



## Finance Committee Report

### City of Newton In City Council

**Monday, October 24, 2016**

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

City staff present: Angela Smagula (Deputy City Solicitor), Jim McGonagle (Commissioner of Public Works), Alex Valcarce (Deputy Commissioner of Public Buildings), David MacDonald (Chief of Police), Bob DeRubeis (Commissioner of Parks and Recreation), and John Lojek (Commissioner of Inspectional Services)

**#320-16      Request to appropriate \$50,000 to settle a claim**

HIS HONOR THE MAYOR requesting authorization to ~~appropriate~~ settle a claim of fifty thousand dollars (\$50,000) from the ~~Judgments and Settlements Account~~ Public Schools Budget as full and final settlement of a claim against the Newton Public Schools. 09/14/16 @ 1:10 PM]

**Action:**      Finance Approved 8-0 as amended

**Note:**      The Finance Committee held the item at the September 26, 2016 meeting until the School Committee had an opportunity to review the \$50,000 settlement and expenditure from the School Department's budget. At the previous Finance meeting, the Committee received a letter from the Mayor requesting that the item be amended to reflect the School budget as the funding source for settlement of the claim and the Committee did not want to approve the item without School Committee input. Associate City Solicitor Angela Smagula provided a letter stating that the School Committee met on October 5, 2016 to discuss the item in Executive Session and understood that the funding source would be the School budget.

The Committee had no further questions related to the item. Councilor Fuller moved approval of the item as amended, which carried unanimously.

**#354-16      Authorization to settle a \$12,955.88 claim by Fraser 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 Fraser Engineering Services, Inc. [10/11/16 @ 11:28 AM]

**Action:**      Finance Approved 8-0

**Note:**      Commissioner of Public Works Jim McGonagle explained that the request is for \$12,955.88 to settle a claim by Fraser Engineering Services for gas light repair work done in 2013 and 2014. When Fraser submitted an invoice for \$14,607.27, there was a dispute over

repair parts provided by Fraser and the invoice was not paid. In 2015, the City's former Transportation Director and Fraser came to an agreement that the City would pay Fraser \$12,955.88 for the repairs; however, that amount was never paid.

On September 12, 2016, Fraser Engineering made a claim to the City for the \$12,955.88 and \$3,800 in interest. The City and Fraser negotiated and agreed that the City's payment would not include interest. The Committee was concerned that there continued to be an issue in the Department of Public Works with unpaid bills from prior years. In the recent past, the Committee has approved funding for prior year bills for the Public Works Department at least twice and would like assurance that this will not continue to be a problem moving forward. Commissioner McGonagle is working to ensure that it does not happen again in the Department of Public Works by making it clear to all division heads and supervisors that they must have a purchase order in place before ordering goods or services. In addition, employees have received training from the Purchasing Department related to placing orders. Commissioner McGonagle will continue to remind staff about the policy for ordering goods and services.

It was pointed out that it was the same employee that ordered goods and services without a purchase order resulting in the City's non-payment of bills and that employee is no longer with the City. With that, Councilor Ciccone moved approval, which carried unanimously.

**#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]

**Action:**      **Finance Approved 8-0**

**Note:**      The request is to authorize the acceptance and expenditure of a \$33,500 grant from the Massachusetts Department of Environmental Protection (DEP) as part of the Sustainable Materials Recovery Program. The Public Works Department will use the grant funds for increased recycling signage at the Rumford Avenue recycling site, recycling training, community education, and public outreach. The Public Works Department does not need to expend all of the funds this fiscal year but must provide a detailed report to the DEP on how the grant funds are being used.

A Committee member questioned why the City received no grant funding points for its bulky item recycling. Commissioner McGonagle responded that he did not know the answer but would provide it by the end of the week. The Committee received the information the next day via e-mail (attached). Councilor Brousal-Glaser moved approval, which carried by a vote of eight in favor and none opposed.

