

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, FEBRUARY 27, 2012

Present: Ald. Gentile (Chairman), Ciccone, Salvucci, Rice, Blazar, Fuller, and Lappin

Absent: Ald. Linsky

Also present: Lou Taverna (City Engineer), David Turocy (Commissioner of Public Works), Joshua Morse (Facilities and Operations Supervisor; Public Buildings Department), Mike Cronin (Director of Operations; School Department), Maureen Lemieux (Chief of Financial Officer), and David Wilkinson (Comptroller)

#52-12      HIS HONOR THE MAYOR requesting authorization to accept, appropriate, and expend a reimbursable grant of one million eight hundred fifty thousand dollars (\$1,850,000) for Route 9 infrastructure improvements associated with the Chestnut Hill Square Development Project contingent upon the successful execution of the grant agreement between the Executive Office of Housing and Economic Development and the City of Newton. [02/13/12 @ 3:57 PM]

**ACTION:**      **APPROVED 7-0**

**NOTE:**      City Engineer Lou Taverna explained that this is a request to authorize acceptance and expenditure of a reimbursable grant of \$1,850,000 from the Executive Office of Housing and Economic Development subject to the execution of the grant agreement. The funds will be used to provide infrastructure and traffic improvements associated with the Chestnut Hill Square Project. The City will oversee all projects associated with the grant.

The attached plans provide the location of the four intersections to be improved. The first intersection is at Route 9 and Parker Street. The improvements include signalization of the entrance/exit ramps on both sides of Route 9 and there will be roadway improvements to the ramps. In addition, there is a gap on the westbound side of Route 9 that allows drivers to make a dangerous right hand turn onto Clark Street if they miss the exit ramp. The divider on Route 9 will be extended to eliminate access to Clark Street from that location. The second location is the intersection of Woodward, Boylston, and Elliot Streets where the existing traffic signals will be replaced with modern traffic signals and the crosswalks will be updated. The third location is at Centre, Cypress, and Beacon Streets. The delta island at the intersection of Centre and Beacon Streets will be modified, crosswalks will be updated, and pedestrian activated signal heads will be added at that location. In addition, a bump out will be added to Cypress Street at Centre Street to reduce the "Y." All of these improvements are designed to enhance traffic flow and make each intersection safer for drivers and pedestrians. The fourth improvement is the installation of 1,300' of sidewalk along the north side of Florence Street from the existing sidewalk at the Atrium Mall to the Brookline town line.

The special permit for the Chestnut Hill Square development identifies the areas for traffic improvements but this is more detailed. The Committee asked that someone make sure that the improvements to be funded through the grant are consistent with the special permit board

order. The portions of the Board Order related to traffic improvements and the Florence Street sidewalk installation are attached. Mr. John Twohig of Goulston & Storrs, who represents New England Development, stated that during the discussion in Land Use regarding the intersection of Parker Street and Route 9, there was debate concerning whether the intersection required one or two traffic lights. The board order was written with flexible language to allow for either one or two traffic lights. Since the special permit was approved, the state and the city's traffic engineer have determined that two traffic lights are needed to improve safety at the intersection.

Mr. Twohig provided a brief update on the Chestnut Hill Square Project. New England Development is in the process of filing the final I-Cubed package. It is expected that New England Development will receive between \$10 and \$12 million in I-Cubed funding. With the I-Cubed and grant funding, there will be between \$12 and 13.8 Million of the \$15 million in off-site traffic and roadway improvements. New England Development will fund any shortfall between the \$12 and \$15 million.

New England Development is working with the State to begin addressing the Route 9 improvements that they will oversee. They expect to begin the projects in the late spring/early summer and complete them next spring or summer. The off-site improvements are slightly behind schedule due to changes in the Massachusetts Highway Department's structure.

All of the demolition on the Chestnut Hill Square site has been completed. The utility infrastructure is being installed. Vertical construction is not expected to begin until the summer. New England Development has paid NStar Electric and Gas Company approximate \$500,000 to relocate 22 utilities poles and NStar is expected to move them in the next two to three weeks. All utilities located on the site will be underground per the special permit.

The grant related projects will be bid in the late spring or early summer, construction will begin in the summer, and will be completed next spring or summer. The Committee requested that Mr. Taverna provide the Committee with the responses to the bids to ensure that the projects stay within budget. With that, Ald. Lappin moved approval, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES**

#89-11      **FINANCE COMMITTEE** recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @9:30 AM]

**ACTION:**      **PUBLIC FACILITIES APPROVED 6-0-1 (Gentile abstaining) on 02/22/12 APPROVED 6-1 (Gentile opposed)**

**NOTE:**      City Engineer Lou Taverna presented the proposed ordinance amendment to increase the assessment for property owners of estates passed by new sewer mains. Currently a property owner is assessed using a fixed rate of \$1 per linear foot of frontage, plus \$.25 per square foot of area up to 125', from the street line. The city began using this method in 1988 and it was more equitable at that time. Since, 1988 construction costs for sewer main extensions have risen and the city now pays a substantial portion of the cost of construction for a sewer

extension compared to the property owners. The city is obligated to pay at least 50% of the cost of a new sewer installation.

The most recent sewer installation project on California Street resulted in the city paying approximately 95% of the cost and property owners paying less than 5% of the cost. The upcoming Aspen Avenue, Hawthorne Avenue and Studio Road sewer extension project is a little more equitable as it is a larger project, which results in savings due to economies of scale. The cost of the project is estimated at \$800,000. The city expects to collect approximately \$115,642 in assessments, which is 14.4% of the total cost of the estimated project.

The Commissioner of Public Works is recommending that the City use the uniform unit method of assessing property owners for new sewer construction. The assessments would be calculated by dividing 50% of the construction cost between the total numbers of housing units with the potential to be serviced by the new sewer line. A unit is considered to be a single-family residence. Existing and potential multi-family, commercial, and industrial properties will be converted into sewer units based on the residential equivalents using the zoning ordinances and will be charged on the number of existing or potential housing units. (Note: The Aspen Avenue, Hawthorne Avenue and Studio Road Sewer Project will be assessed using the methodology currently in place, as estimates have already been issued.)

There are currently about 315 properties that are not connected to the City's sewer infrastructure. Many of these homes are in clusters located at various areas near the Charles River. These properties are on some type of septic system, which will eventually fail and the property owner will need to replace the septic system, if possible, or connect to the city sewer.

The chairman raised concern that it only requires one property owner to petition for a sewer main extension. If the Board of Aldermen approve the project, each property that the new sewer passes is assessed even if the property chooses not connect to the new sewer. He also voiced concern that the 315 properties will be charged 5 times more than what other property owners have been charged since 1988. It does not seem equitable.

Mr. Taverna stated that Massachusetts General Law requires that the property owner be assessed for the sewer whether or not that property owner connects to the sewer main. Several Committee members pointed out that property value increases when there is the ability to connect to the city's sewer infrastructure. In addition, the city needs to recoup more of the funds that it expends on sewer construction, as it will provide additional funds to maintain the sewer infrastructure, which is deteriorating. It was also pointed out that the city offers a betterment program that allows property owners to pay the cost over 20 years. Ald. Gentile proposed a cap of \$10,000 per property for sewer assessments. It is a substantial increase to the current assessment but is less of a hardship on property owners. The Committee was polled and the institution of the cap failed to carry by a vote of three in favor and four opposed (Blazar, Fuller, Lappin, and Salvucci voted in opposition.)

The Committee voted in favor of a motion to approve the ordinance amendment as recommended by the Commissioner of Public Works by a vote of six in favor and one opposed. Ald. Gentile voted in opposition of the amendment.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#407-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of ninety thousand dollars (\$90,000) from bonded indebtedness for the purpose of purchasing a backhoe for the Department of Public Works. [10/31/11 @ 2:48 PM]

**PUBLIC FACILITIES APPROVED 7-0 on 02/22/12**

**ACTION: APPROVED 6-0 (Gentile not voting)**

**NOTE:** Public Works Commissioner David Turocy presented the request for \$90,000 to purchase a new backhoe for the Department of Public Works. The backhoe to be replaced is 16 years old, out of service, and needs approximately \$20,000 worth of repairs. The service life of a backhoe is 15 years. The department uses their backhoes for construction and snow operations year round.

The new backhoe was included in the FY 2012 Capital Improvement Program (CIP) but was not submitted for action by the Board of Aldermen with the rest of the CIP items as the one qualified bidder who met all of the specifications came in at \$97,000. The Commissioner renegotiated with the bidder and they reduced their bid price to \$93,500. The bidder also agreed to a 2% prompt payment discount, which would bring the cost down to \$91,630.

A memo submitted with the docket request included a request to amend the docket item to \$91,630. However, it has since been determined that the additional funds of \$1,630 will come from the Department of Public Works' operating budget.

Ald. Ciccone moved approval of the item, which carried unanimously.

#53-12 COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for sidewalk construction:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
84 Bigelow Road (includes 145 LF for 84 Bigelow + 168 LF for adjacent lot at 100 Bigelow)	Rubin Mark and Lauren	027733/0082	32053 0010	\$2,610.00
100 Bigelow Road	Rubin Mark and Lauren	027733/0082	32053 0010	\$3,024.00
14 Forest Avenue	Benson Steven & Beth	052727/0349	24006 0002	\$1,550.00
97 Forest Avenue (New Lot - 101)	Labow Brian and Seminarina Stephanie	050599/0589	32051 0008B	\$1,984.00
110 Forest Avenue	Grannan David and Kristen	053344/0373	32052 0005	\$1,711.00
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$1,696.00
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$1,311.50

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111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$896.00
138 Forest Avenue	Simkin Deborah	042164/0048	32052 0002	\$1,658.00
245 Highland Avenue	Flesh George & Marilyn Holly	030425/0321	24006 0015	\$4,268.00
315-317 Lowell Avenue	Maccormack James & Eloise	027233/0048	24014 0003	\$1,296.00
18 Moffat Road	Stilwell Simon R & Burke Heather	001358/0069	53034B0003	\$1,406.00
28 Moffat Road	Abrahamson Martin J & Sharon Z.	022304/0222	53034B0001	\$2,719.00
84 Moffat Road	O Connor Ivan	049987/0241	53035 0002	\$992.00
129 Moffat Road	Herman John B. & Mary O.	018588/0475	53031 0003	\$1,226.00
141 Moffat Road	Amorosino Joseph Jr.	051665/0108	53031 0004	\$2,288.00
142 Moffat Road	Hadley William B & Beverly	009625/0200	53033 0006	\$1,676.00
173 Moffat Road	Bruce Richard & Janesse	031303/0106	53031 0007	\$1,549.00
513 Chestnut Street	Michael J. Hiscox	047949/0366	53034B0004	\$1,568.00
100 Pine Ridge Road	Piken Keith & Maria	050009/0350	53020 0003	\$2,507.00
63 Windsor Road	Day Karen L	039535/0386	53032 0010	\$1,964.00
89 Windsor Road	Todreas Carol S	025433/0524	53031 0010	\$4,033.00
170 Windsor Road	Frieze David	023948/0295	53030 0008	\$2,899.00
75-77 Central Street	Schofield Allen W	047355/0367	43014 0004	\$2,172.50
78 Central Street	Blumenthal Robert H & Denise E	013309/0575	43015 0007	\$1,897.50
28 Central Street	Goodman Susan D	047882/0473	43010 0007	\$1,187.50
36 Central Street	Birnbaum Howard & Beth	025555/0028	43010 0006	\$1,270.00
115 Central Street	Donovan Joseph F & Judith M	012355/0312	43014 0010	\$1,020.00
116 Central Street	Fandrey Adam C	049680/0557	43015 0001	\$3,057.50
646 Chestnut Street	Barabasi Albert-Laszlo	052679/0467	53020 0001	\$3,497.50
139 Hancock Street	Goeselt Brian	031845/0566	43028 0010	\$3,575.00
145-147 Cypress Street	Levinson Brent Lewin	014023/0153	65015 0010	\$2,100.00
57 Hancock Street	Sarah White	048374/0342	43021 0016	\$1,237.50

