



Finance Committee Agenda

City of Newton In City Council

Monday, October 24, 2016

7:00 PM
Room 211

Items Scheduled for Discussion:

- #320-16 Request to appropriate \$50,000 to settle a claim**
HIS HONOR THE MAYOR requesting authorization to appropriate fifty thousand dollars (\$50,000) from the Judgments and Settlements Account as full and final settlement of a claim against the Newton Public Schools. 09/14/16 @ 1:10 PM]
Note: A motion for Executive Session may be entertained when this item is discussed.

Referred to Public Safety & Transportation and Finance Committees

- #356-16 Appropriate \$135,000 for upgrades to the Police Department's firing range**
HIS HONOR THE MAYOR requesting authorization to appropriate one hundred thirty-five thousand dollars (\$135,000) from Free Cash for the purpose of providing funding for upgrading and improving the Newton Police Department's three-lane indoor firearms range. [10/11/16 @ 11:29 PM]
Public Safety Approved 7-0 (Fuller not voting) on 10/19/16
- #354-16 Authorization to settle a \$12,955.88 claim by Frasier Engineering Services**
HIS HONOR THE MAYOR requesting authorization to expend the sum of twelve thousand nine hundred fifty-five dollars and eighty-eight dollars (\$12,955.88) from the Law Department's Judgement and Settlements Account as settlement of a claim by Frasier Engineering Services, Inc. [10/11/16 @ 11:28 AM]
- #352-16 Expend a \$33,500 grant from the Recycling Dividends Program**
HIS HONOR THE MAYOR requesting authorization to accept and expend a grant of thirty-three thousand five hundred dollars (\$33,500) from the Recycling Dividends Program Grant through the Sustainable Materials Recovery Program for waste and recycling education and outreach. [10/11/16 @ 11:28 AM]

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

Referred to Public Facilities and Finance Committees

- #357-16** **Reallocate \$250,467.24 for decommissioning two elevated storage tanks**
HIS HONOR THE MAYOR requesting authorization to reallocate the sum of two hundred fifty thousand four hundred sixty-seven dollars and twenty-four cents (\$250,467.24) from the Waban Hill Reservoir Improvements Account to be used for the decommissioning of the Stanton Avenue and Winchester Street elevated storage tanks. [10/11/16 @ 11:29 AM]
Public Facilities Approved 6-0 on 10/19/16

Referred to Public Facilities and Finance Committees

- #358-16** **Appropriate \$46,590,000 for the renovation of the Cabot School**
HIS HONOR THE MAYOR requesting authorization to appropriate forty-six million five hundred ninety thousand dollars (\$46,590,000) from bonded indebtedness for the purpose of funding the renovation and construction of an addition at the Cabot Elementary School. [10/11/16 @ 11:29 AM]
Public Facilities Approved 6-0 on 10/19/16

Referred to Programs and Services and Finance Committees

- #31-15** **Proposing an ordinance to limit leaf blower use**
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]
Programs & Services Approved as amended 7-0-1 (Councilor Kalis abstaining)
- #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]
- #355-16** **Appropriate \$261,366.07 from bond sale premiums to reduce Angier debt**
HIS HONOR THE MAYOR requesting authorization to appropriate two hundred sixty-one thousand three hundred sixty-six dollars and seven cents (\$261,366.07) from the premiums earned on the Fiscal Year 2016 bond sales for debt excluded capital projects for the purpose of reducing the future debt to be issued on the Angier Elementary School Project by reducing the amount of financing from bonded debt by \$261,366.07 and increasing the financing from premium earned on the sale of bonds by \$261,366.07. [10/11/16 @ 11:28 AM]

Referred to Programs & Services and Finance Committees

- #306-16** **Request to review and possibly adjust the City Clerk's salary**
COUNCILORS LENNON AND LAPPIN requesting a salary review and possible ordinance amendment to adjust the salary of the City Clerk/Clerk of the City Council pursuant to Article XI of the Rules and Orders of the City Council 2016-2017. [08/24/16 @ 2:41 PM]
Prog & Serv Approved 6-0-1 (Sangiolo abstaining) @ \$128,269 on 09/21/16

Referred to Public Facilities and Finance Committees

- #257-16** **Delegate quinquennial perambulation to City Engineer and GIS Administrator**
CITY CLERK requesting that the City Council officially delegate the responsibility of Quinquennial Boundary Line Perambulation to the City Engineer and the City GIS Administrator as required by Massachusetts General Law Chapter 42, Section 2, which states that “the boundary markers of every town shall be located, the marks thereon renewed, and the year located marked upon the face thereof which bears the letter of the town locating its boundary, once every five years, by at least two of the selectmen of the town or by two substitutes designated by them in writing.” [06/22/16 @ 11:35 AM]
Public Facilities Approved 7-0 on 09/05/16

- #333-16** **Request to temporarily increase the number of Police by one position**
HIS HONOR THE MAYOR requesting authorization to temporarily increase the authorized full-time complement of police officers by 1 FTE through April 2017. [09/29/16 @ 9:41 AM]

Items Not Scheduled for Discussion at this Meeting:

Referred to Finance and Appropriate Committees

- #359-16** **Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/11/16 @ 11:28 AM]
- #353-16** **Review/Acceptance of the FY 2018 – FY 2022 5-year Financial Forecast**
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 5-Year Financial Forecast for City Council review/acceptance. [10/11/16 @ 11:28 AM]

Referred to Public Safety, Public Facilities and Finance Committees

- #335-16** **Request for Ord. amendments to require removal of snow from sidewalks**
COUNCILOR DANBERG requesting that §26-8 through §26-9 and §20-21 of the City of Newton Rev. Ords., 2012, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers from sidewalks abutting their property and to review and amend enforcement provisions including structure of fines for snow removal violations. [09/27/16 @ 11:36 AM]

Referred to Public Facilities and Finance Committees

- #334-16** **Request to connect Walsingham Street to City sewer system**
COUNCILORS GENTILE, SANGIOLO, AND HARNEY, on behalf of the residents of Walsingham Street, requesting the necessary approvals to connect Walsingham Street to the City sewer system. [09/22/16 @ 11:15 AM]
- #332-16** **Request for approval of FY 17 Property tax levy distribution percentages**
DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for City Council review and approval the FY 17 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property. [09/26/16 @ 3:06 PM]

Referred to Zoning & Planning and Finance Committees

- #270-16** **Request to Amend Demolition Delay Ordinance**
COUNCILORS HESS-MAHAN, LEARY, SCHWARTZ, AUCHINCLOSS, SANGIOLO, AND BAKER requesting amendments to Chapter 22, Division 2. Demolition Delay, of the Revised Ordinances to increase sanctions for failure to comply with the conditions of a demolition permit and/or demolition of a structure without an appropriate permit. [07/21/16 @11:40 AM]

Referred to Zoning & Planning, Programs & Services and Finance Committees

- #256-16** **Request to extend notification area of notice for special permit petitions**
COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300' required by Massachusetts General Law Chapter 40A to also include property owners within 600' of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300' will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]
- #209-16** **Discussion of expenditures related to the Complete Streets Grant**
COUNCILOR FULLER requesting discussion regarding expenditures related to the Complete Streets grant with representatives of the Department of Public Works. [05/26/16 @ 1:11 PM]

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]

- #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]
- #112-16 Appropriation of mitigation funds for pedestrian and traffic improvements**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend the following Mitigation Funds:
- | | |
|--|----------|
| A. Village Café at 719 Washington Street | \$2,500 |
| B. 258 Nevada Street at Linwood Street | \$1,500 |
| C. Cherry Street at Washington Street | \$2,000 |
| D. O’Hara’s Restaurant, Newton Highlands | \$2,500 |
| E. Rox Diner Parking & Pedestrian Improvements | \$2,500 |
| G. Canton Circle LLC, 714-724 Beacon Street | \$10,000 |
- #40-16 Request to accept MGL 149 Sec 148C related to earned sick time for employees**
COUNCILOR SANGIOLO requesting that City of Newton formally accept and/or take all necessary steps to accept Massachusetts General Law Chapter 149, Section 148C, in order to qualify full-time, part-time, seasonal, and temporary employees coverage under the earned sick time regulation, 940 CMR 33, as approved by the voters of Massachusetts in the 2014 Election as Ballot Question 4 – Earned Sick Time for Employees. [01/19/16 @ 2:35 PM]
- #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 policy to record all meetings and post meeting materials online**
ALD. SANGIOLO requesting a discussion with the Executive Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and requiring them to be posted to the City’s website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member.

Referred to Zoning & Planning, Land Use and Finance Committees

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

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

#320-16

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

September 14, 2016

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

RECEIVED
NEWTON CITY OFFICE
2016 SEP 14 PM 1:10
DAVID A. OLSON, CLERK
NEWTON, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to appropriate the sum of \$50,000 from the Judgments and Settlements Account as full and final settlement of a claim against the Newton Public Schools.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

LAW DEPARTMENT



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

CITY SOLICITOR
DONNALYN B. LYNCH KAHN

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

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

September 12, 2016

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

RE: Student litigation claim

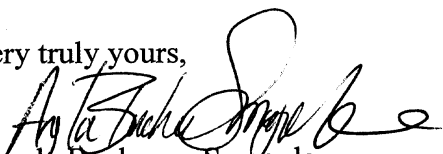
Dear Honorable Mayor Warren:

The claims in the above-reference matter stem from incidents in September 2013 when staff members of Oak Hill Middle School physically restrained a student on three (3) occasions in response to the student's behavior. On September 2, 2015, the minor child and his parents made claims for injuries, emotional distress and loss of consortium, seeking \$250,000 in damages. Further, the parents and student indicated that they would also pursue civil rights claims which, unlike state tort claims, have no cap of damages and, if the City is found liable, plaintiffs are entitled to attorney's fees.

The parties have been exploring settlement and have arrived at a negotiated compromise of \$50,000, which we believe is reasonable, and consistent with damage cases of this nature.

Therefore, I respectfully request that you docket this item seeking to appropriate \$50,000 and authorize expenditure thereof as full and final settlement of this claim against the City of Newton.

Very truly yours,


Angela Buchanan Smagula
Deputy City Solicitor



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#320-16

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(617) 796-1100

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(617) 796-1089

E-mail
swarren@newtonma.gov

September 23, 2016

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

Re: Board Order #320-16

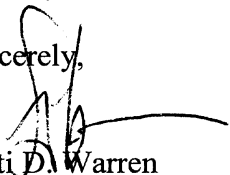
Ladies and Gentlemen:

On September 14, 2016 I requested that the Honorable City Council appropriate the amount of \$50,000 to settle a claim against the City of Newton involving an incident which occurred at the Oak Hill Middle School in September 2013. The Finance Committee has scheduled this item for discussion at their September 26, 2016 meeting.

Please note that the source of the funds for this settlement, if approved, will be Newton Public Schools and not the Judgments and Settlements Account. I hereby request that Board Order #320-16 be amended to reflect the same.

Thank you.

Sincerely,


Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS
CITY HALL
1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MA 02459
TELEPHONE (617) 796-1240
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JULIE B. ROSS
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SUZANNE P. EGAN

October 14, 2016

Councilor Leonard J. Gentile
Finance Committee Chairman
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459


Re: Docket #320-16

Dear Councilor Gentile:

I am pleased to report that I met with the School Committee in Executive Session on October 5, 2016 to discuss the settlement for the above-referenced docket item. The School Committee had the opportunity to review the settlement, ask me any questions concerning the same, and understand that the funding source is the School Department budget. I request that the item be docketed again, and the Finance Committee vote to approve the settlement at the next Finance Committee meeting scheduled for October 24, 2016.

Thank you for your attention and assistance in this matter.