**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**  
**Action:** **Finance Approved 8-0**

**Note:** Commissioner of Public Works Jim McGonagle presented the request for a reallocation of \$250,467.24 from an account established for improvements to the City's covered reservoir at Waban Hill. The funds were allocated in 2011 or 2012 to fund roof repairs and core repairs to the reservoir. The bids for these improvements came in very high and the City shelved the project. The project will now include interior valve replacements; therefore, the project will not be ready to rebid for at least another year. In the meantime, those funds are available for reallocation. The Commissioner would like to use the funds for the removal of the Stanton Avenue and Winchester Street Elevated storage tanks. The Public Works Department received an estimate of just under \$700,000 for demolition, removal of the tank, lead testing and lead remediation at both sites. Councilor Fuller moved approval of the item, which carried unanimously.

Commissioner McGonagle and the Committee also discussed where the City is at with testing the open reservoir for leaks. The plan was to test the reservoir last year but the Massachusetts Water Resources Authority (MWRA) informed the City they were not comfortable with a major shutdown of the reservoir without replacement of the gate valves. The gate valve replacements should occur next month and the testing should take place once it can be coordinated with the MWRA.

**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**  
**Action:** **Finance Approved Subject to Second Call 8-0**

**Note:** Deputy Commissioner of Public Buildings Alex Valcarce presented the request for authorization to appropriate and bond for \$46,590,000 to fund the renovation and new addition to the Cabot Elementary School. The total cost of the proposed project is \$49 million dollars and includes all costs known to date, as well as traffic management costs and replacement of all sidewalks abutting school property. The City anticipates that the Massachusetts School Building Authority (MSBA) will be awarding just over \$14 million in grant

funds to the City for the construction of the new school; therefore, the maximum cost to the City would be \$35 million. The MSBA will be voting on the 100% schematic design and the proposed project budget on November 9, 2016.

Mr. Valcare provided the attached line item budget for the project. The Guaranteed Maximum Price (GMP) contingency of 1.6% of the total estimated GMP and escalation costs are included in the Construction Manager at-Risk line item. There are separate line items for construction contingency and owner's contingency. The construction contingency is approximately 5% of the GMP and the owner's contingency is about 1% of the GMP. The project budget line items are in line with the Anger School budget and the MSBA requirements for project budgets.

There have been a number of meetings and reviews on the Cabot School Project over the past few years and the Committee is very familiar with the project. Therefore, Councilor Lappin moved approval of the item subject to second call, as the item should not be approved by the City Council before the MSBA votes on the project funding. The motion carried by a vote of eight in favor and none opposed.

### **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)**  
**Action:**      **Finance Held 8-0**

**Note:**      See below note.

**#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]  
**Action:**      **Finance Held 8-0**

**Note:**      The above item and Docket Item #31-15 were discussed together, as they are closely related. The Programs & Services Committee has done a tremendous amount of work over the past year and a half on developing the proposed leaf blower ordinance and the Finance Chair would like the Committee to understand how the Programs & Services Committee arrived at its recommendations. The Chair intends for the Committee to review the draft ordinance, discuss it, and come back on November 14 with any proposed amendments to be voted by the Committee.

Chair of Programs and Services John Rice worked with the Programs and Services Committee Clerk to provide the attached summary of the proposed changes to the Noise Ordinance related to leaf blowers. Councilor Rice reviewed the changes with the Committee,

which includes a definition of leaf blower, changes to dates of use and times of use, equipment criteria, exemptions to the Ordinance, and violations. The dates of restriction for leaf blowers apply to any person including City employees or City contractors.

The Committee began a review of the attached redline version of the draft ordinance. There was concern that the definition for leaf blowers included vacuuming, as a vacuum is a different type of machine than a leaf blower. There was a suggestion that if a Committee member would like to recommend changes to the draft ordinance, they should come up with some language and request an amendment to the draft ordinance at the November 14 meeting.

A Committee member stated that a local landscaper sent a letter to councilors regarding how the City would determine decibel levels on the wheeled blowers, as they do not have decibel labels. It was explained that potentially a noise meter would be used to determine their decibel level but enforcement could be an issue because this type of enforcement is currently a problem. In fairness to the people who are going to enforce the proposed ordinance, the ordinance language needs to be clear.

