



Finance Committee Report

City of Newton **In City Council**

Monday, June 27, 2016

Present: Councilors Gentile (Chair), Norton, Rice, Blazar, Fuller, and Lappin

Absent: Councilors Ciccone and Brousal-Glaser

Also present: Councilor Sangiolo

City staff present: Phil McNulty (Library Director), Lieutenant John Daley (Executive Officer; Police Department), James McGonagle (Public Works Commissioner), Robert DeRubeis (Parks and Recreation Commissioner), Alice Ingerson (Community Preservation Planner), Carol Schein (Open Space Coordinator), Maureen Lemieux (Chief of Staff/Chief Financial Officer), and David Wilkinson (Comptroller)

#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]

Action: **Finance Voted No Action Necessary 6-0**

Note: Michael Engel joined the Committee to discuss his lifetime appointment as a trustee of the Chaffin Fund/Fig Newton Scholarship Fund. Mr. Engel is a School Guidance Counselor at the Madeline English School in Everett and lacrosse coach at Buckingham, Browne and Nichols School. Mr. Engel is an Auburndale resident, who also attended Newton North High School. He is looking forward to serving on the Chaffin Fund and helping students and families.

Mr. Engel has not attended a meeting at this point but has done some research on the Chaffin Fund and is aware that the Chaffin Fund contains a significant amount of money. Comptroller David Wilkinson informed the Committee that the fund's balance is over \$5 million. Committee members are pleased to have an educator as a trustee and asked how Mr. Engel learned of the opening on the Board of Trustees. Mr. Engel responded that Co-Chair of the Chaffin Fund Board of Trustees Beth Tishler recruited him.

Mayor Warren submitted the attached letter withdrawing and resubmitting Mr. Engel's appointment, as the City Council will not be able to take a vote before the 60-day action date expires on June 30, 2016. The appointment will be re-docketed to give the Council the opportunity to support the lifetime appointment of Mr. Engel. The Chair stated that Mr. Engel would not need to rejoin the Committee again for discussion of his appointment. With that, the Committee thanked Mr. Engle for serving the Community. The Chair suggested that Mr. Engel attend the next meeting of the trustees, even if it is scheduled before the Council takes an action on his appointment. Councilor Fuller moved the item no action necessary, which carried by a vote of six in favor and none opposed.

#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]

Action: **Finance Approved 6-0**

Note: Mr. Pellegrine is a retired Newton police officer, who has served as a Constable of the City for the past nine years. Mr. Pellegrine filled the appropriate paperwork with the Clerk's office including a copy of the required \$5,000 bond. The Chairman did not feel it was necessary for Mr. Pellegrine to be present for the meeting as he is a re-appointment and well known to most Committee members. Councilor Fuller moved approval of the re-appointment, which carried unanimously.

#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]

Action: **Finance Approved 6-0**

Note: Library Director Phil McNulty explained that the costs for utility bills, tuition assistance for Library employees, and equipment repair and maintenance are underestimated in the Fiscal Year 2016 Library Budget. The Library Director stated that there are several utility bills that are being held until funding is available to pay them. The requested sums for transfer are available in the Library Salaries Account due to some staff turnover in some positions.

Mr. McNulty reviewed the reasons for the transfer. The utility bills increased because the utility rates increased more than anticipated but the Director is working with Public Buildings to improve energy efficiency to bring utility costs down. There was also an increase in the number of library employees taking courses this year and several fire extinguishers required repair. The transfer of funds from the Library Salaries Account to the respective accounts would provide enough supplemental funding to pay those and any additional bills until the close of the fiscal year.

Committee members inquired about the rehabilitation of the library's HVAC chiller and cooling towers. Mr. McNulty responded that all or the work has paid off and he and the Public Buildings Department looked at the HVAC system and addressed any spikes in HVAC operation. The Public Buildings Department is still working on replacing parts in the cooling towers.

Councilor Lappin moved approval of the item, which carried unanimously.

#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]

Action: Finance Approved 5-0 (Fuller not voting)

Note: Lieutenant John Daly presented the request to authorize acceptance and expenditure of a grant for \$19,800 awarded to the Newton Police Department to work with students in both high schools to prevent and educate students on drunk driving. The grant is from the Massachusetts Office for Victim Assistance. The police officers will have an opportunity to work with students to develop educational slogans and messages related to drunk driving prevention. Councilor Lappin moved approval which carried by a vote of five in favor and none opposed.