Sincerely,


Angela Buchanan Smagula
Deputy City Solicitor



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

SETTI D. WARREN
MAYOR

#356-16

Telephone
(617) 796-1100

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(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

October 11, 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 appropriate the sum of \$135,000 from June 30, 2016 Certified Free Cash for the purpose of providing funding for upgrading and improving the Newton Police Department three lane indoor firearms range. This project includes upgrading both the bullet trap and target system from the current 30+ year old technology to a modern state of the art system.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
NEWTON CITY HALL
2016 OCT 11 AM 11:29
DAVID A. OLSON, Clerk
NEWTON, MA 02459

Range Upgrade

Dennis Geary

Mon 10/3/2016 2:55 PM

To: David L. MacDonald <dmacdonald@newtonma.gov>; John M. Daly <jdaly@newtonma.gov>;

Cc: Frank S. Eldridge <feldridge@newtonma.gov>;

 3 attachments (218 KB)

3 Lane Proposal - 5-16-16 adjusted.pdf; BTS range demolition.doc; Newton PD upgrade - 2016 Meggitt.pdf;

Chief,

Attached are the proposals for a tighter cost of the range upgrade. The Action Target quote did not include removal of existing range equipment. The new Meggitt quote includes removal and cleanup, shooting lanes and stalls, and granulated rubber trap.

To equalize both and get a better idea of cost, I requested a quote from BTS, Triumvirate and Clean Harbors for range demolition. I have received the BTS quote for demolition.

The Action Target quote and BTS quote is a total of \$135,282.00

The Meggitt quote is \$134,000 +/- . They suggest allocating between 130,000 to 138,000 for the project.

Once we submit this out to bid, the cost will become precise and locked.

Attached is the Action Target quote, the BTS demolition quote, and the Meggitt quote.

Captain Dennis Geary
Special Operations and Training Bureau Commander
Newton Police Department
617-796-2146



Action Target Inc. Box 636, Provo, UT 84603-0636 801-377-8033 FAX: 801-377-8096

Newton Police Dept.

Quotation: 94375 By: Rex Shields Printed: 2016-May-16

Included Items:

1 **3 Lane Fixed Position Range** 124,900.00

- 25 Yard Shooting Distance - Rifle Grade
- 3 lanes at 5 feet each
- *Includes Product, Shipping, and Factory Installation*

- Rubber Berm Trap - \$43,897
- Trap is 15 feet wide
- 10 gauge metal deck construction, 30 degree reclining angle
- 24 inch depth of rubber media
- Class A Fire retardant application on media

- Complete Automated Target Retrieval System - \$48,908
- 3 Deluxe turning 25 yd Mancom Freedom Wireless AWD Retrievers
- Local touch screen target controls in each booth

- Light Deflector Baffle Package - \$14,763
 - 7 rows of 1/4 inch AR500 2' Light Baffles with fascia
 - 7 rows of steel deflectors mounted to front of baffles
 - Fascia includes 1/2 inch fire-treated plywood w/ Z-furrings
 - Fascia includes Armstrong 1301a sound material
 - Light mounting channel on reverse side of baffle
- Delete package - 14,763**

- Complete Class II (Rifle Grade) Ballistic Booth System - \$17,332
- 2 Class II Half-Glass Stall Dividers
- 2 Non Ballistic Solid Stall Ends
- 3 Booth tables with booth lighting

1 **Options:** 0.00

- Add Mancom Target Retrieval Master Control Screen 1400 w/ remote
- Add: \$10,300 to total price

Add Master Control + 10,300

- Replace wireless AWD retrieval system with SRET Turning cable driven retrieval system
- Remove: \$21,000 from total price

1 **EXCLUSIONS** 0.00

- General range construction (renovation)
- Range electrical (including conduits)
- Overhead hanging structure for baffles
- Delivery truck off-load
- Finish work inside range
- Taxes and/or Prevailing wages (if necessary)

Total 124,900.00

Payment Terms:

25% Down Payment with Contract, 25% to start manufacturing with customer approved final drawings, 40% 2 weeks Prior to ship date, 10% on completion of Action Target Install

Shipping Terms:

FOB DESTINATION: PREPAID

124,900

- 14,763

Installation Terms:

Factory Installation

+ 10,300

Terms and Conditions:

adjusted \$120,437.00

You must reference the Order Number above on your purchase order to secure best price. Price will be honored for 60 days from the quotation date if no other date is specified herein. Action Target reserves the right to adjust installation costs based upon the actual site conditions encountered. Unless explicitly itemized, price does not include taxes, bonds, fees, assessments, licenses, mandatory wage requirements or other regulatory costs which may be applicable to the job site.

Comments:

Use or Disclosure Statement: Any and all information and data contained herein is the property of Action Target Inc (ATI); and shall not for any reason, whether tangible or intangible, be disclosed, duplicated, or used, in whole or in part, for any reason other than to evaluate this quote.



BE

Quality Specialists in Bullet Trap
and Shooting Range Maintenance
September 22, 2016

12024 S. Aero Drive
Plainfield, IL 60585-8796
P 815-254-9554 F 815-254-9558

www.btsranges.com
E-Mail: mail@btsranges.com

MBE Contractor
Asian Minority Owned Business

Captain Denis Geary
Newton Police Department
1321 Washington Street
Newton Centre, MA 02465

RE: Shooting Range Maintenance
Budget Fiscal Year: July 1, 2016 – June 30, 2017
BTL- 16312

Dear Cpt. Denis Geary

The following are proposals for work to be performed on the facility's 3 pt. LE5B Escalator bullet trap and cleaning parts of the shooting range. The services below were quoted at a non-prevailing wage rate. If these services are to be completed under a prevailing wage rate, please provide BTS with the current rates, and at that time BTS will need to re-evaluate and adjust prices accordingly.

Proposal 1 (Bullet Trap Inspection, Scrolls, Basic Clean Plus, Waste – In Conjunction - 1x year)

This proposal is for maintenance on the bullet trap and cleaning parts of the shooting range. The scope of work is as follows:

- Set up a decontamination unit and regulate the work area.
- Empty collection trays.
- Supply containers and package the spent lead projectiles for recycling.
- Recycle spent lead projectiles.
- Disassemble the bullet trap as needed to complete our work.
- Disassemble deceleration chambers.
- Remove the lead build up from the deceleration chambers.
- Supply containers and package the lead build up for recycling.
- Recycle the spent lead projectiles and lead build up from the deceleration chambers.
- Spray the deceleration chambers with graphite lubricant.
- Reassemble deceleration chambers.
- Reassemble the bullet trap per the manufacturer's specifications.
- Visually inspect bullet trap components for wear/damage, compare with manufacturer's specifications, and inform the owner of any visual defects.
- Remove and package 4 damaged gum rubber curtains as lead contaminated hazardous waste.
- Install 4 new gum rubber curtains.
- Client is to supply new gum rubber curtains.
- Replace and/or tighten any loose or missing nuts and bolts on the accessible exterior parts of the bullet trap.
- Remove and package 16 damaged Duro Blocs as lead contaminated hazardous waste.
- Stack new Duro Blocs in front of the bullet trap.
- Client is to supply new Duro Blocs.

- HEPA vacuum accessible intake vents over the bullet trap.
- HEPA vacuum and wet wipe the accessible back side surfaces of the over-trap.
- HEPA vacuum the front of the bullet trap.
- HEPA vacuum accessible floor areas underneath the bullet trap.
- HEPA vacuum and wet wipe the accessible back side surfaces of the ceiling baffles.
- HEPA vacuum and wet wipe the target tracks, carriers and cross braces.
- Wet-wipe shooters booths and all horizontal and vertical surfaces from the firing line to the back wall and from the bottom of the safety ceiling to the floor.
- HEPA vacuum the shooting range floor and walls up to 10 feet.
- HEPA vacuum the first 200 sq. ft. of floor outside the entrance to the shooting range.
- Properly package, label, and dispose in UN-DOT approved containers all cleaning supplies and personal protective equipment as lead-contaminated hazardous waste created by this project. The waste will be disposed of in an EPA approved landfill with the proper manifesting. **Please provide Best Technology Systems, Inc. with your Federal EPA Identification/USEPA Number.**
- Conduct work in accordance with the attached specifications.

The total cost for Proposal 1 will be: \$7,125.00

Proposal 1 pricing is only valid if accepted and completed in conjunction with other BTS clients in the Newton Centre, MA area and at our scheduling availability.

The range will be closed 2 day(s) for the work to be completed.

With these proposals, you will receive the following:

1. Lead licensed supervisor and workers.
2. Both EPA and OSHA guidelines will be implemented.
3. Site specific OSHA compliance plan for range maintenance and waste management.
4. OSHA air monitoring will be analyzed by a third party laboratory.
5. BTS carries commercial general liability insurance of two million dollar limit per occurrence/two million dollar aggregate limit and a two million dollar umbrella policy. If a higher amount is requested, the cost increase will be billed to the client.
6. BTS and our subcontractors carry a one million dollar workman's compensation insurance policy. This does not include subrogation. Subrogation can be added at an additional cost.
7. A final documentation package will be sent once BTS receives air sampling and final payment. (Allow 2 or 3 months).
8. Contractor has over seventeen years servicing bullet traps and shooting ranges.
9. Contractor licensed by manufacturer to work on all Meggitt/Caswell Detroit Armor bullet traps.

This quotation is null and void, if not accepted, in writing, and received by Best Technology Systems, Inc. within 90 days of the proposal date and services rendered by June 30, 2017. Any modifications to this contract must be completed in writing and signed by both parties. Failure to properly modify will be considered a breach of contract.

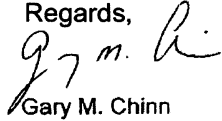
Payment is due within 30 days of the date of the invoice. Late payments will be subject to a fee of 1 ½% per month. The client shall be liable for attorney and other costs incurred to collect our fees.

If you choose to pay for this service with a credit card, a 3% processing fee will be added to the final invoice. #356-16

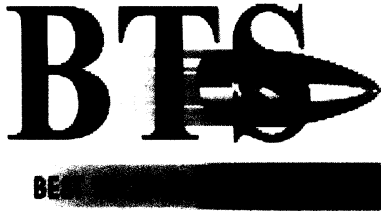
If you have any questions or comments, please feel free to call me.

Please sign and fax back the attached specification sheet to us at (815) 254-9558 with the proposal(s) of acceptance, or send to Best Technology Systems, Inc. a signed purchase order with the proposal(s) of acceptance.

Regards,



Gary M. Chinn
President
GMC/KO



Quality Specialists in Bullet Trap
and Shooting Range Maintenance

#356-16

12024 S. Aero Drive
Plainfield, IL 60585-8796
P 815-254-9554 F 815-254-9558

www.btsranges.com
E-Mail: mail@btsranges.com

MBE Contractor
Asian Minority Owned Business

SPECIFICATIONS

FOR CONDUCTING CLEANING/MAINTENANCE WORK IN INDOOR FIRING RANGES CONTAMINATED WITH LEAD

1. Contractor shall have established programs and if requested, shall submit prior to the start of work a copy of the following OSHA required, and other items:
 - Respiratory Protection Program endorsed by a Certified Industrial Hygienist
 - Medical Surveillance Program
 - Evidence of medical examinations for all workers, including a physician's statement indicating the employee is fit to conduct this type of work
 - Certificates of worker training
 - Reference list demonstrating at least 10 previous projects of similar scope and a minimum of five years' experience in this type of work.

2. Contractor is responsible for complying with the following regulations that govern shooting ranges:

29 CFR 1910.1025	State/Local Regulations that govern shooting ranges
29 CFR 1910.134	40 CFR Parts 261-265

3. Contractor shall provide Customer with commercial/general liability, workmen's compensation and no less than one million dollars in lead pollution liability coverage.

4. Contractor performing repair work, disassembly, re-assembly, alteration and/or return to service for the bullet trap shall be trained and authorized to perform such work by the original equipment manufacturer.

JOB NAME: Newton Police Dept., MA BTL#: 16312

ACCEPTED: _____ DATE: _____
If multiple proposals, please state which proposal(s) you are accepting.

