$ 91,620      |
| Loam and Seed                               | 17,645 | SY              | \$ 4       | \$ 70,580      |
| Loam and Seed at Playing Fields             | 11,388 | SY              | \$ 4       | \$ 45,552      |
|   |        | <b>Subtotal</b> | <b>\$</b>  | <b>271,502</b> |



Newton Parks and Recreation  
 Newton Highlands Playground  
 Operation and Maintenance Projected Costs  
 Projected Costs: FY18-FY27  
 November 5, 2015

2.5% inflation

| Description           | 2015 costs       | spring 2016<br>construction | spring 2017<br>park opens | FY19             | FY20             | FY21             | FY22             | FY23             | FY24             | FY25             | FY26             | FY27             |
|-----------------------|------------------|-----------------------------|---------------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|------------------|
|                       | FY16             | FY17                        | FY18                      |                  |                  |                  |                  |                  |                  |                  |                  |                  |
| mowing                | \$ 10,000        | \$ 10,250                   | \$ 10,510                 | \$ 10,770        | \$ 11,040        | \$ 11,320        | \$ 11,600        | \$ 11,890        | \$ 12,190        | \$ 12,490        | \$ 12,800        | \$ 13,120        |
| leaf removal          | \$ 1,000         | \$ 1,030                    | \$ 1,060                  | \$ 1,090         | \$ 1,120         | \$ 1,150         | \$ 1,180         | \$ 1,210         | \$ 1,240         | \$ 1,270         | \$ 1,300         | \$ 1,330         |
| fertilizer            | \$ 2,000         | \$ 2,050                    | \$ 2,100                  | \$ 2,150         | \$ 2,200         | \$ 2,260         | \$ 2,320         | \$ 2,380         | \$ 2,440         | \$ 2,500         | \$ 2,560         | \$ 2,620         |
| seed                  | \$ 1,200         | \$ 1,230                    | \$ 1,260                  | \$ 1,290         | \$ 1,320         | \$ 1,350         | \$ 1,380         | \$ 1,410         | \$ 1,450         | \$ 1,490         | \$ 1,530         | \$ 1,570         |
| aerification          | \$ 1,200         | \$ 1,230                    | \$ 1,260                  | \$ 1,290         | \$ 1,320         | \$ 1,350         | \$ 1,380         | \$ 1,410         | \$ 1,450         | \$ 1,490         | \$ 1,530         | \$ 1,570         |
| irrigation            | \$ 750           | \$ 770                      | \$ 790                    | \$ 810           | \$ 830           | \$ 850           | \$ 870           | \$ 890           | \$ 910           | \$ 930           | \$ 950           | \$ 970           |
| water cost            | \$ 10,000        | \$ 10,250                   | \$ 10,510                 | \$ 10,770        | \$ 11,040        | \$ 11,320        | \$ 11,600        | \$ 11,890        | \$ 12,190        | \$ 12,490        | \$ 12,800        | \$ 13,120        |
| electricity           | \$ 2,000         | \$ 2,050                    | \$ 2,100                  | \$ 2,150         | \$ 2,200         | \$ 2,260         | \$ 2,320         | \$ 2,380         | \$ 2,440         | \$ 2,500         | \$ 2,560         | \$ 2,620         |
| building cleaning     | \$ 1,500         | \$ 1,540                    | \$ 1,580                  | \$ 1,620         | \$ 1,660         | \$ 1,700         | \$ 1,740         | \$ 1,780         | \$ 1,820         | \$ 1,870         | \$ 1,920         | \$ 1,970         |
| court maintenance     | \$ 500           | \$ 510                      | \$ 520                    | \$ 530           | \$ 540           | \$ 550           | \$ 560           | \$ 570           | \$ 580           | \$ 590           | \$ 600           | \$ 620           |
| ballfield maintenance | \$ 1,500         | \$ 1,540                    | \$ 1,580                  | \$ 1,620         | \$ 1,660         | \$ 1,700         | \$ 1,740         | \$ 1,780         | \$ 1,820         | \$ 1,870         | \$ 1,920         | \$ 1,970         |
| tree pruning          | \$ 500           | \$ 510                      | \$ 520                    | \$ 530           | \$ 540           | \$ 550           | \$ 560           | \$ 570           | \$ 580           | \$ 590           | \$ 600           | \$ 620           |
|                       | <b>\$ 32,150</b> | <b>\$ 33,000</b>            | <b>\$ 33,800</b>          | <b>\$ 34,600</b> | <b>\$ 35,500</b> | <b>\$ 36,400</b> | <b>\$ 37,300</b> | <b>\$ 38,200</b> | <b>\$ 39,200</b> | <b>\$ 40,200</b> | <b>\$ 41,200</b> | <b>\$ 42,200</b> |

## Project Management

Carol Schein, Open Space Coordinator, has coordinated and managed site improvement projects for the Parks and Recreation Department for the past 14 years. She manages and coordinates both CIP- and CPA-funded projects and also acts as the Department representative on CDBG-funded projects in the parks. Sample projects include: Newton City Hall and War Memorial Historic Landscape Preservation Plan, Newton Centre Playground Accessibility Plan; Newton Upper Falls Playground and Newton Highlands Playground Master Plans; Newton Upper Falls Playground Entrance Improvements; Cabot Park Off-Leash Area and Emerson Playground Improvements. Working with volunteers and the Department's maintenance division, Carol also coordinates the Department's Adopt-a-Space program. Employed by Brown, Richardson and Rowe, Landscape Architects and Planners, for 12 years prior, she staffed and managed park projects in the public sector.

## WESTON & SAMPSON | FIRM QUALIFICATIONS AND EXPERIENCE

### GENERAL DESCRIPTION OF THE FIRM'S OVERALL EXPERIENCE

Weston & Sampson provides municipal clients throughout New England with cost-effective and innovative solutions to their landscape architecture, infrastructure improvement, and environmental challenges. The majority of work completed by Weston & Sampson is focused on assisting communities in developing and implementing infrastructure improvements as they relate to parks, open space, roadways, sidewalks, drainage, water, and sewer. In more recent years, our firm has also assisted clients with the study, assessment, design, and installation of renewable energy facilities.

Established in 1899, Weston & Sampson offers capabilities ranging from project development and planning through design, construction, and long-term operation and maintenance. Throughout our 116-year history, Weston & Sampson has been recognized for exceeding our clients' expectations by providing attentive personal service, superior technical quality, and adherence to cost and schedule requirements. We pride ourselves on the expertise and experience that our staff provides on each assignment. We carefully assemble our project teams to meet specific client needs and ensure project success.



To meet the diverse needs of our clients, Weston & Sampson offers full-service capabilities to address the complex challenges of today's projects. The areas of our expertise that most pertain to this potential assignment include:

- Landscape Architecture
- Park and Open Space Planning and Design
- Community Facilitation
- Urban Design/Streetscape
- Architecture and Structural Engineering
- Peer Review
- Wide-ranging Engineering Disciplines
- Environmental Sciences

In addition, the majority of Weston & Sampson's clients are municipalities. As such, we fully understand the needs and challenges of New England communities, including available technologies, regulatory requirements, cost analysis and funding, and operational issues.



City of Newton, MA

## WESTON & SAMPSON | FIRM QUALIFICATIONS AND EXPERIENCE

### Recent examples of park and landscape architecture and urban design

Weston & Sampson has completed hundreds of open space, recreation, and urban design projects for communities throughout New England. We offer extensive capabilities and specialized services in the areas of:

- Neighborhood park and recreation design
- Athletic facility design
- Linear, multi-use trail/pathway systems and greenways
- Urban design and streetscape improvement
- Structural, electrical, plumbing design and municipal engineering
- Master planning, feasibility studies, and site analysis and development
- Civil and stormwater engineering, soil assessments and remediation
- Project inspection and construction monitoring
- Transportation and traffic planning, and multi-modal systems

Weston & Sampson's creative landscape architects help our clients envision award-winning futures for their parks, playgrounds, and urban design projects. Our designers complete innovative and progressive playground and recreation designs, environmental restorations, reuse of brownfields properties and landfills, city and town wide open space projects, including many current initiatives funded by CPC. Our specific projects have included multi-generational playgrounds, skateparks, dog parks, riverwalks, veterans' memorials, municipal commons, forest amenities, schoolyards/ball fields, track and synthetic turf field complexes, courts and competitive facilities, and the conversion of old railroad ways into nature and bicycle trails. All of our designs ensure Americans with Disabilities Act (ADA) accessibility, Architectural Access Board (AAB) compliance, and programming for users between the ages of 0 to 99. In addition, we have experience successfully working within historical commission guidelines on many of our projects throughout New England.



**We are currently leading or have recently led the public participation, design development, bidding, and construction administration process for the restoration of parks, playgrounds, memorial squares, and municipal commons in more than 25 communities.** We believe that our current and past work on neighborhood park and playground properties exemplifies our commitment to realizing a successful project through an innovative, creative, and collaborative effort. **Our recent work in the communities of Boston, Framingham, Natick, Needham, Newton, Quincy, Waltham, Somerville, Stoneham, and Worcester, Massachusetts particularly exemplifies our range of landscape architecture experience and capabilities.**





City of Newton, MA

## WESTON & SAMPSON | FIRM QUALIFICATIONS AND EXPERIENCE

**Experience in all phases of design, construction cost estimating, bidding, and construction management (including cost and time control) of park, landscape and sports facility design projects**

Weston & Sampson has extensive experience with landscape architectural design projects related to park, playground, open space, and urban site development projects. **We have provided a variety of study, design, bidding, and construction administration services for more than 150 park, playground, and recreational improvement projects throughout Massachusetts.**

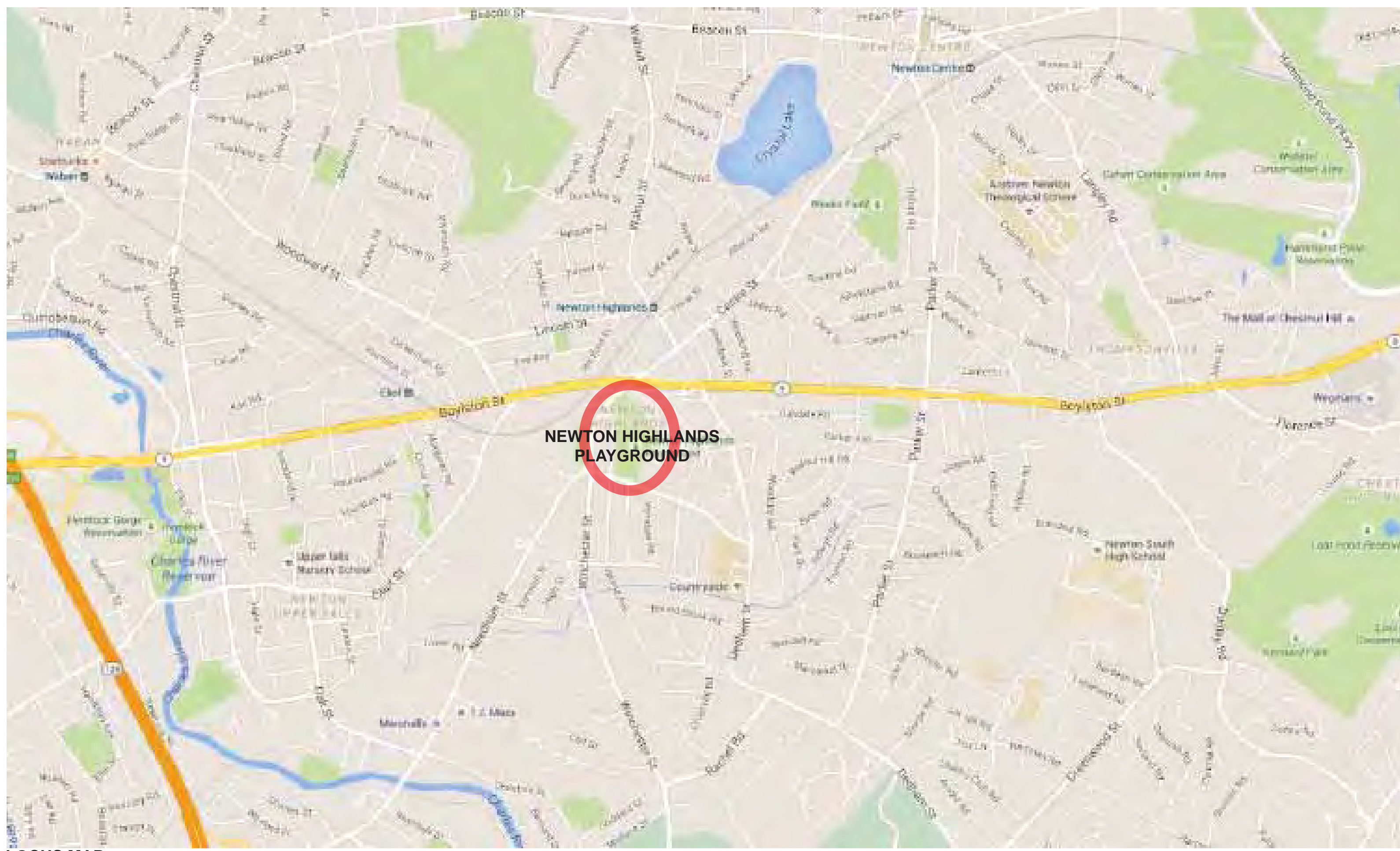
Our design team possesses enormous strength in the design of successful, highly interactive neighborhood parks, playgrounds, schoolyards, community gardens, and related public spaces. We believe that the breadth of our passive and active park design projects, particularly in dense urban communities, helps to support this statement. And of particular note, our landscape architects have consciously chosen to focus their careers on designing public (not private) spaces that benefit communities.