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 Approved 8-0 on 06/22/16

Action: Finance Approved 5-0 (Fuller not voting)

Note: Commissioner of Public Works Jim McGonagle joined the Committee to discuss the request to transfer funds within the Public Works Department's snow budget. The department has excess money in the snow overtime account and not enough money in the account for contracted snow removal and expenses. The transfer will allow the Public Works Department to pay the remaining contractor bills and close out the snow operations for the past winter. Councilor Rice moved approval, which carried unanimously.

#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]

Action: Finance Approved 5-0 (Fuller not voting)

Note: Commissioner of Public Works Jim McGonagle presented the request to transfer \$30,000 from the Public Works Salaries Account to fund the installation of thirteen safety bollards in front of the Sweet Tomatoes Restaurant block on Washington Street to provide protection from vehicles coming down the hill from Chestnut Street onto Washington Street. The bollards are removable, as there are redesign plans for West Newton Square. The bollards have an 8" circumference and are 35" high. The bollards are tested to hold against a crash with a large box truck.

The bollards are being added at the request of the Ward Councilors and to provide the businesses located in that area of West Newton with peace of mind after the Sweet Tomatoes accident. The bollards are expected to be in place by the reopening of Sweet Tomatoes. Money from the Public Works Salaries Account is available for transfer because of turnover in the department.

There is a West Newton community meeting scheduled June 30, 2016 to discuss the redesign of West Newton Square. The redesign will address safety through traffic improvements and will look at parking demand. The Chair asked Commissioner McGonagle to consider some type of measure to eliminate illegal left-hand turns from Waltham Street to Washington Street when redesigning West Newton Square.

Councilor Lappin moved approval of the item, which carried unanimously.

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

Action: **Finance Approved as Amended to Remove 393-396 Elliot St from Taking 6-0**

Note: Associate City Solicitor Ouida Young and Commissioner of Public Works Jim McGonagle explained that the request is to take a temporary construction easement for six months across private property to allow access to the Elliot Street Bridge in order to repair the abutment. After a site visit, Commissioner McGonagle determined that there is no need to take a temporary easement on the property of 393-396 Elliot Street, as the proposed easement on 404-406 Elliot Street provides enough access to the bridge. The proposed easement is approximately 124' long and starts at a width of 22' but tapers to an 11' width.

The City has been unable to come to an agreement with the property owner but is close. The hope is that the City and owner can resolve any issues by July 11, 2016 and do a friendly taking of the easement. Currently, the proposal is a taking by eminent domain because the City must have the easement to repair the bridge. The bridge is closing on July 8, 2016, construction must move forward, and Ms. Young expects to request an emergency preamble be added to the City Council Order for this taking.

The property owner is worried about tenants breaking their leases because of the bridge construction and easement. The owner is concerned that if he agrees to the easement, it will provide legal standing for tenants to break the lease. He would like the City to agree to compensate him for any loss of rent during the length of time that the easement is in place. Ms. Young stated that the loss of rent is not compensable under an eminent domain taking. The owner would also like

reimbursement if there are any out of pocket expenses related to the easement. There is concern that if the owner is compensated it will set a precedent for future temporary easements. The City is not asking for a temporary easement from anyone else, which makes this situation unique and the hope is that an agreement can be reached. No heavy equipment trucks are expected to use the easement unless something major happens. The City will restore the property to its existing condition.

The Committee members asked whether the property owner was aware of this meeting and the upcoming Council meeting. The Chair and Attorney Young assured the Committee that the property owner is aware of the meetings. With that, Councilor Lappin moved approval, which carried unanimously.

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

Action: **Finance Approved 6-0**

Note: Chair of the Community Preservation Committee (CPC) Jim Robertson presented the CPC's recommendation that \$2.5 million of Community Preservation Act funds be used to rehabilitate the Newton Highlands Playground. The current playground and fields are in woeful condition. There is community support for the project and the Community Preservation Committee is happy to participate in the rehabilitation. The total cost of the project is \$3.3 million dollars. The Parks and Recreation Department will be looking for donations from private sponsors to fund the remaining \$800,000. The donated funds are for the installation of lights and the construction of a restroom building, which are not critical to the project and are part of the second phase of the project.

The project includes the rehabilitation of all the playing fields, drainage improvements, improved parking, and other site improvement including accessible pathways. The project also includes a new natural turf multi-purpose field for football, lacrosse, and soccer. The Parks and Recreation Department is still determining the best time to start the project. Full details of the improvements and a project budget were attached to the Finance Committee Agenda for this meeting.