The Committee reviewed the proposed restrictions on dates and times of use. It was pointed out that Monday – Friday restrictions on times of use could have a real impact on landscapers when the clocks are reset an hour back for daylight savings time. The proposed ordinance pushes back the start time from 7 AM to 8 AM. Construction start time is 7 AM during the weekdays and several Committee members felt that construction and landscapers should have the same start time. There was also concern from the Parks and Recreation Department's three landscape contractors with losing an hour of time in the morning. The Parks and Recreation Department is also responsible for village beautification, which includes leaf blowing during the summer and very early in the morning throughout the year.

Commissioner of Parks and Recreation Bob DeRubeis informed the Committee that he went through a number of iterations in terms of finances. An iteration included a significant amount of overtime for the village squares because the beautification crew is in the village squares well before the 7 AM start time. The department has been out of compliance with the current noise ordinance because they have been using leaf blower in the village squares well before 7 AM. When the amount of overtime needed was discussed, Commissioner DeRubeis' staff stated that it would be physically impossible to hand sweep the village centers. The Commissioner is proposing that the City purchase sidewalk sweepers to replace leaf blowers in the village centers and continue to clean the centers in the early morning. The Commissioner will check the decibel levels on the sweepers but believes that it is higher than 65 decibels. There have been no complaints related to village center cleaning.

Chief of Police David MacDonald added that the Police IT people pulled all specific leaf blower complaints and general noise complaints called into dispatch from the beginning of 2011 until the end of September 2016. There are 9.4 leaf blower complaints a year. The majority of the complaints are related to violation of the time restriction in the morning. Concurrent with the time complaints people are speculating that the decibel levels are above

the 65 decibel limit. The general noise complaints are usually nighttime violations of the noise ordinance. Chief MacDonald randomly pulled 15 leaf blower complaints and the Police were only able to get the noise meter out into the field one time out 15. There are a few reasons why it is difficult to enforce the noise ordinance particularly relative to leaf blowers. There are only six officers trained on the noise meters and of those six, only three are assigned to night duty. Sometimes there is not information included in the complaint for the police officer to identify the location. The Chief is working with the dispatchers to get more information from callers on location. The Police Departments preferred response to a complaint is to advise an offender once before issuing a citation for violation. The Chief is working on making sure that officers record when they have advised an individual or company to ensure that other officers are aware of the warning in case of a second violation. Commissioner of Inspectional Services John Lojek stated that his department has issued one ticket in the past several years.

The Committee discussed the commercial ban on leaf blowers on Sunday. Golf courses do maintenance on golf courses everyday including Sundays. Golf courses could use any other piece of maintenance equipment on Sunday except leaf blowers. There was also concern that colleges will not be able to use leaf blowers during the summer to beautify their campuses for recruitment purposes. Several contractors and residents have suggested that one leaf blower per property during the summer months would make the ordinance more palatable.

The City and most landscapers use leaf blowers that have a decibel level of 77 and have for many years. The Programs & Services Committee recommended the 65 decibel limit because the goal of the proposed ordinance is to limit leaf blower use and to increase the noise even if limiting the use was not the direction to go. Decibel levels go up exponentially and not linearly, which means 77 decibels is much louder than 65 decibels. The Programs & Services Committee discussed limiting the amount of leaf blowers per property and allowing a high decibel limit but in the end, they opted to recommend the 65 decibel limit and not limit the number of leaf blowers per property. Limiting the number of leaf blowers per lot is also difficult to enforce. The Parks and Recreation Department's contractors raised concerns related to the inefficiency of limiting the number of leaf blowers on a property. It would require much more time to get a very large piece of property done.

There is an argument that the 77 decibel leaf blowers are much more effective in moving heavy wet leaves in the fall. The proposed ordinance recommends a summer ban when windows would be open and people would be bothered by the louder leaf blowers. It may make sense to raise the decibel level to 77 if the summer ban remains in place.