Proposal 1

Federal EPA#: _____ Tax Exempt #: _____

Please fax or email a copy of your tax exempt letter with the expiration date, along with this signed acceptance sheet and/or with your purchase order to:

Mona Lopez, mlopez@btsranges.com or FX: 815-254-9558

Budgetary ROM (*Rough Order of Magnitude*) Pricing

prepared for: **Capt. D Geary**

ref: **Newton Police Dept Indoor Range Upgrades**

submitted on: **30 Sept, 2016**

prepared by: John Winston

MTSI Ref: # 2016-LF-ROM-10080

Capt. Geary:

I would recommend a project budget of \$130-138K for upgrading/improving the Newton Police Dept. three lane indoor firearms range, located in the basement of the Washington St Police Station. This budget is based on expanding the scope of the project to include upgrading both the bullet trap and target system from the current 30+ year old products (dated technology) to modern state of the art systems.

The added scope of upgrading the LE5B handgun rated steel escalator bullet trap (a pre1970 design) includes removing the bullet trap and over-trap and replacing with an LE7500-OT rifle rated Grantrap™ (current state of the art in bullet traps). The Grantrap safely captures and contains all rounds of 900-3600fps velocity and up to 3600 ft-lbs of energy (this includes all handgun ammo and .308/.3030 and M16 rifles, including jacketed and unjacketed lead bullets, wad cutters, frangible, shotgun slug and buckshot, and even armor piercing rounds, but not tracers or incendiaries) with no measureable airborne lead dust or impact noise. Upgrading to the Grantrap will both make it easier and safer to conduct rifle training without rubber blocks, and enable close engagement training (targets at 15ft or less from shooter) to be safely conducted down range where all rounds will safely impact the bullet trap instead of walls floor and ceiling (as current) .

The original scope of upgrading the target system includes removing the existing (1970's era) three lane DAC2000 target retrieval system and SB7 dividers and replacing with three lanes of XWTgen3 wireless 360° turning target retrieval system and SafeZone rifle rated (UL lvl8) dividers with clear upper and solid color lower panels, and overhead brass catcher, as well as drop down shelf.

The project budget is based on an assumed scope including: demolition (consisting of) safe removal and disposal of the existing bullet trap, target system and firing line components and lead dust clean-up (to make safe for the installation crew to work without HAZMAT PPE) and packaging and EPA/OSHA complaint disposal of lead and contaminated materials; and installation (consisting of) delivery to Washington St. Newton, MA and assembly/installation of a 15ft Grantrap, enclosure guard, 3 lanes of XWT with wireless master control, and SafeZone dividers, commissioning the new target system and controls and conducting acceptance testing and training.

3 lane Range Upgrade Project Budget

Model No.	DESCRIPTION	QTY	UNIT
LE7500-OT	Grantrap - Rifle rated environmentally friendly bullet trap with integral over-trap baffle and reserve Grantex bin , including Grantex media and TrapVac	15	Lft
JA8D	Rifle rated airspace enclosure guard (4x4 panels) to be installed at toe of trap	1	row
NEW TARGET SYSTEMS			
SZ8	Safe-Zone rifle rated firing line divider, clear upper/solid lower (lv18) with drop down shooter's shelf and gate barricade	3	lanes
XWT	overhead monorail, wireless 360° turning target retrieval system, with 75ft track kit, onboard target light, and touch screen local control	3	lanes
RMCS	RangeMaster™ target control computer, with touch screen monitor	1	lot
RD	Range design and documentation including: submittal/coordination drawings, install package and standard product manuals	1	lot
FSR	Technical support/supervision of install (by local crew), commissioning of target system, and training	6	days
INS	Local (construction) crew and equipment for product installation, under guidance of MTSI FSR	1	wks
DEMO	Removal and disposal of existing LE5B bullet trap and associated lead clean-up, 3 lanes of ATO2000 target system and SB7 stalls, and HEPAvac range	1	lot
FRT	packing and shipping DAP Newton, MA	1	truck
15 lane Range Budget		\$ 134K +/- 2%	

Note: this budget does not include allowance for local prevailing wage rates.

TrapVac will require a 230VAC 3Phase 35amp circuit with outlet (to be installed by others) vic the new Enclosure Guard. TrapVac is NOT a continuous load, but only operated during periodic bullet trap maintenance.

This budget assumes the XWT lanes are powered from the existing electrical outlets located at the firing line (currently these power 3 each 10amp loads XWTGen3 will be <5 amp/lane).

This budget assumes XWT installation to existing ATO track hangers and DAC data/ control network cabling from firing line to range control panel.

The tables on the following page contain a further breakdown of the allowances included in the project budget with product descriptions and quantities for your consideration.

MEGGITT**Allowances for Project Budget**

Model NO.	DESCRIPTION	QTY	UNIT
XWT-75	overhead monorail, wireless 360° turning target retrieval system, with 75ft track kit, on-board target light, and touch screen local control	3	lanes
RM10K-LE	RangeMaster™ portable/wireless target control computer system includes master, tablet and network	1	lot
SZ8	Safe-Zone rifle rated firing line divider, clear upper/solid lower (lvl8) with WestPoint shelf and gate barricade	3	lanes
RD	project documentation package, including standard O&M manuals	1	lot
SVCS	Freight and MTSI FSR (supv. install, commission targets, conduct training)	3	days
INS	local (construction) crew and equipment to install MTSI products	3	days
Target System allowance \$ 65K +/- 3.5%			
LE7500-OT	Grantrap - with integral over-trap baffle and reserve bin including Grantex media	0	sqft
JA8D	Rifle rated airspace enclosure guard (4x4 panels) install above toe of Grantrap	1	lot
RD	project documentation package, including standard O&M manuals	1	lot
SVCS	Freight and MTSI FSR (supv. install, commission targets, conduct training)	3	days
INS	local (construction) crew and equipment to install MTSI products	3	days
Bullet Trap Allowance \$ 33K +/- 3.5%			
TrapVac	5HP 230VAC 3Ph Grantrap sustainment machine - used for periodic separation of entrained spent bullets from Grantex media	1	lot
TrapVac Allowance \$ 6.5K			
INS	local (construction) crew and equipment to install MTSI products, in accordance with install drawings and manuals under supervision of MTSI FSR	6	days
Crew Allowance \$ 18K +/- 3.5%			
DEMO	removal and disposal of LE5B bullet trap component and 3 lane DAC target retrieval system with SB7 firing line components, including associated lead clean-up and OSHA/EPA compliant packing and removal/disposal	4	days
Removal Allowance \$ 16K +/- 3.5%			

MEGGITT

Notes:

1. This ROM is for planning purposes only. Upon purchasing decision, Meggitt Training Systems will provide a Firm, Fixed Proposal. This ROM is based on limited equipment specifications and no current CAD drawings; many other configurations are available and can be considered. ROM pricing does not include customer specific site requirements
2. No amounts for any taxes, fees, permits, bonds, licenses, prevailing wage requirements, or regulatory fees are included within this budgetary price.
3. Terms: 50% with the order, 50% to ship order. Any deviation must be mutually agreed upon in writing. Delivery: 90-120 days after receipt of order and upon return and approval of MTS Submittal Drawings.
4. These Budgetary numbers are valid for 90 days from the above date.
5. The Terms & Conditions listed herein are not all inclusive. The Meggitt Training Systems, Inc. (MTSI) Terms and Conditions (MTSI-DOM-REV3-10-21-2013) incorporated by reference herein apply to purchase order(s) and/or credit card sale(s) issued by Buyer to Seller that result from this request for pricing. If the Seller receives a purchase order or credit card sale for item(s) the Seller presumes that the buying agency has followed all required competition justifications. MTSI shall provide a copy to the Buyer of the aforementioned document upon request.



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#354-16

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

October 11, 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 appropriate the sum of \$12,955.88 from the Judgments and Settlements Account and authorize expenditure thereof as settlement of a claim by Frasier Engineering Services, Inc. against the City of Newton.

During 2013 and 2014, Fraser Engineering Services, Inc. performed various gas light repairs for the City of Newton. The former Director of Transportation reached agreement with Frasier, however, the agreed upon amount was never paid. Because this amount is for prior fiscal years, it must be appropriated from the judgments and settlements account.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Hall
2016 OCT 11 AM 11:28
DAVID A. OLSON, CMFO
NEWTON, MA 02459

LAW OFFICE OF
KIERAN B. MEAGHER

229 WEST STREET
READING, MASSACHUSETTS 01867
781 / 944-6000
FACSIMILE: 781 / 944-6001
E-MAIL: KMEAGHER@KMEAGHERLAW.COM

September 12, 2016

Honorable Setti D. Warren
City Hall
City of Newton
Newton Centre, MA 02459

Re; Fraser Engineering Co., Inc. –Gas Light Repairs

Dear Mayor Warren:

I represent Fraser Engineering Co., Inc of 65 Court St., Newton, MA. (Fraser) As set forth in my letter of October 16, 2015 addressed to Commissioner Jim McGonigle of your Department of Public Works, (copy attached), Fraser performed various gas light repairs at the request of the City of Newton in 2013 and 2014. Apparently as a result of a dispute over repair parts provided by Fraser, Fraser's invoices in the amount of \$14, 607. 27 were not paid by the City.

Fraser and the City negotiated a compromise amount of \$12, 955.88, and the City's William Paille, by email dated November 30, 2015, (copy attached), promised to pay the revised invoice "as soon as possible." I am informed that Mr. Paille left his position with the City shortly thereafter, as did Fraser's CFO with respect to his position at Fraser. The revised invoice has never been paid.

I am more than willing to conclude that the non-payment was as a result of inadvertence. I do call upon you, however, to direct the immediate payment. This was work done by a Newton contractor for the benefit of the City, and Fraser is now out of pocket in the compromise amount for over two and a half years. Statutory interest is over \$3800. Please see to the immediate payment to Fraser of ~~\$12, 955.88~~ and please inform me of your actions in this regard, failing which I will have no alternative but to bring suit against the City seeking the principal balance plus statutory interest.

Thank you for your prompt attention to this matter.

Very truly yours,


Kieran B. Meagher

CC: City Solicitor



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#352-16

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

E-mail
swarren@newtonma.gov

October 11, 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 accept and expend the sum of \$33,500 from the Recycling Dividends Program Grant through the Sustainable Materials Recovery Program.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2016 OCT 11 AM 11:28
DAVID A. OLSON, CLERK
Newton, MA 02459



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

One Winter Street Boston, MA 02108 • 617-292-5500

Charles D. Baker
Governor

Karyn E. Polito
Lieutenant Governor

Matthew A. Beaton
Secretary

Martin Suuberg
Commissioner

September 7, 2016

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

Dear Mayor Warren,

Congratulations! It is my pleasure to inform you that the Massachusetts Department of Environmental Protection (MassDEP) has awarded the City of Newton Recycling Dividends funds and Small-Scale Initiative funds under the Sustainable Materials Recovery Program. The City of Newton has earned 9 points and will receive \$33,500.

Please note, awards for the following grant categories are being evaluated (Mattress Recycling Initiative, SMART/PAYT, Curbside Recycling/Food Waste Carts, Drop-off Equipment, School Recycling Assistance, Waste Reduction Enforcement Coordinator, Waste Reduction Projects, Organics Capacity Projects) and will be announced separately.

The Sustainable Materials Recovery Program (SMRP) was created under 310 CMR 19.300-303 and the Green Communities Act, which directs a portion of the proceeds from the sale of Waste Energy Certificates to recycling programs approved by MassDEP. The Recycling Dividends Program (RDP) provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. Eligibility criteria will ramp up over time, leveraging increasingly greater diversion results and lower solid waste disposal.

The key dates and deadlines specific to your award are summarized in the enclosed Checklist. The detailed terms and conditions are specified in the RDP Contract which has been mailed to the Recycling Contact of record for your municipality, copied below. The Recycling Contact will facilitate getting this document signed by an Authorized Signatory and will return it to MassDEP. Once received, the RDP Payment will be remitted to your municipality. Should you have any questions, please call Tina Klein at 617-292-5704.

Thank you for your commitment to advancing recycling and waste reduction in Massachusetts. Together our efforts will reduce greenhouse gas emissions, conserve natural resources and save energy, while also supporting jobs and reducing disposal costs for waste generators and municipalities.