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147 Hancock Street	Musen Michael and Fernanda M	021465/0401	43028 0011	\$1,985.00
255 Homer Street	Kosowsky Jeffrey J & Miriam A	043712/0571	64012 0009	\$2,035.00
112 Homer Street	Philosophe Ralph & Ruth	032786/0259	64032 0037	\$3,607.50
121 Homer Street	Pemstein Raylea S	022250/0530	64034 0004	\$1,460.00
230 Homer Street	Li Sizhu	053214/0449	64018 0001	\$1,595.00
277 Homer Street	Zar-Kessler Arnold B & Lorel	021039/0225	64012 0015	\$1,462.50
98 Homer Street	Damon Selma T TR	022028/0158	64032 0040	\$3,805.00
152 Homer St	Copithorne David A & Barbara S	023079/0485	64032 0032	\$2,702.50
261 Homer Street	Katz Alan J & Susan D	025006/0522	64012 0013	\$1,380.00
11 Hyde Street	Jarell Joseph A	013679/0577	52020 0014	\$2,812.50
11 Hyde Street	Jarell Joseph A	013679/0577	52020 0014	\$1,595.00
19 Hyde Street	Goldman Henry T	013206/0001	52020 0015	\$1,625.00
22 Hyde Street	Tamm Peter L	051156/0533	52018 0014	\$1,515.00
57 Hyde Street	Loewenstein Ernest	051653/0151	52020 0019	\$2,232.50
51 Hyde Street	Heywood James	046206/0062	52020 0018	\$2,345.00
82 Hyde Street	Giglio Janice	039221/0202	52023 0001	\$910.00
284 Lake Avenue	Goldstein Gary Stephen	055328/0062	52023 0002	\$1,517.50
292 Lake Avenue	Strassberg Steven and Elena Eisman	019441/0079	52022 0008	\$1,212.50
9-11 Maple Street	Fong Gim & Fay	023288/0052	43014 0001A	\$1,270.00
22 Maple Street	Carey Jonathan A	044840/0340	43011 0023	\$1,820.00
39 Pine Ridge Road	Regan Michael & Danielle	049335/0137	53019 0015	\$1,627.50
51 Pine Ridge Road	Curran John	048091/0387	53019 0017	\$2,232.50
56 Pine Ridge Road	Meyer John B & Stephanie	014497/0569	53020 0009	\$3,277.00
69 Pine Ridge Road	Klivans Robert & Joan	014248/0306	53019 0020	\$4,322.00
72 Pine Ridge Road	Kryder John Christian & Barbara	022783/0576	53020 0007	\$3,525.00
105 Pine Ridge Road	Dorfman Mark & Laura	037485/0193	53019 0024	\$2,040.00

115 Pine Ridge Road	White Burton Hodgson	016878/0093	53019 0025	\$3,910.00
210 Pleasant Street	Deighton Anthony	047687/0165	64019 0007	\$1,737.50
71-73 Newtonville Avenue	Walker Henry Mager III and Kathleen	001209/0015	12018 0022A	\$2,394.53
71-73 Newtonville Avenue	Walker Henry Mager III and Kathleen	001209/0015	12018 0022A	\$750.00
167 Woodland Road	Martinez Jose	025505/0065	43034 0005	\$1,517.50
195 Woodland Road	Anisimov Nicholas and Amy	021883/0035	43036 0010	\$1,572.50
230 Woodland Road	Christiansen Edward J & E Tatum	014749/0507	43010 0015	\$1,542.50
244 Woodland Road	Kosa Peter & Jessica	054703/0417	43009 0011	\$3,470.00
1735 Washington Street (Woodland Road)	Apholt Eleanor M	025479/0414	43039 0018	\$2,040.00

**ACTION:    APPROVED 6-0 (Gentile not voting)**

**NOTE:**        The request is to assess 68 properties owners for sidewalk and/or curb betterments at various locations. The total of all the betterments is \$142,692.53. The property owners to be assessed chose to pay the betterment over a 20-year period. All the above betterments qualify, as they exceed \$500. The assessments are included as a lien of the property deed.

All of the betterments are completed. Most of the betterments were related to roadway reconstruction projects overseen by the Department of Public Works. There was concern voiced that individual property owners, who are on a waiting list to receive betterments, rarely receive them. The Department of Public Works uses its betterment funds to install new sidewalks and/or curbing on streets being reconstructed, whether or not the property owners are on the betterment waiting list. The Chair of Public Facilities stated that there is a docket item pending to address and expedite betterments for individual property owner. With that, Ald. Lappin moved approval, which carried unanimously.

**REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES**

#367-10        **HIS HONOR THE MAYOR** requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:

- (B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]
- (A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.
- (B1) \$923,375 for installation of 4 modulars was approved on July 11, 2011
- (B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.

(B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.

(B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.

**#367-10(B2D)** One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools. **PROG & SERV APPROVED 3-0-3 (Blazar, Linsky, Sangiolo abstaining) on 02/22/12**

**PUBLIC FACILITIES APPROVED 7-0 on 02/22/12**

**ACTION: APPROVED 6-0 (Gentile not voting)**

**NOTE:** Facilities and Operations Supervisor Josh Morse and Chief Financial Officer Maureen Lemieux presented the request for funding of the construction and construction administration associated with installing sprinklers at the Burr, Zervas, and Horace-Mann Elementary Schools. The estimated cost of the project is \$1,724,194; however, a decision was made to eliminate pipe painting, which saves the city \$250,000 in costs. The sprinkler pipes will not be located in corrosive environments; therefore, the only reason to paint them is for aesthetics. The city has an in-house painter that could paint the pipes once the projects are complete. Therefore, the request is for \$1,474,194, which was approved by both the Public Facilities Committee and the Programs and Services Committee.

During the joint Public Facilities Committee and Programs & Services Committee meeting, a question arose regarding the impact to the Capital Improvement Program (CIP) due to the \$277,311 increase over the original estimated cost of \$1,196,883 for the sprinkler installation at the three elementary schools. The City has recently received favorable bids on two FY 2012 capital improvement projects, which will result in savings of approximately \$295,000. Those savings will be used to offset the increase to the elementary school sprinkler projects.

The Public Buildings Department worked to keep the cost of the projects down. However, there are several locations, particularly in the Horace Mann Elementary School, where the ceilings are too low to install exposed sprinkler pipes. Due to the need to locate some sprinkler pipes in the ceilings, the cost is higher as a large amount of ceiling work is required.

In addition, the cost of the sprinkler projects has triggered some accessibility requirements. Each of the schools will require a main entrance that is accessible and a bathroom and water fountain that is accessible and can be reached from the accessible main entrance. There are limited funds within the project to address these requirements. The Zervas School does not require a large amount of work, as two entrances are accessible, as well as two restrooms. The Zervas School only requires an accessible drinking fountain accessible from one of the accessible entrances. The Burr School requires only slight changes to meet the accessibility requirements. There needs to be a change in the slope of a ramp at one of the main entrances to provide an accessible main entrance. There is an accessible restroom in the school, which could be reached from the ramped entranceway. An accessible drinking fountain needs to



be installed at the school. The Horace Mann School will require more work than the other two schools but separate funding to be used for accessibility at Horace Mann School was recently approved by the Board of Aldermen. There may be additional funding that is necessary to meet all of the accessibility requirements at these schools.

Concern was voiced that better estimates are not provided at the beginning of a project. Bad estimates result in feelings of frustration from the public over the increase in cost to projects over the design and construction phases of the projects. The Committee is aware that at the beginning of this project, the Public Buildings Department and the architectural firm hired to design the modular classrooms and the F.A. Day School Project were unaware of the new sprinkler requirements. The City needs to be aware of changes in building code requirements and accessibility requirements, as soon as they occur. Mr. Morse stated that the Public Buildings Department is working to improve communications between itself, state agencies, and other city agencies to ensure that it is up to speed on all requirements. Ms. Lemieux added that the Administration is also working to improve communications and be aware of proposed legislation and the ramifications to the city if legislation is passed. The Administration and Public Buildings Department are also looking at upcoming CIP projects to determine if the sprinkler and/or accessibility and/or seismic requirements will be triggered.

Ms. Lemieux added that the increases in both the F.A. Day Middle School Project and the modular classroom projects would have very little impact on the CIP. The Newton North High School Project is approximately \$5,000,000 under budget. Therefore, the City will not need to borrow those funds, which results in a slightly larger bonding capacity as it frees up debt service payments. In addition, the City is hoping to get an interest rate of 2% when it sells bonds this spring. These things result in enough funds to offset the cost increases to the two projects.

Ald. Lappin moved approval, which carried unanimously. Ald. Fuller pointed out that it seems that renovation to public buildings is costing more and more. The state seems to prefer newer buildings. She suggested that the Administration discuss this trend with the city's Historical Commission.

#367-10(B2) – \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.

**PROGRAMS & SERVICES HELD 6-0 on 02/22/12**

**PUBLIC FACILITIES HELD 7-0 on 02/22/12**

**ACTION: HELD 6-0 (Gentile not voting)**

**NOTE:** The remaining funds were held without discussion.

#51-12 HIS HONOR THE MAYOR requesting authorization to establish a “procedure for the disposal of supplies valued at less than \$5,000” pursuant to M.G.L. Chapter 30B §15, which states the Purchasing Agent to dispose of tangible supplies that are no longer useful to the City, but have an estimated net resale or salvage value of less than \$5,000 using written procedures approved by the Board of Aldermen. [02/13/12 @ 3:57 PM]

**ACTION: APPROVED 6-0 (Gentile not voting)**

**NOTE:** The Mayor is requesting that the Board of Aldermen approve written procedures for the disposal of surplus supplies with a value of less than \$5,000. Massachusetts General Law requires that the city establish these procedures before disposing of these types of items. The city does not currently have procedures; therefore, as soon as the Purchasing Agent realized this, disposal of surplus items under \$5,000 was stopped. City buildings are now littered with items that need to be disposed of after the procedures are approved.