It was pointed out that the Mayor has the ability to provide exemptions. The Chair and other members felt that by including exemption language for anything but true emergencies; the Council would be shirking its duty and asking the Mayor to deal with many exemptions. There are a number of reasons that someone could request an exemption like preparing a golf course for a tournament or a field for a game. The Committee members may want to consider offering language to limit exemptions to only emergencies.

There was some thought that there should be a section included in the proposed ordinance designating responsibility for enforcement of the noise ordinance. Currently the Inspectional Services Department and the Police Department enforce the ordinance during working hours depending on which department gets the complaint and the Police are solely responsible for enforcement at all other times.

Chief MacDonald spoke to enforcement of the Ordinance by the Police. In order to enforce the ordinance it needs to be simple. A vast majority of police officers worked as landscapers or in similar jobs as kids and have an affinity for blue-collar workers and they do not want to squelch small businesses. If there are limitations on decibel levels and the leaf blowers are clearly marked, it is much easier to enforce the ordinance. Time restrictions are easy to enforce and are always taken seriously by the Police and that will continue.

Joe Caruso made a statement representing the landscape contractor's perspective. The landscapers feel that the 8 AM time restriction is unfair to landscapers because construction can still begin at 7 AM. When the clocks change, landscapers will lose an hour in the morning and a 1 ½ in the afternoon. He would also like the decibel limit to be increased. The 65 decibel limit was put in place many years ago when that was the highest decibel level available. The proposed ordinance is going to increase costs to customers. It will also cost the City additional money in labor and equipment.

Alex Blumenstiel representing Newton Safe and Sound stated that he is a 30-year resident of Newton and has a background in the landscape/gardening business, as he grew up in the business and has a degree in horticulture. In terms of the experienced loudness 77 decibels is the equivalent of sixteen 65 decibel leaf blowers. Mr. Blumenstiel has observed that many landscapers are now using the 65 decibel leaf blower. He agrees with everything the Chief of Police regarding having a simple ordinance that can be enforced. He has sympathy for the landscapers but there are effects from leaf blowers on people that include loudness and emissions. There are toxic fumes, dust and fine particulates that are a hazard to people's health. There are many citizens in Newton that are very concerned about this and support limiting leaf blower use.

Jeanne Leveque of Boston College stated that Boston College's greatest concern is that they use leaf blowers year round for a variety of things such as clearing snow from stairways and cleaning athletic fields. The school can likely live with the summer ban. Their biggest concern is not being able to use blowers on Sundays in the fall to clean athletic fields for games. Ms. Leveque suggested that the Council consider requiring an operations plan for larger properties for leaf blower use.

Commissioner of Parks and Recreation Bob DeRubeis provided the attached Financial Impact of Leaf Blower Ban on the Parks and Recreation Department. The one-time cost of purchasing sidewalk sweepers for village centers is \$30,000. The financials include responses to an RFP from the department's three contractors for landscaping the sites that they are currently responsible for maintaining with and without leaf blowers. One of the contractors shows no change in price if leaf blowers are not used. It was explained that the contractor uses

a “hustler” mower instead of a leaf blower to clear grass clippings and debris. The hustler mower is louder than a leaf blower but is allowed by ordinance. There is not a large difference between the with and without leaf blowers costs but the without costs could escalate if the contractors find it more labor intensive than they originally thought.

There were no further questions or comments on the proposed ordinance. The Chair suggested that if there are any proposed amendments to the draft ordinance, they be provided to the Committee sooner rather than later. Both items were held in Committee and will be discussed again on Monday, November 14, 2016.

### **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**

**Action:**      **Finance Approved 7-0 (Norton not voting)**

**Note:**      Chief of Police David MacDonald presented the request for funding to improve the Police Department’s firearms range. He provided the attached summary of the improvements to the range. The current firearms range was installed in 1978 and, at this point, only two of the three shooting lanes are operational. The whole range is not in good shape. This type of firing range system was discontinued 15 years ago and parts for repairs are becoming scarce. The Police Department uses the range to qualify its officers twice a year in handgun, rifle and shotgun courses, which are mandated by the Municipal Police Training Committee. If the firearms range is no longer available on site, officers will need to qualify at Fort Devens in Ayers, MA. The rental cost for Fort Devens is \$300 per session and \$50 per officer, which would result in a yearly cost of \$21,000 for required qualifications.

