

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA

MONDAY, SEPTEMBER 13, 2010

7 PM
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

Chairman's Note: The Finance Committee will meet jointly with the Public Facilities Committee to discuss the following two items:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#247-10 HIS HONOR THE MAYOR requesting that the budget for the Newton North High School construction project be amended by transferring funds from the Phase I accounts to Phase II accounts in the sum of one million twenty-five thousand nine hundred ninety-four dollars (\$1,025,994) to focus resources on demolition phase of the project, as follows:

Funds from Phase I

Construction Manager at Risk	\$1,025,994
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Funds to Phase II

Consultant (Testing, Abatement, Landscaping)	\$290,000
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Architectural Services	\$460,000
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Construction Project Management	\$150,522
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Unallocated Contingency	\$125,472
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Total:	\$1,025,994
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NOTE: At the conclusion of the discussion of Docket Item 247-10, the Committees may entertain a motion to enter into an Executive Session.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#231-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project. [08/02/10 @ 5:02 PM]

#219-10(2) HIS HONOR THE MAYOR appointing Rositha Durham as CHIEF PROCUREMENT OFFICER, pursuant to Sec. 3-3(a) of the City Charter, effective August 30, 2010 (30-day Board action date 10/7/10). [09/01/10 @ 4:38 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

- #201-10 HIS HONOR THE MAYOR requesting authorization to transfer the unobligated balances held by the City in two special appropriation accounts, totaling fifty thousand nine hundred sixty-six dollars and twenty-six cents (\$50,966.26), from Bradford Development's Sedimentation Chamber Fund and Traffic Mitigation Fund [special permit nos. 514-99(2) and 515-99(2)) and board order nos. 131-05 and 289-03(5)] to the Law Department's Judgment and Settlement Account and authorization for the City Solicitor to settle a claim brought by the developer and its successor to recover the unexpended funds in these two special appropriation accounts in accordance with the above special permits. [6/14/10 @6:13PM]
- #202-10 HIS HONOR THE MAYOR requesting authorization to transfer forty thousand dollars (\$40,000) from FY2011 Budget Reserve to the Treasury Department. [6/14/10 @6:20PM]
- #210-10 BOARD OF ASSESSORS requesting an amendment to Senior Citizen Volunteer Program, Sec. 27-20. Establishment; rate; maximum annual reduction. to increase the maximum allowable annual reduction on any real estate tax bill from \$750 to \$1,000 in accordance with the provisions of Chapter 27 §4 of the Acts of 2009. [07/01/10 @ 3:29 PM]
- #228-10 HIS HONOR THE MAYOR requesting acceptance of a gift from the Department of Energy Resources as a result of the City of Newton's designation as a Green Community of seven (7) BigBelly Solar Compactors with bottle/can recycling units to be placed in the village squares of West Newton and Upper Falls for a total value of thirty-one thousand six hundred ninety-six dollars (\$31,696). [08/02/10 @ 5:01 PM]
- #38-10(2) HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a grant of one hundred seventy-nine thousand five hundred dollars (\$179,500) to perform a deep energy retrofit of the Lower Falls Community Center from the Department of Energy Resources, as a result of the City of Newton's designation as a Green Community. [08/02/10 @ 5:01 PM]
- #225-10 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a ten thousand dollar (\$10,000) grant from the Fiscal Year 2010 Underage Alcohol Enforcement Grant Program offered by the Massachusetts Executive Office of Public Safety and Security to be used to support overtime costs to monitor the enforcement of sales regulations to intoxicated patrons and to perform compliance checks to enforce laws against alcohol sales to minors. [08/02/10 @ 4:58 PM]
- #229-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight thousand three hundred eighty-six dollars (\$8,386) from FY11 Revenue for the purpose of increasing the FY'11 State assessment appropriation. [08/02/10 @ 4:59 PM]

- #200-10 PRESIDENT LENNON recommending the appointment of R. LISLE BAKER, 137 Suffolk Road, Chestnut Hill, as the Ward 5-8 aldermanic representative to the ALDERMANIC SCHOLARSHIP FUND for a term to expire 12/31/11. [6/11/10 @2:31PM]
- #199-10 PRESIDENT LENNON recommending the appointment of ANTHONY J. SALVUCCI, 23 Eddy Street, West Newton as the Ward 1-4 aldermanic representative to the ALDERMANIC SCHOLARSHIP FUND for a term to expire 12/31/11. [6/11/10 @2:31PM]

ITEMS NOT SCHEDULED FOR DISCUSSION

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #230-10 HIS HONOR THE MAYOR requesting an appropriation in the amount of eight hundred twenty-one thousand six hundred sixty-four dollars (\$821,664) from FY'11 Revenue for the purpose of supplementing the FY11 School Department budget. This sum represents a portion of the state aid for the City of Newton in the Commonwealth's adopted FY'11 budget. [08/02/10 @ 4:59 PM]
- #226-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of six thousand one hundred fifty-one dollars (\$6,151), which was generated from the Newton North Yard Sale, from the FY10 General Fund Surplus Revenue Account to a special account to be overseen by the principal of Newton North High School to be utilized to enhance the community in the new high school. [08/02/10 @ 4:58 PM]
- #224-10 HIS HONOR THE MAYOR requesting authorization to establish and transfer the sum of two million six hundred forty-three thousand two hundred seventy-one dollars (\$2,643,271) from FY10 Free Cash to an Undesignated Stabilization Fund. [08/02/10 @ 5:01 PM]
- #209-10 ALD. FULLER, BAKER, BLAZAR, DANBERG, FREEDMAN, HESS-MAHAN, JOHNSON, LAPPIN, LINSKY, SALVUCCI AND SWISTON requesting that the Board of Aldermen establish an investment vehicle into which appropriations may be made for future post employment benefits, especially health care coverage for retirees. A number of investment vehicles will be considered, including an Other Post Employment Benefits (OPEB) Stabilization Fund or an Other Post Employment Benefits Liability Trust Fund that can be adopted under the provisions of Massachusetts General Laws Chapter 32B, §20. [06/22/10 @ 3:10 PM]
- #209-10(3) HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty-seven thousand dollars (\$137,000) from the General Fund to the Other Post Employment Benefits Liability Trust Fund. [08/02/10 @ 5:01 PM]

#209-10(2) HIS HONOR THE MAYOR requesting acceptance of Massachusetts General Law Chapter 32B, Section 20. Other Post Employment Benefits Liability Trust Fund; local option; funding schedule, which authorizes the establishment of a separate fund, to be known as the Other Post Employment Benefits Liability Trust Fund, a for the purpose of providing an irrevocable, dedicated trust fund as a vehicle to make advance contributions for retirement health care benefits. [08/02/10 @ 5:00 PM]

#78-10 ALD. FULLER, GENTILE, FREEDMAN, JOHNSON, DANBERG AND BAKER requesting a review of the elements of the Financial Management Guidelines of January 2008, together with the Mayor's Office, to ensure they meet the current needs of the City. [03/09/10 @8:23 AM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#391-09(2) ALD. DANBERG, MANSFIELD, VANCE & HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/09 @ 1:07 PM]

REFERRED TO COMM. PRES., PUB FAC & FINANCE COMMITTEES

#147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]

COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08

(A) DESIGN FUNDS ESTIMATE \$37,500.00 – BOA APPROVED ON 07/21/08

(B) BALANCE OF PROJECT ESTIMATE \$321,900.00 – HELD PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON PART B 8-0 on 05/05/10

#207-07(5) ALD. FREEDMAN AND JOHNSON proposing that the city's Financial Management Guidelines adopted under Board Order #207-07 be amended to require that any proposed capital expenditure above a certain amount have a cost-benefit or a return-on-investment analysis performed prior to approval by the Board of Aldermen. [12/21/09 @5:55 PM]

#207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [07-02-08 @ 12:12 PM]

#207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
(A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
(B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
(C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [07-02-08 @ 12:12 PM]

Respectfully submitted,

Leonard J. Gentile, Chairman



SETTI D. WARREN
MAYOR

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Office of the Mayor

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10 AUG 30 P 4: 39

CITY CLERK
NEWTON, MA. 02159

August 30, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I request that a reallocation be approved by the Honorable Board for the Newton North High School construction project as stipulated below. As construction of the new school is complete (Phase I), adjustments to the Construction Manager at Risk (CM at Risk) were expected in the transition to demolition (Phase II). Reallocation at this time was planned as management, inspection, and architectural services were budgeted through September 2010 and are necessary to complete the project.

Funds reallocated FROM Phase I:

Construction Manager at Risk:	\$1,025,994
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Funds reallocated TO Phase II:

Consultants (Testing, Abatement, Landscaping)	\$290,000
Architectural Services	\$460,000
Construction Project Management	\$150,522
Unallocated Contingency	<u>\$125,472</u>
Total:	\$1,025,994

The status of project expenditures to date are provided in Attachment A. Projected costs which support the proposed reallocation above are provided in Attachment B. As with any funds programmed for this project, monies unused in these accounts will be credited to the City at the project's completion.

Thank you for your consideration to this request.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE



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September 9, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I would like to amend Docket Item #247-10, my August 30, 2010 request for a reallocation of funds for the Newton North High School Project, which is now before Committee. In addition to the proposed reallocation of \$1,025,994 I am further requesting:

Funds reallocated FROM:

Classroom Furnishings: \$175,000

Funds reallocated TO:

Furnishings, Fixtures, and Equipment (FF&E) \$175,000

This reallocation is necessary to align needed purchases with the appropriate account permissions. At the time of budget development, the appropriated amount in each of the school furnishing accounts were estimates based on the best information available.

With the Honorable Board's approval of this request, balances and new budget totals with the approval of this request is provided in Enclosure A. Thank you for your consideration to this request.