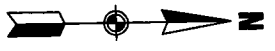
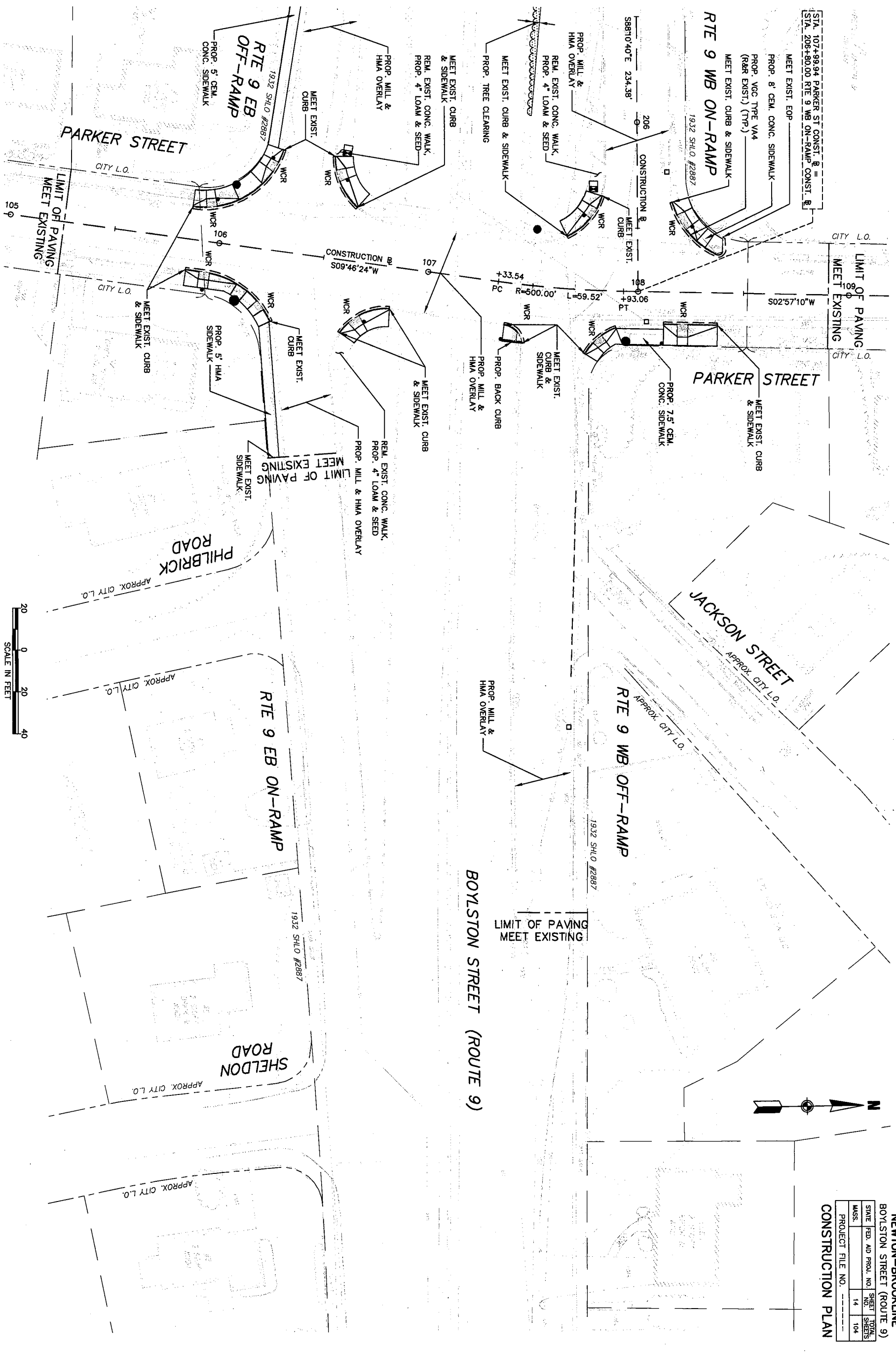
The attached procedures were created and reviewed by the Law Department. The Comptroller is comfortable with the written procedures, as well. The written procedures are very similar to what the City has actually practiced except employees of the city will now be treated the same as the public. With that, Ald. Salvucci moved approval, which carried unanimously.

The Committee adjourned at 8:32 p.m. and all other items before the Committee were held without discussion. Draft Board Orders for the above items that are recommended for Board of Aldermen action are attached.

Respectfully submitted,

Leonard J. Gentile, Chairman

CONT. ON SHEET 13

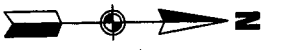


**NEWTON-BROOKLINE**  
**BOYLSTON STREET (ROUTE 9)**

STATE	FED. AID PROJ. NO.	SHEET NO.	TOTAL SHEETS
MASS.		14	104
PROJECT FILE NO. -----			

**CONSTRUCTION PLAN**

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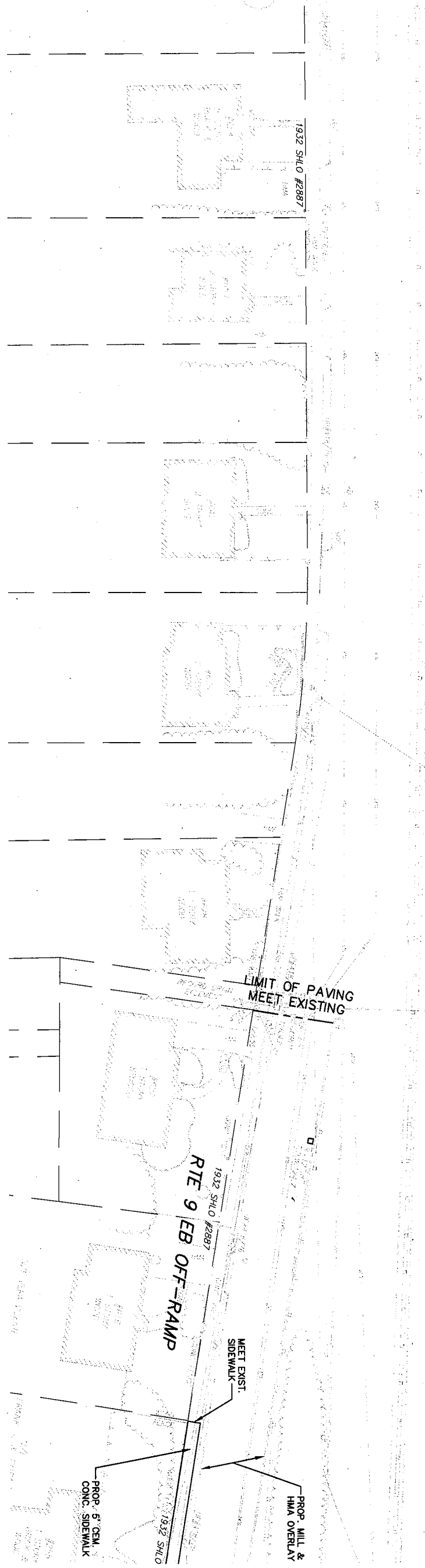
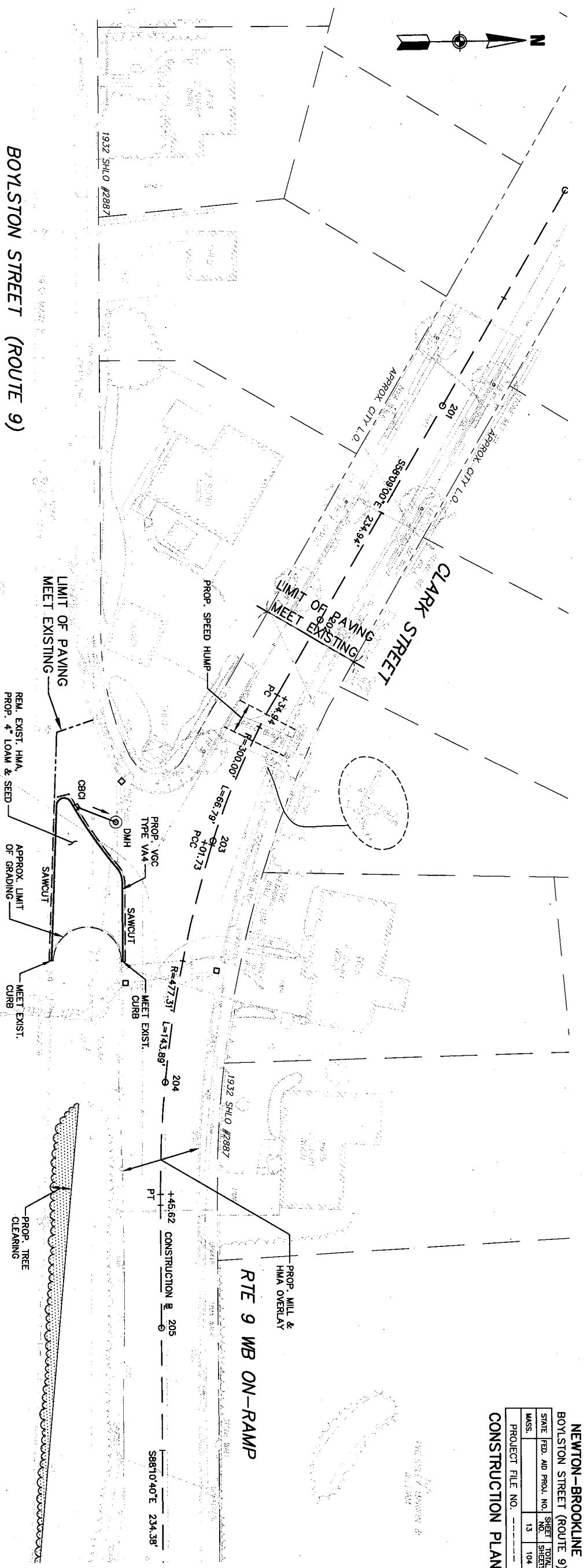


BOYLSTON STREET (ROUTE 9)

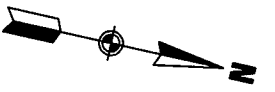
CLARK STREET

NEWTON-BROOKLINE  
BOYLSTON STREET (ROUTE 9)  
CONSTRUCTION PLAN

STATE	FED. AID PROJ. NO.	SHEET TOTAL
MASS.	NO.	13
PROJECT FILE NO.		104

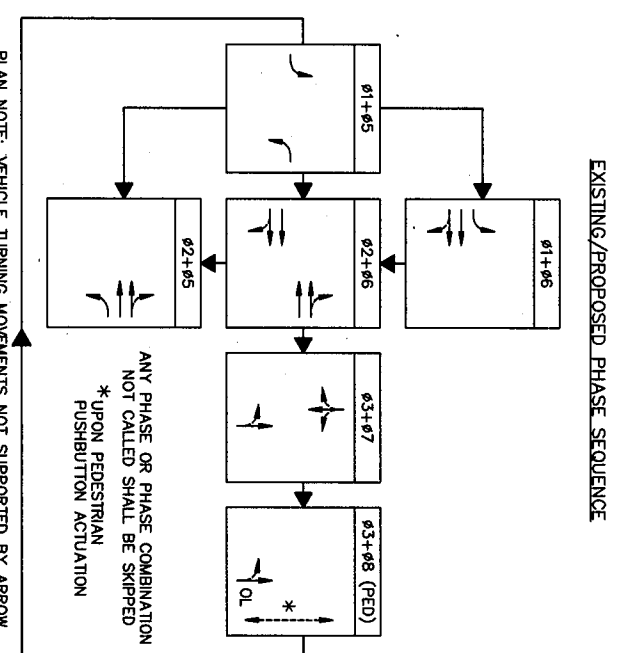
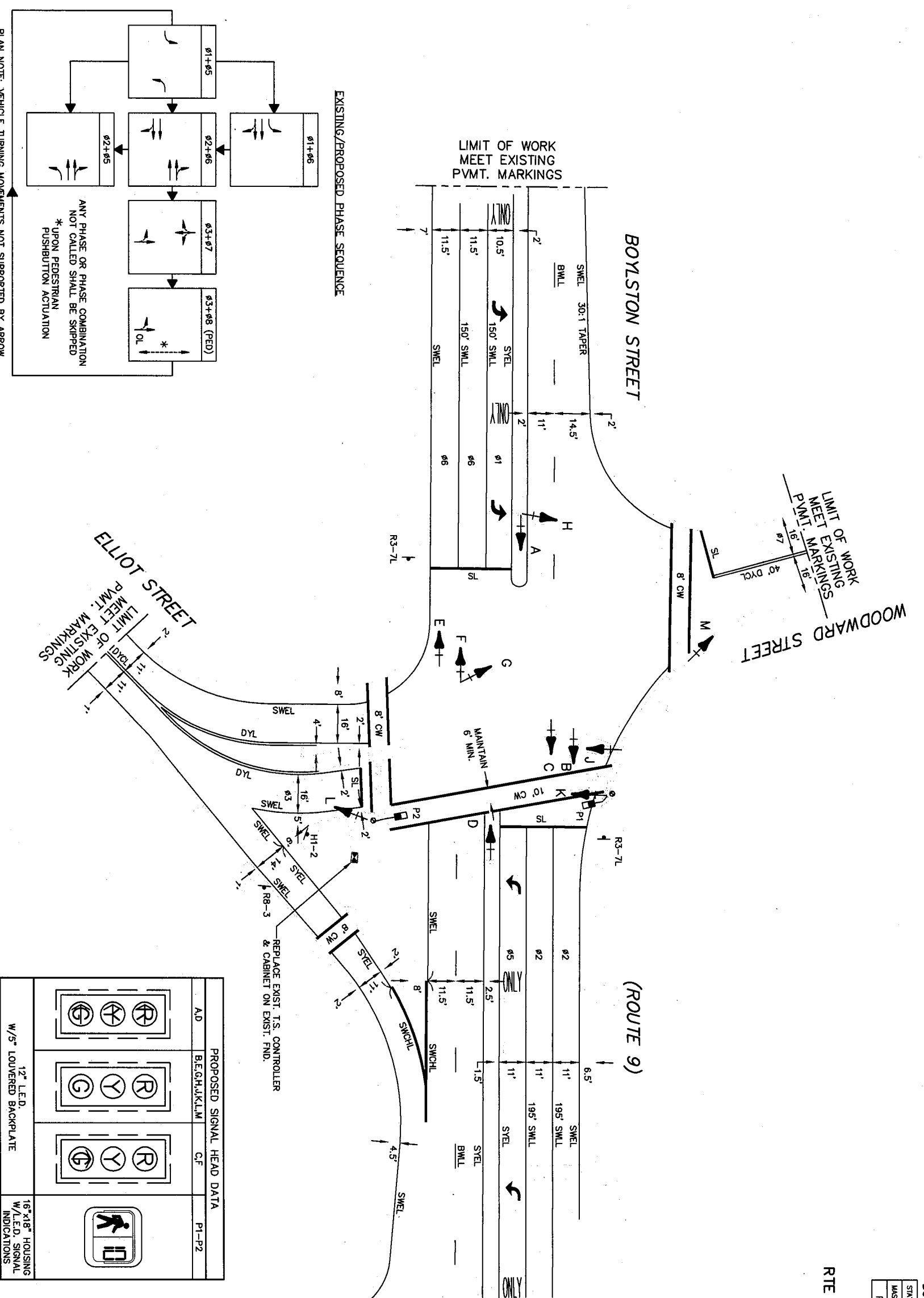