An improved firearms range would allow the Police Department to continue to train officers on site and allow additional training to keep officers sharp. It would also be a safer environment for training, as the backstop will be replaced with a new and improved material that minimizes ricochets. If you factor in costs for offsite qualifications, the payback on the project is 6.4 years. There was question regarding whether there was any consideration to renting the firearms range to other communities. The Chief answered that although the department has allowed people to use the range, it has never been rented because it is so heavily used for training.

There was concern that there is a line item within the Capital Improvement Project to combine the Police Department with its Traffic Bureau in the next five years and there is likely to be a shift in the way space is utilized. Chief MacDonald responded that he believes most if not all of the range equipment could be moved to a new location. A committee member asked if other police departments in the area had their own ranges. The Chief explained that not all



communities have ranges but when they revamp their headquarters that often include a new firearms range. With that, Councilor Fuller moved approval, which carried by a vote of seven in favor and none opposed.

**#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]

**Action:**      **Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**

**Note:**      The request is to appropriate \$261,366.07 from bond sale premiums to reduce that same amount from future debt to be issued on the Angier Elementary School Project. The City recently sold bonds for the Angier Elementary School Project and received \$261,366.07 in premium revenue from that bond sale. State statute requires any bond proceeds for a debt-excluded project must go towards that project; therefore, the proceeds will be used to reduce the bond authorization by that amount. Councilor Rice moved approval, which carried unanimously.

### **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**

**Action:**      **Finance Approved Subject to Second Call 6-0 @ \$127,778 (Brousal-Glaser, Norton not voting)**

**Note:**      Councilor Lappin presented the item to review the City Clerk/Clerk of the City Council's salary. The Programs and Services Committee approved an increase in the City Clerk/Clerk of the City Council salary to \$128,269. Since that time, the Administration has requested that the salary be reduced to \$127,778 to make it comparable to the Commissioner of Parks and Recreation's salary. The Administration feels that the City Clerk/Clerk of the City Council position and the position of Commissioner of Parks and Recreation are equivalent in terms of responsibilities and should receive the same compensation. The budget lists \$128,269 as the Parks and Recreation Commissioner's salary; however, that number is based on a 52-week year. In actuality, the Commissioner will receive a salary of \$127,778 this fiscal year.

The Finance Committee was comfortable with making the Clerk's salary the same as the Parks and Recreation Commissioner. The Committee discussed amending the rules or creating

an ordinance to require review of the Clerk's salary on a yearly basis. Councilor Lappin will discuss the possible amendment with President Lennon then docket an item. On a motion to approve the item subject to second call, the Committee voted six in favor and none opposed to support the motion.

### **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**

**Action:** **Finance Approved 6-0 (Brousal-Glaser, Norton not voting)**

**Note:** The Committee reviewed the request to shift the responsibility of Quinquennial Boundary Line Perambulation from the City Clerk to the City Engineer and the GIS Administrator. Massachusetts General Law requires every municipality to locate and mark its boundary markers and provide records of the boundary marker locations to all contiguous municipalities every five years. Both the City Engineer and the GIS Administrator have technology available that is much more efficient for determining the City boundaries than a walking assessment of the boundaries. The Committee agreed and a motion for approval carried unanimously.

**#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]

**Action:** **Finance Held and Referred to Public Safety 6-0 (Brousal-Glaser, Norton not voting)**

**Note:** The Chair of the Public Safety and Transportation Committee requested that the Finance Committee refer the item to the Public Safety and Transportation Committee for discussion. There is currently someone serving in the temporary position within the Police Department, which has yet to receive approval of the Council. The Chief of Police was unaware that it required Council approval and asked that the Committees take the item up as soon as possible. Councilor Ciccone moved hold and referral to the Public Safety and Transportation Committee, which carried unanimously.