In addition, Weston & Sampson has extensive experience preparing plans and specifications for public bidding, as well as providing administration and resident engineering services for a wide range of construction projects. Our experienced construction managers and inspection personnel evaluate and respond to the challenges of project construction in a timely and cost-effective manner and maintain a record of 0-2% change orders on all publically bid projects company-wide. Typical tasks include participation in pre-construction meetings, periodic visits to the job site or full-time inspectional services, review and approval of shop drawings and materials, evaluation of proposed contract changes, oversight and documentation of all required testing, and design of project modifications to the original design to meet unforeseen field conditions during construction. We also offer both full-time and part-time resident engineering services for any type or size project, and all of our resident engineers have the required Occupational Safety and Health (OSHA) Training in Construction Safety & Health.







LOCUS MAP



AERIAL



EXISTING CONDITIONS PHOTOS



# NEWTON HIGHLANDS PLAYGROUND EXISTING CONDITIONS





PRECEDENT IMAGES



NEWTON HIGHLANDS PLAYGROUND  
ILLUSTRATIVE PLAN





Community Preservation Committee  
c/o Alice Ingerson, Program Manager  
Planning Department, City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

December 1, 2015

Dear Alice Ingerson,

I'm writing you to say I'm disappointed I'll have to miss your Open Space meeting next week at City Hall on December 10 due to an earlier commitment.

As an abutter I've been strongly in support of this funding to rebuild the park. I understand you and the park designers, Weston & Sampson, will present a request to the Community Preservation Committee (CPC) for \$3.3 million of Community Preservation Act (CPA) funds to rehabilitate the park across from my house.

Please consider this letter as a stand-in for me at next week's meeting and I look forward to hearing that construction could begin next year.

Sincerely,

Barbara Trachtenberg, Ed.D.  
49 Dedham Street  
Newton, MA 02461

Cc: Carol Schein  
Open Space Coordinator  
Newton Parks and Recreation  
246 Dudley Road  
Newton, MA 02459  
617-796-1507 (office)

From: pete@horstmannlaw.com [mailto:pete@horstmannlaw.com]  
Sent: Friday, December 04, 2015 10:56 AM  
To: Alice Ingerson  
Subject: Newton Highlands Playground Project

Dear Alice:

I am a Newton resident who lives within walking distance of the Highland playground and was delighted to hear that there is an upgrade planned for that space.

My kids have also been involved in both indoor and outdoor rock climbing for the last 6 years during which we have met with or become acquainted with most of the industry that is behind the fastest growing sport in the country. However, I do not work for any company involved and this industry and this is not a product driven sales pitch. In fact, in the past I have discouraged school administrators from spending money on indoor climbing walls because of the lack of product support, training and maintenance that the schools were not being told about during various sales pitches. I would welcome the opportunity to speak with you about the benefits of this sport and the outdoor products available that would truly enhance the Highland's project, the community in general and set Newton apart from neighboring communities. Unlike, standard playground equipment which is only used by the 10 & under crowd, the types of structures attached below would serve residents of all ages and create a multi-generational community. Many of European cities have devoted outdoor space to manmade climbing structures which frequently host climbing demonstrations and climbing competitions. While the number of indoor climbing gyms has quadrupled in the US in the last 10 years, outdoor structures have been slower to catch on. The structures depicted below are manufactured by a Massachusetts company called Rockwerks that is located in Barre, MA. I would be happy to make introductions or act in any capacity, if this is something that truly catches your interest.

Additionally, as someone who has lived in this neighborhood for the last 15 years, I am aware that Countryside Elementary School (which is located 200 yards up Dedham Street) recently spent \$80-100K in private funds to upgrade their playground equipment to a very high level. As a result, I think it is redundant to have another high end playground for those under 10 so close. I think the community would be better served with equipment that can be used by all ages whether it is rock climbing or something else. I am not suggesting that under 10 equipment is not needed. It is definitely needed for small kids to play on while the adults play tennis, etc., but it does not have to duplicate what is at Countryside. While I understand that these are two separate budgets and City department, there is not the same level of need when a reasonable alternative is so close by. Another example of this playground redundancy already exists in Newton Center where a new City playground was built at the same time that Mason Rice upgraded its playground and they are only 100 yards away. It would have been a better use of the City space to have constructed something that a broader age range would use.

I am happy to speak with you at anytime and I appreciate your time in reading this email.

Peter Charles Horstmann, Esquire  
450 Lexington Street  
Suite 101  
Newton, MA 02466  
(617) 723-1980  
pete@horstmannlaw.com

## CONFIDENTIALITY STATEMENT

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NATURAL ROCK

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STEEL FRAMING

CONSTRUCTION

5 YEAR WARRANTY

Responsive Column Widgets: No sidebar is selected.

From: Little Red Wagon PlaySchool [mailto:lrwnewton@gmail.com]  
Sent: Thursday, December 10, 2015 4:13 PM



50 Winchester Street, Newton Highlands, MA 02461  
617-244-5099 (tel.) 617-244-5095 (fax) lrwnewton@gmail.com (email)  
www.littleredwagonplayschool.com

Community Preservation Committee  
c/o Alice Ingerson, Program Manager  
Planning Department, City of Newton  
1000 Commonwealth Avenue Newton, MA 02459

December 10, 2015

Dear Members of the Community Preservation Committee,

I am writing to show my strong support for the rehabilitation of the Newton Highlands Playground (Winchester & Dedham Streets). I am the Owner and Director of Little Red Wagon PlaySchool located at 50 Winchester Street. For the past 18 years the children of our school have played in the playground, run in the field and found shade underneath the field's big tree. We are disappointed that the playground equipment that was removed a few years ago due to it's poor condition has not been replaced. The children, staff and families of Little Red Wagon PlaySchool, many of whom live within walking distance to the park, look forward to a new playground in which to play and explore.

Due to a previous commitment I am not able to attend tonight's meeting and hope that you will consider this letter as a sign of the support of Little Red Wagon PlaySchool and it's families for this project.

Sincerely,

Martha Reed Donahue, M.S.W.  
Owner/Director Little Red Wagon PlaySchool

--

Little Red Wagon PlaySchool  
lrwnewton@gmail.com  
www.littleredwagonplayschool.com  
617-244-5099  
617-244-5095 - Fax



# LEAGUE OF WOMEN VOTERS NEWTON

PO Box 610207 Newton, MA 02461 [www.lwvnewton.org](http://www.lwvnewton.org)

617-383-4598 Email: [info@lwvnewton.org](mailto:info@lwvnewton.org)

Comments read at CPC public hearing,  
10 December 2015.

December 12, 2015

Alice Ingerson  
Community Preservation Committee Program Manager  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

## Board of Directors

### President

Susan Flicop

### Clerk

Theresa Fitzpatrick

### Treasurer

Andrea Kozinetz

### Directors

Pia Bertelli  
Bonnie Carter  
Linda Green  
Ellen Grody  
Lois Levin  
Lisa Mirabile  
Linda Morrison  
Sharyn Roberts  
Greer Tan Swiston

Dear Alice:

Below are our comments that Pia Bertelli read on Thursday evening. Many thanks for the opportunity to comment on this application.

The Newton Highlands Playground is in dire need of rehabilitation after years of deferred maintenance, and LWVN readers find the new plans very attractive. The rehabbed park would serve a large number of nearby residents as well as teams and athletes from across the city. While we see the value in restoring the fields, woods, playground and tennis courts, we had a number of questions that created concern.

Our questions:

1. How will the park be kept in good condition? We would like to see a detailed maintenance plan to prevent a newly restored site from falling back into disrepair.
2. We see two letters of support from the community, but have concerns that there has not been enough outreach to the abutters and others in the vicinity. We would like to see more support, particularly from abutters and those who live on Upland Road and Wade Street.
3. Would improved lighting allow more use of the fields? Any idea how much, and of the impact on the neighborhood due to increased use? (Again, having support from abutters regarding the lighting would be important.)
4. We appreciate the thinking that Parks and Recreation has put into the topic of flooding and stormwater. The work on the soils & culverts is needed, and we encourage P&R to join progressive parks departments around the country in looking at how parks and playgrounds can double as stormwater storage.



## LEAGUE OF WOMEN VOTERS NEWTON

PO Box 610207 Newton, MA 02461 [www.lwvnewton.org](http://www.lwvnewton.org)

617-383-4598 Email: [info@lwvnewton.org](mailto:info@lwvnewton.org)

5. The current parking situation for the playground along the Upland Road extension is inadequate, to say the least. We are concerned that improvements for this space are not included in this plan, and that therefore the current state of parking spaces filled with abandoned vehicles and other debris will continue. This omission is likely leading to the inclusion of 27 paved parking spaces right in the middle of the park. LWVN would like to see the Upland Road extension included in the plan, complete with assurances from the City that the use of these spaces will be monitored by Parking Control.

6. Our biggest area of concern is the increased cost that the CPC is being asked to assume. We understand that a new funding source needs to be found, but are concerned that no CIP funds are being made available for this work. This would set a precedent for other neglected City-owned open spaces and playgrounds to be funded almost entirely by CPA money. We are also concerned about the \$10,000 to be raised by the neighborhood, with only two letters of support as evidence of neighborhood interest.

**Recommendation:** Newton's CPA funds are in high demand, and the CPC has rightly stressed the need to keep funds in reserve for one-off opportunities, some of which may be imminent as we write this. The LWVN has no objection to some CPA funds being used to upgrade and even rehab some playgrounds and parklands, yet this seems like an immense request. Further, we regularly prefer requests that leverage outside funding. To put more than 99 percent of the cost on this one source is too large a burden.

LWVN is trying to balance these concerns with the clear need to improve an important neighborhood resource that is in a pretty embarrassing state of neglect. In the end, we would like to see more effort put toward the questions we've raised before we can decide to recommend approval or not.