CONT. ON SHEET 14



**NEWTON - BROOKLINE**  
 BOYLSTON STREET (ROUTE 9)  
 TRAFFIC PLAN  
 LOCATION 12  
 RTE 9 AT WOODWARD ST  
 & ELLIOT ST

STATE	FED. AID PROJ. NO.	SHEET TOTAL
MASS.	N.F.A.	NO. 59
PROJECT FILE NO.		104

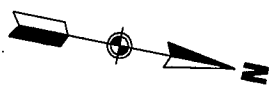


**PROPOSED SIGNAL HEAD DATA**

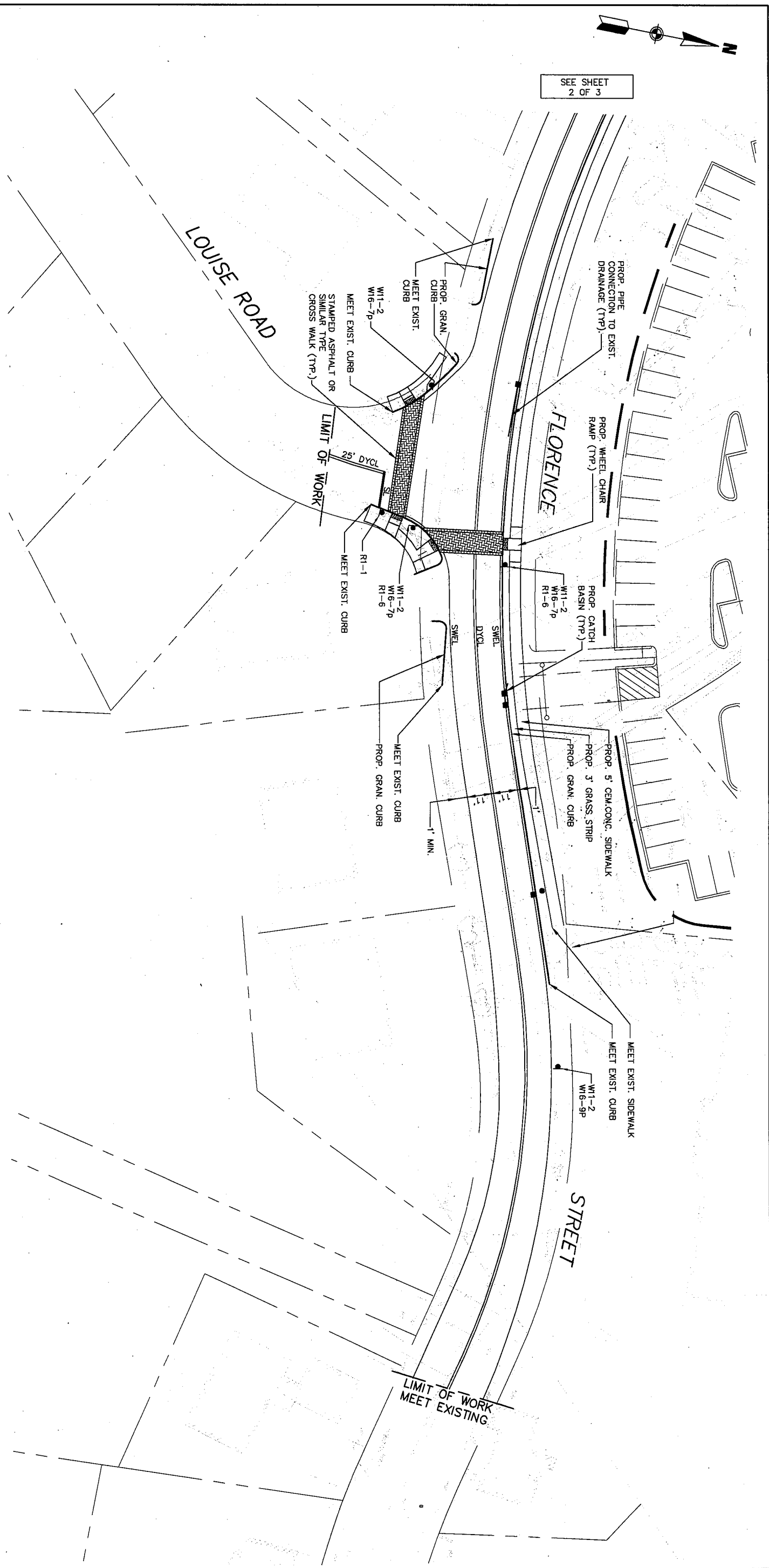
A-D	B-E, H, J, K, L, M	C-F	P1-P2
12" LED W/5" LOUVERED BACKPLATE			16"x18" HOUSING W/LED SIGNAL INDICATIONS

**NOTES:**  
 1. EXISTING CONDITIONS DEPICTED ON THIS PLAN WERE COMPILED FROM CITY OF NEWTON RECORD PLANS AND FIELD OBSERVATIONS/MEASUREMENTS.  
 2. EXISTING PAVEMENT MARKINGS NOT CONSISTENT WITH THIS PLAN SHALL BE REMOVED BY GRINDING PRIOR TO APPLICATION OF PROPOSED PAVEMENT MARKINGS.





SEE SHEET  
2 OF 3



STRIPING LEGEND

DYCL	DOUBLE YELLOW CENTER LINE
SWEL	SOLID WHITE EDGE LINE
SYEL	SOLID YELLOW EDGE LINE
SWL	SOLID WHITE LANE LINE
SL	STOP LINE
CW	CROSS WALK

SIGN LEGEND

R1-1		W16-7p	
R1-6		W16-9p	
W11-2			



NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.  
2. BASE PLAN INFORMATION OBTAINED FROM PLANS PREPARED BY HENRY R. FELDMAN, INC.

**CONCEPTUAL IMPROVEMENT PLAN  
FLORENCE STREET/  
HEATH STREET CORRIDOR**

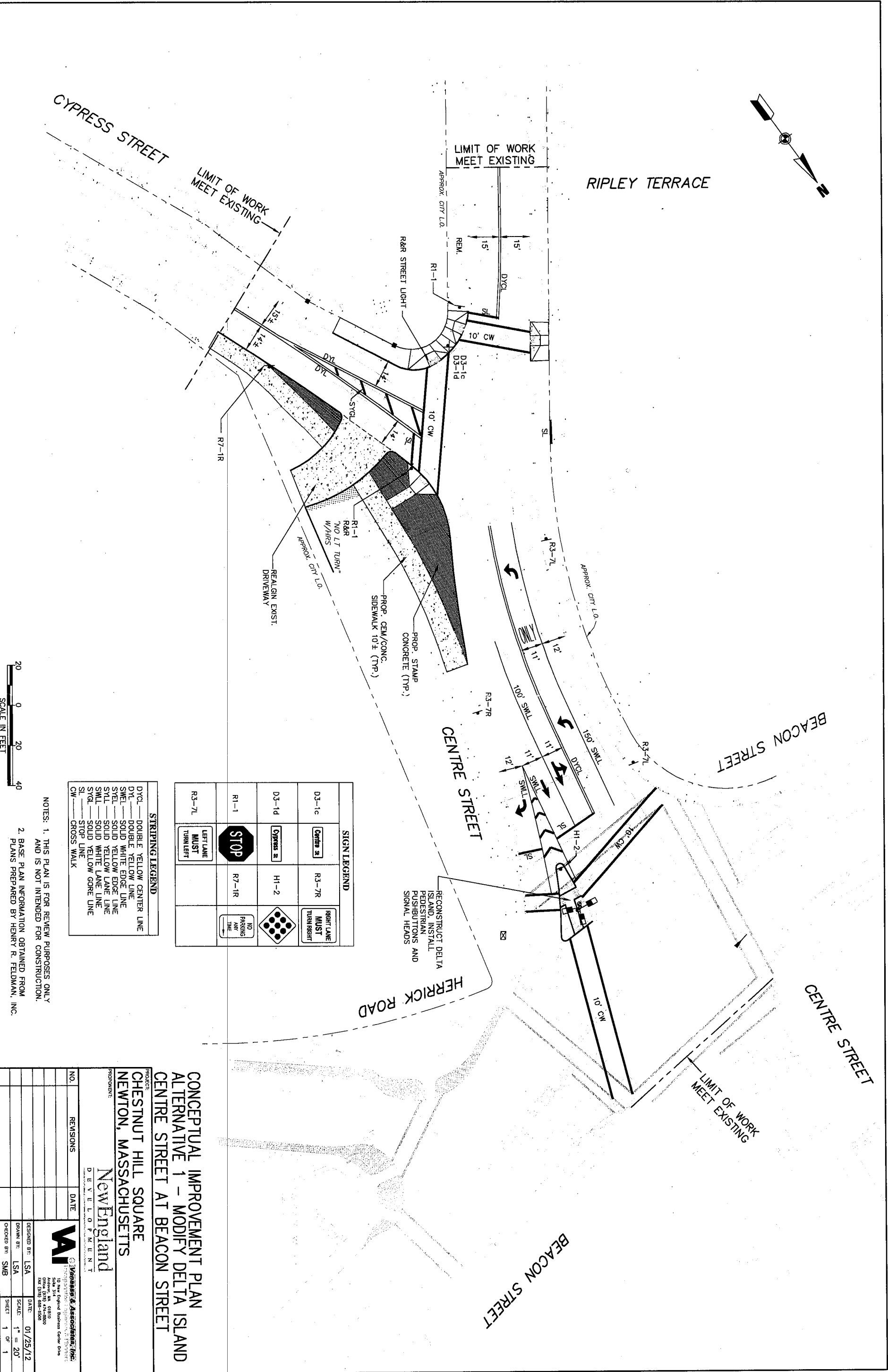
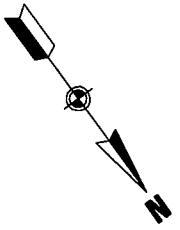
PROJECT:  
CHESTNUT HILL SQUARE  
NEWTON, MASSACHUSETTS