All other items before the Committee were held without discussion and the Committee adjourned at 9:45 PM. Draft Council Orders for the above items that are recommended for City Council action are attached.

Respectfully submitted,

Leonard J. Gentile, Chair

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, authorization to settle a claim in the amount of fifty thousand dollars (\$50,000) from the School Department's Budget for the purpose of full and final settlement of a claim against the Newton Public Schools, be and is hereby approved.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, authorization to settle a claim in the amount of twelve thousand nine hundred fifty-five dollars from the Law Department's Judgment and Settlements Account for the purpose of full and final settlement of a claim by Fraser Engineering Services, Inc., be and is hereby approved.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

**From:** [James Mcgonagle](#)  
**To:** [Shawna Sullivan](#)  
**Subject:** FW: payment calculations  
**Date:** Tuesday, October 25, 2016 4:54:19 PM

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Shawna,

This should answer the question from last night's Finance meeting. Let me know if you need anything else.

Regarding the MassDEP Recycling Dividends Grant Program:

- Organics points were only granted for source separated curbside collection of food waste
  - 2 pts given for a weekly collection pilot program
  - 4 pts given for weekly collection from all households served by municipal services
- Bulky Item points (2 points) were only given is the municipality or its hauler charge residents a fee of at least \$5 for handling of the following bulky items, either at the curb or at a drop-off site: mattresses, upholstered furniture, wood furniture, toilets, sinks, and carpet
- The textiles recovery bonus point was awarded if four criteria were met from a long list of options – Newton met only 1 of these criteria

Thanks,

Jim

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the authorization to expend a grant from the Massachusetts Department of Environmental Protection's Recycling Dividends Grant Program in the amount of thirty-three thousand five hundred dollars (\$33,500) to be administered by the Commissioner of Public Works to be used for waste and recycling education and outreach, be and is hereby approved.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Public Facilities and Finance Committees through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, a request to transfer 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 purpose of decommissioning the Stanton Avenue and Winchester Street elevated storage tanks; be and is hereby approved as follows:

FROM:	Waban Hill Reservoir Improvements (36A101A-586011) .....	\$250,467.24
TO:	Stanton Ave/Winchester St Storage Tank Decommissioning (36A101B-52407) .....	\$250,467.24

Under Suspension of Rules  
Readings Waived and Item Approved

(SGD) DAVID A. OLSON, City Clerk



CITY OF NEWTON

IN BOARD OF ALDERMEN

2016

ORDERED:

That for purposes of paying the costs of (i) engineering, designing, renovating, constructing an addition, equipping and furnishing the Cabot Elementary School and (ii) all other costs associated with the foregoing, there is hereby appropriated the sum of forty-six million, five hundred ninety thousand dollars (\$46,590,000), which when combined with the sum of one million dollars (\$1,000,000) voted under board order #421-13, the sum of one million ten thousand dollars ((\$1,010,000) voted under council order #66-16, and the sum of four hundred thousand dollars (\$400,000) voted under council order #213-16 shall result in a total appropriation for this project of forty nine million dollars (\$49,000,000), to be expended at the direction of the Mayor, in accordance with the attached schedule of appropriations, said sum the sum of forty-six million, five hundred ninety thousand dollars (\$46,590,000) is authorized to be borrowed under and pursuant to Chapter 44, Section 7(3), as amended and supplemented, or pursuant to any other enabling authority. The amount authorized to be borrowed by and under this order shall be reduced to the extent that any grants are received by the City from the Massachusetts School Building Authority (MSBA) for this project.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

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
<b>Total Financing Budget</b>	<b>\$ 1,000,000.00</b>	<b>\$ 1,010,000.00</b>	<b>\$ 400,000.00</b>	<b>\$ 46,589,776.00</b>	<b>\$ 48,999,776.00</b>
<b>Category</b>					
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
Utility Back Charges	\$ -	\$ -	\$ -	\$ 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
<b>Total Expenditure Budget</b>	<b>\$ 1,000,000.00</b>	<b>\$ 1,010,000.00</b>	<b>\$ 400,000.00</b>	<b>\$ 46,589,776.00</b>	<b>\$ 48,999,776.00</b>

\* 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 City Council

CHANGES TO THE NOISE ORDINANCE: LEAF BLOWERS

**Definition of Leaf Blower**

Currently, there is no definition of leaf blower.