Very truly yours,

Setti D. Warren
Mayor

10 SEP - 9 1 P 1:38
CITY CLERK
NEWTON, MA 02459

CITY OF NEWTON, MASSACHUSETTS
 HIGH SCHOOL IMPROVEMENT FUND
 NORTH HIGH SCHOOL NEW CONSTRUCTION PROJECT
 SUMMARY OF BUDGET AMENDMENTS
 September 8, 2010

	Original Budget {1}	Transfers Prior to BO #56-07(2) {2}	Board Order #56-07(2) {3}	Board Order #85-09	Board Order #424-09	Board Order #56-07(3)	All Other Transfers	Docket Item #247-10	Total Amended Budget
ADMINISTRATIVE SUPPORT SALARIES	\$ 383,213.37	\$ -	\$ 668.00	\$ -	\$ -	\$ -	(2,542.53)		\$ 381,338.84
WORK BY OTHER DEPARTMENTS	550,000.00	2,500.00	-	-	-	-	2,542.53		5,042.53
RENTAL - EQUIPMENT	-	-	-	-	-	-	(33,945.00)		516,055.00
SOLID WASTE DISPOSAL	-	3,500.00	-	-	-	-	33,945.00		33,945.00
RENTAL-STORAGE CONTAINERS	-	2,000.00	-	-	-	-	11,000.00		14,500.00
RENTAL-SANITARY FACILITIES	-	-	-	-	-	-	16,000.00		18,000.00
CONSULTANTS	200,000.00	-	850,000.00	-	326,500.00	-	489,840.00	290,000.00	2,156,340.00
ARCHITECTURAL SERVICES {5}	7,000,000.00	8,860,193.51	(487,193.00)	-	300,000.00	-	657,380.00	460,000.00	16,790,380.51
CONSTRUCTION CLERK OF THE WORKS	275,000.00	-	-	-	-	-	-	-	275,000.00
BUILDING SYSTEM COMMISSIONING	350,000.00	-	-	40,000.00	-	-	-	-	390,000.00
CONSTRUCTION PROJECT MANAGEMENT	2,500,000.00	367,850.00	526,579.00	596,000.00	-	-	244,000.00	150,522.00	4,384,951.00
CONSTRUCTION MANAGER AT RISK {5}	119,358,690.33	(3,035,636.00)	48,676,946.00	(2,232,500.00)	-	-	-	(1,025,994.00)	161,741,506.33
BLUEPRINTING	49,548.50	-	-	-	-	-	-	-	49,548.50
LEGAL SERVICES	250,000.00	30,000.00	50,000.00	-	-	-	-	-	330,000.00
LEGAL SETTLEMENT	-	-	-	-	-	-	100,000.00	-	100,000.00
REGISTRATION AND RECORDING FEES	-	50.00	-	-	-	-	-	-	50.00
POSTAGE	100.00	150.00	-	-	-	-	-	-	250.00
PRINTING	51.50	-	-	-	-	-	-	-	51.50
ADVERTISING/PUBLICATIONS	300.00	-	-	-	-	-	-	-	300.00
ATHLETIC TRANSPORTATION	350,000.00	-	155,500.00	-	-	-	-	-	500,000.00
UNALLOCATED CONTINGENCY {4}	-	(5,500.00)	-	-	-	270,000.00	(1,518,220.00)	-	377,252.00
OWNERS CONTINGENCY {4}	6,225,107.69	(6,225,107.51)	5,000,000.00	-	-	-	-	-	5,000,000.18
BUILDING IMPROVEMENTS	497,500.00	-	-	-	-	-	-	-	497,500.00
COMPUTER SERVER HARDWARE	925,000.00	-	-	-	-	-	-	-	925,000.00
INFORMATION TECHNOLOGY EQUIPMENT	-	-	-	-	-	(925,000.00)	-	-	-
AUDIO-VISUAL EQUIPMENT	925,000.00	-	-	26,750.00	-	-	-	-	1,850,000.00
FURNISHINGS, FIXTURES & EQUIPMENT	-	-	-	-	-	-	-	-	26,750.00
CLASSROOM FURNITURE	1,387,500.00	-	-	-	-	-	-	175,000.00	1,562,500.00
TOTAL	\$ 141,227,011.39	\$ -	\$ 56,272,500.00	\$ 26,750.00	\$ -	\$ -	\$ -	\$ -	\$ 197,526,261.39

{1} Original budget thru board order #56-07 (04/04/2007)
 {2} Line item transfers authorized by Mayor per #56-07
 {3} Line item revisions per #56-07(2) and agreement between Mayor Cohen and Alderman Gentile.
 {4} Transfers from the Owners contingency require prior approval of the Board of Aldermen
 The Mayor is authorized to make unlimited transfers from the Unallocated Contingency.

CITY CLERK
 NEWTON, MA, 02159

10 SEP -9 P 1:32

ENCL "A"

ENCL "B"

MNHS Phase II (Demolition) Projected Costs Through August 2011

	Sep-10	Oct-10	Nov-10	Dec-10	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	TOTALS
Project Management Services													
Trip Elmore (Project Executive)	100%	100%	100%	100%	100%	100%	0%	0%	0%	0%	0%	0%	
Michael Burton (Project Manager)	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	
Turner Staff Totals							\$6,857.00	\$28,733.00	\$28,733.00	\$28,733.00	\$28,733.00	\$28,733.00	\$ 150,822
Extended Architectural Services*													
Brad Dore (Principal)	25%	25%	25%	25%	25%	25%	25%	25%	10%	10%	10%	10%	
Steve Arrington (Project Manager)	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	25%	25%	
Mark Marshall (Job Captain)	50%	50%	50%	50%	50%	50%	50%	50%	10%	10%	10%	10%	
CAD/LEED Support	25%	25%	25%	25%	25%	25%	25%	25%	10%	10%	10%	10%	
Administration	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	10%	
Dore & Whittier Staff Totals	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 35,000	\$ 35,000	\$ 20,000	\$ 20,000	\$ 460,000
*Estimated for Time and Materials													
Consultants*													
ATC - Abatement monitoring	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$ 10,000	\$80,000
McPhail - Geotechnical Engineer	\$ 20,000												\$60,000
LeMessurier - Structural Engineer													\$25,000
RGV, Ritman - MEP Engineers	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$50,000
Horuchi Soleih - Landscape Designer													\$50,000
J Nitsch Engineering - Civil Engineer													\$25,000
Dore & Whittier Staff Totals													\$ 290,000
*Estimated for Time and Materials													

CITY CLERK
NEWTON, MA 02159

10 SEP -9 1 P 1:32

CITY OF NEWTON, MASSCHUSETTS
HIGH SCHOOL IMPROVEMENT FUND
NORTH HIGH SCHOOL NEW CONSTRUCTION PROJECT
APPROPRIATION SCHEDULE
Board Order #247-10

	BO # 247-10 Amendments	Total Amended Budget
ADMINISTRATIVE SUPPORT SALARIES	\$ -	\$ 381,338.84
WORK BY OTHER DEPARTMENTS	-	5,042.53
RENTAL - EQUIPMENT	-	516,055.00
SOLID WASTE DISPOSAL	-	33,945.00
RENTAL-STORAGE CONTAINERS	-	14,500.00
RENTAL-SANITARY FACILITIES	-	18,000.00
CONSULTANTS	290,000.00	2,156,340.00
ARCHITECTURAL SERVICES	460,000.00	16,790,380.51
CONSTRUCTION CLERK OF THE WORKS	-	275,000.00
BUILDING SYSTEM COMMISSIONING	-	390,000.00
CONSTRUCTION PROJECT MANAGEMENT	150,522.00	4,384,951.00
CONSTRUCTION MANAGER AT RISK	(1,025,994.00)	161,741,506.33
BLUEPRINTING	-	49,548.50
LEGAL SERVICES	-	330,000.00
LEGAL SETTLEMENT	-	100,000.00
REGISTRATION AND RECORDING FEES	-	50.00
POSTAGE	-	250.00
PRINTING	-	51.50
ADVERTISING/PUBLICATIONS	-	300.00
ATHLETIC TRANSPORTATION	-	500,000.00
UNALLOCATED CONTINGENCY {1}	125,472.00	377,252.00
OWNERS CONTINGENCY	-	5,000,000.18
BUILDING IMPROVEMENTS	-	497,500.00
INFORMATION TECHNOLOGY EQUIPMENT	-	1,850,000.00
AUDIO-VISUAL EQUIPMENT	-	26,750.00
FURNISHINGS, FIXTURES & EQUIPMENT	175,000.00	1,562,500.00
CLASSROOM FURNITURE	(175,000.00)	525,000.00
TOTAL PROJECT EXPENDITURE BUDGET	-	\$ 197,526,261.39

{1} Transfers from the unallocated contingency require advance approval of the Mayor. All other line item transfers require advance approval of the Board of Aldermen.