Sincerely,

A handwritten signature in cursive script that reads "Susan Flicop".

Susan Flicop  
President, LWVN



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#227-16

Telephone  
(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 Board docket for consideration a request to authorize the appropriation of \$13,129,065 and authorize a general obligation borrowing of an equal amount to fund the Fire Station 3/HQ Project. The total budget for this project is \$20.5 million.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

RECEIVED  
NEWTON OFFICE  
2016 JUN 13 PM 3:49  
DAVID A. OLSON, CLERK  
NEWTON, MA 02459







## PUBLIC BUILDINGS DEPARTMENT

Josh Morse, Building Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1608

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren

Mayor

February 19, 2016

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

RE: Fire Station #3/Headquarters Repairs and Upgrades

Dear Mayor Warren:

The Public Buildings Department respectfully requests the remaining \$13,129,065.36 to complete the construction of the Fire Station 3/HQ project. The total budget for this project is \$20.5M and to date we have received \$7,370,934.64.

|                               |                     |
|-------------------------------|---------------------|
| Total Budget:                 | 20,500,000.00       |
| Dec 2013 Request:             | 275,000.00          |
| June 2015 Request:            | 3,645,823.00        |
| July 2015 Request:            | 50,111.64           |
| <u>February 2016 Request:</u> | <u>3,400,000.00</u> |
| Current Request:              | 13,129,065.36       |

Sincerely,

Josh Morse  
Public Buildings Commissioner

cc: Maureen Lemieux, Chief Financial Officer  
Alex Valcarce, Deputy Commissioner  
Dori Zaleznik, Chief Admin Officer

6/20/2016

**Budget & Categories of Expenses for the Fire HQ and Station 3 Project**

| <b>Account #</b> | <b>Category</b>  | <b>Budget</b>  |
|------------------|--|--|
| 530220           | OPM (includes Pre-Construction & Construction Services)      | \$ 475,378   |
| 530202           | Architect & Consultants (includes Pre-Construction Services) | \$ 1,843,340   |
| 530225           | CM-At-Risk (Pre-Construction)                                | \$ 98,000  |
| 530225           | CM-At-Risk (Construction)                                    | \$ 16,228,282  |
| 530225           | Communications Tower   | included in construction   |
| 530219           | Building Commissioning                                       | \$ 80,000  |
| 5301             | Consultants/ Testing   | \$ 70,000  |
| 585FFE           | Furniture, Fixtures & Equipment                              | \$ 535,000   |
| 585ITE           | Telephone, Computer & Related Equipment                      | \$ 150,000   |
| 585OSITE         | Traffic  | included in construction   |
| 5240701          | Temp Operations and Facilities                               | \$ 50,000  |
| 5727             | Moving   | \$ 30,000  |
| 5342             | Plans and Specification Printing Services                    | \$ 15,000  |
| 5793             | Construction Contingency                                     | \$ 775,000   |
| 5825             | Other Construction Related Costs                             | \$ 150,000 (includes Oil tank removal, memorial relocation/protections, generators, utilities and Misc. Unforeseen Costs, insurance) |
|                  |  | \$ 20,500,000.00   |
|                  | Less Previously Approved                                     | \$ (7,370,934.64)  |
|                  |  | \$ 13,129,065.36   |

REVISED FIRE STATION #3 AND HQ DESIGN & CONSTRUCTION PROJECT BUDGET

6/20/2016

#227-16

| Account Code | BUDGET CATEGORIES  | BO #420-13,<br>December 16, 2103 | BO #32-15(2), June 1,<br>2015 | Revised Project Budget,<br>(420-13 & 32-15(2)) | BO #163-15, July 13,<br>2015 | Revised Project Budget<br>(420-13, 32-15(2) & 163-<br>15) | Current Funding<br>Request Dated<br>February 23, 2016 | Revised Project Budget -<br>February 23, 2016 | Current Funding Request<br>Dated June 13, 2016 | Revised Project Budget -<br>June 13, 2016 | Comments   |
|--------------|--|----------------------------------|-------------------------------|--|------------------------------|---|---|---|--|---|--|
| 530220       | OPM (includes Pre-Construction & Construction Services)      | \$ 95,213.00                     | \$ 920,213.00                 | \$ 1,015,426.00                                |                              | \$ 1,015,426.00   | \$ (580,048.00)                                       | \$ 435,378.00                                 | \$ 40,000.00                                   | \$ 475,378.00                             |  |
| 530202       | Architect & Consultants (includes Pre-Construction Services) | \$ 179,787.00                    | \$ 1,750,000.00               | \$ 1,929,787.00                                | \$ 50,111.64                 | \$ 1,979,898.64   | \$ (136,558.00)                                       | \$ 1,843,340.64                               | \$ -   | \$ 1,843,340.64                           |  |
| 530225       | CM-At-Risk (Pre-Construction)                                |                                  | \$ 100,000.00                 | \$ 100,000.00                                  |                              | \$ 100,000.00   | \$ (2,000.00)   | \$ 98,000.00                                  | \$ -   | \$ 98,000.00                              |  |
| 530225       | CM-At-Risk (Construction)                                    |                                  |                               | \$ -   |                              | \$ -  | \$ 4,009,956.00                                       | \$ 4,009,956.00                               | \$ 12,218,326.00                               | \$ 16,228,282.00                          | GMP #1 (less Temp Housing of \$277,114, Traffic Signal of \$85,000 & Communication Tower concrete work of \$15,300, and \$ 4,687.00) |
| 58519        | Communications Tower   |                                  | \$ 100,000.00                 | \$ 100,000.00                                  |                              | \$ 100,000.00   |   | \$ 100,000.00                                 | \$ (100,000.00)                                | \$ -                                      | Concrete work of \$15,300 to be taken from existing appropriation for Tower<br>Moved to construction                                 |
| 530219       | Building Commissioning                                       |                                  | \$ -                          | \$ -   |                              | \$ -  | \$ 23,650.00  | \$ 23,650.00                                  | \$ 56,350.00                                   | \$ 80,000.00                              |  |
| 5301         | Consultants  |                                  | \$ 70,000.00                  | \$ 70,000.00                                   |                              | \$ 70,000.00  | \$ -  | \$ 70,000.00                                  | \$ -   | \$ 70,000.00                              |  |
| 585FFE       | Furniture, Fixtures & Equipment                              |                                  | \$ -                          | \$ -   |                              | \$ -  | \$ -  | \$ -  | \$ 535,000.00                                  | \$ 535,000.00                             |  |
| 585SITE      | Telephone, Computer & Related Equipment                      |                                  |                               | \$ -   |                              | \$ -  | \$ -  | \$ -  | \$ 150,000.00                                  | \$ 150,000.00                             |  |
| 5850SITE     | Traffic  |                                  | \$ -                          | \$ -   |                              | \$ -  | \$ 85,000.00  | \$ 85,000.00                                  | \$ (85,000.00)                                 | \$ -                                      | (part of GMP #1)<br>Moved to construction  |
| 5240701      | Temp Operations and Facilities                               |                                  | \$ 375,000.00                 | \$ 375,000.00                                  |                              | \$ 375,000.00   | \$ -  | \$ 375,000.00                                 | \$ (325,000.00)                                | \$ 50,000.00                              | Includes Temp Fire Station Housing of \$277,114 (part of GMP #1) & Administrative Offices at Aquinas                                 |
| 5727         | Moving   |                                  | \$ 30,000.00                  | \$ 30,000.00                                   |                              | \$ 30,000.00  | \$ -  | \$ 30,000.00                                  | \$ -   | \$ 30,000.00                              |  |
| 5342         | Plans and Specification Printing Services                    |                                  | \$ 15,000.00                  | \$ 15,000.00                                   |                              | \$ 15,000.00  | \$ -  | \$ 15,000.00                                  | \$ -   | \$ 15,000.00                              |  |
| 5825         | Other Construction Related Costs (not part of CM)            |                                  | \$ 112,000.00                 | \$ 112,000.00                                  |                              | \$ 112,000.00   | \$ -  | \$ 112,000.00                                 | \$ 38,000.00                                   | \$ 150,000.00                             |  |
| 5793         | Project Contingency (5%)                                     |                                  | \$ 173,610.00                 | \$ 173,610.00                                  |                              | \$ 173,610.00   |   | \$ 173,610.00                                 | \$ 601,390.00                                  | \$ 775,000.00                             |  |
|              | PROJECT BUDGET   | \$ 275,000.00                    | \$ 3,645,823.00               | \$ 3,920,823.00                                | \$ 50,111.64                 | \$ 3,970,934.64   | \$ 3,400,000.00                                       | \$ 7,370,934.64                               | \$ 13,129,066.00                               | \$ 20,500,000                             |  |

|                            |                   |
|----------------------------|-------------------|
| Less Approved BO #420-13   | \$ (275,000.00)   |
| Less Approved BO #32-15(2) | \$ (3,645,823.00) |
| Less Approved BO #163-15   | \$ (50,111.64)    |
| Less Approved BO           | \$ (3,400,000.00) |

Current Funding Request \$ 13,129,065.36

CITY OF NEWTON

DOCKET REQUEST FORM

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

To: Clerk of the City Council

Date: April 27, 2016

From (Docketer): Councilor Sangiolo

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Additional sponsors: \_\_\_\_\_

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

Councilors Sangiolo and Harney requesting adoption of local option provision in Chapter 60, Section 1 that exempts military personnel from paying excise tax if they are deployed outside the state for at least 45 days.

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:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning   | <input type="checkbox"/> Public Safety      | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities   | <input type="checkbox"/> Land Use           | <input type="checkbox"/> 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

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE IX** TAXATION**CHAPTER 60A** EXCISE TAX ON REGISTERED MOTOR VEHICLES IN LIEU OF LOCAL TAX**Section 1** Excise tax on motor vehicles; assessment and levy; exemptions; abatement for theft of motor vehicle

Section 1. Except as hereinafter provided, there shall be assessed and levied in each calendar year on every motor vehicle and trailer registered under chapter ninety, for the privilege of such registration, an excise measured by the value thereof, as hereinafter defined and determined, at the rate of twenty-five dollars per thousand of valuation. For the purpose of this excise the value of each such motor vehicle or trailer shall be deemed to be the value, as determined by the commissioner, of motor vehicles or trailers of the same make, type, model, and year of manufacture as designated by the manufacturer, but not in excess of the following percentages of the list price established by the manufacturer for the year of manufacture, namely:?



A motor vehicle dealer to whom a general distinguishing number or mark has been issued shall, for the privilege of such registration, pay to the collector of taxes for the city or town in which such dealership is licensed, a special excise in the amount of \$100.00 for each registration plate issued by the registrar of motor vehicles under such general distinguishing number or mark. Such motor vehicle dealer shall otherwise be exempt from the excise imposed by this section on any motor vehicle owned by such motor vehicle dealer, which motor vehicle may be operated by such dealer, the spouse of such dealer, a co-owner of such dealer or dealership entity, the spouse of such co-owner or an employee of such dealer whose duties involve the sale of motor vehicles at any time for any purpose, including personal use, provided that such employee renders at least 20 hours of service each week to such dealer and provided that such co-owner holds at least 40 per cent proprietary interest in such motor vehicle dealer or any such dealership entity; provided, however, that a motor vehicle which is operated under such general or distinguishing mark or number shall, at all times, display all notices and stickers required by applicable law to be eligible for sale.

The term "year of manufacture", as used in this section, shall mean the year used by the manufacturer of the motor vehicle or trailer in connection with the designation by him or it of the model of such motor vehicle or trailer.

Nothing in this section shall be construed to prevent the board of assessors or the commissioner of revenue, as the case may be, from granting an abatement in any case in which the valuation aforesaid is in their or his opinion excessive.