DEVELOPER:  
**NewEngland**

NO.	REVISIONS	DATE

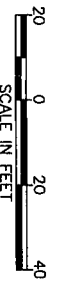
DESIGNED BY: JSD	DATE: 11/01/10
DRAWN BY: LSA	SCALE: 1" = 20'
CHECKED BY: JSD	SHEET: 3 OF 3



SIGN LEGEND	
D3-1c	Centre St
D3-1d	Cypress St
R1-1	STOP
R3-7L	LEFT LANE MUST TURN LEFT
R3-7R	RIGHT LANE MUST TURN RIGHT
H1-2	NO PARKING

STRIPING LEGEND	
DYCL	DOUBLE YELLOW CENTER LINE
DYL	DOUBLE YELLOW LINE
SWEL	SOLID WHITE EDGE LINE
SYEL	SOLID YELLOW EDGE LINE
SWLL	SOLID WHITE LANE LINE
SYLL	SOLID YELLOW LANE LINE
SYGL	SOLID YELLOW GORE LINE
SL	STOP LINE
CW	CROSS WALK

NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.  
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**CONCEPTUAL IMPROVEMENT PLAN  
 ALTERNATIVE 1 - MODIFY DELTA ISLAND  
 CENTRE STREET AT BEACON STREET**

PROJECT: CHESTNUT HILL SQUARE  
 NEWTON, MASSACHUSETTS

PROPOSANT: **NewEngland**

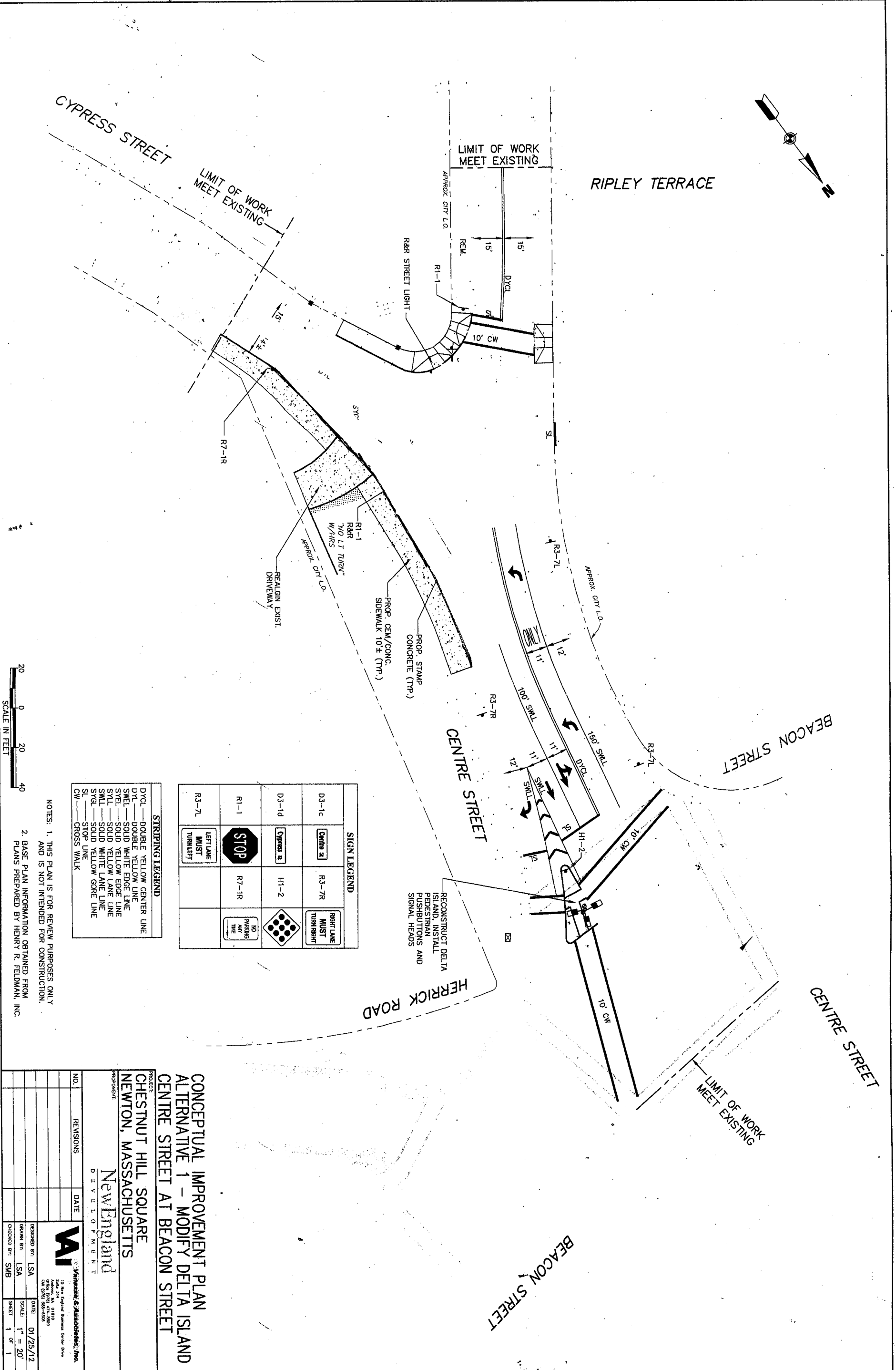
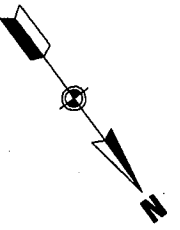
DEVELOPER: **W**

NO.	REVISIONS	DATE

DESIGNED BY: LSA  
 DRAWN BY: LSA  
 CHECKED BY: SMR

DATE: 01/25/12  
 SCALE: 1" = 20'  
 SHEET: 1 OF 1

**W** **Wentworth & Associates, Inc.**  
 10 New England Business Center Drive  
 Andover, MA 01810  
 Phone: (978) 474-1000  
 Fax: (978) 474-1001

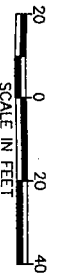


SIGN LEGEND			
D3-1c	Centre St	R3-7R	RIGHT LANE MUST TURN RIGHT
D3-1d	Cypress St	H1-2	NO PARKING ANY TIME
R1-1	STOP	R7-1R	
R3-7L	LEFT LANE MUST TURN LEFT		

STRIPPING LEGEND	
DYCL	DOUBLE YELLOW CENTER LINE
DYL	DOUBLE YELLOW LINE
SWEI	SOLID WHITE EDGE LINE
SYEL	SOLID YELLOW EDGE LINE
SMLL	SOLID YELLOW LANE LINE
SML	SOLID WHITE LANE LINE
SYGL	SOLID YELLOW GORE LINE
SL	SOLID WHITE GORE LINE
CW	CROSS WALK

NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.

2. BASE PLAN INFORMATION OBTAINED FROM PLANS PREPARED BY HENRY R. FELDMAN, INC.



**CONCEPTUAL IMPROVEMENT PLAN  
ALTERNATIVE 1 – MODIFY DELTA ISLAND  
CENTRE STREET AT BEACON STREET**

PROJECT:  
CHESTNUT HILL SQUARE  
NEWTON, MASSACHUSETTS

PROVIDER:  
**New England**  
DEVELOPMENT

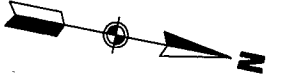
NO.	REVISIONS	DATE

**VANASSE & ASSOCIATES, INC.**  
 100 State Street, Suite 210  
 Cambridge, MA 02149  
 Tel: (617) 552-3000  
 Fax: (617) 552-3020

DESIGNED BY: LSA  
 DRAWN BY: LSA  
 CHECKED BY: SMB

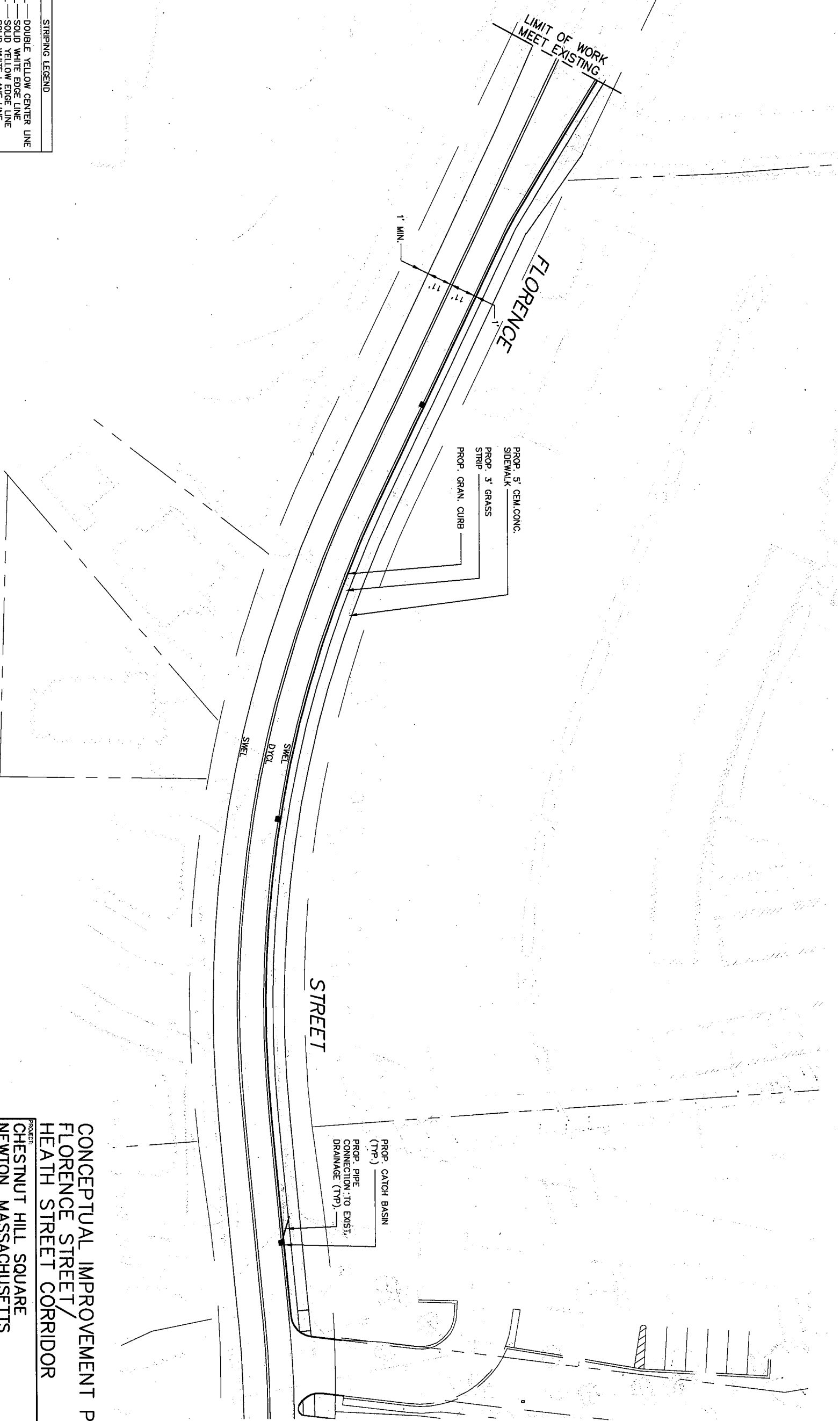
DATE: 01/25/12  
 SCALE: 1" = 20'  
 SHEET: 1 OF 1





STRIPING LEGEND

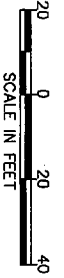
DYCL	DOUBLE YELLOW CENTER LINE
SMEL	SOLID WHITE EDGE LINE
SYEL	SOLID YELLOW EDGE LINE
SMWL	SOLID WHITE LANE LINE
SL	STOP LINE
CW	CROSS WALK



PROP. 5' CEM. CONC. SIDEWALK  
 PROP. 3' GRASS STRIP  
 PROP. GRAN. CURB

PROP. CATCH BASIN (TTP)  
 PROP. PIPE CONNECTION TO EXIST. DRAINAGE (TTP)

SEE SHEET 2 OF 3



NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.  
 2. BASE PLAN INFORMATION OBTAINED FROM PLANS PREPARED BY HENRY R. FELDMAN, INC.