Sincerely,

Martin Suuberg
Commissioner

cc: Waneta Trabert, Recycling Manager



Massachusetts Department of Environmental Protection
Bureau of Waste Prevention
Sustainable Materials Recovery Program

Checklist for Recycling Dividends Program Grant Award

Instructions:

- Note the following deadlines and requirements for this grant.
- Have the enclosed RDP Contract (sent only to the municipal Recycling Contact copied on the enclosed award letter) signed by an authorized signatory and return the signed original to Tina Klein, MassDEP no later than December 31, 2016.
- Report annual expenditures of RDP funds and RDP balance remaining by February 15th for the previous calendar year.
- Awarded Small-Scale Initiative funds, if any, are noted in Section 13 of the RDP Contract, and will be consolidated with the municipality's RDP award. Consolidated funds must be spent according to Section 8 of the RDP Contract, and accounted for as described below in steps two and three.

STEP ONE: RDP Contract

The RDP Contract must be signed by one of the individuals listed on page 1 of the Authorized Signatory Listing form, which your municipality filed with MassDEP for this grant program. For reference, a copy of your Authorized Signatory Listing has been sent to the municipal Recycling Contact. If the person(s) listed on the form has changed (for example, a new Mayor has been elected), the municipal official with the same title may sign the RDP Contract. A new Authorized Signatory Listing form IS NOT REQUIRED.

The signed original RDP Contract must be returned to the address listed below no later than December 31, 2016 or funds will be forfeited.

STEP TWO: TRACK EXPENDITURES BY APPROVED EXPENSE CATEGORY

- This is not a reimbursement-based grant. Your award payment will be processed as soon as the RDP Contract is returned.
- However, you are required to keep track of approved expenditures, by expense categories. See Section 8 – Use of Funds, for a list of approved expense categories, and Section 9 for record keeping requirements.
- Be prepared to be audited.

STEP THREE: REPORT EXPENDITURES AND REMAINING BALANCE

- Funds do not need to be spent in the fiscal year awarded; they may be accumulated across fiscal years in order to make a larger purchase than is possible with one year's award. The municipality is required to report all expenditures from the previous calendar year no later than February 15th.

Contact Dawn Quirk with any questions: 617-292-5557 or Dawn.Quirk@state.ma.us

Return completed documents to: Tina Klein, MassDEP, Consumer Programs, One Winter Street, 7th Floor, Boston, MA 02108

**RECYCLING DIVIDEND PROGRAM CONTRACT ("RDP Contract")
BETWEEN THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF ENVIRONMENTAL PROTECTION ("MassDEP")**

AND THE City of Newton ("Municipality")

Pursuant to the Green Communities Act, relevant provisions of which are codified at M.G.L. c. 25A, Section 11F(d) and the regulations promulgated thereunder at 310 CMR 19.300 and in support of the Massachusetts Solid Waste Master Plan developed pursuant to M.G.L. c. 16, Section 21, MassDEP has awarded the Municipality a Sustainable Materials Recovery Program grant under the Recycling Dividends Program ("RDP") and Small Scale Initiatives grant. The Municipality has earned a payment of \$33,500.

The Recycling Dividends Program provides payments to municipalities that have implemented specific programs and policies proven to maximize reuse, recycling and waste reduction. Municipalities receive payments according to the number of criteria points their program earns. RDP provides an incentive for municipalities to improve their recycling programs by implementing best practices and it rewards communities with model recycling and waste reduction programs.

Duration: The term of this Contract shall be in effect until the municipality has expended all RDP funds and reported to MassDEP on use of funds.

RESPONSIBILITIES OF THE MUNICIPALITY

1. **Authority:** The Signatory of this RDP Contract is authorized by the governing body of the Municipality to enter into this Contract on behalf of the Municipality and apply for and accept funds on behalf of the Municipality.
2. **Commonwealth Terms and Conditions:** The Municipality shall comply with the Commonwealth Terms and Conditions and other requirements set forth in the Municipality's executed Master Service Agreement.
3. **Failure to Comply:** If, in the judgment of MassDEP, the Municipality fails to comply with any of its responsibilities identified in this Contract, then, at the election of MassDEP, (a) the Municipality shall repay the RDP funds to MassDEP within 90 days; and/or (b) title to all materials purchased with the RDP funds immediately and without any further steps shall be transferred to MassDEP; and/or (c) MassDEP may find the Municipality not eligible to seek another Sustainable Materials Recovery Program Grant for up to three years. MassDEP may provide written notice to the Municipality of any such failure to comply. Such notice may provide a time period and manner for the Municipality to cease or remedy the failure. Such notice from MassDEP of any such failure by the Municipality is not a precondition to MassDEP's right to select options (a), (b), and/or (c) above. The Municipality shall follow the instructions of MassDEP regarding possession of the materials purchased with RDP funds. The Parties hereby agree to execute any and all documents necessary to accomplish said transfer. Furthermore, the Municipality shall transfer or arrange to transfer actual possession of said materials to an authorized representative of the Commonwealth of Massachusetts or its designee.
4. **Recycling in Practice:** The Municipality has established paper, bottle and can recycling in all municipal offices and meeting spaces, excluding schools. The Municipality shall continue such paper, bottle and can recycling during the term of the RDP Contract.
5. **Buying Recycled Products:** The Municipality has established a written policy which promotes a preference for the purchase of recycled products in lieu of non-recycled products and all staff with purchasing authority are aware of and are following the established policy during the term of the RDP Contract. Proof of annual buy recycled policy staff notification is required for all SMRP grant applications.

6. **RDP Payment Calculation:** MassDEP has calculated the RDP Payment using the table below which shows payment brackets based on the number of households served by the municipal solid waste program and the point value for each bracket. *Section 7 – Program Criteria and Appendix A – Criteria Performance Standards* describe in detail the conditions for earning points.

Trash Households Served	Value of Each Point
1 - 1,999	\$200
2,000 - 4,999	\$400
5,000 - 7,499	\$800
7,500 - 9,499	\$1,000
9,500 - 12,499	\$1,500
12,500 - 16,999	\$2,500
17,000 - 24,999	\$3,000
25,000 - 31,999	\$3,500
32,000 - 99,999	\$6,000
100,000 +	\$10,000

7. **Program Criteria:** The Municipality, through its RDP application, certifies that all points earned are for programs that were in place no later than June 15, 2016 and that these programs fully meet the performance standard set forth in *Attachment A – Criteria Performance Standards. Section 13 – RDP Payment Calculation* lists the program criteria for which the Municipality has earned points, and upon which the Municipality's payment was calculated.
8. **Use of Funds:** RDP Payments shall be expended on approved equipment and activities, listed below, to enhance the performance of the Municipality's waste reduction programs. Use of a dedicated account or revolving account is recommended but not required. Funds do not have to be spent in the fiscal year received, and may be carried over to future years and accumulated to fund a larger eligible expense or project. Small-Scale Initiative awarded as part of this contract and referenced in Section 13 follow the same Use of Funds requirements.

Approved Equipment and Activities (See Grant Guidance for details and examples):

- a. Recycling carts, bins, and/or other recycling collection containers and signage;
- b. Compost bins, kitchen scrap buckets, carts and other collection containers for food waste/organics;
- c. Environmentally Preferred Products including rain barrels and purchases from state contract FAC85 Categories: 1, 2, 3, 5C, 5E, 5F, 5H, and 7. Compostable foodservice ware may be purchased from GRO29;
- d. Incremental operating costs for a new organics diversion program;
- e. Roll-off containers, compactors and balers for the collection of materials for reuse or recycling;
- f. Cost to host a second or subsequent household hazardous waste collection event; conditions apply (see Grant Guidance);

- g. Dedicated Waste Reduction Enforcement Coordinator (must spend designated time each week on enforcement). Mandatory recycling must be codified in regulation, ordinance or bylaw and must include a fine for non-compliance. Municipalities receiving a Waste Reduction Enforcement Coordinator (WREC) SMRP grant may not use RDP funding as part of the matching funds requirement;
 - h. Costs associated with the collection and recycling of materials listed in the CHARM section of the RDP grant application;
 - i. Establishing and/or maintaining a municipally operated swap shop;
 - j. Recycling collection infrastructure and recycling site improvements at schools and drop-off locations with prior approval from MassDEP;
 - k. Recycling outreach and educational tools and materials listed and described in the Approved Equipment and Activities section of the Recycling Dividends Program (RDP) Grant Guidance;
 - l. Costs associated with implementing or maintaining a Pay-As-You-Throw (PAYT) program;
 - m. Funds to enhance school recycling and composting programs;
 - n. School chemical disposal;
 - o. Reusable trays for cafeterias, small compostable cups, reusable bags, reusable water bottles;
 - p. Funding up to \$750 annually for recycling related conferences and memberships.
9. Record Keeping: The Municipality shall be responsible for keeping documentation (i.e. proof of purchase in the form of an invoice which lists the vendor name and address, item purchased, item price, number of items purchased and shipping costs if any) by calendar year, of how RDP funds were expended and the remaining balance of RDP funds. MassDEP may conduct record audits each year to ensure compliance with this Contract.
10. Reporting: By February 15th of each year, for the duration of the Contract, the Municipality shall submit the Recycling and Solid Waste survey and the Recycling Dividends Program Annual Report through its ReTRAC Connect™ account. Failure to comply with these reporting requirements will jeopardize future grant awards and RDP payments.
11. Environmental Compliance: The Municipality understands receipt of RDP funds from MassDEP does not in any way imply that the Municipality is in full compliance with all applicable environmental regulations. This Municipality shall not be construed as, nor operate as, relieving the Municipality or any other person of the necessity of complying with all applicable federal, state, and local laws, regulations and approvals. The Municipality's facility(ies) are subject to inspection at any time by MassDEP and noncompliance with applicable environmental regulations may result in formal enforcement actions, including penalties.
12. Addendums: Should MassDEP award additional RDP funds, an addendum to the Contract shall be provided to the Municipality. The same terms and conditions apply to the addendum.

13. RDP Payment Calculation:

The Municipality's payment has been calculated as follows:
(Value of each point) x (Total RDP Points) + (Small Scale payment amount)

a. Solid Waste Program	2
b. Organics	0
c. Bulky Items	0
d. Yard Waste	2
e. Mandatory Recycling	1
f. Household Hazardous Waste	2
g. Center for Hard to Recycle Materials	2
h. Textile Bonus Point	0

TOTAL RDP POINTS **9**

VALUE OF EACH POINT \$3,500

RDP PAYMENT AMOUNT \$31,500

SMALL-SCALE PAYMENT AMOUNT \$2,000

TOTAL GRANT PAYMENT AMOUNT **\$33,500**

IN WITNESS WHEREOF, MassDEP and the Municipality hereby execute this Contract.

COMMONWEALTH OF MASSACHUSETTS

By: _____ (Date)
Greg Cooper, Division Director
Bureau of Air and Waste
Department of Environmental Protection

City of Newton

By: _____ (Date)
(Signature and Title)

(Print Name)

COMMONWEALTH OF MASSACHUSETTS
CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May
2004



CONTRACTOR LEGAL NAME : **NEWTON**
CONTRACTOR VENDOR/CUSTOMER CODE:

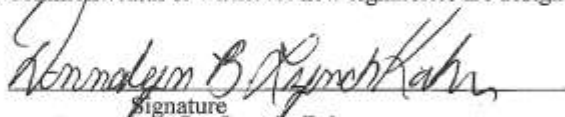
INSTRUCTIONS: Any Contractor (other than a sole-proprietor or an individual contractor) must provide a listing of individuals who are authorized as legal representatives of the Contractor who can sign contracts and other legally binding documents related to the contract on the Contractor's behalf. In addition to this listing, any state department may require additional proof of authority to sign contracts on behalf of the Contractor, or proof of authenticity of signature (a notarized signature that the Department can use to verify that the signature and date that appear on the Contract or other legal document was actually made by the Contractor's authorized signatory, and not by a representative, designee or other individual.)