The excise imposed by this section shall not apply to motor vehicles or trailers owned and registered by the commonwealth or any political subdivision thereof, or to motor vehicles or trailers owned and registered by a corporation whose personal property is exempt from taxation under clauses Third and Tenth of section five of chapter fifty-nine. Motor vehicles or trailers owned or controlled by a manufacturer, or farmer to whom has been issued a general distinguishing number or mark under section five of chapter ninety, and trailers owned or controlled by a dealer to whom there has been issued a general distinguishing number or mark, shall be exempt from the excise imposed by this section, upon application in writing filed with the assessors, if and so long as such motor vehicle or trailer is operated or propelled over the highways solely in connection with the business of the owner or controller as such manufacturer or farmer and in no way for his personal use or convenience or the personal use and convenience of his family or any other person; provided, that such application shall contain a statement subscribed under penalties of perjury by such owner or controller to the effect that such motor vehicle or trailer is and will be operated or propelled only in the manner aforesaid; and provided further that if any such motor vehicle or trailer is operated or propelled otherwise than in the manner aforesaid, there shall be assessed and levied on such motor vehicle or trailer the excise imposed by this chapter, and a penalty of one hundred dollars, which excise and penalty shall be assessed by the assessors and collected by the collectors of taxes, nor shall such excise be abated by reason of any subsequent transfer of such motor vehicle or trailer. If no application for exemption is filed with the assessors as aforesaid, any motor vehicle or trailer owned or controlled by a manufacturer and operated or propelled under a general distinguishing number or mark issued to such manufacturer shall be subject to the excise imposed by this chapter, which excise shall be assessed by the assessors and collected by the collectors of taxes.

The excise imposed by this section shall not apply to motor vehicles leased for a full calendar year to a charitable organization when such vehicle is owned and registered by a lessor engaged in the business of leasing motor vehicles. In any city or town which accepts the provisions of this sentence, by a vote of the city council with the approval of the mayor, in a town, by a vote of the town meeting, and in a municipality having a town council form of government, by a vote of the town council. The excise tax imposed by this section shall not apply to a motor vehicle owned and registered by or leased to a former prisoner of war defined as any regularly appointed, enrolled, enlisted, or inducted member of the military forces of the United States who was captured, separated and incarcerated by an enemy of the United States during an armed conflict; provided, however, that the excise tax shall not apply to a motor vehicle owned and registered by or leased to the surviving spouse of a

deceased former prisoner of war, until such time as the surviving spouse remarries or fails to renew such registration. As used herein, the term "charitable organization" means an organization, other than a degree granting or diploma awarding educational institution, whose personal property is exempt from taxation under clause Third of section five of chapter fifty-nine.

The excise imposed by this section shall not apply to a motor vehicle owned and registered by or leased to a veteran, as defined in section 7 of chapter 4, who according to the records of the United States Veterans Administration, by reason of service in the armed forces of the United States, has suffered loss, or permanent loss of use of, one or both feet, or loss, or permanent loss of use of, one or both hands, or has been determined by the medical advisory board established under section 8C of chapter 90 to be permanently disabled; nor to a motor vehicle owned and registered by or leased to a veteran, as defined in section 7 of chapter 4, who is receiving a statutory award from the Veterans Administration for the loss of sight of one eye or who according to the records of the United States Veterans Administration, by reason of service in the armed forces of the United States, has suffered permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye; nor to a motor vehicle owned and registered to or leased to any person who has suffered loss, or permanent loss of use of, both legs or both arms; nor to a motor vehicle owned and registered to or leased to any person who has suffered permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than twenty degrees in the better eye. This exemption shall apply to not more than one motor vehicle owned and registered for or leased for the personal, noncommercial use of such veteran or person. After the assessors have allowed an exemption under this paragraph no further evidence of the existence of the facts required by this paragraph shall be required in any subsequent year in the city or town in which the exemption has been so allowed; provided, however, that the assessors may refuse to allow an exemption in any subsequent year if they become aware that the veteran or person did not satisfy all of the requisites of this section at the time the exemption was first granted.

In any city or town accepting the provisions of this paragraph, the excise imposed by this chapter shall not apply to a motor vehicle owned and registered by or leased to a resident who is in active and full-time military service as a member in the armed forces of the United States or the national guard, army or air, of any state, and has been deployed or stationed

outside the territorial boundaries of the commonwealth for a period of at least 45 days in the calendar year of the exemption. If the military member is wounded or killed in an armed conflict, he shall not be subject to the foregoing period of service qualification for the calendar year in which he is wounded or killed. This exemption shall apply only to a motor vehicle owned and registered by or leased to a military member in his own name or jointly with a spouse for a non-commercial purpose and a military member may qualify for this exemption for only 1 motor vehicle for each calendar year. A municipality which accepts the provisions of this paragraph shall, in connection with the issuance of warrant to collect unpaid motor vehicle or trailer excise tax from a delinquent taxpayer, add \$3 to the fee prescribed in clause 9 of section 15 of chapter 60. The acceptance by a municipality of this paragraph shall take effect on the first day of January next occurring after the approval by the municipality to accept this paragraph.

A person who qualifies for any calendar year for exemption from the excise imposed by this section on a motor vehicle owned and registered or leased by him shall be entitled to the exemption upon application to the assessors for that year as provided in section 2 for the procedure of an owner aggrieved by the excise assessed. An application for exemption may be made by such person; his spouse, if the motor vehicle is jointly owned and registered or leased in the names of the person and spouse; or, if the person is deceased, a surviving spouse, administrator, executor or trustee of the estate, will or trust, as the case may be.

If a motor vehicle or trailer is originally registered after January thirty-first in any year, the excise under this section shall be that proportion of the excise for the full year which the number of months in said year following the month preceding that in which the motor vehicle or trailer is registered bears to twelve; but no excise shall be assessed on the same motor vehicle or trailer more than once in any calendar year by reason of the renewal of the registration of such vehicle within the calendar year, unless its ownership is transferred by sale or otherwise and its registration surrendered or it is registered after a surrender or expiration of registration upon removal of its owner to another state and registration in such other state. If during any calendar year ownership of a motor vehicle or trailer subject to an excise under this section is transferred by sale or otherwise and the registration of such motor vehicle or trailer is surrendered, or if during any calendar year the owner of a motor vehicle or trailer subject to such an excise removes to another state and registers such motor vehicle or trailer in such other state and surrenders or does not renew his registration in this state, the excise under this section shall be reduced upon application by an abatement equal to that proportion of an excise under this section on such motor vehicle or trailer for the full calendar year which the number of months in said year remaining after the month in which such transfer by sale or otherwise or such surrender or expiration of registration occurs bears to twelve; provided, however, that if in the month in which such transfer by sale or otherwise occurs, the person making such transfer registers another motor vehicle or trailer under



chapter ninety and thereby becomes subject to an excise under this section on such other motor vehicle or trailer for such month, the excise under this section on the motor vehicle or trailer transferred shall be further reduced upon application as aforesaid by an abatement equal to one twelfth of a full calendar year's excise under this section on the motor vehicle or trailer transferred. If before an excise imposed under this section is assessed, notice of transfer by sale or otherwise and surrender of registration or of surrender or expiration of registration as aforesaid is received by the official or officials authorized to make the assessment, the excise shall be assessed in the amount to which it would be reduced by abatement as aforesaid. The excise imposed by this section shall in no event be less than five dollars; no abatement under this section shall reduce any such excise to less than five dollars; no abatement shall be granted in an amount less than five dollars; and no refund shall be paid in an amount less than five dollars.

The excise imposed by this section shall not apply to the registration by an inhabitant of any state other than this commonwealth or by a partnership, voluntary association or corporation which does not have a principal place of business in this commonwealth, of any motor vehicle or trailer to be customarily kept in another state; provided, such motor vehicle or trailer is also registered in such other state during the period when registered in this commonwealth, and if such other state does not impose an excise, privilege or property tax or fee in lieu of or in addition to a registration fee, or does not impose a registration fee at a rate greater than that required for registration in this commonwealth, upon motor vehicles or trailers, as the case may be, customarily kept in this commonwealth and registered by an inhabitant of this commonwealth, or by a partnership, voluntary association or corporation having its principal place of business in this commonwealth. The commissioner shall determine what states do not impose such additional excise, privilege or property tax or fee, or registration fee or fee in lieu of such levies and his determination shall be final.

If a motor vehicle or trailer is stolen, the owner of such motor vehicle or trailer may apply for an abatement of excise, provided:

- (1) The owner of the stolen vehicle or trailer has notified the local police authorities of the theft within forty-eight hours of discovery of the theft.
- (2) The owner of the stolen motor vehicle or trailer has surrendered the certificate of registration of the stolen motor vehicle or trailer and has obtained a certificate, setting forth the facts, and signed by the registrar of motor vehicles or his authorized agent. Such surrender shall not be made sooner than thirty days subsequent to the date of the theft.

The excise may then be reduced by an abatement equal to that proportion of an excise under this section on such motor vehicle or trailer for the full calendar year which the number of months in said year remaining after the month in which such surrender of the certificate of

registration occurs bears to twelve; provided, however, that should the motor vehicle or trailer be subsequently recovered and registered in the same calendar year by the same owner an additional excise which shall be that proportion of the excise for the full year which the number of months in said year following the month preceding that in which the motor vehicle or trailer is registered bears to twelve, shall be paid, notwithstanding any provisions of this section to the contrary. The commissioner or the assessors, as the case may be, may require that the owner of the stolen motor vehicle or trailer exhibit the certificate of surrender of registration and provide them with a written statement from the local police authorities certifying that such authorities were notified of the theft and that the stolen motor vehicle or trailer has not been recovered.

Whoever falsely reports the theft of a motor vehicle or trailer for the purposes of securing an abatement of excise shall forfeit a sum not larger than three times the excise due on the vehicle for the entire year, such sum to be recovered in a civil action brought by the city or town to which the excise was payable.

#174-16

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

SETTI D. WARREN  
MAYOR

June 24, 2016

To the Finance Committee:

The Executive Office and Seth Bai, Veterans Service Officer, are highly supportive of having the City Council adopt the local option provision in Chapter 60A, Section 1 of Massachusetts General Law. This provision allows the community to exempt military personnel from paying excise tax if they are deployed outside the state for 45 days or more. We believe this is fair, and the VSO would be able to assist the Assessing Department in providing the documentation of deployment outside of the state.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Dori Zaleznik".

Dori Zaleznik  
Chief Administrative Officer

CITY COUNCIL

# \_\_\_\_\_

RECEIVED  
Newton City Clerk

CITY OF NEWTON

DOCKET REQUEST FORM

2016 JAN 19 PM 2: 35

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

Newton, MA 02459

To: Clerk of the City Council

Date: January 15, 2016

From (Docketer): Councilor Sangiolo

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Additional sponsors: \_\_\_\_\_

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

Councilor SANGIOLO requesting that City of Newton formally accept and/or take all necessary steps to accept Mass 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 – Ballot question 4 – Earned Sick Time for Employees

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

PLEASE FILL OUT BOTH SIDES



|  |
|--|
| <b>PART I</b> ADMINISTRATION OF THE GOVERNMENT |
| <b>TITLE XXI</b> LABOR AND INDUSTRIES          |
| <b>CHAPTER 149</b> LABOR AND INDUSTRIES        |
| <b>Section 148C</b> Earned sick time           |

*[Text of section added by 2014, 505, Sec. 1 effective July 1, 2015. See 2014, 505, Sec. 4.]*

Section 148C. (a) As used in this section and section 148D, the following words, unless the context clearly requires otherwise, shall have the following meanings:?

"Child", a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person who has assumed the responsibilities of parenthood.

"Earned paid sick time", the time off from work that is provided by an employer to an employee as computed under subsection (d) that can be used for the purposes described in subsection (c) and is compensated at the same hourly rate as the employee earns from the employee's employment at the time the employee uses the paid sick time; provided, however, that this hourly rate shall not be less than the effective minimum wage under section 1 of chapter 151.