Definition of Leaf blower is added:

*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 plan clippings, litter or debris.*

**Dates of Use**

Currently, there are no restrictions on dates of use.

Restriction on dates of use is added:

No leaf blower use by any person (including City employees and City contractors) from Memorial Day to Labor Day.

**Times of Use**

Currently, the restrictions on times of use are:

Monday-Friday..... 7:00AM to 8:00PM  
Saturday, Sunday, Legal Holiday..... 9:30AM to 8:00PM

Restrictions on times of use (during the non-ban dates) are amended to the following:

Monday -Friday..... 8:00AM to 5:30PM  
Saturday..... 9:30AM to 5:30PM  
Sunday, Legal Holidays..... 9:30AM to 5:30PM by residents only on their own property

**Leaf Blower Equipment Criteria**

Currently, leaf blowers are required to be no louder than 65dB measured 50ft from the source with a certified noise meter.

Equipment Criteria were added as follows:

Leaf blowers must bear an affixed manufacturer’s label indicating a noise rating of 65dB or less; sound no longer requires measurement by any sound meter. The label is sufficient for determining the dB level

Leaf blower modifications are not allowed and machines must be used with any sound attenuating devices supplied by the manufacturer (mufflers, etc.)

**Exemptions to the Ordinance**

Currently, the Mayor may grant exemptions to the noise ordinance under certain circumstances of undue hardship, or may allow extensions of time for compliance. Those provisions will also apply to the leaf blower section of the noise ordinance.

Added to this section:

The ability of the Mayor to temporarily suspend all or portions of the leaf blower section of the ordinance in times of emergency, such as storms, for clean up purposes.

**Violations/Fines**

Current fines for violations of the noise ordinance will also apply to violations of the leaf blower section of noise ordinance.

Added to this section:

A requirement that if the person in violation of the leaf blower section of the noise ordinance is a contractor, the property owner will be notified of the violation and of any warning or enforcement issued to the contractor.

#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).

-

*(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.**

**FINANCIAL IMPACT OF LEAF BLOWER BAN**

**BEAUTIFICATION**

Purchase of two (2) Madvac PS 300 Pedestrian Sweepers	\$15,000-20,000 ea.	<b>\$ 30,000.00</b>
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**LEAF REMOVAL**

Leaf Removal Contracts

	With Leaf Blower	W/O Leaf Blower	
47 site route	\$ 29,000.00	\$ 29,000.00	\$ -
37 site route	\$ 16,000.00	\$ 18,500.00	<b>\$ 2,500.00</b>
24 site route	\$ 7,000.00	\$ 8,200.00	<b>\$ 1,200.00</b>

**FORESTRY**

7 to 10 % reduction in work quantity	Overtime	<b>\$ 15,000</b>
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**EQUIPMENT**

Replacement of current blowers with compliant blowers per ordinance	<b>\$ 7,000</b>
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<b>TOTAL PARKS &amp; RECREATION COSTS</b>	<b>\$ 55,700.00</b>
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# 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

**Installation Terms:**

Factory Installation

124,900  
- 14,763  
+ 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](http://www.btsranges.com)  
E-Mail: [mail@btsranges.com](mailto: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.

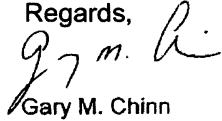
Payment is due within 30 days of the date of the invoice. Late payments will be subject to a fee of 1 ½% per month. The client shall be liable for attorney and other costs incurred to collect our fees.