The League of Women Voters sent a letter stating that they were not in favor of funding the project almost entirely with CPA funds. Commissioner of Parks and Recreation Bob DeRubeis responded that request for funding has changed over time and the City received the letter in December before the changes to the funding plan. The funding plan is no longer a request for \$3.3 million, as requested in December when the City received the letter. The Parks and Recreation

Department needs to leverage CPA dollars with fundraising or other sources. The first phase of the project is expected to take a year to complete, which allows plenty of time to fundraise for the additional funds. The City is working with the different athletics leagues on donations. The Parks and Recreation Department believes it has addressed the League's concerns.

Committee members raised concerns that the City would not meet the fundraising goal and the rehabilitation would be incomplete. Chief of Staff Maureen Lemieux informed the Committee that the park is on the list of projects with real needs. If the Parks and Recreation Department does not meet the fundraising goal, the City will look at alternative funding sources. There was an additional questions regarding whether there was State funding available for the culvert rehabilitation. Councilor Norton and Commissioner DeRubeis will investigate the possibility.

The Committee is aware that the fields are in horrible condition and that the parking for the fields is awful and creates dangerous situations. There are 27 parking spaces on site and 20 spaces on the extension roadway leading to the park. Paving the extension roadway is included in the project. With that, Councilor Rice moved approval, which carried by a vote of six in favor and none opposed.

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

Action: **Finance Approved 6-0**

Note: Chief of Staff Maureen Lemieux presented the request for \$13,129,065 to fund the remainder of the Fire Station 3/Headquarters Construction Project. There is a \$400,000 contingency associated with the project. The Administration will do its best to manage the project to keep costs down. The expected total cost of the project is \$20.5 million. The Public Facilities Committee and the Finance recently spent significant time reviewing the project and is familiar with the projected costs. The Public Facilities Committee unanimously supported the request on June 22, 2016.

The sub-bids for the project came in \$700,000 over the estimate but the Administration has identified areas that it can knock costs down. Ms. Lemieux is confident that descoping will bring the costs down. Generally, the filed sub-bids represent half the project costs. The Administration will keep the Public Facilities Committee apprised of the descoping efforts.

Councilor Blazar moved approval of the request, as the \$13,129,065 is in line with what the Councilors expected the request to be. The Committee voted unanimously to support the motion. On a side note, the temporary fire station is working well.

#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]

Action: **Finance Approved 6-0**

Note: Co-docketor Councilor Sangiolo joined the Committee for the discussion of this item. The Veterans' Agent and the Executive Department submitted a letter (attached) to the City Council supporting the adoption of the local option to exempt military personnel from paying excise tax if deployed outside of the state for 45 days or more. An e-mail from a Newton resident and parent of an active duty service person was provided at the meeting and is attached to the report.

The Committee was supportive of adoption of the option but there were questions related to how the exemption process would work, which department would handle the exemptions and how many Newton citizens would qualify for the exemption. In addition, if the Council opts to adopt the local option, there needs to be an advertising campaign to inform military personnel. Councilor Sangiolo assumed that the Veterans' Agent and the Assessing Department would handle the exemptions and Veterans Agent Seth Bai would publicize the exemption. Paul Satwicz, Oakwood Road, Auburndale was present to support approval of the item and added that there are only a small number of active military personnel living in Newton; therefore, there would be minimal impact.

Councilor Lappin moved approval with the understanding that the City Council will receive information from the Administration on the role of the Veterans' Agent and Assessing Department in implementing the exemption and how the Administration plans to advertise the benefit to active military personnel. The Committee voted unanimously to support the motion.

#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]

Action: **Held 6-0**

Note: Councilor Sangiolo presented the request to accept Chapter 149, Section 148C to qualify the City's part-time, seasonal and temporary employees for earned sick time. There seems to be a drop in the number of part-time positions within the City with the necessary 20+ hours of work to qualify for earned sick time. There are a number of longtime City employees that work up to 19 hours a week that would benefit by the City's acceptance of this law.

Chief of Staff Maureen Lemieux informed the Committee that at face value the Executive Department is not interested in supporting acceptance of the entire Section 148C but may be willing to support adopting a portion of the law. According to the Human Resources Department, the city has 561 part-time and seasonal employees. Of those employees, 370 work in the Parks and Recreation Department, 94 employees work in the Library, and 97 work in other departments. The Parks and Recreation Department part-time employees are paid through the fees for programming. There are a number of part-time employees that have worked at the Library for a number of years and in Ms. Lemieux's opinion, it would be appropriate to offer them prorated sick time. The City needs to do more research on the benefits and financial consequences before moving forward with discussing acceptance of this law.