"Earned sick time", the time off from work that is provided by an employer to an employee, whether paid or unpaid, as computed under subsection (d) that can be used for the purposes described in subsection (c).

"Employee", any person who performs services for an employer for wage, remuneration, or other compensation, except that employees employed by cities and towns shall only be considered Employees for purposes of this law if this law is accepted by vote or by appropriation as provided in Article CXV of the Amendments to the Constitution of the Commonwealth.

"Employer", any individual, corporation, partnership or other private or public entity, including any agent thereof, who engages the services of an employee for wages, remuneration or other compensation, except the United States government shall not be considered an Employer and cities and towns shall only be considered Employers for the purposes of this law if this law is accepted by vote or by appropriation as provided in Article CXV of the Amendments to the Constitution of the Commonwealth.

**#40-16**

"Health care provider", the meaning given this term by the Family and Medical Leave Act of 1993, 29 U.S.C. sections 2601 to 2654, inclusive, as it may be amended and regulations promulgated thereunder.

"Parent", a biological, adoptive, foster or step-parent of an employee or of an employee's spouse; or other person who assumed the responsibilities of parenthood when the employee or employee's spouse was a child.

"Spouse", the meaning given this term by the marriage laws of the commonwealth.

(b) All employees who work in the commonwealth who must be absent from work for the reasons set forth in subsection (c) shall be entitled to earn and use not less than the hours of earned sick time provided in subsection (d).

(c) Earned sick time shall be provided by an employer for an employee to:

(1) care for the employee's child, spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or

(2) care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care; or

(3) attend the employee's routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse; or

(4) address the psychological, physical or legal effects of domestic violence as defined in subsection (g1/2) of section 1 of chapter 151A, except that the definition of employee in subsection (a) will govern for purposes of this section.

(d)(1) An employer shall provide a minimum of one hour of earned sick time for every thirty hours worked by an employee. Employees shall begin accruing earned sick time commencing with the date of hire of the employee or the date this law becomes effective, whichever is later, but employees shall not be entitled to use accrued earned sick time until the 90th calendar day following commencement of their employment. On and after this 90 day period, employees may use earned sick time as it accrues.

(2) Nothing in this chapter shall be construed to discourage or prohibit an employer from allowing the accrual of earned sick time at a faster rate, or the use of earned sick time at an earlier date, than this section requires.

**#40-16**

- (3) Employees who are exempt from overtime requirements under 29 U.S.C. section 213(a) (1) of the Federal Fair Labor Standards Act shall be assumed to work 40 hours in each work week for purposes of earned sick time accrual unless their normal work week is less than 40 hours, in which case earned sick time shall accrue based on that normal work week.
- (4) All employees employed by an employer of eleven or more employees shall be entitled to earn and use up to 40 hours of earned paid sick time from that employer as provided in subsection (d) in a calendar year. In determining the number of employees who are employed by an employer for compensation, all employees performing work for compensation on a full-time, part-time or temporary basis shall be counted.
- (5) Notwithstanding section 17 of chapter 15D, sections 70-75 of chapter 118E, or any other special or general law to the contrary, the PCA Quality Home Care Workforce Council shall be deemed the Employer of all Personal Care Attendants, as defined in section 70 of chapter 118E, for purposes of subsection (d)(4) of this section, the Department of Medical Assistance shall be deemed the Employer of said Personal Care Attendants for all other purposes under this section, and the Department of Early Education and Care shall be deemed the Employer of all Family Child Care Providers, as defined in section 17(a) of chapter 15D, for purposes of this section.
- (6) All employees not entitled to earned paid sick time from an employer pursuant to subsection (d)(4)-(5) shall be entitled to earn and use up to 40 hours of earned unpaid sick time from that employer as provided in subsection (d) in a calendar year.
- (7) Earned sick time shall be used in the smaller of hourly increments or the smallest increment that the employer's payroll system uses to account for absences or use of other time. Employees may carry over up to 40 hours of unused earned sick time to the next calendar year, but are not entitled to use more than 40 hours in one calendar year. Employers shall not be required to pay out unused earned sick time upon the separation of the employee from the employer.
- (e) If an employee is absent from work for any reason listed in subsection (c) and, by mutual consent of the employer and the employee, the employee works an equivalent number of additional hours or shifts during the same or the next pay period as the hours or shifts not worked due to reasons listed in subsection (c), an employee shall not be required to use accrued earned sick time for the employee's absence during that time period and the employer shall not be required to pay for the time the employee was so absent. An employer shall not require such employee to work additional hours to make up for the hours during which the employee was so absent or require that the employer search for or find a replacement employee to cover the hours during which the employee is utilizing earned sick time.

**#40-16**

(f) Subject to the provisions of subsection (n), an employer may require certification when an earned sick time period covers more than 24 consecutively scheduled work hours. Any reasonable documentation signed by a health care provider indicating the need for earned sick time taken shall be deemed acceptable certification for absences under subsection (c) (1), (2) and (3). Documentation deemed acceptable under subsection (g1/2) of section 1 of chapter 151A shall be deemed acceptable documentation for absences under subsection (c) (4). An employer may not require that the documentation explain the nature of the illness or the details of the domestic violence. The employer shall not delay the taking of earned sick time or delay pay for the period in which earned sick time was taken for employees entitled to pay under subsection (d), on the basis that the employer has not yet received the certification. Nothing in this section shall be construed to require an employee to provide as certification any information from a health care provider that would be in violation of section 1177 of the Social Security Act, 42 U.S.C. 1320d?6, or the regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. 1320d?2 note.

(g) When the use of earned sick time is foreseeable, the employee shall make a good faith effort to provide notice of this need to the employer in advance of the use of the earned sick time.

(h) It shall be unlawful for any employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under or in connection with this section, including, but not limited to, by using the taking of earned sick time under this section as a negative factor in any employment action such as evaluation, promotion, disciplinary action or termination, or otherwise subjecting an employee to discipline for the use of earned sick time under this section.

(i) It shall be unlawful for any employer to take any adverse action against an employee because the employee opposes practices which the employee believes to be in violation of this section, or because the employee supports the exercise of rights of another employee under this section. Exercising rights under this section shall include but not be limited to filing an action, or instituting or causing to be instituted any proceeding, under or related to this section; providing or intending to provide any information in connection with any inquiry or proceeding relating to any right provided under this section; or testifying or intending to testify in any inquiry or proceeding relating to any right provided under this section.

(j) Nothing in this section shall be construed to discourage employers from adopting or retaining earned sick time policies more generous than policies that comply with the requirements of this section and nothing in this section shall be construed to diminish or impair the obligation of an employer to comply with any contract, collective bargaining agreement, or any employment benefit program or plan in effect on the effective date of this



**#40-16**

section that provides to employees greater earned sick time rights than the rights established under this section.

(k) Employers required to provide earned paid sick time who provide their employees paid time off under a paid time off, vacation or other paid leave policy who make available an amount of paid time off sufficient to meet the accrual requirements of this section that may be used for the same purposes and under the same conditions as earned paid sick time under this section are not required by this section to provide additional earned paid sick time.

(l) The attorney general shall enforce this section, and may obtain injunctive or declaratory relief for this purpose. Violation of this section shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of section 27C and to section 150.

(m) The attorney general shall prescribe by regulation the employer's obligation to make, keep, and preserve records pertaining to this section consistent with the requirements of section 15 of chapter 151.

(n) The attorney general may adopt rules and regulations necessary to carry out the purpose and provisions of this section, including the manner in which an employee who does not have a health care provider shall provide certification, and the manner in which employer size shall be determined for purposes of subsection (d)(4).

(o) Notice of this section shall be prepared by the attorney general, in English and in other languages required under clause (iii) of subsection (d) of section 62A of chapter 151A. Employers shall post this notice in a conspicuous location accessible to employees in every establishment where employees with rights under this section work, and shall provide a copy to their employees. This notice shall include the following information:

(1) information describing the rights to earned sick time under this section;

(2) information about the notices, documentation and any other requirements placed on employees in order to exercise their rights to earned sick time;

(3) information that describes the protections that an employee has in exercising rights under this section;

(4) the name, address, phone number, and website of the attorney general's office where questions about the rights and responsibilities under this section can be answered; and

(5) information about filing an action under this section.

## Earned Sick Time in Massachusetts Frequently Asked Questions

**These FAQs are based upon the Massachusetts Earned Sick Time Law, M.G.L. c. 149, § 148C, and its accompanying regulations, 940 CMR 33.00.**

**The Earned Sick Time Law sets minimum requirements; employers may choose to provide more generous policies.**

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## Section 1: Introduction, Applicability & Eligibility

### Subsection A: Introduction

**Q: When do employers have to start complying with the law?**

A: All employers must begin complying with the Earned Sick Time Law on July 1, 2015.

Some employers who already offer paid sick leave or paid time off can keep those policies in place until December 31, 2015, provided they meet the requirements of the Attorney General's safe harbor provision (section 33.03 of the regulations).

**Q. What does the Earned Sick Time Law do?**

A. The law entitles Massachusetts employees to earn up to 40 hours per year of sick leave to address certain personal and family needs. The number of hours to which an employee is entitled is related to the number of hours worked. An employee would be entitled to 40 hours of sick leave per year if the employee worked enough hours to earn 40 hours of earned sick time.

All employers must provide earned sick time, but only employers of 11 or more employees must provide earned sick time that is paid. Smaller employers must also provide earned sick time, but it may be unpaid.

**Q: Where can I find more information about the law?**

A: The Attorney General's website has more information about the law and regulations:  
[www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime).

### Subsection B: Employees Eligible for Earned Sick Time

**Q: Which employees are eligible for earned sick time?**

A: Most employees who work in Massachusetts are eligible, including full-time, part-time, seasonal, per-diem, and temporary employees. To be eligible, an employee's **primary place of work** must be in Massachusetts.

**Q: Are any employees exempted from earned sick time?**

A: There are several types of workers who are not eligible for earned sick time under the law:

- 1) an employee of the United States government;
- 2) a student attending a public or private institution of higher education in Massachusetts who is:
  - a. participating in a federal work-study program or a substantially similar financial aid or scholarship program;
  - b. providing support services to residents of a residence hall, dormitory, apartment building, or other similar residence operated by the institution at which the student is matriculated in exchange for a waiver or reduction of room, board, tuition, or other education-related expenses; or
  - c. exempt from Federal Insurance Contributions Act (FICA) tax pursuant to 26 U.S.C. § 3121(b)(10);
- 3) a school-aged student under 20 U.S.C. § 1400 et. seq., the Individuals with Disabilities Education Act (IDEA); or
- 4) an adult client participating in a Massachusetts licensed program and performing work duties within the program setting as part of bona fide educational or vocational training.

Massachusetts Attorney General's Office – Earned Sick Time FAQs  
December 17, 2015

**Q: Does this law apply to independent contractors?**

A: No. Properly classified independent contractors are not employees.

Determining if someone is an employee or independent contractor depends on several factors. These factors include how much supervision, direction, and control the employer has over the services being provided. Workers may meet the legal standard for classification as employees but may be misclassified as independent contractors by their employer and improperly denied access to earned sick time and other benefits.

For more information, please visit: <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/massachusetts-independent.html>.

**Q: Does the law apply to municipal employees?**

A: No. Employees of a city or town, as well as local public employers not covered by the term cities and towns, such as school committees, including regional schools and educational collaboratives, are not eligible for earned sick time. Municipalities can, consistent with the state constitution, opt in to the law.

**Q: Does the law apply to state employees?**

A: Yes.

**Q: Are non-profit employees eligible for Earned Sick Time?**

A: Yes.