NOTICE: *Acceptance of any payment under a Contract or Grant shall operate as a waiver of any defense by the Contractor challenging the existence of a valid Contract due to an alleged lack of actual authority to execute the document by the signatory.*

For privacy purposes **DO NOT ATTACH** any documentation containing personal information, such as bank account numbers, social security numbers, driver's licenses, home addresses, social security cards or any other personally identifiable information that you do not want released as part of a public record. The Commonwealth reserves the right to publish the names and titles of authorized signatories of contractors.

AUTHORIZED SIGNATORY NAME	TITLE
Setti D. Warren	Mayor

I certify that I am the ~~President, Chief Executive Officer, Chief Fiscal Officer, Corporate Clerk~~ or Legal Counsel for the Contractor and as an authorized officer of the Contractor I certify that the names of the individuals identified on this listing are current as of the date of execution below and that these individuals are authorized to sign contracts and other legally binding documents related to contracts with the Commonwealth of Massachusetts on behalf of the Contractor. I understand and agree that the Contractor has a duty to ensure that this listing is immediately updated and communicated to any state department with which the Contractor does business whenever the authorized signatories above retire, are otherwise terminated from the Contractor's employ, have their responsibilities changed resulting in their no longer being authorized to sign contracts with the Commonwealth or whenever new signatories are designated.


Signature

Date:

Donnalyn B. Lynch Kahn

Title: City Solicitor Telephone: (617) 796-1240

Fax: (617) 796-1254 Email: dkahn@newtonma.gov

[Listing can not be accepted without all of this information completed.]

A copy of this listing must be attached to the "record copy" of a contract filed with the department.

COMMONWEALTH OF MASSACHUSETTS CONTRACTOR AUTHORIZED SIGNATORY LISTING

Issued May
2004



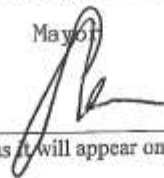
CONTRACTOR LEGAL NAME :
CONTRACTOR VENDOR/CUSTOMER CODE:

PROOF OF AUTHENTICATION OF SIGNATURE

This page is optional and is available for a department to authenticate contract signatures.
It is recommended that Departments obtain authentication of signature for the signatory
who submits the Contractor Authorized Listing.

This Section **MUST** be completed by the Contractor Authorized Signatory in presence of notary.

Signatory's full legal name (print or type): Setti D. Warren

Title: Mayor


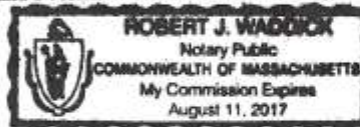
Signature as it will appear on contract or other document (Complete only in presence of notary):

AUTHENTICATED BY NOTARY OR CORPORATE CLERK (PICK ONLY ONE) AS FOLLOWS:

I, Robert J. Waddock (NOTARY) as a notary public certify that I witnessed
the signature of the aforementioned signatory above and I verified the individual's identity on this date:

July 9, 2012.

My commission expires on: August 11, 2017



AFFIX NOTARY SEAL

I, _____ (CORPORATE CLERK) certify that I witnessed the
signature of the aforementioned signatory above, that I verified the individual's identity and confirm the individual's
authority as an authorized signatory for the Contractor on this date:

_____, 20____.

AFFIX CORPORATE SEAL



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#357-16

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

E-mail
swarren@newtonma.gov
RECEIVED
CITY OF NEWTON
OCT 11 AM 11:29
JAMES A. OLSON, CHIEF
NEWTON, MA 02459

October 11, 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 re-allocate the sum of \$250,467.24 from Acct # 36A401A-586011 (Waban Hill Reservoir Improvements) to be used for the Decommissioning of the Stanton Avenue and Winchester Street Elevated Storage Tanks. Per the attached from Commissioner McGonagle, the remaining costs will be funded from Acct # 28A401Z5-R586011.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor



January 4, 2016

Mr. Ted Jerdee, Utilities Superintendent
City of Newton, Department of Public Works
1000 Commonwealth Avenue
Newton, MA 02459

Subject: Revised Project Budget Estimate
Elevated Tank Demolitions
T&H No. 4071

Dear Ted:

Tata & Howard is pleased to provide a revised project budget estimate for demolition of the Stanton Avenue and Countryside Road Elevated Water Tanks.

Based upon information provided by the City, each tank contains lead-based paint on the exterior of the tank. This will require lead paint abatement of the exterior coating prior to demolition on the areas of the tanks where torch cutting will take place. At this time, it is unknown if the interior coating of each tank contains lead-based paint. We recommend that the City test the interior coating of each tank for lead content. Determining whether or not the interior coating at each tank contains lead will have a significant impact on the overall project cost. Since this is unknown at this time, we have provided project budgetary estimates for both scenarios (interior coating containing lead-based paint and not containing lead-based paint).

The total estimated probable construction cost for demolition of both tanks, including removal and proper disposal of all scrap materials, lead paint abatement of the tank exterior and interior torch cutting locations, foundation removal, cutting and capping of the existing water main, site restoration, engineering, and contingency is \$520,000.

If it is determined that the interior coating of the tanks does not contain lead-based paint, the total estimated project cost for demolition of both tanks, including removal and proper disposal of all scrap materials, lead paint abatement of the tank exterior torch cutting locations only, foundation removal, cutting and capping of the existing water main, site restoration, engineering, and contingency is \$420,000.

Mr. Ted Jerdee, Utilities Superintendent
City of Newton

January 4, 2016
Page 2 of 2

In addition, should the City decide to remediate each tank site to remove lead-contaminated soils, the estimated cost to excavate the top six inches of soil, haul off site, properly dispose of the contaminated material, restore the site and contingency is \$90,000 per tank site.

We appreciate the opportunity to assist the City of Newton with this important project. Please feel free to contact us should you have any questions.

Sincerely,

TATA & HOWARD, INC.



Karen L. Gracey, P.E.
Vice President



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#358-16

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E-mail

swarren@newtonma.gov

October 11, 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 authorize the appropriation of \$46,590,000 and authorize a general obligation borrowing of an equal amount for the purpose of funding the replacement of the Cabot Elementary School.

As you know, the citizens of the City of Newton approved a Debt Exclusion Ballot Question on March 12, 2013, by a count of 9,879 "Yes" votes to 7,919 "No" votes, to allow the City of Newton to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bonds issued in order to renovate or replace the Cabot Elementary School.

The Massachusetts School Building Authority is scheduled to vote on the Project Scope and Budget on November 9, 2016. Per MSBA requirements, the total amount of the project must be authorized. The Total Project Budget is estimated not to exceed \$49,000,000 with an anticipated minimum MSBA Facilities Grant of \$14,000,000, for an estimated maximum local share of \$35,000,000.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
CITY OF NEWTON
2016 OCT 11 AM 11:29
DAVID A. GILLEN, CLERK
NEWTON, MA 02459

CITY OF NEWTON, MASSACHUSETTS
CABOT SCHOOL PROJECT

	ORIGINAL BUDGET <u>BO 421-13</u>	REVISIONS <u>BO 66-16</u>	REVISIONS <u>BO 213-16</u>	PENDING <u>#XXXXX</u>	AMENDED <u>BUDGET</u>
TRANSFER- GENERAL FUND	10,000.00				10,000.00
BOND SALE PROCEEDS *	990,000.00	1,010,000.00	400,000.00	\$ 46,589,776.00	48,989,776.00
Total Financing Budget	\$ 1,000,000.00	\$ 1,010,000.00	\$ 400,000.00	\$ 46,589,776.00	\$ 48,999,776.00
Category					
OPM (includes Pre-Construction & Construction Services)	\$ 225,000	\$ -	\$ 100,000	\$ 1,279,000	\$ 1,604,000
Architect & Consultants (includes Pre-Construction Services)	\$ 525,000	\$ -	\$ 200,000	\$ 3,580,000	\$ 4,305,000
CM-At-Risk (includes Pre-Construction & Construction)	\$ -	\$ -	\$ -	\$ 36,370,776.00	\$ 36,370,776
Environment & Site	\$ 200,000	\$ -	\$ 50,000	\$ (35,000)	\$ 215,000
Other	\$ 50,000	\$ -	\$ 50,000	\$ 45,000	\$ 145,000
Consultants	\$ -	\$ -	\$ -	\$ 75,000	\$ 75,000
Furniture, Fixtures & Equipment	\$ -	\$ -	\$ -	\$ 810,000	\$ 810,000
Computer & Related Equipment	\$ -	\$ -	\$ -	\$ 660,000	\$ 660,000
Off Site Improvements	\$ -	\$ -	\$ -	\$ 1,545,000	\$ 1,545,000
Moving	\$ -	\$ -	\$ -	\$ 55,000	\$ 55,000
Advertising	\$ -	\$ -	\$ -	\$ 25,000	\$ 25,000
Printing Services	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000
Construction Contingency **	\$ -	\$ -	\$ -	\$ 1,800,000	\$ 1,800,000
Owners Contingency***	\$ -	\$ -	\$ -	\$ 360,000	\$ 360,000
Land (acquisitions)	\$ -	\$ 1,010,000	\$ -	\$ -	\$ 1,010,000
Total Expenditure Budget	\$ 1,000,000.00	\$ 1,010,000.00	\$ 400,000.00	\$ 46,589,776.00	\$ 48,999,776.00

* To be reduced by MSBA grant reimbursements

** Transfers for the construction contingency may be made with the prior approval of the Mayor

*** Transfers from the owners contingency may be made upon the recommendation of the Mayor and approval of the Board of Alderman

#31-15 (LEAF BLOWERS)

DRAFT REDLINE FOR DISCUSSION PURPOSES 09/22/2016

(Added language underscored; deleted language struck through)

ARTICLE II.

NOISE

Sec. 20-13. Noise control.

(a) This ordinance may be cited as the "Noise Control Ordinance of the City of Newton."

(b) *Declaration of findings and policy.* Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefore it is the policy of the City of Newton to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(c) *Scope.* This ordinance shall apply to the control of all sound originating within the limits of the City of Newton except as follows:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities; and
- (2) all snow clearance activities; and
- (3) any program or activity supervised by the parks and recreation department of the city in effect and as it exists on June 1, 1983.

(d) *Definitions.* For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

Construction and demolition: Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other raw material.

Electronic devices: any radio, tape recorder or player, television, phonograph, public address system, loudspeaker, amplified musical instrument or any other similar device, except two-way communication radios.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work: any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR): the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

Leaf blower: any portable motorized device, whether carried or pushed, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

Motorcycle: any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and mopeds.

Motor vehicles: any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

Noise pollution: a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution.

Tonal sound: any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

(e) *Noise Pollution prohibited.*

- (1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.
- (2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.
- (3) All noise level measurements made pursuant to subsection (e) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(f) *Time Restrictions.*

- (1) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods:
 - (A) Between 7:00 a.m. and 8:00 p.m. on weekdays; or
 - (B) Between 9:30 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays as established in section 2-26 of these revised ordinances.
- (2) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from construction and demolition activity is prohibited except during the following time periods:

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

(A) Between 7:00 a.m. and 7:00 p.m. on weekdays; or

(B) Between: 8:00 a.m. and 7:00 p.m. on Saturdays;

(C) Generation of any noise from construction and demolition activity is prohibited at any hour on Sundays and legal holidays as established in section 2-26 of these revised ordinances, except by permit issued in accordance with subsection (h)(1).

(3) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 9:00 p.m. until 7:00 a.m. the following morning.

(4) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic, within three hundred (300) feet of any dwelling, hotel or residence, for a period of greater than five (5) minutes.

(5) Between the hours of midnight and 6:00 a.m. deliveries and pick-ups for commercial or business purposes are prohibited within 300 feet of any dwelling within a residential zone excepting deliveries to such dwellings, deliveries of gasoline to gasoline stations, deliveries or pick-ups at state or federal governmental offices and any other commercial or business delivery or pick-up operation that does not increase noise levels 5dB(A) or more above background noise level. For purposes of this subsection, "deliveries" and "pick-ups" shall include the loading and unloading of a vehicle.

(6) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling.