CITY OF NEWTON, MASSACHUSETTS
 HIGH SCHOOL IMPROVEMENT FUND
 NORTH HIGH SCHOOL NEW CONSTRUCTION PROJECT
 BUDGET TO ACTUAL REPORT - LEGAL LEVEL OF CONTROL
 September 8, 2010

	Original Budget (1)	Transfers Prior to BO #56-07(2) (2)	Board Order #85-09	Board Order #424-09	Board Order #56-07(3)	All Other Transfers	Docket Item #247-10	Total Amended Budget	Total Expenditures	Encumbrances	Unobligated Balance
ADMINISTRATIVE SUPPORT SALARIES	383,213.37	\$ -	\$ -	\$ -	\$ -	(2,542.53)	\$ -	\$ 381,338.84	\$ 291,493.06	\$ -	\$ 89,845.78
WORK BY OTHER DEPARTMENTS	-	2,500.00	-	-	-	2,542.53	-	5,042.53	4,736.20	-	306.33
RENTAL - EQUIPMENT	550,000.00	-	-	-	-	(33,945.00)	-	516,055.00	256,825.14	878.50	258,351.36
SOLID WASTE DISPOSAL	-	-	-	-	-	33,945.00	-	33,945.00	33,945.00	-	-
RENTAL STORAGE CONTAINERS	-	3,500.00	-	-	-	11,000.00	-	14,500.00	11,425.37	2,203.06	871.57
RENTAL SANITARY FACILITIES	-	2,000.00	-	-	-	16,000.00	-	18,000.00	12,750.00	800.00	4,450.00
CONSULTANTS	200,000.00	-	850,000.00	326,500.00	-	489,840.00	290,000.00	2,156,340.00	1,521,276.30	279,375.69	355,688.01
ARCHITECTURAL SERVICES (5)	7,000,000.00	8,860,193.51	(487,193.00)	300,000.00	-	657,380.00	460,000.00	16,790,380.51	16,086,038.63	244,341.88	460,000.00
CONSTRUCTION CLERK OF THE WORKS	275,000.00	-	-	-	-	-	-	275,000.00	121,400.00	153,600.00	-
BUILDING SYSTEM COMMISSIONING	350,000.00	-	-	40,000.00	-	-	-	390,000.00	343,600.00	6,400.00	40,000.00
CONSTRUCTION PROJECT MANAGEMENT	2,500,000.00	367,850.00	526,579.00	596,000.00	-	244,000.00	150,522.00	4,384,951.00	3,953,291.00	127,900.00	303,760.00
CONSTRUCTION MANAGER AT RISK (5)	119,358,690.33	(3,035,636.00)	48,676,946.00	(2,232,500.00)	-	-	(1,025,994.00)	161,741,506.33	141,128,378.00	20,610,437.00	2,691.33
BLUEPRINTING	495,48.50	-	-	-	-	-	-	49,548.50	6,900.25	-	42,648.25
LEGAL SERVICES	250,000.00	30,000.00	50,000.00	-	-	-	-	330,000.00	265,469.79	-	64,530.21
LEGAL SETTLEMENT	-	-	-	-	-	100,000.00	-	100,000.00	100,000.00	-	-
REGISTRATION AND RECORDING FEES	-	50.00	-	-	-	-	-	50.00	50.00	-	-
POSTAGE	100.00	-	-	-	-	-	-	100.00	164.26	-	85.74
PRINTING	51.50	150.00	-	-	-	-	-	201.50	22.00	-	29.50
ADVERTISING/PUBLICATIONS	300.00	-	-	-	-	-	-	300.00	-	-	300.00
ATHLETIC TRANSPORTATION	350,000.00	(5,500.00)	155,500.00	-	-	-	-	500,000.00	304,049.14	-	195,950.86
UNALLOCATED CONTINGENCY (4)	-	-	1,500,000.00	-	-	-	125,472.00	377,252.00	-	-	377,252.00
OWNERS CONTINGENCY (4)	6,225,107.69	(6,225,107.51)	5,000,000.00	270,000.00	-	(1,518,220.00)	-	5,000,000.18	-	-	5,000,000.18
BUILDING IMPROVEMENTS	497,500.00	-	-	-	-	-	-	497,500.00	44,508.18	-	452,991.82
COMPUTER SERVER HARDWARE	925,000.00	-	-	-	(925,000.00)	-	-	-	-	-	-
INFORMATION TECHNOLOGY EQUIPMENT	-	-	-	-	1,850,000.00	-	-	1,850,000.00	1,339,765.54	491,298.77	18,935.69
AUDIO-VISUAL EQUIPMENT	925,000.00	-	26,750.00	-	(925,000.00)	-	-	26,750.00	25,619.86	-	1,130.14
FURNISHINGS, FIXTURES & EQUIPMENT	-	-	-	-	1,387,500.00	-	-	1,387,500.00	233,727.81	1,150,816.45	177,955.74
CLASSROOM FURNITURE	1,387,500.00	-	-	700,000.00	(1,387,500.00)	-	(175,000.00)	525,000.00	206,953.44	212,512.39	105,534.17
TOTAL	\$ 141,227,011.39	\$ -	\$ 56,272,500.00	\$ 26,750.00	\$ -	\$ -	\$ -	\$ 197,526,261.39	\$ 166,258,443.97	\$ 23,314,508.74	\$ 7,953,308.68

{1} Original budget thru board order #56-07 (04/04/2007)
 {2} Line item transfers authorized by Mayor per #56-07
 {3} Line item revisions per #56-07(2) and agreement between Mayor Cohen and Alderman Gentile.
 {4} Transfers from the Owners contingency require prior approval of the Board of Aldermen
 The Mayor is authorized to make unlimited transfers from the Unallocated Contingency.
 {5} Includes \$1,660,355 in retainages payable.

CITY OF NEWTON, MASSACHUSETTS
HIGH SCHOOL IMPROVEMENT FUND
NORTH HIGH SCHOOL NEW CONSTRUCTION PROJECT
SUMMARY OF BUDGET AMENDMENTS
September 8, 2010

#247-10

Original Budget {1}	Transfers Prior to BO #56-07(2) {2}	Board Order #56-07(2) {3}	Board Order #85-09	Board Order #424-09	Board Order #56-07(3)	All Other Transfers	Docket Item #247-10	Total Amended Budget
\$ 383,213.37	\$ -	\$ 668.00	\$ -	\$ -	\$ -	(2,542.53)	\$ -	\$ 381,338.84
ADMINISTRATIVE SUPPORT SALARIES	2,500.00	-	-	-	-	2,542.53	-	5,042.53
WORK BY OTHER DEPARTMENTS	550,000.00	-	-	-	-	(33,945.00)	-	516,055.00
RENTAL - EQUIPMENT	-	-	-	-	-	33,945.00	-	33,945.00
SOLID WASTE DISPOSAL	-	-	-	-	-	11,000.00	-	14,500.00
RENTAL-STORAGE CONTAINERS	-	-	-	-	-	16,000.00	-	18,000.00
RENTAL-SANITARY FACILITIES	200,000.00	-	-	-	-	489,840.00	290,000.00	2,156,340.00
CONSULTANTS	7,000,000.00	850,000.00	-	326,500.00	-	657,380.00	460,000.00	16,790,380.51
ARCHITECTURAL SERVICES {5}	275,000.00	(487,193.00)	-	300,000.00	-	-	-	275,000.00
CONSTRUCTION CLERK OF THE WORKS	350,000.00	-	-	40,000.00	-	-	-	390,000.00
BUILDING SYSTEM COMMISSIONING	2,500,000.00	367,850.00	526,579.00	596,000.00	-	244,000.00	150,522.00	4,384,951.00
CONSTRUCTION PROJECT MANAGEMENT	119,358,690.33	(3,035,636.00)	48,676,946.00	(2,232,500.00)	-	-	(1,025,994.00)	161,741,506.33
CONSTRUCTION MANAGER AT RISK {5}	49,548.50	-	-	-	-	-	-	49,548.50
BLUEPRINTING	250,000.00	30,000.00	50,000.00	-	-	-	-	330,000.00
LEGAL SERVICES	-	-	-	-	-	100,000.00	-	100,000.00
LEGAL SETTLEMENT	-	-	-	-	-	-	-	50.00
REGISTRATION AND RECORDING FEES	-	50.00	-	-	-	-	-	250.00
POSTAGE	100.00	150.00	-	-	-	-	-	250.00
PRINTING	51.50	-	-	-	-	-	-	51.50
ADVERTISING/PUBLICATIONS	300.00	-	-	-	-	-	-	300.00
ATHLETIC TRANSPORTATION	350,000.00	(5,500.00)	155,500.00	-	-	-	-	500,000.00
UNALLOCATED CONTINGENCY {4}	-	-	1,500,000.00	-	-	(1,518,220.00)	125,472.00	377,252.00
OWNERS CONTINGENCY {4}	6,225,107.69	(6,225,107.51)	5,000,000.00	270,000.00	-	-	-	5,000,000.18
BUILDING IMPROVEMENTS	497,500.00	-	-	-	-	-	-	497,500.00
COMPUTER SERVER HARDWARE	925,000.00	-	-	-	(925,000.00)	-	-	-
INFORMATION TECHNOLOGY EQUIPMENT	-	-	-	-	1,850,000.00	-	-	1,850,000.00
AUDIO-VISUAL EQUIPMENT	-	-	-	-	(925,000.00)	-	-	26,750.00
FURNISHINGS, FIXTURES & EQUIPMENT	925,000.00	-	26,750.00	-	-	-	-	1,562,500.00
CLASSROOM FURNITURE	-	-	-	700,000.00	(1,387,500.00)	-	175,000.00	1,562,500.00
TOTAL	\$ 1,387,500.00	-	\$ 56,272,500.00	26,750.00	-	-	\$ -	\$ 197,526,261.39

{1} Original budget thru board order #56-07 (04/04/2007)

{2} Line item transfers authorized by Mayor per #56-07

{3} Line item revisions per #56-07(2) and agreement between Mayor Cohen and Alderman Gentile.

{4} Transfers from the Owners contingency require prior approval of the Board of Aldermen

The Mayor is authorized to make unlimited transfers from the Unallocated Contingency.

PE
Lun



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#231-10
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(617) 796-1100
Facsimile
(617) 796-1113
TDD/TTY
(617) 796-1089
E-mail
swarren@newtonma.gov

August 2, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$30,000 from the Angier School Boiler Replacement Project to the Williams School Boiler Replacement Project.

The boiler replacement project at the Angier School was completed with a surplus of \$30,000, while the bids for the boiler replacement project at the Williams School exceeded the City's estimates. The Public Buildings Department is currently re-bidding the Williams School project with the anticipation of reducing the cost of the project.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From: School Bldg Improvement Fund
31L115C1-5930 \$30,000
To: School Bldg Improvement Fund
31M115D4-497030 \$30,000

10 AUG 32 PM 5: 02
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



PUBLIC BUILDINGS DEPARTMENT

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren
Mayor

August 2, 2010

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

RE: Williams School Boiler Replacement

Dear Mayor Warren:

The Public Buildings Department respectfully requests an additional sum of \$30,000.00 to cover the cost of the replacement of one of the boilers at the Williams School. The bid for this project exceeded the original estimate. We are re-bidding this project with the hopes of modifying the bid to reduce the cost, but are requesting the additional funds should the revised bid price come in higher than we anticipate.