**Q: Are unionized employees eligible for Earned Sick Time?**

A: Yes.

**Q: Are domestic workers eligible for Earned Sick Time?**

A: Yes.

**Q: Are per-diem workers eligible for Earned Sick Time?**

A: Yes.

**Q: Are county employees eligible for Earned Sick Time?**

A: Yes.

**Q: Is there a minimum amount of hours that must be worked in order for an employee to be eligible for earned sick time?**

A: No. Employees working very few hours will simply accrue more slowly.

**Q: How do I know if my primary place of work is in Massachusetts?**

A: For most employees, the location where they do most of their work for their employer is their primary place of work.

- 1) If the employee spends work hours traveling outside Massachusetts (making deliveries, engaging in sales, etc.) but returns regularly to a Massachusetts base of operations before resuming a new travel schedule, Massachusetts is the primary place of work.
- 2) If an employee is constantly switching locations of work, the primary place of work may be determined by assessing the state in which the employee spent the plurality of his or her working

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time over the previous benefit year. For new employees, employers should make a reasonable assessment of the primary place of work.

- 3) If an employee telecommutes through an arrangement with his or her employer to a Massachusetts worksite, Massachusetts is the primary place of work even though the employee does not physically spend those telecommuting hours in Massachusetts.
- 4) It is not necessary for an employee to spend 50% of the employee's working time in Massachusetts for it to be the employee's primary place of work.
- 5) If an employee permanently relocates into Massachusetts, the employee's primary place of work will become Massachusetts on the first date of actual work in Massachusetts.

**Q: What if an employee moves between worksites often enough that the employer cannot determine a primary place of work, for example, in the construction industry? How should the employer determine the primary place of work?**

A: Such an employee's "primary place of work" for a benefit year will be the state in which the employee worked for the most hours during the previous twelve-month benefit year. If the employee did not work for the employer during the previous benefit year and the employer cannot otherwise determine a primary place of work, then the employer need only allow the employee to accrue earned sick time on hours worked in Massachusetts.

**Q: If an employee doesn't live in Massachusetts, could he or she be eligible to earn sick time?**

A: Yes, if Massachusetts is his or her primary place of work.

**Subsection C: Which Employers Need to Provide Earned Sick Time?**

**Q: Which employers have to provide earned sick time?**

A: Nearly all employers in Massachusetts must provide their employees with the ability to accrue and use earned sick time.

The only employers not required to provide earned sick time are the United States government, Massachusetts cities and towns, and certain other local public employers, such as school committees, including regional schools and educational collaboratives.

**Q: What happens to an employee's earned sick time if their employer sells the business?**

A: If an employer sells its business or the business is otherwise acquired by another business, an employee will retain and may use all accrued sick time. If the successor employer has fewer than eleven employees, and the former employer had eleven or more employees, the employee is entitled to use and be compensated for unused sick time accrued while working for the former employer, until such sick time is exhausted.

**Q: Do employers based outside of Massachusetts have to provide earned sick time?**

A: If an employer has an employee or employees with a primary place of work in Massachusetts, then the employer must provide the employee or employees with earned sick time.

**Q: Do employers with less than 50 employees have to provide earned sick time?**

A: All employers, regardless of the number of employees, must provide earned sick time.

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**Q: Does an employer have to provide earned sick time to employees who also work for other employers?**

A: Yes. Each employer must provide each employee with the ability to accrue and use up to 40 hours of earned sick time in a benefit year.

**Q: Do school committees have to provide earned sick time? How about regional school committees?**

A: No, for the purposes of the Earned Sick Time law, school committees are an exception to the term “employer” and do not have to provide sick time unless the Earned Sick Time law is accepted by vote or by appropriation.

## **Section 2: Paid versus Unpaid Earned Sick Time**

**Q: Does the earned sick time need to be paid?**

A: The employer's size determines if the earned sick leave must be paid. If an employer has 11 or more employees, then earned sick time MUST be paid. If an employer has 10 or fewer employees, then earned sick time MAY be unpaid.

**Q: How do you determine the size of the employer?**

Employers should count all employees who work for pay on a full-time, part-time, seasonal, per diem, or temporary basis. This includes employees in other states or countries. Owners and officers who are on the company's payroll count as employees for the purposes of these regulations.

Employers shall determine whether the employer has 11 or more employees by counting the number of employees, including full time, part-time, seasonal, and temporary employees, on the payroll during each pay period of the benefit year and dividing by the number of pay periods. If the employer has pay periods with no one on the payroll, the number of employees counted for that pay period is zero.

**Q: How often does an employer have to determine employer size?**

A: Once per year.

**Q: If some employees don't live in Massachusetts, do they count toward the number of employees?**

A: Yes, it does not matter where the employee lives. When determining employer size, employers are to count all employees in all locations.

**Q: What if I am a new employer – how do I calculate the size of my new company?**

A: The employer should use a real-time calculation of employees in the first year, recognizing that an employer is not required to provide paid sick leave until the number of employees is 11 or more.

**Q: If the employer has multiple locations, do all employees count toward the number of employees?**

A: It depends on the relationship between the entities, including how they operate and if the employees are interchangeable.

**Q: Who is the employer of a “temp worker”?**

A: Employees furnished to an employer by a temporary staffing agency and paid by the staffing agency count as employees of both the staffing agency and the employer for the purpose of determining employer

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size.

## Section 3: General Rules

### Subsection A: How is Earned Sick Time Accrued?

**Q: How do employees earn sick time?**

A: Employers have several options to provide their employees earned sick time. Employees can accrue time as they work, or may be provided with a lump sum on a monthly or yearly basis.

**Q: If accruing earned sick time based on number of hour worked, at what rate is it accrued?**

A: One hour of earned sick time is accrued for every 30 hours worked. In other words: employers must allow employees to accrue at a rate no slower than 1 hour earned for every 30 hours worked.

**Q: If employers provide earned sick time in a lump sum each month or year, how much earned sick time must be given to employees?**

A: The amount must be the equivalent of no less than 1 hour of earned sick time for every 30 hours worked. For more options about earned sick time schedules, please see [“Section 5: Using Other Paid Time Off \(PTO\) Policies Instead.”](#)

**Q: How much earned sick time do employees get?**

A: An employee must be allowed to accrue 40 hours per benefit year if the employee works sufficient hours. For example, an employee who accrues on hourly basis would have to work 1,200 hours to accrue 40 hours of earned sick time. Employees must be allowed to use up to 40 hours per year for authorized purposes if they have earned that time.

**Q: When does an employee start accruing?**

A: Employees begin accruing earned sick time on their first date of actual work.

**Q: What hours count towards accrual?**

A: All hours worked by an employee, including overtime and hours worked outside of Massachusetts, count towards the accrual of earned sick time.

*Example:* If an employee for a catering company located in Massachusetts works 900 hours in Massachusetts and 150 hours in other states, that employee will earn sick time on all 1,050 hours worked for the company.

**Q: Do employees accrue earned sick time while they are on vacation or other leave?**

A: No. Employees are only entitled to accrue earned sick time for hours actually worked.

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### Subsection B: Carryover of hours from one year to the next

**Q: How many hours of earned sick time can an employee carry over from one year to the next?**

A: The method by which an employee earns sick time determines if an employer must allow carryover of unused earned sick time.

| Employer's Policy  | Employer's Carryover Obligation   |
|--|---|
| The employee is provided earned sick time via accrual.   | The employee must be allowed to carry over at least 40 hours of unused earned sick time into the next year.   |
| The employee is provided earned sick time in a lump sum allocation of at least 40 hours at the beginning of each <i>benefit year</i> . | The employer <i>is not</i> obligated to allow an employee to carry over unused earned sick time into the next year.   |
| The employee is provided earned sick time in a lump sum allocation at the beginning of each <i>month</i> .                             | The employer <i>is</i> obligated to allow an employee to carry over at least 40 hours of unused earned sick time into the next year.  |
| The employee is paid out for unused earned sick time at end of benefit year (which is not required but employers may elect to do so).  | <p>If the employer elects to pay out unused earned sick time to an employee, then the following rules apply:</p> <ul style="list-style-type: none"> <li>If paying out 16 hours or more: must provide 16 hours of unpaid sick time until the employee accrues new paid time, which must replace the unpaid time as it accrues.</li> <li>If paying out less than 16 hours must provide an amount of unpaid sick time equivalent to the amount paid out until the employee accrues new paid time, which must replace the unpaid time as it accrues.</li> </ul> |

**Q. If an employee carries over 40 hours of unused sick leave to a new benefit year, can the employee use 80 hours of sick leave in the next benefit year?**

A. No. Employers are only required to allow employees to use up to 40 hours of earned sick time per benefit year.

Employers may cap the amount of earned sick time hours accrued at 40 hours, regardless of the additional hours worked by an employee. Once an employee possesses a bank of 40 hours of unused earned sick time, the employer may opt to delay further accrual until the employee draws down the bank of earned sick time to below 40 hours.

*Example:* An employee earns 40 hours of earned sick time in year 1 and rolls over these 40 hours into year 2. This employee starts year 2 with 40 hours and in year 2 uses all 40 of those hours and earns another 40 hours. During year 2, the employer may cap the amount of hours an employee uses at 40 hours.



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### Subsection C: Permissible Uses of Earned Sick Time

**Q: When can an employee begin using earned sick time?**

A: An employee may begin using earned sick time on the 90<sup>th</sup> calendar day after an employee starts working for the employer.

*Example:* Jasper's first date of actual work as a salesperson at a shop is October 1, 2016. Jasper will be eligible to use any accrued earned sick time 90 days later, which is December 30, 2016.

**Q: What can earned sick time be used for?**

A: Earned sick time can be used to care for the employee's child, spouse, parent, or parent of a spouse, who is suffering from a physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care.

Earned sick time can be used to care for the employee's own physical or mental illness, injury, or medical condition that requires home care, professional medical diagnosis or care, or preventative medical care.

Earned sick time can be used to attend a routine medical appointment or a routine medical appointment for the employee's child, spouse, parent, or parent of spouse.

Earned sick time can be used to address the psychological, physical or legal effects of domestic violence.

Earned sick time can be used to travel to and from an appointment, a pharmacy, or other location related to the purpose for which the time was taken.

**Q: What is "preventative medical care"?**

A: Preventative medical care typically is routine health care that includes screenings, checkups, and patient counseling to prevent illnesses, disease, or other health problems. For examples of preventative care, go to HealthCare.gov: <https://www.healthcare.gov/what-are-my-preventive-care-benefits/>.

**Q: Who is considered a child under the law?**

A child includes a biological, adopted, or foster child, as well as a stepchild, a legal ward, or a child for whom an employee has assumed the responsibilities of parenthood.

**Q: Can employees use earned sick time for the health care of adult children?**

A: Yes.

**Q: Can an employee's use of earned sick time be counted toward leave under other laws?**

A: Yes. An employee's use of earned sick time may be counted toward concurrent leave under federal or state law, such as the Family Medical Leave Act (FMLA).

Employees may choose to use, or employers may require employees to use, earned paid sick time to receive pay when taking other statutorily-authorized leave that would otherwise be unpaid.

**Q: When can a per diem or on-call employee use earned sick time?**

Per diem or on-call employees can use earned sick time only for hours they have been scheduled to work. Being "scheduled to work" does not include shifts for which an employee has been asked to be available or on call, unless the employee is required to remain on call on the employer's premises.

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## Subsection D: Payment of Earned Sick Time

**Q: If earned sick time is paid, what is the pay?**

A: Generally speaking, employees must be paid what they would have earned if they had worked instead of using earned sick time. Hourly workers must be paid their regularly hourly rate. Sick time hours are not paid at overtime or premium rates. To determine the proper rate of earned sick time pay for non-hourly employees, please review the definition of the “same hourly rate” in the final regulations.