**CONCEPTUAL IMPROVEMENT PLAN**  
**FLORENCE STREET /**  
**HEATH STREET CORRIDOR**

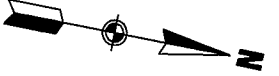
PROJECT:  
 CHESTNUT HILL SQUARE  
 NEWTON, MASSACHUSETTS

DEVELOPER:  
**NewEngland**

NO.	REVISIONS	DATE

DESIGNED BY: JSD	DATE: 11/01/10
DRAWN BY: LSA	SCALE: 1" = 20'
CHECKED BY: JSD	SHEET: 1 OF 3



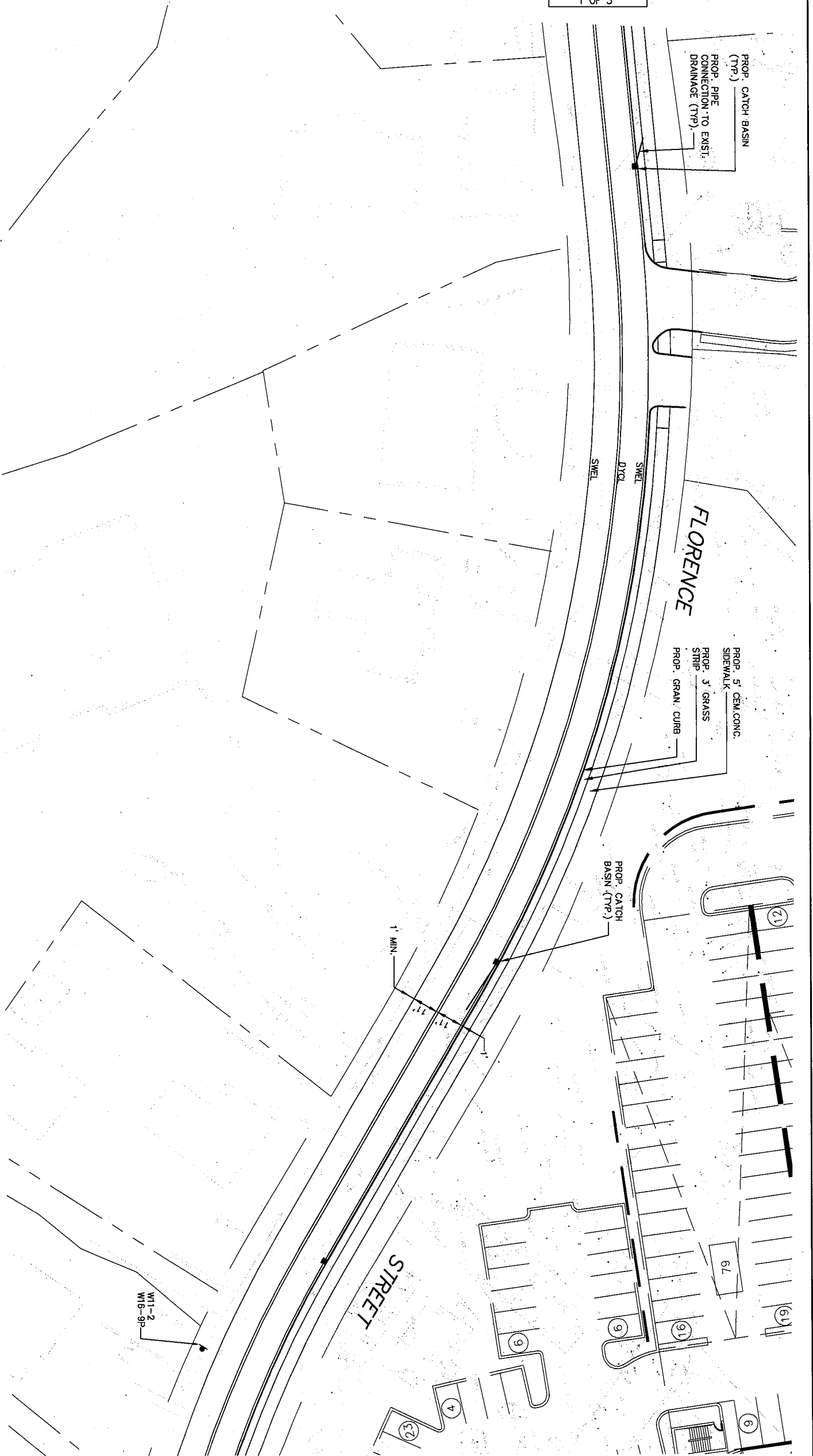
SEE SHEET  
1 OF 3

STRIPING LEGEND

DYCL	DOUBLE YELLOW CENTER LINE
SWEL	SOLID WHITE EDGE LINE
SYEL	SOLID YELLOW EDGE LINE
SWLL	SOLID WHITE LANE LINE
SL	STOP LINE
CW	CROSS WALK

SIGN LEGEND

W11-2		W16-9p	
-------	--	--------	--



PROP. 5' CEM CONC. SIDEWALK  
PROP. 3' GRASS STRIP  
PROP. GRAN. CURB

PROP. CATCH BASIN (TRP.)

1' MIN.

W11-2  
W16-9p

SEE SHEET  
3 OF 3



- NOTES: 1. THIS PLAN IS FOR REVIEW PURPOSES ONLY AND IS NOT INTENDED FOR CONSTRUCTION.  
2. BASE PLAN INFORMATION OBTAINED FROM PLANS PREPARED BY HENRY R. FELDMAN, INC.

CONCEPTUAL IMPROVEMENT PLAN  
FLORENCE STREET/  
HEATH STREET CORRIDOR

PROJECT:  
CHESTNUT HILL SQUARE  
NEWTON, MASSACHUSETTS

DEVELOPER:  
NewEngland

NO.	REVISIONS	DATE



the proposed parking are consistent with the relief granted by this Special Permit/Site Plan Approval in connection with any request for a certificate of occupancy.

Construction of any phase of the Project will not obligate the Petitioner to construct the balance of the Project (or any portion thereof) in a subsequent phase(s), provided that the Petitioner shall be obligated to complete any requirements that are a condition of a certificate of occupancy in accordance with the provisions of condition 16 below. If the Petitioner has not commenced construction of any portion of the Project within ten years of the exercise (as defined in Condition 2(ii) above) of this Special Permit/Site Plan Approval, construction of such portion, even if consistent with the original Special Permit Plan Set, shall require an amendment to this Special Permit/Site Plan Approval.

4. The Petitioner shall comply in all material respects with the final Construction Management Plan to be submitted for review and approval to the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, Fire Department, Public Works Commissioner, City Engineer, and City Traffic Engineer. The Final Construction Management Plan shall be materially consistent with the construction sequencing shown in the Special Permit Plan Set, and include appropriate provisions for dust controls, noise, blasting, construction traffic routing, a requirement that access to the site from Florence Street be restricted to use as a secondary construction access point and be chained or gated during construction, and off-site construction parking that may be required to provide parking for uses in operation on the site during construction activities. The final Construction Management Plan shall also include adequate and appropriate procedures and protocols to be implemented to allow effective operation of the Project site during construction, including, without limitation providing temporary cellular antennas to maintain cellular service in the area of the Project during construction activities.
5. The Comprehensive Signage Package submitted by the Petitioner (see Exhibit A) is hereby approved in concept. The Petitioner shall submit a final Comprehensive Signage Package to the Director of Planning and Development for review and approval prior to implementation of the Project signage program. The Director of Planning and Development shall review the Comprehensive Signage Package, in consultation with the Newton Urban Design Commission, and provide the Petitioner with recommendations but in no event shall any such recommendations require the Petitioner to obtain additional relief under the Zoning Ordinance. The Director of Planning and Development shall review any proposed modifications to the Project signage program to ensure that the same are generally in harmony with the findings, safeguards and conditions set forth in this Special Permit/Site Plan Approval and substantially consistent with the Comprehensive Signage Package submitted by the Petitioner in support of the application for this Special Permit/Site Plan Approval.
6. Subject to the provisions hereof and receipt of all necessary state, federal and local permits and/or approvals, including MassDOT review, revision, approval (the "Approvals"), the Petitioner shall design and construct the Route 9 Corridor Improvements and Local Roadway Improvements, which shall include the installation of an OPTICOM traffic signal preemption system for all modified traffic signals, as

substantially set forth in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), as the same may be modified by MassDOT or other applicable authorities (the “Proposed Transportation Improvement Program”).

The Board recognizes that certain portions of the Proposed Transportation Improvement Program fall under the jurisdiction of MassDOT or other state agencies and that the Petitioner’s obligation to construct the Proposed Transportation Improvement Program may be satisfied through state and/or federal infrastructure work/funding; provided however, that, subject to the provisions of Condition 8 below, the failure of such state and/or federal infrastructure work/funding shall not relieve the Petitioner from this Condition 6. In order to ensure coordination of the Proposed Transportation Improvement Program between state and local jurisdictional areas, the Petitioner, at the request of the Director of Planning and Development, shall provide the City with a summary of the status of MassDOT’s review. The Petitioner shall submit to the Director of Planning and Development for review in consultation with the Commissioner of Public Works, City Engineer, the Commissioner of Inspectional Services and the City Traffic Engineer (i) copies of final design plans for the Proposed Transportation Improvement Program upon the final issuance of all of the Approvals for the Proposed Transportation Improvement Program (or any portion thereof); and (ii) a certification from a professional traffic engineer or MassDOT and/or City’s Traffic Engineer Peer Reviewer confirming the substantial completion of the Proposed Transportation Improvement Program (or any portion thereof).

Prior to a request for modification of the state highway access permit for the Project, the Petitioner shall meet with the Director of Planning and Development, Commissioner of Public Works, City Engineer, the City Traffic Engineer, and the Commissioner of Inspectional Services to obtain the City’s comments and, to the extent feasible, incorporate such comments into the Petitioner’s request for modification. Subject to Condition 8 below, the Proposed Transportation Improvement Program shall be substantially completed prior to substantial occupancy of the Project authorized under this Special Permit/Site Plan Approval.

7. Subject to the provisions hereof and receipt of all of the Approvals, the Petitioner shall initially implement the Transportation Demand Management measures, including, without limitation, the shuttle bus service, as generally set forth in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), as the same may be modified by MassDOT or other applicable authorities (the “TDM Measures”). The Petitioner will review the TDM Measures with the Director of Planning and Development prior to the opening of the first building in the Project, including operations of the shuttle service. At the request of the Director of Planning and Development or at the Petitioner’s election, the Petitioner will annually evaluate the effectiveness of the TDM Measures to determine whether any proposed adjustment to the TDM Measures should be made to optimize the TDM program. Any adjustments to the TDM Measures resulting from such annual review will be submitted to the Director of Planning and Development and City Traffic Engineer and shall be maintained on file at the Project. Subject to Condition 8 below, the TDM Measures shall

be substantially implemented prior to initial occupancy of the Project authorized under this Special Permit/Site Plan Approval, unless otherwise determined by the Director of Planning and Development in consultation with the City Traffic Engineer.