(7) Between the hours of 11:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City of Newton authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 5dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(g) *Maximum Noise Levels.* Notwithstanding the provisions of subsections (e)(1) and (e)(2), the following are the maximum noise levels that are permitted for the specified purposes:

Maximum noise level dB(A) permitted:

(1) *Vehicles*

Vehicle Class Stationary or Moving

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

All vehicles over 10,000 lbs. GVW
or GCWR 86

All Motorcycles 82

Automobiles and light trucks..... 75

Noise measurements shall be made at a distance of fifty (50) feet from the closest point of pass-by of a source or fifty (50) feet from a stationary vehicle.

(2) *Construction and demolition.*

The cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dB(A). No individual piece of equipment shall exceed a maximum noise level of 90 dB(A). If noise barriers are used that effectively shield nearby areas from a condition of noise pollution, the following devices shall be exempt from the maximum noise level limitations: jackhammers; pavement breakers; pile drivers; and rock drills.

Maximum noise level dB(A) permitted:

Backhoe, bulldozer, concrete mixer, dump truck, loader, paver, pneumatic tools, roller, scraper 90

Air compressor 85

Generator 90

Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise 75

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

(3) *Yard, Garden, or Grounds Maintenance Equipment*

Maximum noise level dB(A) permitted:

Commercial Chipper, 3 1/2 inch or greater limb capacity (running at full speed but not chipping) 90

Commercial truck-mounted leaf
vacuum..... 90

All other equipment, including home
tractor, ~~leaf blower~~, lawn mower
or trimmer 65

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

- (4) *Tonal Sound Corrections.* When a tonal sound is emitted by a noise source specified in subsections (g)(1), (g)(2) and (g)(3) herein, the limit on maximum noise levels shall be 5dB(A) lower than as specified in subsections (g)(1), (g)(2) and (g)(3).
- (5) *Maximum Noise Levels for HVAC systems.* No person shall operate any air conditioning, refrigeration or heating equipment for any residence or other structure or operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the background noise level by more than 5 dB(A). This provision shall not apply, however, to periodic or emergency maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order. Noise measurements and noise pollution determinations shall be taken in accordance with subsections (e)(2) and (e)(3).
- (6) *Alternative Measurement Procedures.* If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1), (g)(2) and (g)(3), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.
- (7) All noise-level measurements made pursuant to subsection (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(h) Restrictions on use of leaf blowers. Notwithstanding the provisions of sections 20-13 (f) and (g), on or after January 1, 2017 no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton from Memorial Day through Labor Day in each year. At all other times leaf blowers may be operated subject to the following provisions:

(1) Permitted hours of use. Leaf blowers may be operated only during the following times:

Monday – Friday: 8:00 a.m. – 5:30 p.m.

Saturday: 9:30 a.m. – 5:30 p.m.

Sundays and legal holidays: prohibited except for operation by a resident of the property on which the leaf blower is operated between 9:30 a.m. and 5:30 p.m.

(2). Only leaf blowers meeting the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer’s label indicating the model number of the leaf blower;

C. Leaf blowers must bear an affixed manufacturer's label documenting a noise rating of 65 dB(A) or less; and

D. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower. Non-factory modifications are not permitted.

(3) During times of emergency caused by a storm or other special circumstance, the Mayor or his designee may temporarily suspend application of all or a portion of this section for purposes of cleaning up from such storm or other special circumstance.

(4) The Mayor may grant, on a case by case basis, a permit for exemption from all or a portion of this section in accordance with the provisions of section 20-13 (i).

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(hi) Permits for exemptions from this ordinance and for extensions of time to comply with this ordinance.

(1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account: (i) the extent of noise pollution caused by not requiring such compliance; and (ii) whether reasonable efforts have been made to abate the noise. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. In granting any such permit, the mayor or his designee may impose such appropriate conditions as he deems necessary pursuant to this section. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance. Promptly after issuance, copies of all such permits shall be filed with the clerk of the board of aldermen and to each ward alderman for the affected ward.

(2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

(ij) Judicial Review. Any person aggrieved by the grant or denial of a permit pursuant to subsection (h)(1) or an extension of time pursuant to subsection (h)(2) may seek relief therefrom by a civil action in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

(jk) Penalties. Violation of any of the provisions of this section shall constitute a misdemeanor and any person, upon conviction of such violation, shall be fined an amount not to exceed three hundred dollars (\$300.00). Each day that such violation continues shall be considered to be a separate offense.

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-14 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-19

(~~k~~) *Non-criminal disposition.* In addition to the penalties set forth in subsection (j), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the Revised Ordinances, as amended, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in Sections 20-21(c) and 20-21(d).

(m) In the event the person in violation of section 20-13 (h) pertaining to leaf blower use is a contractor, the property owner shall be notified of the violation and of any warning or other enforcement issued to the contractor.

(~~h~~) *Severability.* If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83; Ord. No. T-62, 12-4-89; Ord. No. T-200, 12-16-91; Ord. No. V-286, 3-6-00; Ord. Z-32, 7-14-08; Ord. No. Z-78, 02-22-11; Ord. No. Z-104, 04-02-12)

Cross reference—Sounding warning devices on motor vehicles, § 19-72; noise by hawkers and peddlers, § 17-26.

Secs. 20-14—20-19. Reserved.

**Programs & Services Committee Report Excerpt
Wednesday, September 19, 2016**

- #31-15** **Proposing an ordinance to limit leaf blower use**
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]
- Action:** **Approved as amended 7-0-1 (Councilor Kalis abstaining); Referred to Finance Committee**

Note: The Chair, John Rice explained that the Committee was meeting to conduct a final review of the leaf blower ordinance this evening and to hopefully move this item out of Committee. The Committee had asked to hear one more time from Commissioner of Parks & Recreation, Bob DeRubeis primarily to hear of any possible impact to his department's budget.

Parks & Recreation

The Commissioner explained that as far the Maintenance Division is concerned, he spoke with the three leaf removal landscape contractors that work for the City under his department and the contractors felt that the seasonal summer ban of Memorial Day to Labor Day gave them sufficient time the rest of the year to complete their work and would not have much of an impact on them or their costs. The winter ban, similarly, was not of great concern depending on weather. However, the bigger concern was the change in the hours of the day, particularly the change in the morning start time from 7:00AM to 8:00AM. They were also concerned with limiting the number of leaf blowers per lot; the current recommendation is one blower per 10,000 square feet. Commonwealth Avenue, for example, is 5 miles long but they were not sure how that would be segmented or how the legal number of leaf blowers would be determined.

The Commissioner reported that Marc Welch, Director of Urban Forestry estimates a loss of 7-10% production in the Forestry Division under the proposed ordinance. He cannot get to as many trees as he would like as it will take longer to clean up without blowers.

As reported in previous meetings, the Beautification Division would be the most impacted. The crews are in the village squares for cleaning before 7:00AM year-round. As has also been discussed in previous meetings, the department is looking at alternative machinery such as street sweepers. When this ordinance was first proposed, the department looked at hand-sweeping and the costs were very high. In the end, they decided it just couldn't be done by hand which is why they looked at the sidewalks sweepers, which could work effectively.

Inspectional Services

Commissioner of Inspectional Services, John Lojek addressed the Committee. He explained that enforcement has always been a difficult issue. When a complaint comes into his department and an inspector is sent out, the landscaping crew is usually gone by the time they arrive, or the operator simply turns the leaf blowers off so a noise reading cannot be taken. They cannot

compel someone to turn their machine back on. Accurate noise readings by a meter are difficult to get even if they manage to get one while the leaf blower is on. There are issues of back ground noise and interpretation. He said his department only gets about 6 complaints a year and they have only written 2 tickets. He does not deny that they are a problem at times, however.

Commissioner Lojek felt the proposed ordinance had some merit including the seasonal ban and the decibel levels to some extent. He agreed that the manufacturers' label showing the decibel level on the blower would be much easier to enforce than using a sound meter reading. The number of blowers per lot size would be more difficult as the inspectors would need to know the size of each lot. The standards set in the ordinance will determine how successfully it can be enforced.

Committee Questions/Comments

A Councilor asked if electric blowers could be effective in the summer by the Beautification Division. The Commissioner said that the electric blowers would still be blowing particulate matter and that cannot be done when people are in the village centers. The early start times are necessary to get the job done with the most affect and the least disruption, which is why street sweeper use earlier in the morning would be preferable. Another Committee also noted that the whine from electric blowers is annoying and insidious in its own right.

A Councilor reported that the street sweepers, while useful machines, are a significant investment. It was wondered if they were purchased, could they be in other areas of City work. The Commissioner DeRubeis said they could certainly use the sweepers for other uses such as geese droppings, cleaning school walkways and other smaller roadways which don't allow a large vehicle (such as in Oak Hill). He is positive they will find many good uses for the sweepers other than village center cleaning.

It was asked why the shorter hours would be problematic for the contractors. Commissioner DeRubeis noted that leaf removal doesn't generally start until November, even though the ban will be lifted on Labor Day. This makes for a short leaf removal season particularly if the winter ban goes into effect on December 15th. Shortening the hours allowed makes it all the more difficult, particularly if there is snow. The Commissioner explained that the morning hours are more concerning than the end of the day because it gets dark early which limits work anyway.

A Councilor suggested removing the winter ban and keeping the proposed start time of 8:00AM. That makes the season longer for the contractors, and the early mornings quieter for the residents. Commissioner DeRubeis said that could be beneficial especially when weather plays a role.

A Councilor commended Commissioner DeRubeis and the City for beginning the process of requiring all City contractors to be in compliance with the current noise ordinance by using 65db leaf blowers. This is great leadership and a great example. There has been a noticeable difference in noise and constituents have mentioned this as well. It was asked if the

contractors using the lower decibel machines had any complaints. Commissioner DeRubeis said he has not heard any.

A Committee member asked Commissioner Lojek if a registration process would be useful. This would require contractors who work in the City to register with the City and provide information on the leaf blowers they would be using to ensure they are compliant. He felt that process would be helpful because operators can modify their 65db rated machines to be more powerful and thereby more noisy. If they were tested in a registration process and given a sticker that might prevent that. And perhaps a very hefty fine for modifications might also help solve that. He did some merit in limiting the number of blowers to one per lot, under 10,000 square feet. A Councilor said the idea is that more than one leaf blower in close proximity causes a massive increase in the amount of noise. A quick check of the Assessors Database can show an inspector the exact size of any lots in the City with a smartphone or tablet. The Committee chose 10,000 square feet as it is an average size lot in Newton. Commissioner Lojek said the noise can also be exacerbated by multiple companies working on multiple lots on a street at the same time and that cannot be legislated. The Councilor noted that this is not a perfect system, but they are trying to find a balance.

A Councilor felt the manufacturers label should be sufficient for enforcement and instituting a City registration process would add no protections.

Commissioner Lojek noted that the battery power and the way the industry is progressing, this might not be an issue in the next few years. This is what he is seeing in the construction industry. For example, a screw gun now can run 5 times longer on a battery than it did a couple years ago. A Committee member commented that changes are being made due to the demand from consumers, cities and towns across the country for manufacturers to make safer, quieter, less polluting products.

The number of leaf blowers per lot was negotiable for some Committee members. The argument that more sound for a shorter period of time was preferable to a longer period of less noise was put forth and some felt it had merit. Also enforcement could be difficult and time consuming.

A Councilor noted that the Town of Brookline has a suggestion in their current recommendation that a fine go to the homeowner if there is a violation of the leaf blower ordinance. The proposed Newton ordinance has a provision that the homeowner be noticed only. What Newton wants to do is educate the homeowners at this point and this could perhaps be revisited in the future, but other Committee members did not want to add this provision at this time.

A Committee member said the City is not achieving the goals of the current ordinance. Residents have been complaining about the noise and health issues for a long time now and those complaints are legitimate and should be addressed. There is no blame being assigned

and everyone needs to work together to find balance and reasonable accommodation for all involved.

There was some discussion about coordinating the times for use of leaf blower and yard equipment with those for construction equipment. However, it was noted that there has always been a distinction between the two in the ordinance and this ordinance has not created that distinction.

There was some concern from a Committee member that the street sweepers are expensive. It was pointed out that the City is not being required to buy the street sweepers and Parks & Recreation could clean the village centers in ways that are compliant with the noise ordinance by finding other methods. The sweepers were just one suggestion. This is something that could be discussed in Finance Committee.