**Q: If an employee is scheduled to work overtime and calls out sick, does the employee get the overtime rate?**

A: No. Workers using earned sick time do not receive overtime but do accrue earned sick time when working overtime.

**Q: If a retail employee is scheduled to work on Sunday and calls out sick, does the employee get the Sunday premium rate?**

A: No. Workers using earned sick time do not receive premium rates but do accrue earned sick time when working on a Sunday.

**Q: What is the rate of pay for employees who receive a salary?**

A: For employees paid a salary, the same hourly rate means the employee's salary in the previous pay period divided by the total hours worked in the employee's the previous pay period. For determining total hours worked during the pay period, executive, administrative and professional employees shall, and other salaried non-exempt employees may, be assumed to work 40 hours in each week unless their normal work week is less than 40 hours, in which case earned sick time shall accrue and the same hourly rate shall be calculated based on the employee's normal work week.

**Q: What is the rate of pay for employees who are paid on a piece work or fee-for-service basis?**

A: For employees paid on a piece work or a fee-for-service basis, the same hourly rate means a reasonable calculation of the wages or fees the employee would have received for the piece work, service, or part thereof, if the employee had worked. Regardless of the basis used, the same hourly rate shall not be less than the effective minimum wage under M.G.L. c. 151, § 1, where applicable.

**Q: What is the rate of pay for employees who work on commission?**

A: Employees paid on commission (whether base wage plus commission or commission only) must be paid the greater of the base wage or the effective minimum wage under M.G.L. c. 151, § 1.

**Q: What is the rate of pay for restaurant workers who derive income from tips?**

A: Employees whose wages are based on tips or gratuities must be paid at least the Massachusetts minimum wage. Employees are not entitled to lost tips or gratuities during use of earned sick time.

Regardless of the measure used, an employee cannot be paid less than the state minimum wage. The Massachusetts minimum wage is \$9.00 per hour. On January 1, 2016 the minimum wage will be \$10.00 per hour. On January 1, 2017, the minimum wage will be \$11.00 per hour.

More information about the minimum wage is available here: <http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/wage-and-hour/minimum-wage.html>.

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**Q: What is the rate of pay for employees who receive different pay rates for hourly work from the same employer?**

A: Employers may choose one of these methods:

- 1) the wages the employee would have been paid for the hours that, but for the use of earned sick time, the employee would have worked; or
- 2) the blended rate, determined by taking the weighted average of all regular rates of pay over the previous pay period, month, quarter or other established period of time the employer customarily uses to calculate blended rates for similar purposes.

Whatever method the employer elects to determine the same hourly rate, (a) or (b) above, the employer must use a consistent method for each employee throughout a benefit year.

**Q: When must an employee be paid after using earned paid sick time?**

A: When used, earned paid sick time must be paid on the same schedule as regular wages are paid. Employers may not delay compensating employees for earned paid sick time.

**Q: Are employers obligated to pay employees for unused earned sick time upon termination or at the end of employment?**

A: No. Employers are not required to pay out unused earned sick time when an employee leaves, but may do so voluntarily.

Employers who use a vacation policy to meet the requirements of the earned sick time law should note that Massachusetts law requires unused vacation to be treated as any other wages. Employees must be paid for all earned vacation upon termination of employment. More information is available here:

<http://www.mass.gov/ago/doing-business-in-massachusetts/labor-laws-and-public-construction/wage-and-hour/vacation.html>.

**Q: Can an employer pay out an employee for unused time at the end of the year?**

A: Yes. An employer is allowed to offer an employee a pay out of up to 40 hours of unused earned sick time at the end of the benefit year.

Employers paying out 16 hours or more must provide 16 hours of unpaid sick time until the employee accrues new paid time, which must replace the unpaid time as it accrues.

Employers paying out less than 16 hours must provide an amount of unpaid sick time equivalent to the amount paid out until the employee accrues new paid time, which must replace the unpaid time as it accrues.

**Q: Can an employee agree with an employer to be paid for earned sick time on an as-accrued basis instead of only at the end of the benefit year?**

A: No.

**Q: Can employees donate their earned sick time to a colleague who has exhausted his or her earned sick time?**

A: The law does not require employers to permit donation of earned sick time. An employer may have a policy in place that permits employees to donate earned sick time. An employer cannot require employees to donate earned sick time.

## Section 4: Implementing the Earned Sick Time Law

**Q: What is the “benefit year” for tracking accrual, use, and carryover of earned sick time?**

A: Any consecutive 12-month period of time, as determined by an employer.

**Q: May an employer's sick leave policies differ from what the law requires?**

A: The law establishes minimum requirements. An employer is permitted to have a policy that is *more* generous. For example, an employer may allow employees to earn or use more sick time than the law would require, give employees more than 40 hours of sick time up front at the beginning of the benefit year, or permit employees to use sick time before it has accrued.

**Q: May employers provide different policies for different categories of employees?**

A: Yes. The law provides the minimum requirements and employers may have more generous policies. Employers may have different policies for different categories of employees as long as the minimum requirements are met for all employees.

**Q: May an employee work additional hours or shifts instead of using earned sick time?**

A: Yes, but only if both the employer and employee agree to this arrangement. If, by taking on additional hours, the employee works more than 40 hours in a week, then he or she must be paid at the overtime rate.

**Q: If an employee uses sick time, may the employer require the employee to find a replacement?**

A: No. An employer can never require an employee to find a replacement.

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**Q: If an employee leaves the employer, and then returns, what happens to the employee's unused earned sick time?**

A: An employee retains the right to use any accrued sick time after a break in service, whether voluntary or not, for up to one year from the last date of work if the employee returns to work.

| Break in Service                            |   |   |
|---|---|---|
| Duration of Employee's Break in Service     | Employer's Obligation   | Employee's Earned Sick Time   |
| Four months or less.                        | Employer must reinstate all previously accrued earned sick time.  | All previously earned sick time is reinstated to the employee.                            |
| More than four months, and up to 12 months. | <i>If employee had accrued 10 or more hours of earned sick time prior to the break in service, the employer must reinstate the earned sick time.</i>                        | All previously earned sick time is reinstated to the employee.                            |
|   | <i>If employee had accrued less than 10 hours of earned sick time prior to the break in service, the employee is not entitled to reinstatement of any earned sick time.</i> | Employee has a zero balance of accrued earned sick time on the first day of reemployment. |
| More than 12 months.                        | The employee is not entitled to reinstatement of any unused earned sick time, regardless of amounts accrued.  | Employee has a zero balance of accrued earned sick time on the first day of reemployment. |

*Example:* An employee has accrued 20 hours of earned sick time and then goes on an unpaid sabbatical for 11 months. Upon the employee's return to employment, 11 months from the date the employee last worked for the employer, the employee shall have the right to use the 20 hours of sick time accrued prior to the sabbatical.

**Q: If an employee leaves the employer, and then returns, when does he or she begin accruing earned sick time?**

A: If an employee returns within 12 months, then the employee will immediately be able to accrue earned sick time. If the employee returns more than 12 months later then he or she could be treated like a new employee, and would have to wait 90 days before being able to access accrued earned sick time.

**Q: If an employee is transferred to another division or location of the same employer in Massachusetts, is the employee entitled to earned sick time that was accrued at the previous location?**

A: Yes. The employee gets to keep and can use all previously accrued earned sick time.

**Q: If a temp worker is hired into a permanent position by the same company, does the temp worker get to keep their accrued time? Does the temp worker need to restart the 90-day vesting period?**

A: A temp worker is a joint employee of the temporary staffing agency and the client company. If the temporary staffing agency pays the temp worker, then the accrued time applies only while the temp worker is

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the employee of the temp agency, and the temp worker does not keep the accrued time once that employment is ended. However, the temp worker does not need to restart the 90-day vesting period.

**Q: What increments of leave time can an employee take off?**

A: The smallest amount of sick time an employee can use is one hour. For uses beyond one hour, employees may use earned sick time in hourly increments or in the smallest increment the employer's payroll system uses to account for absences or use of other time. However, if an employee's absence from work at a designated time requires the employer to hire a replacement and the employer does so, the employer may require the employee using sick time to take up to a full shift of earned sick time.

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**Q: Can an employer establish minimum amounts of time for use of earned sick time?**

A: No. Employer policies that require, for example, an employee to take sick time in a four-hour or eight-hour block of time are not permissible.

**Q: What if an employer hires a replacement?**

A: If an employer hires a replacement to fill in for the employee using earned sick time, then the employer may require the employee to use an equal number of hours as the replacement employee works, up to a full shift of earned sick time.

If the employee lacks sufficient accrued earned sick time to cover such time away from work, the employer must provide sufficient job-protected unpaid leave to make up the difference in that shift.

**Q: Can an employee use earned sick time before having accrued it?**

A: Employers may arrange for employees to use earned sick time before they accrue it and for employers to count the use against future accrual.

## Section 5: Using Other Paid Time Off (PTO) Policies

**Q: Can other paid time off (PTO) policies satisfy an employer's obligation to provide earned sick time?**

A: Yes, as long as employees can use the PTO (such as vacation time or personal leave) for the same purposes and with the same rights that they would be able to use earned sick time.

An employer may substitute an existing plan so long as employees:

- 1) accrue at the rate of at least one hour of PTO for every 30 hours worked;
- 2) may use up to 40 hours per year of PTO;
- 3) are paid at least the amount that would be required for earned sick time;
- 4) can use PTO for the same purposes as earned sick time;
- 5) receive a notice of their rights under the law; and
- 6) receive the same job protections.

**Q: If an employer already offers a single pot of paid time off in a year, must it now have two separate leave policies? One for earned sick time and a second for other types of leave?**

A: The law does not require employers to have separate leave policies. However, employers should have clear guidelines to ensure that their employees can accrue and use sick time consistent with the amounts and purposes articulated in the earned sick time law.

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**Q: If an employee uses up all of his or her paid time off, does the employer have to provide additional time if the employee gets sick?**

A: Employers that provide 40 or more hours of paid time off that also may be used as earned sick time are not required to provide additional sick leave to employees who use their time for other purposes and have need of sick leave later in the year. Employers must provide notice to employees that additional time will not be provided.

**Q: If an employer has a mix of full-time, part-time, seasonal or per diem employees, can it have different leave policies for each?**

A: Yes. Employers can have different leave policies for different groups of employees, so long as all employees can use at least the same amount of time, for the same purposes, under the same conditions, and with the same job protections provided in the law.

**Q: If an employee gets sick in the middle of a vacation, can the employee use earned sick time?**

A: No. The employee was on vacation and not scheduled to work.

**Q: I don't want to track accrual, can I provide a lump sum of earned sick time?**

A: Yes. Employers who prefer not to track accrual of earned sick time over the course of the benefit year may use the following schedules for providing lump sums of sick leave or paid time off to their employees. Employers using these schedules will be in compliance even if an employee's hours vary from week to week. Employers may accelerate the accrual or increase hours if they choose. Employees accruing earned sick time on these schedules will have the right to roll over their earned sick time up to 40 hours and accrual may be delayed while an employee maintains an unused bank of 40 hours.

| <b>Acceptable Lump Sum Allocations Based on Hours Worked</b> |  |   |
|--|--|---|
| <b>Average no. of Hours Worked in a Week</b>                 | <b>Employee is provided this number of hours per month, as a lump sum, to be used for Earned Sick Time</b> | <b>Employee will be provided this amount of Earned Sick Time for this many months</b> |
| 37.5-40 hours  | 8 hours per month  | 5 months  |
| 30 hours   | 5 hours per month  | 8 months  |
| 24 hours   | 4 hours per month  | 10 months   |
| 20 hours   | 4 hours per month  | 9 months  |
| 16 hours   | 3 hours per month  | 10 months   |
| 10 hours   | 2 hours per month  | 10 months   |
| 5 hours  | 1 hours per month  | 10 months   |

**Q: What if I want to use the monthly lump sums, but my employees average 50 or more hours per week?**

A: Employers may provide a lump sum at the beginning of the benefit year. They may also provide earned sick time on a schedule that is more generous.