The boiler replacement project at the Angier School is complete and funds in the amount of \$30,000.00 are available to be used to cover the additional cost at the Williams School. The account number from which funds are available is 31L115C1-5825.

Should you have any questions regarding this matter, please feel free to contact my office.

Sincerely,

Handwritten signature of Arthur F. Cabral in cursive.

Arthur F. Cabral
Interim Commissioner of Public Buildings

AFC:dla

CC: Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
Josh Morse, Facilities and Operations Supervisor
Michael Cronin, Chief of Operations
Carol Chafetz, Director of Operations and Environmental Affairs



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#219-10

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(617) 796-1113

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E-mail
swarren@newtonma.gov

August 30, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

10 SEP - 1 1 P 4: 38
CITY CLERK
NEWTON, MA. 02159

Ladies and Gentlemen:

This letter is to request your confirmation of Rositha Durham as Newton's Chief Procurement Officer effective August 30, 2010 pursuant to Section 3-3 of the City Charter. The grade/step and salary of this position H-12/Step 1 at an annual salary of \$83,964.49.

After a thorough interview process Rose has received high marks for her experience and knowledge in municipal laws governing purchasing and contract processes. I am convinced that she is the right person for the job ahead and look forward to your timely review on this matter.

Very truly yours,

Setti D. Warren
Mayor

Encl: resume

cc David Olson, City Clerk
Bob Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
Dolores Hamilton, Director of Human Resources

ROSITHA DURHAM**Massachusetts Certified Public Procurement Official****EXPERIENCE****City of Somerville**

Somerville, MA

Purchasing Director and Chief Procurement Officer

10/05-Present

- Directs the competitive procurement process of supplies, services and construction (both public works and building) to support the City of Somerville's 77,000 households with an Ordinary Maintenance budget of over \$20M while ensuring the compliance of Massachusetts General Laws, 30B, 30, 39M, Chapter 149 and all City Ordinances.
- Oversees the City's public school's procurement process, with an Ordinary Maintenance of approximately \$27M, to ensure compliance of all state and local laws
- Implementing new financial software to eliminate paper purchase requisitions and purchase orders requiring a new electronic signature program to streamline and eliminate down time
- Lead role in the procurement of the Energy Service Performance (ESCO) contract initiative, with a savings of hundreds of thousands of dollars over the contract period.
- Lead negotiator relating to a serious oil spill at one of the City's schools, saving the City tens of thousands dollars.
- Leading role in successfully relocating over 100 teachers and 585 students as a result of a 3-alarm fire at one of the City's major elementary schools.
- Developed goals and administers the City's minority business enterprise program working with the State Office of Minority Women Business Assistance and the Affirmative Market Program offices
- Directs the competitive process of disposition of property, to generate the best value for the surplus equipment, real property and/or vehicles.

Polaroid Corporation

Waltham, MA

Senior Purchasing Commodity Consultant and Corporate Travel Manager

4/05-10/05

- Developed, managed, and led supplier relationships and partnerships for marketing and sales internal customers working closing with marketing and design firms.
- Managed Corporate Travel account with Worldwide spend of \$1.7M , responsible for ensuring the effective and efficient purchase of all travel products and services to deliver "best value" results to Polaroid Worldwide for hotels, car rental and air.
- Managed outsourced travel agency, American Express, to provide user-friendly and cost efficient processes for scheduling travel; compliance with Corporate Travel Policy and Procedures, as well as, Corporate Travel purchasing card.
- Managed and updated Corporate Travel website
- Key contact for all Polaroid travelers for related inquiries and resolved all service issue.

Purchasing Commodity Buyer-Marketing & Sales

1/04-4/05

- Developed, managed, and led supplier relationships and partnerships for marketing and sales internal customers working closing with marketing and design firms.
- Implemented new print buyer process and streamlined process for Polaroid company store and film labs across Polaroid's Worldwide customer base
- Managed marketing procurement weekly cash forecasting process.
- Investigated and executed opportunities to use Barter Trade Credits.
- Executed quarterly supplier evaluations along with business review meetings to all marketing and sales suppliers

Purchasing Commodity Buyer- Maintenance, Repair & Operations (MRO) and Marketing Purchasing

4/98 -12/03

- Implemented Strategic Sourcing Initiative for MRO commodities and marketing purchasing services, reduced account fragmentation and increased internal customer savings
- Developed, managed and led supplier relationships and partnerships for several commodities while maintaining favorable contract terms during bankruptcy
- Implemented electronic procurement platform for office and industrial supplies
- Facilitated Supplier Diversity Program, certified qualified suppliers, worked with Dept. of Defense and minority organizations to create resources for buyers

Print Production Manager/Image Archivist

5/96 - 4/98

- Produced multicolor collateral materials, including silk screening and hot foil stamping
- Managed product and image archives available to corporate communications, consumer, commercial and international marketing and sales for use in product brochures and commercials
- Handled all client interfaces, developed schedules to meet client deadlines, and managed project budgets

Account Executive/Traffic Manager

- Assigned creative team to projects for all collateral and point of sale activity in designated markets
- Managed traffic team for both consumer and business professional projects in the design department
- Managed adherence to traffic procedures
- Presented all creative designs to marketing internal customers
- Managed individuals performing traffic tasks
- Team leader represented Creative Service group in manufacturing and Package Development meetings

Traffic Coordinator

4/90 - 12/93

- Coordinated and tracked all projects as they flowed through the Visual Communications Department
- Lead weekly traffic meetings to detect and resolve work-flow obstacles and to insure timely completion of projects and Budgetary concerns
- Project lead for projects involving consumer marketing management, graphic design, print, packaging production, manufacturing, distribution, sales promotion and outside vendors

Sales and Marketing Project Specialist

6/89 - 4/90

- Trained new camera dealers and sales personnel on the use of handheld cameras for business, professional and consumer use.
- Sales lead on Polaroid's 18 wheeler Demonstration Van
- Generated sales leads at tradeshows, hospitals and various locations
- Extensive knowledge on all Polaroid industrial camera projects

EDUCATION

Lesley College, Bachelor of Science in Management, Cambridge, MA

Bryant College, Certified Purchasing Managers Certificate Program, Wayland, MA

Massachusetts Office of the Inspector General, MCPPO Certified, Massachusetts Certified Public Purchasing Official Program, Public Contracting Overview, Supplies and Services Contracting, Design and Construction Contracting, Construction Management at Risk, and Advanced Topics

Rochester Institute of Technology, Print technology, print and color buying, pulp, paper, and preflighting

COMPUTER SKILLS

SAP, E-procurement system, Lotus Notes, Microsoft Office, Basic Mac, PC, Adobe Illustrator, Adobe Photoshop, and Quark Xpress

TRAINING

Lenox Management Development Program, Business As Unusual, Promotion Strategy, Write to the Top (Writing for Corporate Success), Managing Accelerated Productivity, The Essentials of Excellent Customer Service, Total Quality Management Awareness, E-procurement, Purchasing Essentials, Business Writing, Negotiating to Win, Project Management, Commodity Team Training, Lean Training, Small Business Classification, Bankruptcy Rules & Regulations, Public Relations, Reverse Auctioning, Hands-On Contract Writing, Negotiation Strategies and Tactics, and Simmons Leadership Conference.

AFFILIATIONS

Massachusetts Association of Public Purchasing Official (MAPPO)



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#201-10

Telephone
(617) 796-1100

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(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

September 10, 2010

10 SEP 10 A 3:51
CITY CLERK
NEWTON, MA 02159

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:


I write to request that your Honorable Board consider a request to appropriate and expend \$33,450 from the Bradford Sedimentation Chamber Fund, and \$17,516.26 from the Bradford Traffic Mitigation Fund for the purpose of refunding any unexpended money in accordance with the terms of Special Permits ##514-99(2) and 515-99(2). The total appropriation is \$50,966.26.

The amount of this appropriation represents the money remaining in the two identified Funds. Both Funds were established pursuant to the referenced Special Permits, and the monies deposited in the Funds came entirely from payments made by the developer who has now sued the City seeking to recover any unexpended money.

Given the City Solicitor's assessment of the lawsuit, she is recommending settlement of the litigation. I concur and respectfully request your Honorable Board approve the appropriation of the unexpended money into the Judgments & Settlements account and expenditure of the same as full and final settlement of the claim.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR
DONNALYN B. LYNCH KAHN

ASSOCIATE CITY SOLICITOR
QUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS

EILEEN M. MCGETTIGAN
MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA
ROBERT J. WADDICK
MAURA E. O'KEEFE

September 10, 2010

10 SEP 10 A 3:57
CITY CLERK
NEWTON, MA 02159

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

RE: Refund of Mitigation Funds
Special Permits ## 514-99(2) & 515-99(2)
Cardinal Funding Group, LLC and Robert Fox
v. City of Newton

Dear Mayor Warren:

The above referenced lawsuit seeks the return of money paid by a developer to the City in connection with special permits received by the developer. This letter will outline the background to the lawsuit.

In July, 2000, the Board of Aldermen acting as the City's Special Permit Granting Authority approved two special permits for property located at 340-364 Boylston Street, Ward 8. The residential condominium development authorized by the special permits is now known as The Residences at Chestnut Hill. The recipient of the special permits, Bradford Development Corporation ("Bradford"), was required under those special permits to establish certain mitigation funds with the City to address off-site drainage and traffic issues that might result from the development of this property.

Specifically, Condition #4 in both special permits required Bradford to contribute \$50,000 towards installation of a sedimentation chamber as part of off-site drainage system upgrades. Condition #28 in one special permit (and #30 in the companion special permit) required Bradford to contribute \$25,000 towards the cost of the traffic improvements in the Boylston Street/Langley-Jackson Roads/Florence Street area. The sedimentation chamber condition required the City to refund to Bradford (or its successors and assigns) any money **not appropriated for installation of the sedimentation chamber or its associated design expenses within five (5) years from the date of Bradford's payment of money to the City.** The traffic mitigation condition required the City to refund to Bradford (or its successors and assigns) any money "... **not used within 5 years from the date of issuance of the certificate of occupancy of any building constructed pursuant to**" either special permit.