Amendments

Some Committee members felt the hours of use should be pushed back to 7:00AM from the proposed 8:00AM. Councilor Auchincloss moved to approve that amendment and approval failed to carry 4-4-0 with Councilors Rice, Auchincloss and Sangiolo in favor; and Councilors Leary, Baker, Hess-Mahan and Schwartz opposed.

Overall, the Committee felt that maximizing the ease of enforceability and simplicity of the provisions would be keys to the successful passage of this ordinance as well as to the successful implementation and effectiveness of the ordinance.

Councilor Baker proposed to approve the following amendments:

- Remove winter ban
- Remove restriction of number of leaf blowers per lot
- Add provision that modifications to leaf blowers are prohibited

The Committee voted to approve the ordinance with these amendments 7-0-1 with Councilor Kalis abstaining.

Councilor Rice explained that he had spoken with Finance Committee Chair, Councilor Gentile. Councilor Gentile requested that this item be referred to Finance Committee for review and that he would take it up in a timely manner. If the Chair takes this item up at Finance Committee's October 24th meeting and votes it out, the Committee can expect to see this before the Full Council on November 7th.

The Committee voted unanimously to refer the item to Finance Committee.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#355-16

Telephone

(617) 796-1100

Telefax

(617) 796-1113

TDD

(617) 796-1089

E-mail

swarren@newtonma.gov

October 11, 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 authorize an appropriation in the amount of two hundred sixty-one thousand three hundred sixty six dollars and seven cents (\$261,366.07) from the premiums earned on the Fiscal Year 2016 bond sales for debt excluded capital projects for the purpose of reducing the future debt to be issued on the Angier Elementary School Project as follows:

Angier Elementary School Project: reduce the amount of financing from bonded debt by two hundred sixty-one thousand three hundred sixty-six dollars and seven cents (\$261,366.07) and increase the financing from premium earned on the sale of bonds by two hundred sixty-one thousand three hundred sixty-six dollars and seven cents (\$261,366.07).

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Hall
2016 OCT 11 AM 11:28
David A. Olson, Clerk
Newton, MA 02459

DAVID ANDREW OLSON

25 Baldwin Street
North Easton, MA 02356

508-395-6081 - Cell
617-796-1200 - Work
newtonclerk@yahoo.com - E-Mail

PROFESSIONAL EXPERIENCE:**THE CITY OF NEWTON, MA**

Newton, MA

City Clerk/Clerk of the City Council/Chief Election Official

2006 – present

As City Clerk and Clerk of the City Council I serve as the chief staff officer for Newton's City Council. I am assisted by a staff of thirteen and am responsible for all non-policy aspects of the Council's operations, the daily operations of the City Clerk's Office, the administration and running of Elections in Newton, and the oversight of the City's Municipal Archives Collections. I am responsible for making sure the work of the Council and its committees is carried out at the most effective possible level.

- Review all docket items submitted for consideration by the Council to ensure that the intent of each item is clear and in proper form, and for assisting the President in assigning docket items to appropriate Council Committees;
- Staff all meetings of the full City Council and provide guidance to the President and Vice President, with respect to parliamentary procedure and other matters arising at such meetings based on a solid knowledge of city ordinances and the Rules and Orders of the Council;
- Work with the President, Vice President and the committee chairs to determine what forms of support are required for each committee and its chair;
- Set challenging but realistic standards and expectations for committee clerks in their support of committees and their chairs and provide appropriate orientation, training, and oversight, to ensure that all committee clerks provide such support at a superior level;
- Facilitate contacts for Councilors with city officials and departments and outside agencies, including arranging for preparation of written communications to such persons and agencies requesting information or other assistance and following up, as necessary, on such requests;
- Manage, execute, and administer all legislative business between the City Council and city departments and other agencies and the residents of Newton;
- Work with Councilors to determine what research and archival retrieval is necessary or useful for consideration of docket items, assigns as appropriate to members of the Council Clerk's staff the conduct of such research and retrieval, and oversees the satisfactory completion of such research and retrieval;
- Ensure full compliance with all legal requirements with respect to public notice and other matters pertaining to any meeting of the full Council and of any of its committees;
- Appoint and manage the staff of the Council Clerk, including planning, training, oversight, and evaluation;
- Develop and manage an annual budget within the guidelines provided by the Mayor and the President of the Council;
- Maintain and process all vital statistics for the City of Newton as required by state law;
- Create all statistical reports for the City of Newton required by state law, including but not limited to reports of births, deaths, marriages, and adoptions;
- Maintain all official city records for the legislative branch of government and the various city departments, boards, and commissions;
- Issue all licenses and permits issued by or under the authority of the City of Newton and for maintaining a complete, accurate, and up-to-date file of all such licenses and permits;
- Ensure that all citizen requests for documents and information contained in the files maintained by the office of the City Clerk are answered promptly, courteously, and effectively.

THE TOWN OF EASTON, MA
Elections Warden

Easton, MA
 2008-2013

As an elections Warden for Precinct Two of the Town of Easton, MA I was responsible for scheduling and supervising poll workers for Town and State elections, leading the workers in poll set up and closing and ensuring the smooth operation of the polls during the course of elections. Was responsible for knowing and communicating all relevant election laws and dates and for maintaining order during the election.

THE NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD
Executive Director

Newton, MA
 2001 - 2006

As Executive Director, I was responsible for the general operations of the museum and the oversight of a staff of nine part time employees. The Newton History Museum is owned by the City of Newton and presents exhibits and programs that use Newton as a lens to explore New England History. As Director of the museum I am a department head within the city of Newton and have the city's municipal resources to call on to support the operations of the museum. I am also the director of the Newton Historical Society, a 501-(c)-3 that supports the operations of the museum through fundraising efforts and program development.

- Provided leadership for the Newton History Museum as the institution undertook the American Association of Museums reaccreditation process. Prepared for reaccreditation by undertaking team planning that included staff members, board members and members of the community;
- Supervised museum staff members including the assignment of staff to programs;
- Developed, researched, created and built changing exhibits for the Museum's Gallery spaces;
- Encouraged excellence in programs including their adherence to the museum's mission, initiatives, and current projects;
- Develop and administer the annual budget of the museum in conjunction with the Mayor, Trustees, staff and Board members.

THE HOUSE OF THE SEVEN GABLES HISTORIC SITES
Museum Director

Salem, MA
 1997 - 2001

As Museum Director, I oversee the departments of Interpretation, Research, Exhibits, Visitor Services, Public Programs, and Educational Programs. I am responsible for assisting with Development initiatives and in creating the yearly budgets and long range plans for both The House of the Seven Gables Historic Sites and the living history museum; Salem 1630: Pioneer Village. I am responsible for communicating the progress of both current initiatives and plans for the future to the board of Trustees and chair several advisory committees. I oversee a staff of 12 fulltime and 40 seasonal individuals.

- Supervise museum staff members including the assignment of staff to programs;
- Develop, research, create and build changing exhibits for the museum;
- Undertake fund raising activities, grant writing, and the administration of grants;
- Encourage excellence in programs including their adherence to the institution's mission, initiatives, and current projects;
- Develop and administer the annual budget of the museum in conjunction with staff and Board members.

MISSOURI HISTORICAL SOCIETY
Assistant Director of Community Programs/Education

St. Louis, MO
 1995 - 1997

As Assistant Director, I was responsible for creating educational programs for adults, families, and students that supported the institution's exhibits, and furthered the mission and objectives of the Society. A staff of 4 reported directly to me with 4 additional staff in the division. I was responsible for developing and overseeing the yearly planning and budget of the division (\$750,000 in 1997).

- Provided leadership for the Missouri Historical Society's (MHS) Education and Community Programs Division, which was responsible for developing educational programs. Program development was undertaken through team planning in conjunction with Community Programs staff members, staff from other MHS divisions, volunteers, and members of the community;
- Supervised Education and Community Programs Division staff members including the assignment of staff to programs. For major initiatives this involved the creation of program teams that included staff from other divisions;
- Served as educational coordinator and audience advocate on exhibit development teams;

- Coordinated MHS education and community programs;
- Assisted with fund-raising activities, grant writing, and the administration of grants;
- Ensured the excellence of MHS programs including their adherence to the Society's mission, initiatives, and current projects;
- Developed and administered the annual budget of the Education and Community Programs Division;
- Monitored progress of all Community Programs projects;
- Served as team leader for selected MHS program development projects;
- Developed appropriate evaluation strategies for MHS community and educational programs, analyzed results, and reported them to the Director of Education and Community Programs;
- Developed promotional materials for programs following established institutional procedures for editing, design, etc.;
- Completed monthly reports and other assigned reports.

BUSINESS RESEARCH DIVISION (BRD), UNIVERSITY OF COLORADO

Boulder, CO

Professional Research Assistant, Faculty Position

1994 - 1995

As a faculty member of the Research Division team, I worked with division members to provide support to college faculty as well as conduct research for, and disseminate information to, the Colorado business, nonprofit, and government communities.

- Conducted contract research with nonprofits, government agencies, and businesses in Colorado. Research included: market surveys, economic impact studies, organizational diagnosis, etc.;
- Provided support to faculty and staff with federal, state and local grant writing, and disseminated information on grant opportunities through the production, design and layout of the publication *College of Business, Contracts and Grants Newsletter*;
- Organized and maintained the Division's Colorado Collection Research Library. This reference center contains current information on the Colorado economy, its businesses, and relevant statistical information for Colorado business decision-makers;
- Supervised and coordinated the work of up to five Graduate Assistants in the Business Research Division;
- Organized and gathered information for the yearly Colorado Business Economic Outlook Forum including production of an outlook booklet and slide presentation;
- Coordinator of, and staff writer for, the publication *The Colorado Business Review*.

EDUCATION:

NEW ENGLAND MUNICIPAL CLERKS INSTITUTE

Burlington, VT

Certified Municipal Clerk, President of the Class of 2009

2007-2009

UNIVERSITY OF COLORADO AT BOULDER

Boulder, CO

Masters in Business Administration, Major: Organizational Management

1992 - 1994

MASSACHUSETTS COLLEGE OF ART

Boston, MA

Bachelor of Fine Arts: Three Dimensional Design

1979 - 1983

UNIVERSITY OF COLORADO AT BOULDER

Boulder, CO

Coursework in Algebra and Calculus

1992

MASSASOIT COMMUNITY COLLEGE

Brockton, MA

Coursework in Accounting and French Language

1982

PROFESSIONAL ORGANIZATIONS:

- New England Association of City and Town Clerks
- Massachusetts Association of Town Clerks
- Massachusetts Association of City Clerks- Treasurer
- International Institute of Municipal Clerks
- American Association of Museums (AAM)

MA STATE APPOINTMENTS:

- Notaries Public
- Justice of the Peace
- Commissioner to Qualify

			Grade	FY17 Salaries
1	210	Bruce Proia	xx	\$161,455
2	104	David Wilkinson		\$146,645
3	108	Donnalyn Kahn	15	\$139,490
4	201	Dave MacDonald	17	\$137,953
5	401	Jim McGonagle	15	\$137,429
6	106	Elizabeth Dromey	13	\$130,031
7	101	David Olson		\$127,778
8	602	Bob DeRubeis	14	\$127,778
9	115	Josh Morse	14	\$124,048
10	107	Jim Reardon	13	\$122,513
11	220	John Lojek	13	\$120,703
12	114	Barney Heath	14	\$120,427
13	109	Interim - Jeff Honig	13	\$120,000
14	111	Joe Mulvey	14	\$118,657
15	118	Karen Griffey	12	\$117,911
16	501	Deb Youngblood	14	\$116,913
17	601	Phil McNulty	13	\$115,449
18	502	Jayne Colino	10	\$103,573
19	105	Nick Read	12	\$103,180
20	603	Lisa Dady	10	\$93,361
21	503	Seth Bai	8	\$70,447