**Q: When do I have to provide these lump sums?**

A: Employers who provide earned sick time on a monthly basis should have a uniform policy for all employees.



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**Q: If an employer who offers more Earned Sick Time than required by law changes their policy, can that employer take away sick days an employee has already earned?**

A: No, an employer who offers more EST than required by law can make a prospective change to reduce it to the minimum amount required, but that change cannot be made retroactively if an employee has already “earned” (accrued) that time. An employer could prevent employees from accruing more time in the future but must allow employees to use the sick time they have already earned.

## **Section 6: Notification Requirements and Options for Employees Using Earned Sick Time**

**Q: Do employees need to notify their employers before they use earned sick time?**

A: Yes. An employee must make a good faith effort to provide notice of the need in advance of the use of earned sick time.

**Q: Does an employee have to reference “Earned Sick Time” in order to use earned sick time?**

A: No. An employee does not need to reference the law or the term “earned sick time” to his or her employer in order to use earned sick time.

**Q: What sort of notification system can an employer use?**

A: Reasonable ones. Reasonable notice may include compliance with an employer’s reasonable notification system that the employee customarily uses to communicate with the employer for absences or requesting leave. If an employer does not have an existing policy and procedure for providing reasonable notice, the employer shall establish such a policy or procedure, preferably in writing. The policy or procedure should enable the employee to effectively provide reasonable notice in a way that can be documented.

**Q: Can an employer require advance notice about a pre-scheduled use of earned sick time like an annual check-up?**

A: Yes, employers may require up to seven days’ notice if the employee has a pre-scheduled or anticipated time the employee plans to take off to use earned sick time.

**Q: What notice can an employer require for multi-day absences?**

A: If an employee uses multiple earned sick days (more than one), an employer may require notification on a daily basis from the employee or the employee’s surrogate (e.g., spouse, adult family member, or other responsible party), unless the circumstances make such notification unfeasible.

**Q: Can an employer require post-use written verification from employees?**

A: Yes, employers may require employees to submit written verification that they used earned sick time for allowable purposes after using any amount of time. An example form may be found on the Attorney General’s Earned Sick Time webpage ([www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime)).

In no event, however, may an employer request additional medical or other documentation from an employee substantiating the need to use earned sick time until the employee uses more than 24 consecutive hours or 3 days of earned sick time.

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**Q: Can an employee be disciplined for using earned sick time fraudulently?**

A: If an employee is committing fraud or abuse by engaging in an activity that is not consistent with allowable purposes for earned sick time (e.g., being sick, caring for an ill family member) or by exhibiting a pattern of taking earned sick time on days when the employee is scheduled to perform duties perceived as undesirable, an employer may discipline the employee for misuse of earned sick time.

An employee may not be disciplined for using earned sick time for allowable purposes when following all other rules. Please see “retaliation” section of this document for more information.

## Section 7: Documentation Requirements and Options for Employers

**Q: May an employer require an employee to provide written documentation, like a doctor's note, when the employee uses earned sick time?**

A: It depends.

An employer can require written documentation if: (1) the employee is absent from work for more than 24 consecutively-scheduled work hours; (2) the employee is absent for three consecutively-scheduled work days; (3) the employee's absence occurs within two weeks prior to an employee's final scheduled day of work before termination of employment, except in the case of temporary workers; or (4) the employee's absence occurs after four unforeseeable and undocumented absences within a three-month period.

**Q: Are there any documentation requirements for teenage workers?**

A: Yes. An employer can request documentation from an employee aged 17 and under, if there are three unforeseeable and undocumented absences within a three-month period.

**Q: What kind of documentation can an employer require?**

A: If the employee is absent for medical reasons, the employer may require a statement from a health care provider that the absence was for a purpose covered by the law. An employee who does not have a health care provider may sign a written statement that earned sick time was needed for a reason covered by the law. The Attorney General's Office provides a model statement on its website at [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime) that employers can use as a guide.

An employer may *never* require further information about the details of a medical condition.

**Q: What if an employee is absent from work due to domestic violence?**

A: If the employee is absent from work due to domestic violence, the employer must accept any of the following documentation:

- 1) a restraining order or court document;
- 2) a police record documenting the abuse;
- 3) documentation that the perpetrator of the abuse has been convicted of one or more of the offenses enumerated in M.G.L. c. 265 where the victim was a family or household member;
- 4) medical documentation of the abuse;
- 5) a statement provided by a counselor, social worker, health worker, member of the clergy, shelter worker, legal advocate, or other professional who has assisted the employee in addressing the effects of the abuse on the employee or the employee's family; or
- 6) a signed written statement from the employee attesting to the abuse.

An employer may *never* require further information about the details of the domestic violence.

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**Q: I work in an industry that requires an employee to certify that he or she is healthy enough to return to work. Can I still ask for documentation?**

A: An employer may require an employee to provide a fitness-for-duty certification, a work release, or other documentation from a medical provider before an employee returns to work after an absence during which earned sick time was used if such certification is customarily required and consistent with industry practice or state and federal safety requirements and reasonable safety concerns exist regarding the employee's ability to perform duties. "Reasonable safety concerns" means a reasonable belief of significant risk of harm to the employee or others.

**Q: How long does an employee have to provide documentation?**

A: Employers may require employees to submit required documentation within seven days after the taking of earned sick time, unless, for good cause shown, an employee requires more time to provide such documentation.

**Q: Can an employer delay compensating an employee for earned paid sick time until the employer receives documentation?**

A: No. However, if an employee fails to comply without reasonable justification with the documentation requirements of the employer, the employer may recoup the sum paid for earned sick time from future pay, as an overpayment. Employees must be put on notice of this practice.

**Q: What happens if an employee fails to provide documentation for use of unpaid earned sick time?**

A: The employer can deny the future use of an equivalent number of hours of earned sick time until documentation is provided.

## **Section 8: Recordkeeping and Disclosure Obligations for Employers**

**Q: Does an employer have to include accrued earned sick time and use on an employee's paycheck?**

A: No. Employers are not required to provide earned sick time information on **paychecks**.

**Q: Does an employer have to give employees access to their own earned sick time records?**

A: Yes.

**Q: Do employers have to keep track of the sick time employees earn and use?**

A: If an employer's policy provides earned sick time that is separated from any other time off, yes, employers have to maintain records of the sick time that employees accrue and use for at least three years.

If an employer provides time off to employees under a paid time off, vacation or other policy that complies with the Earned Sick Time Law, the employer is not required to track and keep a separate record on accrual and use of earned sick time.

**Q: Do employers have to post a notice about earned sick time rights for their employees?**

A: Yes, employers must post a notice of the Earned Sick Time Law where employees are likely to see it and in languages spoken by employees. The poster is available for download here in several languages: [www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime).

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**Q: Do employers have to give a copy of this notice or a copy of the employer's policy to employees?**

A: Yes. Employers must provide a hard copy or electronic copy of this notice to all eligible employees, or include the employer's policy on earned sick time or the employer's allowable substitute paid leave policy in any employee manual or handbook.

**Q: What other information about earned sick time do employers have to give employees?**

A: Employers must notify all employees at least 30 days in advance in writing if earned sick time will be changing from paid to unpaid, or from unpaid to paid sick time, based on a change in employer size.

## Section 9: Retaliation Prohibited

**Q: Can an employer retaliate against an employee for using earned sick time?**

A: No. Retaliation is illegal. An employer cannot retaliate against an employee for exercising or attempting to exercise rights under the law, including: requesting and using earned sick time; filing a complaint for alleged violations of the law; communicating with any person, including coworkers, about any violation of the law; participating in an administrative or judicial action regarding an alleged violation of the law; or informing another person of that person's potential rights.

**Q: What constitutes retaliation?**

A: Retaliation includes any threat, discipline, discharge, demotion, suspension, or reduction in employee hours, or any other adverse employment action against any employee for exercising or attempting to exercise any right guaranteed under the law.

**Q: Does the law protect an employee from retaliation if the employee mistakenly, but in good faith, alleges a violation?**

A: Yes.

**Q: What about reward based attendance policies?**

A: Attendance policies that reward employees for good attendance and holiday pay incentives that provide extra compensation for coming to work on the days immediately before and after a holiday are permissible so long as employees are not subject to any adverse actions for exercising their rights under the Earned Sick Time law and its regulations.

An employee's inability to earn a reward for good attendance or to receive a holiday pay incentive based on an employee's absence occasioning use of earned sick time shall not constitute an adverse action or interference with an employee's rights.

## Section 10: Violations

**Q: How will the Earned Sick Time Law and regulations be enforced?**

A: The law grants the Attorney General the authority to go to court to halt a violation. It also grants the Attorney General the ability to issue civil citations against employers.

**Q: Can employees file a complaint?**

A: Employees can file a complaint with the Attorney General's Office. The complaint form is available online at [www.mass.gov/ago](http://www.mass.gov/ago) by clicking on "file a complaint," or by contacting (617) 727-3465.

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**Q: Can employees sue their employers?**

A: Employees must first file a complaint with the Attorney General, before they may file a private lawsuit in court. Employees must then either wait 90 days after filing with the Attorney General before filing in court, or receive permission from the Attorney General's Office to proceed with a private suit before the 90-day period expires. In order to do this, employees must request a private right of action from the Attorney General's Office. Employees will need proof of filing the complaint with the Attorney General in order to pursue a lawsuit.

**Q: Will the Attorney General ask an employee about immigration status or legal right to work?**

A: No. All workers in Massachusetts are entitled to the protections of the earned sick time law. The Attorney General will never inquire about immigration status.

**Section 11: Additional Information ([www.mass.gov/ago/earnedsicktime](http://www.mass.gov/ago/earnedsicktime))**

**Questions:** Additional questions can be addressed to [earnedsicktime@state.ma.us](mailto:earnedsicktime@state.ma.us).

**Final regulations:** Regulations written by the Attorney General's Office to provide guidance on employees' and employers' rights and responsibilities under the Earned Sick Time Law.

**Sample Policy:** A sample Earned Sick Time policy for employers.

**Sample Verification Form:** A sample form employers may use to ask employees to verify their use of earned sick time.

**Summary of the Law:** The Earned Sick Time Law is summarized in English, Spanish, and Portuguese (as of August 2015).

**Notice of Employee Rights:** This is available for download in English, Portuguese, Spanish, Russian, Italian, Haitian Creole, Vietnamese, Laotian and Chinese (as of August 2015).



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2016 APR 27 PM 1:39

DOCKET REQUEST FORM

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

To: Clerk of the City Council

Date: April 27, 2016

From (Docketer): Councilor Sangiolo

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Additional sponsors: \_\_\_\_\_

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

Councilor Sangiolo requesting creation of a policy or ordinance related to interest charges on late payments of utility bills to the City and proportional return of interest charges if or when the utility bill is abated.

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

- |  |  |
|--|--|
| <input type="checkbox"/> Fact-finding & discussion             | <input checked="" type="checkbox"/> Ordinance change |
| <input type="checkbox"/> Appropriation, transfer,              | <input type="checkbox"/> Resolution                  |
| <input type="checkbox"/> Expenditure, or bond authorization    | <input type="checkbox"/> License or renewal          |
| <input type="checkbox"/> Special permit, site plan approval,   | <input type="checkbox"/> Appointment confirmation    |
| <input type="checkbox"/> Zone change (public hearing required) | <input type="checkbox"/> Other: _____                |

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

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning   | <input type="checkbox"/> Public Safety      | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities   | <input type="checkbox"/> Land Use           | <input type="checkbox"/> 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