Sedimentation Fund

The City received the \$50,000 payment on October 13, 2000. Pursuant to the Special Permit condition, this money needed to be appropriated for installation of the sedimentation chamber and its associated design expenses within 5 years from the date of payment, or October 13, 2005. The funds were appropriated by the Mayor and Board of Aldermen in the late spring of 2005 (Docket Item #131-05), and the City hired Woodard & Curran to design and locate the sedimentation basin. That study, however, concluded that the sedimentation chamber would not provide the expected improvements in the drainage system, nor could the chamber be located within the City's existing drainage easement at the Hampton Place condominium complex.

The City then asked the developer to extend the time it had in which to expend the funds and to consider alternative drainage infrastructure improvements. The developer agreed to both requests, and gave the City until June 30, 2006, to expend the funds. Woodard & Curran was re-hired to design an open channel proposal to address the drainage issue. By June 30, 2006, the City had expended a total of \$16,550 in design costs, leaving a balance of \$33,450 unexpended in the Sedimentation Fund.

The open channel proposal, which was also to be installed at the Hampton Place condominium complex, was opposed by the Hampton Place condominium representatives and their consulting engineer for a number of reasons. Additionally, the open channel proposal would have required the City take a temporary construction easement, remove 20 to 30 mature trees in order to construct the open channel, and appropriate funding in addition to the \$33,450 remaining in the Sedimentation Fund.

In view of the opposition from the Hampton Place condominium complex to the open channel proposal and the need for additional funding, this drainage infrastructure improvement was not pursued by the City. At this point, the City Engineer is recommending that this project be formally cancelled, and the remaining funds returned to the Developer. I have attached a memorandum from the City Engineer setting out in greater detail the history of this Fund as well as his recommendation.

The City Engineer has advised me that drainage is not a problem for Hampton Place if the condominium association maintains its drainage system. Nor is drainage a problem downstream from Hampton Place if the Utilities Division clears the drainage system, which it does from time to time. The City Engineer also stated that he has not received any complaints regarding drainage in the area of the proposed improvement except following the torrential rains of this past March when the entire City experienced drainage issues.

While the money was appropriated by the Board of Aldermen for the implementation of the Sediment Chamber drainage infrastructure improvement, neither that plan, nor the successor open channel proposal, were undertaken by the City. Given the recommendation of the City Engineer that the drainage improvement not be undertaken, the remaining funds should be returned to the developer.

Traffic Mitigation Fund

The City received payment of the \$25,000 at the time the first building permits were issued. Pursuant to the Special Permit conditions, this \$25,000 Fund was to be expended within 5 years from the date the first certificate of occupancy was issued for any building in the development. The first certificates of occupancy were issued on February 13, 2002, and the monies were to be used by February 13, 2007.

City of Newton



DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
 OFFICE OF THE CITY ENGINEER
 1000 Commonwealth Avenue
 Newton Centre, MA 02459-1449

Setti D. Warren
 Mayor

April 15, 2010

To: Tom Daley, Commissioner
 From: Lou Taverna, City Engineer
 Subject: Bradford Development – Hampton Place

10 SEP 10 A 3:58
 CITY CLERK
 NEWTON, MA 02159

In March 2005, Engineering Division requested authorization to spend funds not to exceed \$50,000.00 for the design and procurement of a sedimentation basin at the Hampton Place condominiums on Florence Street. Per Board Order #514-99 (2), Bradford Development Inc. paid \$50,000.00 to the City on October 13, 2000 as a condition of their special permit, to be used for design and procurement of a sedimentation basin as mitigation for drainage issues in the Hahn Brook drainage basin. The funds specifically exclude the cost of installing the basin.

The City hired a consulting engineering firm, Woodard & Curran Engineers, to design the sedimentation basin which would then be purchased and installed by in-house DPW workforce. The consulting engineer was tasked to design and locate the proposed sedimentation basin either on Hampton Place property or in the public way on Florence Street. Their fee was \$10,750. The engineer performed the following tasks:

- 1) Review contributing drainage area and determine watershed tributary to the drainage pipe that crosses into Hampton Place from Florence Street.
- 2) Perform hydraulic calculations for the existing storm drain system in the vicinity of the site to determine if the pipe network is adequately sized.
- 3) Perform hydraulic calculations to determine the peak rate of runoff for the design storm.
- 4) Research and select a sedimentation basin unit for sediment removal based on the peak rate of runoff.
- 5) Provide a design drawing and plan showing the sedimentation basin location relative to the surrounding area, the supporting size calculations, and manufacturer's installation information, along with an estimate of the cost of materials.

Upon completion of an acceptable design, the City would then purchase the sedimentation basin with the remaining funds.

Upon investigation, Woodard and Curran determined that other infrastructure improvements upstream from the project site would be more effective in reducing the storm water flooding in the Tanglewood Road area for the following reasons:

- The proposed sedimentation chamber must be located on the site of the Hampton Place condominium complex, in a landscaped area with mature trees. Locating the proposed sedimentation chamber in Florence Street is not feasible and is cost prohibitive, due to the network of other underground utilities in the public right of way.

- The proposed sedimentation chamber will not fit within the existing City's 15 ft. wide drainage easement, and an additional City easement would be required for the sedimentation chamber.
- The size of a sedimentation chamber that would effectively remove total suspended solids (TSS) at a net annual TSS removal efficiency of 80% from the storm water runoff of the design storm event (per DEP Standards) is 31 ft long by 21 ft wide by 10 ft high (inside dimensions). This chamber would need to be constructed with cast-in-place concrete, by a contractor hired by the City under a public bid contract, and would take up a considerable amount of land at the Hampton Place condominium complex. This would require the removal of trees, and perhaps ledge excavation. Condition 4(a) specifically states that the petitioner is not responsible for the costs associated with locating or installing the sedimentation chamber, the costs of manufacturing or delivering the appurtenances, or the costs of any connections to the sedimentation chamber.
- The size of the smallest pre-fabricated concrete sedimentation chamber that would reasonably fit within the landscaped area of the Hampton Place condominium complex, with minimum loss of trees, at a price within the budgeted \$50,000 (less engineering fees), is 16 ft long by 10 ft wide by 7 ft high (inside dimensions). This sedimentation chamber would effectively remove total suspended solids at a net annual TSS removal efficiency of 47% from the storm water runoff of the design storm event.
- In our opinion it was not prudent to spend the remaining funds on the purchase of an undersized unit, as well as spend City funds and manpower on installing this unit, since sand and silt would still collect in the culvert brook, and flooding would still occur in the Tanglewood Road area during storm events.
- It appeared that daylighting the existing culvert by construction an open channel was a better option for mitigating flooding in the Tanglewood Road area. An open channel is easier to maintain than a closed culvert, and offers more capacity to control stormwater than the closed culvert.

We then considered the daylighting of the existing culvert brook along the fence line of the Hampton Place condominium complex and the bordering residences of Tanglewood Road, by constructing an open channel in lieu of the culvert.

Woodard & Curran designed an open channel (with removal of the existing arch culvert) for a length of approximately 140 feet (and a width of approximately 15 feet) from the pond inlet upstream. Their fee was \$5,800. The open channel would be constructed of articulated closed cell concrete block mats placed on filter fabric. A riprap berm would be constructed in the open channel as a sedimentation forebay.

The open channel design had the following purposes:

- Conversion of the culvert to an open channel is intended to facilitate maintenance by allowing access by a tractor truck to remove sediment prior to entering the pond. The open channel will decrease the amount of sediment flowing into the pond, by trapping sediment in a proposed sedimentation forebay.

- Conversion of the culvert to an open channel will provide a minor increase in stormwater capacity.
- Conversion of the culvert to an open channel will provide some additional aesthetics to the site.
- The open channel design will not improve the capacity of the brook downstream of the pond.

The City filed for an extension of the escrowed monies (current balance was \$33,450 after engineering design costs) to June 30, 2006.

The cost of material and installation was estimated at approximately \$40,000 which exceeds the remaining \$33,450 in funds in the escrow account. The cost of material and installation above the escrow amount was to be borne by the City. The funds had been encumbered for this purpose, as the material and the installation contractor must be procured using the public bidding process, and required environmental permits due to work within a wetland area. Final design and implementation timeline was under review by the Hampton Place condominium managers and this would determine timing of the expenditure of the funds.

We then discussed this option with the property managers of Hampton Place. Hampton Place Condominium representatives and their consulting engineers were not very receptive to the idea of constructing the open channel and sedimentation forebay on their property. The construction limits of the open channel would exceed the City's 15 foot wide drainage easement. The City would have to obtain a temporary construction easement (perhaps 30 to 50 feet wide). A number of trees on the property (20 to 30) would have to be removed in order to construct the open channel. They considered the stagnant water in the proposed open channel as a potential breeding ground for mosquitoes. They considered the open channel as a potential danger to children playing in the area. Negotiations stalled.

Since then, other drainage improvement projects overtook this project on the City's priority list, including Hammond Pond stormwater mitigation improvements, Crystal Lake stormwater control improvements, Ashmont Avenue drain replacement, and sediment removal in the City Hall Ponds.

We therefore recommend returning the remaining funds, \$33,450, to the plaintiff, and cancelling the project.

The Mayor and Board of Aldermen appropriated the \$25,000 for traffic mitigations at the intersections of Daniel Street and Jackson Road prior to February 13, 2007. In-house design work was done in 2004 through February of 2007, totaling \$7,483.74, but the actual installation of the traffic improvements was not commenced until the fall of 2009.

In this instance, the developer did not agree to extend additional time to the City for completion of this improvement, and sought the return of this money in 2009. The developer has agreed to allow the City's in-house design costs of \$7,483.74 incurred prior to February 13, 2007, to be billed against the \$25,000. The balance remaining in this Fund is \$17,516.26.