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

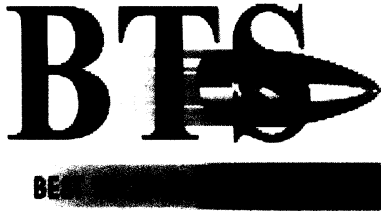
If you have any questions or comments, please feel free to call me.

**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](http://www.btsranges.com)  
E-Mail: [mail@btsranges.com](mailto: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](mailto: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.

**MEGGITT****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
<b>NEW TARGET SYSTEMS</b>			
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
<b>15 lane Range Budget</b>		<b>\$ 134K +/- 2%</b>	

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
<b>Target System allowance \$ 65K +/- 3.5%</b>			
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
<b>Bullet Trap Allowance \$ 33K +/- 3.5%</b>			
TrapVac	5HP 230VAC 3Ph Grantrap sustainment machine - used for periodic separation of entrained spent bullets from Grantex media	1	lot
<b>TrapVac Allowance \$ 6.5K</b>			
INS	local (construction) crew and equipment to install MTSI products, in accordance with install drawings and manuals under supervision of MTSI FSR	6	days
<b>Crew Allowance \$ 18K +/- 3.5%</b>			
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
<b>Removal Allowance \$ 16K +/- 3.5%</b>			

# 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

IN CITY COUNCIL

April 19, 2016

ORDERED:

That, in accordance with the recommendations of the Land Use Committee through its Chairman Marc C. Laredo; and the Finance Committee through its Chairman Leonard J. Gentile, the sum of four hundred seventy –one thousand one hundred seventeen dollars (\$471,117) be appropriated from the Community Preservation Fund Accounts as shown below to the Planning and Development Department for a grant to create two units of permanently affordable rental housing at 10-12 Cambria Road, West Newton, as described in the Community Preservation Committee recommendation dated December 7, 2015.

From: CPA Housing Reserve	
(21R10498– 5790C) .....	\$357,251
CPA Reserve	
(21R10498 – 5790) .....	\$113,866
To: Cambria Road Housing	
(21-C11422-5797) .....	\$471,117

Be it Further Ordered that the Mayor and the Planning Department ensure that the petitioner comply with the State Department of Housing and Community Development guidelines, including but not limited to the tenant selection process, to facilitate these units qualifying for the Subsidized Housing Inventory List.

Under Suspension of Rules  
Readings Waived and Approved  
20 yeas 0 nays 4 absent (Councilors Brousal-Glaser, Lipof, and Rice)

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_



CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the sum of two hundred sixty –one thousand three hundred sixty-six dollars and seven cents (\$261,366.07) be and is hereby appropriated from the premiums earned on the Fiscal Year 2016 bond sales for the following debt excluded capital project for the purpose of reducing the future debt to be issued on the Angier Elementary School Project as follows:

- A) From: Angier Bond Premiums Reserved for Appropriation  
(01-3272) ..... \$261,366.07
  
- To: Transfer to Angier Capital Project Fund ..... \$261,366.07
  
- B) Amend:

  - Angier Revenue  
(B2C1A16-497001) ..... \$261,366.07
  
  - Angier Debt Financial  
(32C1A17-4910)..... \$261,366.07

Under Suspension of Rules  
Readings Waived and Adopted

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDINANCE NO. A-

BE IT ORDAINED BY THE BOARD OF ALDERMEN  
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as most recently amended by Ordinance A-21, dated May 20, 2013, relative to **ARTICLE II. CLERK OF THE COUNCIL** are hereby further amended as follows:

In **Sec. 4-21. Salary.**

1. Delete the words "July 1, 2013" and insert in place thereof ""

and

2. Delete the figure "\$116,021" and insert in place thereof "\$127,778"

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN

City Solicitor

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON

City Clerk

(SGD) SETTI D. WARREN

Mayor

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

CITY OF NEWTON

IN CITY COUNCIL

2016

ORDERED:

That, in accordance with the recommendation of the Public Facilities and Finance Committees through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the following item be and is hereby APPROVED:

**#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.”

Under Suspension of Rules  
Readings Waived and Item Approved

(SGD) DAVID A. OLSON, City Clerk