8. A Certificate of Occupancy may be issued for any portion of the Project prior to completion of the Proposed Transportation Improvement Program or implementation of the TDM Measures upon submission by the Petitioner of a parking analysis and traffic report prepared by a professional traffic engineer to the Commissioner of Inspectional Services, Director of Planning and Development, and the City Traffic Engineer evidencing that the parking provided and improvements completed, together with any necessary alternative measures proposed by the Petitioner in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), are sufficient to safely and efficiently accommodate the (i) parking required by the Zoning Ordinance (as the same may be adjusted by the Parking Reduction); and (ii) anticipated traffic volumes for the portion of the Project for which the Certificate of Occupancy is sought. The parking analysis and traffic report shall be subject to review and approval by the Commissioner of Inspectional Services, in consultation with the Director of Planning and Development, and the City Traffic Engineer.
9. The City has previously secured partial, but not sufficient, funding from another developer for the installation of a traffic signal at the intersection of the Route 9 eastbound offramp and Hammond Pond Parkway (the "HPP Signal") in the amount of \$250,000 (the "Signal Funding"). Upon the issuance of all necessary Approvals, the Petitioner agrees to install or cause to be installed the HPP Signal in accordance with the Proposed Transportation Improvement Program. Upon substantial completion of the HPP Signal, as certified by a professional traffic engineer, the Director of Planning and Development shall request appropriation of the Signal Funding to the Petitioner, provided that nothing in this condition shall require the Mayor and Board of Aldermen to approve such appropriation request.
10. The Petitioner will provide the City with a good faith estimate of the cost to design and construct a sidewalk built to City standards within the northerly portion of the Florence Street right-of-way from 188 Florence Street to the westerly boundary of the Atrium Mall property. If the good faith estimate exceeds \$300,000, the City may either provide the Petitioner with the additional funds necessary to construct the sidewalk or may elect to construct the sidewalk itself in which event the Petitioner shall pay the \$300,000 to the City prior to construction of the sidewalk. If the good faith estimate is less than \$300,000 or the City provides such additional funds to cover the cost in excess of \$300,000, the Petitioner shall, subject to approvals, design and construct the sidewalk. The completion of this work shall not be a condition to the issuance of a Certificate of Occupancy for any portion of the Project, but the Commissioner of Inspectional Services may include the cost to install the sidewalk in the 135% bond or other security in accordance with the provisions of condition 16.
11. Subject to the provisions hereof and receipt of all of the approvals, the Petitioner shall construct the Route 9 sidewalk/landscaped areas proposed in the Special Permit plan set

26. The Petitioner has committed to an ongoing stormwater system cleaning and maintenance effort as described in their Stormwater Operations and Maintenance Plan on file with the City. The Petitioner will comply during construction with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site and provide documentation to the City once every four months during construction that the stormwater pollution control measures to be undertaken during construction have been implemented on an ongoing basis. The Petitioner will provide the City with a Stormwater Pollution Prevention Plan prior the issuance of the initial occupancy permit for any portion of the Project.
27. The utility services lines along the Project's Route 9 frontage will be located underground, subject to necessary Approvals. The feasibility of underground location of other utility service lines will be reviewed by the Petitioner in light of other site design considerations, such as the location and configuration of structures, site costs, required earthwork and other similar considerations.
28. The Petitioner has applied to the Public Facilities Committee to relocate the existing City drain easement and grant the City a new easement for access and maintenance of the new drainage culvert and water main pursuant to the Easement Relocation Plan noted on Exhibit A. The Easement Relocation Plan, once approved by the Board, will be recorded at the Middlesex South Registry of Deeds.
29. The Petitioner will remove any trash that may accumulate between the Petitioner's retaining wall and the retaining wall along Florence Court Condominiums at least semi-annually.
30. The Petitioner shall be responsible at its sole cost for trash disposal for the residential units.
31. The Petitioner will comply with applicable state and local laws, regulations and protocols governing blasting, including, the Standard Blasting Conditions for Special Permit/Site Plan Approvals, dated May 31, 2002 on file with the City Clerk.
32. The Petitioner will not contest parking restrictions on the north side of Florence Street.
33. The Petitioner will work with the City Engineer regarding a study of an existing problem related to FOG within the City's sanitary sewer system and will negotiate with the City Engineer regarding a contribution towards such study. Such contribution shall be made prior to the issuance of any Certificate of Occupancy.
34. The Petitioner shall prepare a Functional Design Report in support of planned improvements that will provide a review of design alternatives for both the Parker Street and Centre/Cypress Street intersections for review by the Director of Planning and Development in consultation the City Traffic Engineer.
35. Prior to applying for a building permit for the residential building, the Petitioner shall submit a Final Inclusionary Housing Plan to the Director of Planning and Development

EXHIBIT BPost Development Traffic Monitoring Program

The Petitioner shall complete a post development traffic monitoring program for the Project in order to: (i) document the actual traffic characteristics of the Project; (ii) evaluate the success and refine the elements of the TDM Measures; and (iii) assess traffic volumes and operating conditions at the two primary driveways serving the Project and at specific off-site intersections. The monitoring program will consist of the following elements:

1. Collection of 24-hour automatic traffic recorder counts over a continuous 7-day, week-long period on the two primary driveways serving the Project.
2. Collection of weekday morning (7:00 to 9:00 AM), weekday evening (4:00 to 6:00 PM) and Saturday midday (11:00 AM to 2:00 PM) peak period manual turning movement counts at the following intersections hereafter defined as the “traffic monitoring program study area”:
  - Route 9 at the signalized Project driveway/The Mall at Chestnut Hill Driveway
  - Route 9 at the east project driveway
  - Route 9 at Langley Road
  - Route 9 at Florence Street
  - Route 9 at Tully Street
  - Route 9 at Hammond Street
  - Hammond Street at Heath Street
  - Hammond Pond Parkway at the Route 9 Ramps (two locations)
  - Hammond Pond Parkway at the Chestnut Hill Shopping Center Driveway
  - Hammond Pond Parkway at Heath Street
  - Parker Street at the Route 9 Ramps (two locations)
3. Documentation of commuting modes of residents and employees of the Project including public transportation and shuttle bus use.

The traffic counts that form the basis of the Post Development Traffic Monitoring Program will be performed under average-month conditions while public schools are in regular session (April-June, September-October). The results of the Post Development Traffic Monitoring Program will be submitted to the City prior to the end of the calendar year in which the study is completed.

If the results of the Post Development Traffic Monitoring Program indicate: (1) the need to adjust the traffic signal timing for the improved or monitored intersections along Route 9, the Hammond Pond Parkway and/or Parker Street within the traffic monitoring program study area to accommodate traffic volume fluctuations solely related to the Project; (2) the need to install the second traffic control signal at the Parker Street/Route 9 westbound ramp intersection; and/or (3) the actual measured traffic volumes associated with the Project as then constructed and occupied exceed the trip estimates presented in the June 1, 2010 Supplemental Traffic Impact Assessment by more than 10 percent of the projected trip generation for then occupied uses as



measured at the two primary driveways serving the Project; then the Petitioner shall implement the following corrective measures as may be necessary and appropriate, as certified by the professional traffic engineer of record for the Project, and subject to receipt of all necessary rights, permits and approvals:

- a. Adjust the traffic signal timing, phasing and coordination for the improved or monitored intersections along Route 9, the Hammond Pond Parkway, Parker Street, Hammond Street and/or Tully Street within the traffic monitoring program study area;
- b. To the extent necessary implement refinements to on-site traffic flow and parking management;
- c. Construct the traffic signal at the Parker Street/Route 9 westbound ramp intersection and interconnect and coordinate said traffic signal with the traffic signal at the Parker Street/Route 9 eastbound ramp intersection;
- d. Expand or modify the elements of the TDM Measures in order to increase use of public transportation, the shuttle service, car/vanpools or other alternatives to automobile travel. These measures may include expansion of the shuttle bus service schedule and/or route (service area), and other incentives that are designed to encourage residents, employees and customers to use public transportation, the shuttle service or to car/vanpool, or other additional TDM Measures subject to review of the Director of Planning and Development in consultation with the City Traffic Engineer.

The Post Development Traffic Monitoring Program will commence upon occupancy of the first commercial building within the Project. The results of the Post Development Traffic Monitoring Program will be submitted annually in the form of a memorandum for review by the Director of Planning and Development in consultation with the City Traffic Engineer. The Post Development Traffic Monitoring Program will continue on an annual basis for not less than five (5) years following substantial completion of both Phases of the Project, provided, however, if the Petitioner elects not to fully complete either Phase of the Project, the Traffic Monitoring Program shall continue for a period not less than five (5) years following the Petitioner's notice to the Commissioner of Inspectional Services and the Director of Planning and Development that it has reached substantial completion of the Project.

CITY OF NEWTON

IN BOARD OF ALDERMEN

2012

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, His Honor the Mayor is hereby authorized to accept and expend a Mass Works Infrastructure Program reimbursable grant awarded by the Executive Office of Housing and Economic Development in the amount of one million eight hundred fifty thousand dollars and ninety cents (\$1,850,000) to be used for infrastructure improvements consisting of traffic signal upgrades and roadway safety improvements at locations near the Chestnut Hill Square Project.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

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

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

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

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 29 Water Sewer and Drains as follows:

In Section 29-72(a), relative to sewer assessments delete the following portion of the second sentence: "The assessment shall be at a fixed uniform rate based upon the estimated average cost of such sewers, both according to the frontage of such estates which is passed by the sewer and according to the area of such estates within a fixed depth of one hundred twenty-five (125) feet from such street or way"

AND insert in place thereof the following provisions:

The assessment shall be at a uniform unit rate based upon sewerage construction costs divided among the total number of existing and potential sewer units to be served, after having proportioned the cost of special and general benefit facilities. Each sewer unit shall be equal to a single-family residence. Potential sewer units shall be calculated on the basis of zoning then in effect. Existing and potential multi-family, commercial, industrial, and semipublic uses shall be converted into sewer units on the basis of residential equivalents

AND delete in its entirety Section 29-72(b) which provides the following:

(b) The fixed uniform rate to be assessed upon estates is established at one dollar (\$1.00) upon each foot of frontage on any street or way where a sewer is constructed, and twenty-five cents (\$.25) upon each square foot of area within a fixed depth of one hundred twenty-five (125) feet from such street or way, the same having been so found and determined.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

2012

ORDERED:

That for the purposes of paying costs of purchasing a backhoe for use of the Department of Public Works, and for the payment of all costs incidental and related thereto, there is hereby appropriated the sum of ninety thousand dollars (\$90,000), which amount shall be borrowed under and pursuant to Chapter 44, Section 7(9) of the Massachusetts General Laws, or pursuant to any other enabling authority.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETT D. WARREN  
Mayor

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

CITY OF NEWTON  
IN BOARD OF ALDERMEN

2012

**ORDERED:**

That in accordance with the recommendation of the Finance Committee through its Chairman, Leonard J. Gentile, the following mentioned sidewalk/driveway apron and/or curb betterments to be graded and constructed and assessments to be levied under the provisions of MGL Chapter 83, Sec. 26, be and are hereby authorized:

<b>Address</b>	<b>Owner Name</b>	<b>Book/Page</b>	<b>Sec/Block/Lot</b>	<b>Total Cost</b>
84 Bigelow Road (includes 145 LF for 84 Bigelow + 168 LF for adjacent lot at 100 Bigelow)	Rubin Mark and Lauren	027733/0082	32053 0010	\$2,610.00
100 Bigelow Road	Rubin Mark and Lauren	027733/0082	32053 0010	\$3,024.00
14 Forest Avenue	Benson Steven & Beth	052727/0349	24006 0002	\$1,550.00
97 Forest Avenue (New Lot - 101)	Labow Brian and Seminara Stephanie	050599/0589	32051 0008B	\$1,984.00
110 Forest Avenue	Grannan David and Kristen	053344/0373	32052 0005	\$1,711.00
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$1,696.00
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$1,311.50
111 Forest Avenue	Basnight Walter	045373/0231	32051 0009	\$896.00
138 Forest Avenue	Simkin Deborah	042164/0048	32052 0002	\$1,658.00
245 Highland Avenue	Flesh George & Marilyn Holly	030425/0321	24006 0015	\$4,268.00
315-317 Lowell Avenue	Maccormack James & Eloise	027233/0048	24014 0003	\$1,296.00
18 Moffat Road	Stilwell Simon R & Burke Heather	001358/0069	53034B0003	\$1,406.00
28 Moffat Road	Abrahamson Martin J & Sharon Z.	022304/0222	53034B0001	\$2,719.00
84 Moffat Road	O Connor Ivan	049987/0241	53035 0002	\$992.00

129 Moffat Road	Herman John B. & Mary O.	018588/0475	53031 0003	\$1,226.00
141 Moffat Road	Amorosino Joseph Jr.	051665/0108	53031 0004	\$2,288.00
142 Moffat Road	Hadley William B & Beverly	009625/0200	53033 0006	\$1,676.00
173 Moffat Road	Bruce Richard & Janesse	031303/0106	53031 0007	\$1,549.00
513 Chestnut Street	Michael J. Hiscox	047949/0366	53034B0004	\$1,568.00
100 Pine Ridge Road	Piken Keith & Maria	050009/0350	53020 0003	\$2,507.00
63 Windsor Road	Day Karen L	039535/0386	53032 0010	\$1,964.00
89 Windsor Road	Todreas Carol S	025433/0524	53031 0010	\$4,033.00
170 Windsor Road	Frieze David	023948/0295	53030 0008	\$2,899.00
75-77 Central Street	Schofield Allen W	047355/0367	43014 0004	\$2,172.50
78 Central Street	Blumenthal Robert H & Denise E	013309/0575	43015 0007	\$1,897.50
28 Central Street	Goodman Susan D	047882/0473	43010 0007	\$1,187.50
36 Central Street	Birnbaum Howard & Beth	025555/0028	43010 0006	\$1,270.00
115 Central Street	Donovan Joseph F & Judith M	012355/0312	43014 0010	\$1,020.00
116 Central Street	Fandrey Adam C	049680/0557	43015 0001	\$3,057.50
646 Chestnut Street	Barabasi Albert-Laszlo	052679/0467	53020 0001	\$3,497.50
139 Hancock Street	Goeselt Brian	031845/0566	43028 0010	\$3,575.00
145-147 Cypress Street	Levinson Brent Lewin	014023/0153	65015 0010	\$2,100.00
57 Hancock Street	Sarah White	048374/0342	43021 0016	\$1,237.50
147 Hancock Street	Musen Michael and Fernanda M	021465/0401	43028 0011	\$1,985.00
255 Homer Street	Kosowsky Jeffrey J & Miriam A	043712/0571	64012 0009	\$2,035.00
112 Homer Street	Philosophe Ralph & Ruth	032786/0259	64032 0037	\$3,607.50
121 Homer Street	Pemstein Raylea S	022250/0530	64034 0004	\$1,460.00
230 Homer Street	Li Sizhu	053214/0449	64018 0001	\$1,595.00
277 Homer Street	Zar-Kessler Arnold B & Lorel	021039/0225	64012 0015	\$1,462.50
98 Homer Street	Damon Selma T TR	022028/0158	64032 0040	\$3,805.00

152 Homer St	Copithorne David A & Barbara S	023079/0485	64032 0032	\$2,702.50
261 Homer Street	Katz Alan J & Susan D	025006/0522	64012 0013	\$1,380.00
11 Hyde Street	Jarell Joseph A	013679/0577	52020 0014	\$2,812.50
11 Hyde Street	Jarell Joseph A	013679/0577	52020 0014	\$1,595.00
19 Hyde Street	Goldman Henry T	013206/0001	52020 0015	\$1,625.00
22 Hyde Street	Tamm Peter L	051156/0533	52018 0014	\$1,515.00
57 Hyde Street	Loewenstein Ernest	051653/0151	52020 0019	\$2,232.50
51 Hyde Street	Heywood James	046206/0062	52020 0018	\$2,345.00
82 Hyde Street	Giglio Janice	039221/0202	52023 0001	\$910.00
284 Lake Avenue	Goldstein Gary Stephen	055328/0062	52023 0002	\$1,517.50
292 Lake Avenue	Strassberg Steven and Elena Eisman	019441/0079	52022 0008	\$1,212.50
9-11 Maple Street	Fong Gim & Fay	023288/0052	43014 0001A	\$1,270.00
22 Maple Street	Carey Jonathan A	044840/0340	43011 0023	\$1,820.00
39 Pine Ridge Road	Regan Michael & Danielle	049335/0137	53019 0015	\$1,627.50
51 Pine Ridge Road	Curran John	048091/0387	53019 0017	\$2,232.50
56 Pine Ridge Road	Meyer John B & Stephanie	014497/0569	53020 0009	\$3,277.00
69 Pine Ridge Road	Klivans Robert & Joan	014248/0306	53019 0020	\$4,322.00
72 Pine Ridge Road	Kryder John Christian & Barbara	022783/0576	53020 0007	\$3,525.00
105 Pine Ridge Road	Dorfman Mark & Laura	037485/0193	53019 0024	\$2,040.00
115 Pine Ridge Road	White Burton Hodgson	016878/0093	53019 0025	\$3,910.00
210 Pleasant Street	Deighton Anthony	047687/0165	64019 0007	\$1,737.50
71-73 Newtonville Avenue	Walker Henry Mager III and Kathleen	001209/0015	12018 0022A	\$2,394.53
71-73 Newtonville Avenue	Walker Henry Mager III and Kathleen	001209/0015	12018 0022A	\$750.00
167 Woodland Road	Martinez Jose	025505/0065	43034 0005	\$1,517.50
195 Woodland Road	Anisimov Nicholas and Amy	021883/0035	43036 0010	\$1,572.50
230 Woodland Road	Christiansen Edward J & E Tatum	014749/0507	43010 0015	\$1,542.50
244 Woodland Road	Kosa Peter &	054703/0417	43009 0011	\$3,470.00

	Jessica			
1735 Washington Street (Woodland Road)	Apholt Eleanor M	025479/0414	43039 0018	\$2,040.00

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

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



CITY OF NEWTON  
IN BOARD OF ALDERMEN

2012

ORDERED:

That for the purpose of paying for the construction and construction administration expenses associated with the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools, and all other costs associated therewith, there be and hereby is appropriated and authorized to be borrowed under and pursuant to Chapter 44 Sections 7(3A) and 7(9) of the General Laws, as amended and supplemented, or pursuant to any other enabling authority, the sum of one million four hundred seventy-four thousand one hundred ninety four dollars (\$1,474,194).

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date \_\_\_\_\_

**Procedure for the Disposal of Supplies Valued at Less than \$5,000**

Pursuant to M.G.L. c. 30B, § 15, the City's Purchasing Agent is required to dispose of tangible supplies that are no longer useful to the City but have an estimated net resale or salvage value of less than \$5,000 using written procedures approved by the Board of Aldermen. [M.G.L. c. 30B, § 15] "Supplies" are defined as "all property, other than real property, including equipment, [or] materials ...." [M.G.L. c. 30B, § 3] Supplies with significant damage may be disposed of as trash if the supply cannot be repaired or the cost to repair the supply exceeds the value of the supply if repaired, and there is no salvage value.

This Procedure shall not apply to the disposition of old books, magazines, periodicals, recordings, and printed materials in the custody of the Newton Free Library Board of Trustees or the Newton School Department. This Procedure shall not apply to the disposal of any surplus items which are traded in as part of a M.G.L. c. 30B bid. The disposal of servers, CPUs or other types of equipment which contain personally identifiable or confidential information shall include dismantling, shredding, or other means of insuring the destruction of such information.

The Procedure for the disposal of supplies with an estimated net value of less than five thousand dollars (\$5,000) shall be as follows:

1. The Department Head for each City Department must notify the Purchasing Agent of any and all supplies that are required to be disposed of under this Procedure. Prior to disposal under this Procedure, a supply must be declared by the Department Head to be no longer useful to that Department, and the estimated net value of the supply must be less than \$5,000. Supplies that are to be disposed of and are valued at \$5,000 or more shall be disposed of in accordance with the provisions of M.G.L. c. 30B, § 15.
2. The Department Head must submit a completed Notification of Surplus Property document to the Purchasing Department. The documentation must provide details of each surplus item for disposal which shall include, at a minimum: (a) a descriptive list of all items or group of items disposed of; (b) the estimated value of each item or group of items disposed of; (c) the condition of the surplus item and (d) picture of the item, if available.
3. The Purchasing Agent will first post the surplus item(s) on the Purchasing Department's intranet site offering the items to other departments for a period of 14 days. The award will be made on a "first come, first serve" basis. The owning department will make the item available for inspection and be ready to explain the condition of the item and any

repairs that might be needed. The receiving department will be responsible for any repairs and should, therefore, make a thorough inspection prior to making a claim.

4. Any item not claimed by a City department will be put up for sale to the general public by the Purchasing Agent. The Purchasing Agent may determine the appropriate method of sale based upon the type of property, its value, and its condition. The Purchasing Agent shall advertise the sale of the surplus items by any of the following means: placing a notice in a local newspaper, on the City's website, or at an on-line auction site. The method of sale may include, but is not limited to, an auction including an on-line auction, yard sale, or soliciting written quotes.
5. The surplus item will be awarded to the offeror with the highest price, subject to the City's right to reject any or all bids as serves the City's best interests. The acceptance or rejection of any offer will be determined by the Purchasing Agent or her designee. All payments shall be by cash, money order or check payable to the City of Newton. Surplus items will be sold "as is" in existing condition with all rights waived to make claims against the City of Newton for any defects in the item being sold, releasing the City of Newton from any and all liability pertaining to the purchase of the item. The Purchasing Agent will sign a "Bill of Sale" prior to the successful offeror taking possession of the respective item after confirmation of payment. The Purchasing Agent may vary the procedure set out in this section as necessary to accommodate sale through an on-line auction.
6. Any employee purchasing a surplus item that has been offered for sale to the general public pursuant to this Procedure must file a Disclosure Form pursuant to M.G.L. c. 268A, § 23(b)(3) with the City Clerk.
7. All revenue from the disposal of supplies under this Procedure shall be turned over to the City Treasurer for deposit in the general fund, appropriate revolving or enterprise fund, as recommended by the Department Head and approved by the Comptroller.
8. In the event that a surplus item has not been claimed by a City department or purchased through sale to the general public, the Purchasing Agent may elect to donate such surplus item(s) to a tax exempt, nonprofit organization expressing interest in such surplus item or to dispose of such surplus item(s) as trash. The Purchasing Agent shall keep a record of all charitable donations and shall annually file such record with the Mayor and Board of Aldermen.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

2012

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman, Alderman Leonard J. Gentile, The Board of Aldermen hereby authorizes the attached “procedure for the disposal of supplies valued at less than \$5,000” pursuant to M.G.L. Chapter 30B §15.

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

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