In the fall of 2009, the developer's attorney contacted the City requesting refund of any monies remaining in either the Sedimentation Fund or the Traffic Mitigation Fund. When the money was not refunded, the current lawsuit was commenced.

In view of the facts, I believe it likely that a court would order a refund of any monies remaining in either the Traffic Mitigation Fund or the Sedimentation Fund, which order would include an award of interest. The developer is willing to settle its claim with a simple refund of the balances remaining in these funds. Therefore, I respectfully request that you docket this item seeking to appropriate the funds remaining in these two accounts, totaling \$50,966.26, and authorize expenditure thereof as full and final settlement of this claim against the City.

Very truly yours,


Donnalyn B. Lynch Kahn
City Solicitor

#51-99(2)
AUG - 1 PM 1:36
CITY CLERK
NEWTON, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN

July 18, 2000

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, the following SPECIAL PERMIT and SITE PLAN APPROVAL are hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Aldermen Susan M. Basham:

1. The Board finds that the redevelopment of this site in conjunction with the adjacent site at 358-364 Boylston Street will require that a contaminated property be remediated in accordance with State environmental standards to permit residential use.
2. The Board finds that the Project's water system and associated tie-in points have been designed to improve water flow, quality and pressure for the adjacent properties.
3. The Board finds that the Project's site design, with new sidewalks along Route 9 and a walkway through to Tanglewood Road provides for safe pedestrian access to and through the site.
4. The Board finds that the redevelopment of this site and the adjacent site together will rid the City of a blighted area.
5. The Board finds that the development of this site for the Project will result in a contribution to the affordable housing stock of the City.
6. The Board finds that the petitioner will make a number of off-site improvements, including funding an off-site sedimentation chamber which will improve off-site drainage, and that the Project's own drainage system has been designed to mitigate the Project's impact on drainage problems experienced by the surrounding area.
7. The Board finds that the petitioner has offered to provide back-flow preventers for the residents along Tanglewood Road.

8. The Board finds that the Project will not result in a substantial increase in traffic, and that the increase in traffic will not be significantly more than the traffic which would be generated by an as-of-right residential development.
9. The Board finds that the petitioner has agreed to abide by blasting conditions that are more stringent than the State's blasting regulations.
10. The Board finds that the Project has been designed to address potential impacts of the proposed development on the surrounding area.
11. The Board finds that the wetland area on this site and the adjacent site at 358-364 Boylston Street will be restored and preserved through use of the site for the Project.
12. The Board finds that the petitioner is willing to seek an amendment to this Board Order, in the event that the City Engineer and Director of Utilities so determine, which allows the same amount of money escrowed in condition 4 for the off-site sedimentation chamber to be used for other infrastructure improvements to (or allocated between the sedimentation chamber and said other infrastructure improvements) to the Hahn drainage upstream from the project's site which in their opinion will be more effective in reducing the storm water flooding in the Tanglewood Road area.
13. The Board finds that the petitioner has agreed to cooperate with the Director of Utilities in the timing and implementation of improvements to the water system which are to be located at Jackson Street and Langley Road so as to allow the Director to make additional improvements to the water line for the area being served by the water lines north of Boylston Street without re-opening the street at a later time.
14. In light of the above findings and the conditions imposed by this board order, the Board finds that the public convenience and welfare of the City will be served, the Project and re-zoning of the site are in harmony with the intent and purpose of the City's Zoning Ordinance and that the requirements of Section 30-23 and 30-24 for granting a special permit will be satisfied.

PETITION NUMBERS: #514-99(2)

PETITIONER: Bradford Development Corporation (hereinafter the "Petitioner", use of which term shall also include Bradford Development Corporation's successors and assigns)

LOCATION: 340-342 Boylston Street, Ward 8 Newton Centre, Section 82, Block 4, Lot 44 (hereinafter the "Site")

OWNER: Northeast Drive-in Theatre Corporation

ADDRESS OF OWNER: c/o Edward Redstone
222 Merrimac Street, Suite 210
Lowell, Ma 01852

TO BE USED FOR: Construction of 19 units in a three-story garden apartment building with a basement level parking garage; and 17 units as attached dwelling in five (5) two-story buildings with basement level parking garages, and tandem parking for the two exterior parking stalls stacked behind the required parking stalls located in the garages.

CONSTRUCTION: Garden apartment buildings -- steel-frame construction, brick exterior and asphalt shingled roof and poured concrete foundation and concrete lower level garage; Attached units – Wood frame construction, wood clapboard and brick exterior and asphalt shingled roof, poured concrete foundations.

EXPLANATORY NOTE: Section 30-9(e) allows the Board of Aldermen to grant a special permit for garden apartments in the Multi-Residence 2 District; Section 30-9(b)(5) allows the Board of Aldermen to grant a special permit for single-family attached dwellings, in one or more groups; Section 30-19(m) allows the Board of Aldermen to grant waivers to dimensional and layout requirements for parking facilities, for parking stalls and driveways, and to allow the driveways to be located partially off-site; and Section 30-5(b)(4) allows the Board of Aldermen to grant a special permit for a greater than 3 foot change in grade.

Land referred to is located in Multi-Residence 2 District, following re-zoning of that portion of the Site which was in Multi-Residence 1 District.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features which are part of this special permit request shall be located and constructed consistent with plans

- To enhance and insure communication as to the status and progress of the construction of the project by Bradford Development.
 - To provide a forum for initial presentation of a construction schedule and any significant changes to schedule or changes of plans for which public review is appropriate.
 - To provide a public forum for presentation of supplementary permit requests to the extent required.
 - To communicate the timing of construction including, without limitation, blasting, and to provide advance notice as to blasting areas.
 - To monitor implementation of the Construction Management Plan and such construction-related issues such as unusual noise or construction conditions such as parking and traffic, and to receive notices and communications from the Planning Department and the Department of Inspectional Services, and to be informed as to the designated person who is responsible for on-site construction under said Plan.
 - To receive prompt updates from the Escrow Agents with copies being simultaneously sent by the Escrow Agents to the chairmen of the BTNA and TRHA to as to payments made and remaining balances in the escrow fund for 21E remediation established in condition # 2 of Board Orders 515-99(2) and 514-99(2).
4. The petitioner shall pay to the City certain identified costs associated with the City's installation of a sedimentation chamber to be located, installed and connected either in Florence Street or in a City easement located or to be located by the City on land in the Hampton Place Condominium. The payment required by this condition shall be the same payment required by Condition #4 in Board Order #515-99(2).
- a) The petitioner shall pay the cost to size, design, and manufacture and deliver the sedimentation chamber, as well as the cost to design any necessary appurtenances, external or internal, to the sedimentation chamber. The petitioner shall not be responsible for the costs associated with locating or installing the sedimentation chamber; the costs of manufacturing or delivering the appurtenances; or the costs of any connections to the sedimentation chamber. The design of the sedimentation chamber shall be subject to review and approval by the City Engineer and the Director of Utilities.
 - b) The petitioner shall submit to the City Engineer its estimate of the identified costs it is responsible to pay, together with any additional information requested by the City Engineer in order to review the cost estimate. The City Engineer shall determine the actual amount to be paid by the petitioner, after consideration of the recommendation of the independent professional engineer who served as a peer reviewer for the City with regard to this Project's drainage, sewage, and utilities designs. The City Engineer's determination of the amount to be paid will be made within twenty-one (21) days

following submission of the cost estimate. The petitioner shall also pay the fee for the cost review performed by the independent engineer pursuant to this condition.

- c) The petitioner shall pay a minimum of \$50,000.00 towards the identified costs for the sedimentation chamber to the City prior to issuance of a building permit for the Project authorized by this special permit, payment of the balance of the identified costs due from the petitioner within sixty (60) days of the issuance of the building permit. The payment shall be held by the City in a special fund to be used only for the purposes identified in this condition, with any excess funds (without interest) being repaid to the petitioner or its successor following completion of installation of the sedimentation chamber. In the event that the City fails to appropriate the funds necessary to install the sedimentation chamber within five (5) years from the date of the petitioner's payment, the identified costs shall be refunded by the City to the petitioner or its successor (without interest).
5. The petitioner shall perform all construction in accordance with the conditions of a Construction Management Plan ("Plan"). The Plan shall be submitted to the City Engineer, City Traffic Engineer, Director of Planning and Development, and Commissioner of Inspectional Services for review and approval before any construction activities related to this Project are commenced on the Site. The Plan shall include the following:
- a) The installation and maintenance of a security fence around the construction area of the Site.
 - b) Trucks shall only access the Site to and from Rt. 9.
 - c) All employees of contractors and subcontractors shall park on the Site and not on neighborhood streets. The petitioner shall include this parking prohibition in all construction contracts, for both the general contractor and all subcontractors.
 - d) The petitioner shall take appropriate steps to prevent vehicles exiting the Site from carrying mud or construction debris onto the surrounding streets, including but not limited to washing vehicle tires. As requested by the Commissioner of Public Works, the petitioner shall provide street cleaning at its expense to remove mud or construction debris from streets abutting the Site.
 - e) The petitioner shall take appropriate steps to control the dust generated during the grading, excavation and construction on the Site, including requiring covers to be placed over open trucks.
 - f) The hours of construction shall be 7:00 a.m. to 6:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday. There shall be no construction work on Sunday. Interior construction work may occur at other times when a building is fully enclosed. Exterior construction work at other times due to unusual construction needs may occur only with the advance approval of the Commissioner of Inspectional Services.
 - g) The petitioner shall designate a person responsible for the construction process and shall provide the name and telephone number of such person to the Commissioner of

the owner of the home receiving notice has not returned a written request to the petitioner within ninety (90) days from the date the petitioner sent written notice to the owner that the back flow preventer be installed.

16. Utility Plans: Final engineering for the utility work shall be submitted to the City Engineer and Utility Director for review and approval prior to the issuance of any building permits.
17. Drainage and Grading Plans:
 - a) Development of the drainage and grading plans shall be subject to all conditions and provisions cited in the final determination of the Conservation Commission.
 - b) Final design of the drainage system and components, including but not limited to the on-site sedimentation chamber, detention facilities, etc., shall be subject to the review and approval of the City Engineer prior to the issuance of a building permit.
 - c) The stormwater drainage system necessary for development of this Site will be partially located on the Site subject to Board Order #515-99(2). It is anticipated that grading and installation of such drainage system and as well as grading and installation of the access driveways serving both Sites will occur prior to issuance of a building permit for construction of the Project authorized by Board Order 515-99(2). The City Engineer, after consultation with the Environmental Planner if applicable, shall determine when and the extent to which the petitioner shall install such drainage system on the Site subject to Board Order #515-99(2) to insure that such drainage system is functioning prior to the completion of construction of all impervious surfaces on this Site.
 - d) The petitioner shall record the easement for the wetlands drainage. This condition may be satisfied with the recordation of Declarations of Restrictions if the properties are held in common ownership.
18. The petitioner shall comply with the affordable housing requirements set out in Section 30-24(f) of the Zoning Ordinance. The units provided shall be for family housing and shall contain two to three bedrooms per unit. The location of these units as well as the number of bedrooms per unit shall be submitted to the Director of Planning and Development for review and approval prior to the issuance of any occupancy permits for that site.
19. Florence Street Improvements: The Florence Street intersection shall be improved at the petitioner's sole cost. Prior to the issuance of a building permit for construction, the petitioner shall apply to the Public Facilities Committee for permission to reconstruct the intersection consistent with Option #3 (island, no bump out) as it appears in Florence Street Improvements Alternatives plan, Option #3, cited in Condition #1 above. If approved by the Public Facilities Committee and the Board of Aldermen, the City shall submit the final design drawings for the Florence Street Improvements to MassHighway. All necessary permits, approvals, etc. by the City and State must be granted prior to the issuance of any occupancy permits for this Site.

20. The petitioner shall install at its sole expense sidewalks and granite curbing as necessary along Rt. 9; shall remove snow and clean the sidewalks abutting this Site along Rt. 9 at its sole expense; and shall remove snow from the Project's driveways and parking areas at its sole expense.
21. Prior to the issuance of a final occupancy certificate for the Site, the petitioner shall have recorded at the registry of deeds in a form satisfactory to the City Solicitor a grant of easement to the westerly abutters to the Site subject to Board Order #515-99(2) which easement is for the use of the driveway area described as "24' wide drive/easement" and the portions of the driveway and two curbcuts connecting to and from Route 9 in order to give westerly abutters the right to pass to and from Route 9.
22. Following the posting of the money required for the G.L. c. 21E remediation, the removal of the contaminated soils from the Site subject to Board Order #515-99(2), and compliance with the City's Tree Preservation Ordinance, the petitioner may commence removal of earth, trees, and plant materials, and commence regrading and preparation of the land on the sites subject to Board Order #514-99(2) and #515-99(2) for temporary drainage, erosion and hydraulic controls, and protection of the wetland on the Site subject to Board Order #514-99(2) and protection of adjoining properties, and other aspects of the construction staging process.
23. Langley Road/Main Site Entrance:
 - a) The petitioner shall submit the final design for access at and/or through the Langley Road/Boylston Street intersection to MassHighway as per the plan cited in Condition #1 above prior to the issuance of any building permits for either the Site subject to Board Order #514-99(2) or the Site subject to Board Order #515-99(2). The petitioner shall also submit the final design for such access to the City Engineer and City Traffic Engineer for review and to obtain approval prior to the issuance of any building permit for either the Site subject to Board Order #514-99(2) or the Site subject to Board Order #515-99(2).
 - b) Construction of the entrance and exit shall be completed to the binder pavement stage on the Sites subject to Board Order #515-99(2) and Board Order #514-99(2) and the temporary construction access shall be removed prior to the issuance of any occupancy permits for the Site subject to Board Order #514-99(2).
24. Emergency/Pedestrian Access at Tanglewood Road: Final design for emergency access-only between this Site and the existing street stub at Tanglewood Road shall be submitted for review and approval to the City Traffic Engineer, Director of Planning and Development, and Fire Chief prior to the issuance of any building permits. Access from Tanglewood Road to this Site shall be designed to accommodate pedestrian passage, provided, however, that vehicular access shall be permitted for emergency vehicles only and such access shall be

gated or chained.

25. The Sites subject to Board Orders #514-99(2) and #515-99(2) may be combined into a single parcel without amendment to this special permit.
26. In the event that this Site subject to Board Order #514-99(2) is not combined with the adjacent site subject to Board Order #515-99(2), the entrance and exit driveways serving both Sites may be partially located on the adjacent site as shown on the plans cited in Condition #1 above.
27. No garage area shall be used in any manner which prevents the use of such garage for its intended purpose, *i.e.*, the parking of a car or cars.
28. The petitioner shall execute a Traffic Mitigation Fund Agreement with the city and contribute \$25,000.00 to be used toward the cost of traffic improvements which involve physical changes and improvements, studies, or transportation programs which do not involve physical changes or improvements such as the Nexus Bus or its successor. The Traffic Mitigation Fund Agreement and payment amount established pursuant to this condition shall be the same as established pursuant to condition # 30 of Board Order of #515-99(2). Such improvements, studies or programs shall be selected by the City for the purpose of mitigating potential impacts of the project or improving traffic safety and flow in the Boylston Street/Langley-Jackson Road/Florence Street area. The City shall construct each traffic improvement or safety program that is undertaken by the City with the Traffic Mitigation Fund or by a contractor engaged by the City, not the petitioner; but in no event shall said funds be used toward traffic improvements which Petitioner has agreed to undertake at Petitioner's cost in this Board Order and in Board Order # 515-99(2). Petitioner's payment shall be made at the time of the issuance of a Building Permit and shall be refunded to the Petitioner if not used within 5 years from the date of issuance of a certificate of occupancy of any building constructed pursuant to this special permit.
29. In the event of a conflict between the plans and the terms and provisions of this Board Order, the terms and provisions of the Board Order shall govern.
30. The following actions must occur in order for the special permit/site plan approval for the Site subject to Board Order #514-99(2) to be considered exercised:
 - a) The petitioner has executed the escrow Agreement, paid the full amount due to the escrow fund, and executed and recorded the required Declaration of Restriction, in accordance with Condition #2 above.
 - b) The petitioner shall have applied for and been granted approval for a building permit of the Project authorized pursuant to this Board Order #514-99(2).

CITY OF NEWTON
IN BOARD OF ALDERMEN

July 18, 2000

2000 AUG - 1 PM 1:57
CITY CLERK
NEWTON, MA. 02159

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, hereby grants the following SPECIAL PERMIT/SITE PLAN APPROVAL and SPECIAL PERMIT TO ALTER A NONCONFORMING STRUCTURE, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the redevelopment of this site in conjunction with the adjacent site at 340-342 Boylston Street will require that a contaminated property be remediated in accordance with State environmental standards to permit residential use, and that such remediation will also eliminate the source of groundwater contamination effecting the adjacent site at 340-342 Boylston Street.
2. The Board finds that the Project's water system and associated tie-in points have been designed to improve water flow, quality and pressure for the adjacent properties.
3. The Board finds that the Project's site design, with new sidewalks along Route 9 and a walkway through to Tanglewood Road provides for safe pedestrian access to and through the site.
4. The Board finds that the redevelopment of this site and the adjacent site together will rid the City of a blighted area.
5. The Board finds that the proposed redevelopment of the former gasoline service station is not substantially more detrimental to the neighborhood than the existing nonconforming structure because the structure will be substantially restored to its former appearance, and the adaptive re-use of the former gasoline service station for residential common space for the residents of the Project and local area groups will allow for preservation of a historically significant structure.

6. The Board finds that the petitioner's grant of an historic preservation facade easement to the Historical Commission will support the preservation of the original character of the historic filling station structure.
7. The Board finds that the development of this site for the Project will result in a contribution to the affordable housing stock of the City.
8. The Board finds that the petitioner will make a number of off-site improvements, including funding an off-site sedimentation chamber which will improve off-site drainage, and that the Project's own drainage system has been designed to mitigate the Project's impact on drainage problems experienced by the surrounding area.
9. The Board finds that the petitioner has offered to provide back-flow preventers for the residents along Tanglewood Road.
10. The Board finds that the Project will not result in a substantial increase in traffic, and that the increase in traffic will not be significantly more than the traffic which would be generated by an as-of-right residential development.
11. The Board finds that the petitioner has agreed to abide by blasting conditions that are more stringent than the State's blasting regulations.
12. The Board finds that the Project has been designed to address potential impacts of the proposed development on the surrounding area.
13. The Board finds that the wetland area on this site and the adjacent site at 340-342 Boylston Street will be restored and preserved through use of the site for the Project.
14. The Board finds that the petitioner is willing to seek an amendment to this Board Order in the event that the City Engineer and Director of Utilities so determine, which allows the same amount of money escrowed in condition 4 for the off-site sedimentation chamber to be used for other infrastructure improvements to (or allocated between the sedimentation chamber and said other infrastructure improvements) to the Hahn drainage upstream from the project's site which in their opinion will be more effective in reducing the storm water flooding in the Tanglewood Road area.
15. The Board finds that the petitioner has agreed to cooperate with the Director of Utilities in the timing and implementation of improvements to the water system which are to be located at Jackson Street and Langley Road so as to allow the Director to make additional improvements to the water line for the area being served by the water lines north of Boylston Street without re-opening the street at a later time.

16. In light of the above findings and the conditions imposed by this board order, the Board finds that the public convenience and welfare of the City will be served, the Project and re-zoning of the site are in harmony with the intent and purpose of the City's Zoning Ordinance and that the requirements of Section 30-23 and 30-24 for granting a special permit will be satisfied.