Joel Shames, 348 Central Street, Auburndale voiced his support for acceptance of the Law. Mr. Shames believes that it is well-crafted legislation. The legislation could be considered a public health benefit, as having paid sick time would encourage part-time employees to stay home if they are ill. The Committee also received the two attached e-mails supporting the acceptance of the law.

The following questions were raised and need to be answered before the Committee discusses the item again.

- 1.) Can the City provide earned sick time to year-round employees and not seasonal employees?
- 2.) Is it possible to adopt portions of the law?
- 3.) Is an employee eligible for sick time after being employed for 90 consecutive days or is it cumulative?
- 4.) Are accrued sick days lost if there is break in employment?
- 5.) Are the sick time benefits for part-time teachers' aide positions in the School Department covered by their contract?
- 6.) Are there are municipalities that have accepted the law or are considering accepting the law?
- 7.) What is the cost to the City if the provision is accepted?

Councilor Sangiolo and Maureen Lemieux agreed to provide answers to the questions. With that, Councilor Lappin moved hold, which carried unanimously.

#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]

Action: **Held 6-0**

Note: Councilor Sangiolo explained that she docketed the above item after being contacted by a constituent, who ought the City on a water bill. The bill was abated but the constituent was charged interest on the bill. Councilor Sangiolo felt that the City should consider having a policy or ordinance to return interest on the abated portion of any bill.

Chief of Staff Maureen Lemieux responded that she believes that the City automatically removes interest on any utility abatement. She will double check and provide the answer to the Committee. During research for this item, Ms. Lemieux discovered that there is no ordinance in place related to the City's interest rate charges on overdue bills. She asked that the Council consider an appropriate interest rate and adopt an ordinance stating that rate.

Ald. Rice moved hold for the answer to whether interest is removed from abated bills, which carried by a unanimous vote.

All other items before the Committee were held without discussion and the Committee adjourned at 8:50 PM. Draft Council Orders for the above items that are recommended for City Council action are attached.

Respectfully submitted,

Leonard J. Gentile, Chair

#165-16

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(617) 796-1100

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(617) 796-1113

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(617) 796-1089

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swarren@newtonma.gov



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

June 24, 2016

David Olson
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

DAVID A. OLSON, CHD
Newton, MA 02459

2016 JUN 24 PM 3:06

RECEIVED
Newton City Hall

Dear Mr. Olson:

Due to scheduling, I understand that the City Council has not been able to take up the appointment of Michael S. Engle to be a Trustee of the Chaffin Educational Fund within the sixty day period. Since this is a lifetime appointment, I know the Council is interested in evaluating Mr. Engle.

Therefore, I am asking to withdraw the previous appointment letter and refile his appointment as of the date of your next scheduled Council meeting. I believe this should give the Council adequate time to review the appointment.

Sincerely,

A handwritten signature in black ink, appearing to read "Setti D. Warren".

Setti D. Warren
Mayor

CITY OF NEWTON

IN CITY COUNCIL

July 11, 2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the following item be and is hereby voted NO ACTION NECESSARY:

#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]

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

(SGD) DAVID A. OLSON, City Clerk

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of His Honor the Mayor and with the confirmation of the City Council pursuant to G.L. chapter 41, section 91, be it known that JAMES A. PELLIGRINE, 60 Clinton Street, Newton is hereby re-appointed as a CONSTABLE of the City of Newton for a term of office to expire on June 30, 2019 and in accordance with G.L. chapter 41, section 92, a surety bond in the amount of \$5,000 has been filed with the City Clerk.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

CITY OF NEWTONIN BOARD OF ALDERMEN

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the transfer of the sum of forty-four thousand eight hundred twenty-three dollars (\$44,823) from Library Salaries Accounts to the below Library accounts, is hereby approved as follows:

FROM:	Library Salaries	
	(0160103-511101).....	\$22,600
	(0160103-511001).....	\$13,700
	(0160103-511102).....	\$8,523
TO:	Library Expenses	
	(0160102-5210).....	\$22,600
	(0160102-5211).....	\$13,700
	(0160102-5230).....	\$3,250
	(0160102-5321).....	\$2,750
	Public Building Expenses	
	(0111507-52408).....	\$2,523