Population	City/Town	City or Town	Last	First	Email	FY 16 Operating Budget	FY16 Salary	Registrar of Vital Records	Birthing Hospital	Burial Agent	Chief Elections Official	Serve as Clerk to the Council/ Selectman	Number of Councilors/ Selectmen	Other Boards/ Commissions which you staff	# Staff (not including Clerk)
185,000	Worcester	C	Rushford	David	clerk@ci.worcester.ma.us	508-799-1121	\$ 151,314	Yes	Yes	Yes	Yes	Yes	11		14 FT
107,300	Cambridge	C	Lopez	Donna	dlopez@cambridgema.gov	617-349-4260	\$ 136,700	Yes	Yes	No	Yes	Yes	9		16 FT
59,352	Waltham	C	Malone	Russ	r Malone@city.waltham.ma.us	781-314-3000	\$ 123,238	Yes	No	No	Yes	Yes	15	Sit on Traffic Council	7 FT; 3 PT
153,060	Springfield	C	Lee	Wayman	wlee@springfieldcityhall.com	413-787-6589	\$ 116,328	Yes	Yes	No	No	Yes	13		11 FT
590,763	Boston	C	Feeney	Maureen	Maureen.E.Feeney@cityofboston.gov	\$ 2,797,765,950.00	\$ 99,000	No	--	No	No	Yes	13		8 FT; 5 FT
58,732	Brookline	T	Ward	Patrick	pward@brooklinema.gov	\$ 261,702,533.00	\$ 109,024	Yes	No	No	Yes	No	5	Town Meeting	4 FT; 1PT
92,413	Quincy	C	Shea	Joseph	jshea@quincyma.gov	\$ 335,723,672.00	\$ 119,000	Yes	Yes	No	Yes	Yes	9	Licensing Board & Shellfish Warden	8 FT
90,329	Lynn	C	Audley	Mary	maudley@ci.lynn.ma.us	\$ 307,359,010.00	\$ 126,369	Yes	No	No	Yes	Yes	11	Licensing	7 FT
56,854	Malden	C	Anderson	Karen	kanderson@cityofmalden.org	\$ 184,517,504.00	\$ 102,734	Yes	No	No	Yes	Yes	11		3 FT; 1 PT
88,857	Fall River	C	Bouchard	Alison	city_clerks@fallriverma.org	\$ 277,734,409.00	\$ 100,959	Yes	Yes	No	No	Yes	9		4 FT
85,300	Newton	C	Olson	David	dolson@newtonma.gov	\$ 424,280,772.00	\$ 116,000	Yes	Yes	Yes	Yes	Yes	24	Election Commission	12 FT; 1 PT
31,445	Needham	T	Eaton	Theodora	Teaton@needhamma.gov	\$ 156,155,833.00	\$ 96,967	Yes	No	No	Yes	No	5	Town Meeting	3 FT; 3 PT
32,165	Watertown	C	Flynn	John	jflynn@watertown-ma.gov	\$ 129,214,772.00	\$ 90,723	Yes	No	Yes	Yes	No	9	Licensing Board	3 FT
27,982	Wellesley	T	Nagle	Kathleen	knagle@wellesleyma.gov	\$ 165,160,098.00	\$ 87,534	Yes	No	Yes	Yes	No	5	Town Meeting	2 FT; 1 PT
75,754	Somerville	C	Long	John	jlong@somervillema.gov	\$ 252,185,393.00	\$ 103,556	Yes	No	No	No	Yes	11		6 FT; 2 PT
11,391	Weston	T	Davenport	Debbie	davenport.d@westonmass.org	\$ 95,304,600.00	\$ 83,907	Yes	No	No	Yes	No	3	Town Meeting	1 FT; 1PT
95,078	New Bedford	C	Farias	Dennis	dennis-arruda@newbedford-ma.gov	\$ 320,783,883.00	\$ 84,888	No	--	No	No	Yes	11		10 FT
33,000	Natick	T	Packer	Diane	dpacker@natickma.org	\$ 147,026,413.00	\$ 82,380	Yes	No	No	Yes	No	5	Town Meeting	3 FT

Department Head Compensation Comparisons

#306-16

Information taken from the FY16 Budget

Arranged by Compensation

Position	Budgeted Compensation			# of Employees	General Fund FY17 Budget
	FY17	Grade	Step		
Chief of Staff	164,007	XXX			
Fire Chief	162,076	XXX		191	21,054,869
Comptroller	147,209	H13	ZZ	8	39,719,836
Public Works Commissioner	141,865	H15	19	130	81,334,318
City Solicitor	140,027	H15	20	13	1,666,765
Police Chief	138,484	H17	14	209	20,779,630
Public Buildings Commissioner	137,958	H14	16	33	4,549,691
Chief Administrative Officer	133,188	H16	14	9	1,024,119
Chairman, Board of Assessors	130,474	H13	24	13	1,261,887
Recreation Commissioner	128,269	H14	18	44	6,311,399
Retirement Director	125,132	XXX		2	
Collector/Treasurer	122,984	H13	20	10	29,184,645
Inspectional Services Commissioner	121,167	H13	19	16	1,585,909
Director of Planning	120,891	H14	14	19	1,689,101
Director of Human Resources	120,000	H13	16	10	1,131,122
Chief Information Officer - IT	119,113	H14	13	13	1,582,471
Manager FIS Information Systems	118,339	H12	21	3	516,847
Health and Human Services Commissioner	117,363	H14	12	42	3,552,938
City Clerk/Clerk of the Board	116,913	XXX		15	1,815,649
City Librarian	115,893	H13	16	71	5,726,495
Senior Center Director	103,949	H10	21	5	649,493
Chief Procurement Officer	103,505	H12	12	5	484,021
Museum Director	93,720	H10	14	4	283,519
Veterans Agent	70,718	H08	4	1	380,177

Department Head Compensation Comparisons

#306-16

Information taken from the FY17 Budget

Arranged by Department Budget

Position	Budgeted Compensation			# of Employees	General Fund FY17 Budget
	FY17	Grade	Step		
Public Works Commissioner	141,865	H15	19	130	81,334,318
Comptroller	147,209	H13	ZZ	8	39,719,836
Collector/Treasurer	122,984	H13	20	10	29,184,645
Fire Chief	162,076	XXX		191	21,054,869
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Chief Procurement Officer	103,505	H12	12	5	484,021
Veterans Agent	70,718	H08	4	1	380,177
Museum Director	93,720	H10	14	4	283,519
Chief of Staff	164,007	XXX			
Retirement Director	125,132	XXX		2	



Department Head Compensation Comparisons

Information taken from the FY17 Budget

Arranged by Grade

Position	Budgeted Compensation			# of Employees	General Fund FY17 Budget
	FY17	Grade	Step		
Chief of Staff	164,007	XXX			
Fire Chief	162,076	XXX		191	21,054,869
Retirement Director	125,132	XXX		2	
City Clerk/Clerk of the Board	116,913	XXX		15	1,749,936
Police Chief	138,484	H17	14	209	20,779,630
Chief Administrative Officer	133,188	H16	14	9	1,024,119
City Solicitor	140,027	H15	20	13	1,666,765
Public Works Commissioner	141,865	H15	19	130	81,334,318
Recreation Commissioner	128,269	H14	18	44	6,311,399
Public Buildings Commissioner	137,958	H14	16	33	4,549,691
Director of Planning - Vacant	120,891	H14	14	19	1,689,101
Chief Information Officer - IT	119,113	H14	13	13	1,582,471
Health and Human Services Commissioner	117,363	H14	12	42	3,552,938
Comptroller	147,209	H13	ZZ	8	39,719,836
Chairman, Board of Assessors	130,474	H13	24	13	1,261,887
Collector/Treasurer	122,984	H13	20	10	29,184,645
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Senior Center Director	103,949	H10	21	5	649,493
Museum Director	93,720	H10	14	4	283,519
Veterans Agent	70,718	H08	4	1	380,177

RECEIVED
Newton City Clerk

CITY OF NEWTON

2016 JUN 22 AM 11:35

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: June 22, 2016

From (Docketer): David Olson, City Clerk

Address: _____

Phone: _____

E-mail: _____

Additional sponsors: _____

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

The City Clerk requesting that the City Council officially delegate the responsibility of quinquennial Boundary Line Perambulation to the City's Engineer and the City's GIS Administrator as required by MGL. Ch. 42 Sec. 2 which states that "the boundary markers of every town shall be located, the marks thereon renewed, and the year located marked upon the face thereof which bears the letter of the town locating its boundary, once every five years, by at least two of the selectmen of the town or by two substitutes designated by them in writing."

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 checked="" 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

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

#257-16

- | | |
|--|--|
| <input type="checkbox"/> One half hour or less | <input checked="" type="checkbox"/> Up to one hour |
| <input type="checkbox"/> More than one hour | <input type="checkbox"/> An entire meeting |
| <input type="checkbox"/> More than one meeting | <input type="checkbox"/> Extended deliberation by subcommittee |

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

City personnel

Citizens (include telephone numbers/email please)

Lou Taverna _____

Doug Greenfield _____

Maura O'Keefe _____

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

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

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

Please check the following:

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

Thank you.

David Olson

Signature of person docketing the item

[Please retain a copy for your own records]

#257-16

**PART I** ADMINISTRATION OF THE GOVERNMENT**TITLE VII** CITIES, TOWNS AND DISTRICTS**CHAPTER 42** BOUNDARIES OF CITIES AND TOWNS**Section 2** Locating and marking of town boundary markers; recordation; copy of records to contiguous town

Section 2. The boundary markers of every town shall be located, the marks thereon renewed, and the year located marked upon the face thereof which bears the letter of the town locating its boundary, once every five years, by at least two of the selectmen of the town or by two substitutes designated by them in writing. The marking shall be made with a paint or other suitable marking material.

The proceedings shall be recorded with the town clerk and the board of selectmen of the town in writing signed under penalty of perjury setting forth which boundary marks were located, and those which were not located. A copy of such records shall also be sent, by registered letter, to the town clerk and the board of selectmen of any contiguous town.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#333-16

Telephone

(617) 796-1100

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(617) 796-1113

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(617) 796-1089

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swarren@newtonma.gov

September 28, 2016

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

Ladies and Gentlemen:

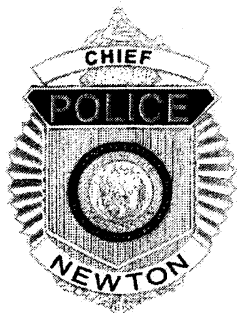
I write to request that your Honorable Council docket for consideration a request to temporarily increase the authorized FTE complement of the Police Department by one (1). The department is anticipating a mandatory retirement this spring, and is in the process of hiring new recruits for the academy. This increase will enable the department to have a trained officer ready to "hit the streets" at the time of the retirement.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Setti D. Warren".

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
September 21, 2016

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

RECEIVED
Newton City Hall
2016 SEP 22 PM 1:11
David A. O'Leary
Newton, MA 02459

Dear Council Members and Mayor Warren:

We respectfully request to temporarily increase the number of budgeted positions for sworn personnel from 149 to 150. The extra position would be needed until April 30, 2017, at which time Sergeant Kenneth Cahoon will be required by law to retire (at age 65.) The extra position would be occupied by a recruit in the Police Academy, who will begin training there on 9/26/2016. This future Student Officer has been employed with our department as an Emergency Telecommunications Dispatcher since July 15, 2013. Until your approval is obtained, he will continue to occupy the Dispatcher position that he will be vacating. His weekly pay as a Student Police Officer will be less than his pay as a Dispatcher.

We make this request because we have a limited number of opportunities to apply for openings in Police Training Academies in Massachusetts. The training period for each session is six months. After graduation from the Academy, the Officer goes through another eight weeks of Field Training during which he or she is paired with an experienced officer. Therefore, it takes approximately eight months for a newly hired recruit to be qualified to work as a Police Officer. Please also be aware that a Student Police Officer in the Academy is not a member of the Patrolmen's Union, nor is he or she entitled to Section 111F benefits if he or she is injured while training in the Academy.

Thank you for your consideration in this matter.

Sincerely,

David L. MacDonald
Chief of Police

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS