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

, 2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the authorization to expend a 2017 Drunk Driving Trust Fund Prevention, Education and Training Grant from the Massachusetts Office for Victim Assistance in the amount of nineteen thousand eight hundred (\$19,800) to be used by the Police Department for drunk driving prevention and education at the high schools; be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Public Facilities and the Finance Committees through their respective Chairmen Deborah J. Crossley and Leonard J. Gentile, the transfer of the sum of two hundred thirty-three thousand thirteen dollars (\$233,013.67) from the Public Works Regular Overtime Snow Operations Account to the Public Works snow Removal Rental Vehicles/Buildings School be and is hereby approved as follows:

FROM:	Budget Reserve – Snow & Ice (0140110-513001).....	\$233,013.67
TO:	Rental Vehicles (0140110-5273A)	\$233,013.67

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the transfer of the sum of thirty thousand dollars (\$30,000) from the Public Works Salaries Account to the Public Works Property Repairs and Maintenance Account be and is hereby approved as follows:

FROM:	DPW Salaries (0140115-511001).....	\$30,000
TO:	Rental Vehicles (0140115-52409).....	\$30,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTONIN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendations of the Community Preservation Committee, through its Chair James Robertson, the City Council's Programs & Services Committee through its Chair John B. Rice; Public Facilities Committee through its Chair Deborah J. Crossley; and the Finance Committee through its Chair Leonard J. Gentile, the sum of two million five hundred thousand dollars (\$2,500,000) be and is hereby appropriated from Community Preservation Fund as shown below to be expended under the direction of the Commissioner of Parks and Recreation for the rehabilitation of the Newton Highlands Playground located between Winchester and Dedham Streets, as detailed in the Community Preservation Committee's June 8, 2016 funding recommendation.

FROM:	Open Space/Recreation Reserve	
	(21R10498-5790A)	\$357,251
	CPA Reserve	
	(21R10498-5790)	\$1,967,039
	CPA Fund Balance	
	(21-3321).....	\$175,710
TO:	Newton Highlands Playground	
	(21D60215-52409)	\$2,500,000

Under Suspension of Rules
Readings Waived and Item Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That for the purpose of paying costs of constructing a new Fire Station #3 and a temporary fire station, and renovating Fire Headquarters and for the payment of all costs incidental and related thereto, there is hereby appropriated the sum of thirteen million one hundred twenty-nine thousand sixty-five dollars (\$13,129,065), which amount shall be borrowed under and pursuant to Chapter 44, Section 7(3A) of the General Laws, or pursuant to any other enabling authority. The term of this bond authorization shall not exceed twenty (20) years.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

#174-16



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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(617) 796-1100

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(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

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, reading "Dori Zaleznik".

Dori Zaleznik
Chief Administrative Officer

Shawna Sullivan

From: Amy Sangiolo <amysangiolo@gmail.com>
Sent: Monday, June 27, 2016 6:15 PM
To: Shawna Sullivan
Subject: Fwd: MGL Chapter 60A Section 1

can you print this out for tonight?

----- Forwarded message -----

From: **nansat3** . <nanosatz@gmail.com>
Date: Mon, Jun 27, 2016 at 5:20 PM
Subject: MGL Chapter 60A Section 1
To: amysangiolo@gmail.com
Cc: Kay.Khan@mahouse.gov, Cynthia.Creem@masenate.gov

June 27, 2016

Dear Councilor Sangiolo,

I am writing in support of local adoption of
MGL Chapter 60A Section 1.

This would give exemption from vehicle excise tax to military personnel deployed outside of the state of
Massachusetts for more than 45 days.

A number of factors support this exemption:

- First and foremost, it is a small measure of appreciation to be extended to our active military for the multitude of sacrifices they make on behalf of our Country and all citizens.
- The current excise tax is assessed based on the location of vehicle garaging. By definition, vehicle garaging would not be in any Massachusetts community for military personnel deployed out of state.
- It is of benefit to the state to encourage military personnel to maintain Massachusetts as their SLR "State of Legal Residency" or "domicile." [Military personnel can declare a change of state residency by filing DD Form 2058.] Residency has many ramifications, such as the number of legislative seats, which is based on population, liability for Commonwealth of Mass. income taxes, and eligibility for voting as a Massachusetts resident. Obligation of an annual vehicle excise tax could be a factor causing military personnel to consider adopting a different state as their permanent residence.
- It is likely that the number of active duty military personnel who are residents of Newton is very low, thus having minimal impact on the City of Newton's finances.

Thank you for bringing this measure to the docket for consideration.

I urge Newton councilors to approve local adoption of this Massachusetts General Law.

Sincerely,

Nancy Satwicz

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of His Honor the Mayor and the Finance Committee through its Chair Leonard J. Gentile, the City of Newton hereby accepts Massachusetts General Law Chapter 60a, Section 1, which authorizes a local option to exempt military personnel from paying excise tax if they are deployed outside of the State of Massachusetts for at least 45 days.

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Shawna Sullivan

From: David A. Olson
Sent: Monday, June 27, 2016 9:36 AM
To: Shawna Sullivan
Subject: FW: Sick leave for part-time city employees

From: Janet Linder [<mailto:janlinder@verizon.net>]
Sent: Monday, June 27, 2016 9:31 AM
To: citycouncil; Setti D. Warren
Subject: Sick leave for part-time city employees

Dear City Council Members and Mayor Warren,

I am writing to ask the Newton City Council to take a progressive step and opt in to the Massachusetts Earned Sick Time Law, M.G.L. c. 149, § 148C, enacted in 2015. The law provides that part-time employees can earn one hour of sick time for every 30 hours worked, up to 40 hours of sick time a year.

Adopting the law will give Newton's part-time workers a minimum amount of sick leave per year, probably about 2 - 4 days per year, based on a maximum of 19 hours-per week.

Sometime within approximately the past 5-10 years, Newton quietly eliminated 20 hour a week part-time jobs, which required prorated benefits. Employees already working 20 hours per week were grandfathered in and continued to receive prorated benefits. Employees currently working up to 19 hours a week or fewer no longer had any opportunity to be given 20-hour a week jobs.

As a result, there are part-time employees for the city, some of whom have worked for 10 years or more, who work up to the maximum of 19 hours a week and receive no benefits. No vacation days, no paid holidays, no longevity pay or other bonuses, and not one sick day. These are hard-working, dedicated employees who serve the city well.

Adopting the Massachusetts Earned Sick Time Law would provide these employees with a few sick days a year. Is the city unwilling to offer that minimum benefit to these part-time employees?

Newton likes to think of itself as a progressive city that cares about its people. A progressive city should treat its employees equitably. Eliminating 20-hour a week part-time positions has denied dedicated employees a chance to receive any minimal benefits at all, including pro-rated health insurance contributions, vacation pay, holiday pay, and sick time, benefits that are granted to 20-hour a week grandfathered employees with whom they work side-by-side.

Newton should take the minimal step of providing these employees with the benefit of the sick leave law, which grants one hour, that is one hour, of sick leave for every 30 hours worked, up to a maximum of 40 hours accrued sick time. For less than 20-hour a week employees, adopting the law will give these employees about 3- 4 sick days a year. That would be the *only* benefit the city grants to employees who work less than 20 hours a week, who were cut-off from becoming 20-hour a week employees by a policy quietly put into place with no public discussion.

The city has claimed that providing the benefits will be too difficult because of determining sick leave for seasonal employees. Is Newton not up to the challenge of doing the math and administrative work required to grant its part-time employees a few sick days a year, when they earn absolutely no other benefits? Is Newton truly a progressive city if it will not follow Massachusetts' lead and adopt the state law for the benefit of part-time employees?

Thank you for your time and consideration,
Janet Linder
348 Central Street
Auburndale

Shawna Sullivan

From: David A. Olson
Sent: Tuesday, June 28, 2016 8:48 AM
To: Shawna Sullivan
Subject: FW: #40-16 Request to accept MGL 149 Sec 148C related to earned sick time for employees

From: Vandana Sodder [<mailto:vandana@sodder.us>]
Sent: Monday, June 27, 2016 5:35 PM
To: citycouncil; Setti D. Warren
Subject: #40-16 Request to accept MGL 149 Sec 148C related to earned sick time for employees

Dear Members of City Council,

I am writing to ask that you support #40-16 Request to accept MGL 149 Sec 148C related to earned sick time for employees proposed by Councilor Amy Sangiolo.

The Massachusetts Earned Sick Time Law, M.G.L. c. 149, § 148C, enacted in 2015, provides that part-time employees can earn one hour of sick time for every 30 hours worked, up to 40 hours of sick time a year.

Adopting the law will give Newton's part-time workers a minimum amount of sick leave per year, approximately 2 - 4 days per year, based on a maximum of 19 hours worked, per week.

Accepting The Massachusetts Earned Sick Time Law would bring progressive Newton in line with neighboring towns that are doing the right thing. This minimal financial outlay would be a step in the right direction, in acknowledging the dedication and long term service of part time workers, to the city of Newton.

Best,

Vandana Sodder