PETITION NUMBERS: #515-99(2)

PETITIONER: Bradford Development Corporation (hereinafter the "Petitioner", use of which term shall also include Bradford Development Corporation's successors and assigns)

LOCATION: 358-364 Boylston Street, Ward 8, Newton Center, Section 82, Block 4, Lots 40, 41, 42 and 43 (hereinafter the "Site")

OWNER: Estate of Signore

ADDRESS OF OWNER: c/o Frank Signore
475 Boylston St.
Newton, MA 02459

TO BE USED FOR: Construction of 23 units in a three-story garden apartment building with basement level parking garage; Renovation of historic former gasoline service station for residential common area (non-commercial) use (hereinafter the "Project")

CONSTRUCTION: Garden apartment buildings – steel-frame construction, brick exterior and asphalt shingled roof and poured concrete foundation and concrete lower level garage; Existing former gas station is poured concrete and concrete block with tile shingles

EXPLANATORY NOTE: Section 30-9 allows the Board of Aldermen to grant a special permit for garden apartments in the Multi-Residence 2 District; Section 30-19(m) allows the Board of Aldermen to grant waivers to dimensional and layout requirements for parking facilities, including parking stalls and driveways, and to allow the driveways to be located partially off-site; Section 30-5(b)(4) allows the Board of Aldermen to grant a special permit for a greater than 3 foot

Liaison Committee will be open to the public, and the Committee will establish such agenda and procedures as it shall see fit.

The Liaison Committee will be convened jointly by the Bradford Development Representative and the designated representatives of the BTNA and the designated representative of the TRHA, by request of any member of the Liaison Committee, and shall set its own agenda. The Liaison Committee shall work by consensus, but nothing in the establishment of the Liaison Committee shall inhibit any member from engaging in any lawful activities.

The purposes of the Liaison Committee shall be:

- To enhance and insure communication as to the status and progress of the construction of the project by Bradford Development.
 - To provide a forum for initial presentation of a construction schedule and any significant changes to schedule or changes of plans for which public review is appropriate.
 - To provide a public forum for presentation of supplementary permit requests to the extent required.
-
- To communicate the timing of construction including, without limitation, blasting, and to provide advance notice as to blasting areas.
 - To monitor implementation of the Construction Management Plan and such construction-related issues such as unusual noise or construction conditions such as parking and traffic, and to receive notices and communications from the Planning Department and the Department of Inspectional Services, and to be informed as to the designated person who is responsible for on-site construction under said Plan.

To receive prompt updates from the Escrow Agents with copies being simultaneously sent by the Escrow Agents to the chairmen of the BTNA and TRHA to as to payments made and remaining balances in the escrow fund for 21E remediation established in condition # 2 of Board Orders 515-99(2) and 514-99(2).

4. The petitioner shall pay to the City certain identified costs associated with the City's installation of a sedimentation chamber to be located, installed and connected either in Florence Street or in a City easement located or to be located by the City on land in the Hampton Place Condominium. The payment required by this condition shall be the same payment required by Condition #4 in Board Order #514-99(2).
 - a) The petitioner shall pay the cost to size, design, and manufacture and deliver the sedimentation chamber, as well as the cost to design any necessary appurtenances, external or internal, to the sedimentation chamber. The petitioner shall not be responsible

for the costs associated with locating or installing the sedimentation chamber; the costs of manufacturing or delivering the appurtenances; or the costs of any connections to the sedimentation chamber. The design of the sedimentation chamber shall be subject to review and approval by the City Engineer and the Director of Utilities.

- b) The petitioner shall submit to the City Engineer its estimate of the identified costs it is responsible to pay, together with any additional information requested by the City Engineer in order to review the cost estimate. The City Engineer shall determine the actual amount to be paid by the petitioner, after consideration of the recommendation of the independent professional engineer who served as a peer reviewer for the City with regard to this Project's drainage, sewage, and utilities designs. The City Engineer's determination of the amount to be paid will be made within twenty-one (21) days following submission of the cost estimate. The petitioner shall also pay the fee for the cost review performed by the independent engineer pursuant to this condition.
 - c) The petitioner shall pay a minimum of \$50,000.00 towards the identified costs for the sedimentation chamber to the City prior to issuance of a building permit for the Project authorized by this special permit, payment of the balance of the identified costs due from the petitioner within sixty (60) days of the issuance of the building permit. The payment shall be held by the City in a special fund to be used only for the purposes identified in this condition, with any excess funds (without interest) being repaid to the petitioner or its successor following completion of installation of the sedimentation chamber. In the event that the City fails to appropriate the funds necessary to install the sedimentation chamber within five (5) years from the date of the petitioner's payment, the identified costs shall be refunded by the City to the petitioner or its successor (without interest).
5. The petitioner shall perform all construction in accordance with the conditions of a Construction Management Plan ("Plan"). The Plan shall be submitted to the City Engineer, City Traffic Engineer, Director of Planning and Development, and Commissioner of Inspectional Services for review and approval before any construction activities related to this Project are commenced on the Site. The Plan shall include the following:
- a) The installation and maintenance of a security fence around the construction area of the Site.
 - b) Trucks shall only access the Site to and from Rt. 9.
 - c) All employees of contractors and subcontractors shall park on the Site and not on neighborhood streets. The petitioner shall include this parking prohibition in all construction contracts, for both the general contractor and all subcontractors.
 - d) The petitioner shall take appropriate steps to prevent vehicles exiting the Site from carrying mud or construction debris onto the surrounding streets, including but not limited to washing vehicle tires. As requested by the Commissioner of Public Works, the petitioner shall provide street cleaning at its expense to remove mud or construction debris from streets abutting the Site.

prior to the time the Project's sewer line is tied into the Tanglewood Road sewer. The back flow preventer may be installed after the aforementioned date, if necessary, at the request of the homeowner. The petitioner's obligation to install a backflow preventer shall terminate if the owner of the home receiving notice has not returned a written request to the petitioner within ninety (90) days from the date the petitioner sent written notice to the owner that the back flow preventer be installed.

16. Utility Plans: Final engineering for the utility work shall be submitted to the City Engineer and Utility Director for review and approval prior to the issuance of any building permits.
17. Drainage and Grading Plans:
 - a) Development of the drainage and grading plans shall be subject to all conditions and provisions cited in the final determination of the Conservation Commission.
 - b) Final design of the drainage system and components, including but not limited to the on-site sedimentation chamber, detention facilities, etc., shall be subject to the review and approval of the City Engineer prior to the issuance of a building permit.
 - c) The stormwater drainage system necessary for development of the adjacent site subject to Board Order #514-99(2) will be partially located on the Site subject to Board Order #515-99(2). It is anticipated that grading and installation of such drainage system and as well as grading and installation of the access driveways serving both Sites will occur prior to issuance of a building permit for construction of the Project authorized by Board Order 515-99(2). The City Engineer, after consultation with the Environmental Planner if applicable, shall determine when and the extent to which the petitioner shall install such drainage system to insure that such drainage system is functioning prior to the completion of construction of all impervious surfaces on the site subject to Board Order #514-99(2).
 - d) The petitioner shall record the easement for the wetlands drainage. This condition may be satisfied with the recordation of Declarations of Restrictions if the properties are held in common ownership.
18. The petitioner shall comply with the affordable housing requirements set out in Section 30-24(f) of the Zoning Ordinance. The units provided shall be for family housing and shall contain two to three bedrooms per unit. The location of these units as well as the number of bedrooms per unit shall be submitted to the Director of Planning and Development for review and approval prior to the issuance of any occupancy permits for that site.
19. Florence Street Improvements. The Florence Street intersection shall be improved at the petitioner's sole cost. Prior to the issuance of a building permit for construction, the petitioner shall apply to the Public Facilities Committee for permission to reconstruct the intersection consistent with Option #3 (island, no bump out) as it appears in Florence Street Improvements Alternatives plan, Option #3, cited in Condition #1 above. If approved by the Public Facilities Committee and the Board of Aldermen, the City shall submit the final design drawings for the Florence Street Improvements to MassHighway. All necessary permits,

approvals, etc., by the City and State must be granted prior to the issuance of any occupancy permits for the Site subject to Board Order #514-99(2).

20. Prior to the issuance of a final occupancy certificate for the Site, the petitioner shall have recorded at the registry of deeds in a form satisfactory to the City Solicitor a grant of easement to the westerly abutters to the Site which easement is for the use of the driveway area described as "24' wide drive/easement" and the portions of the driveway and two curbcuts connecting to and from Route 9 in order to give westerly abutters the right to pass to and from Route 9.
21. The petitioner shall combine lots 40,41,42 and 43 into a single lot by recordation of a plan pursuant to G.L. c. 41, §81P.
22. The petitioner shall install at its sole expense sidewalks and granite curbing as necessary along Rt. 9; shall remove snow and clean the sidewalks abutting the Site along Rt. 9 at its sole expense; and shall remove snow from the Project's driveways and parking areas at its sole expense.
23. The renovation and restoration of the exterior facade of the former gasoline station shall be in accordance with the final approval of the Historical Commission and at the petitioner's sole cost, and the plan identified in Condition #1 which shows the façade of the station may be modified consistent with the final approval of the Historical Commission. The petitioner shall grant an historic preservation facade easement to the Historical Commission, in a form subject to the review and approval by the City Solicitor and the Historical Commission. Once restored, the gasoline station shall be used as common space for the residents of the Project and local area groups and such use shall be accessory to the residential use of the Project.
24. Following the posting of the money required for the G.L. c. 21E remediation, the removal of the contaminated soils from the Site subject to Board Order #515-99(2), and compliance with the City's Tree Preservation Ordinance, but prior to the issuance of a building permit for construction on the Site subject to Board Order #514-99(2), the petitioner may commence removal of earth, trees, and plant materials, and commence regrading and preparation of the land on the sites subject to Board Orders #514-99(2) and #515-99(2) for temporary drainage, erosion and hydraulic controls, and protection of the wetland on the Site subject to Board Order #515-99(2) and protection of adjoining properties, and other aspects of the construction staging process.
25. Langley Road/Main Site Entrance:
 - a) The petitioner shall submit the final design for access at and/or through the Langley Road/Boylston Street intersection to MassHighway as per the plan cited in Condition #1 above prior to the issuance of any building permits for either the Site subject to Board

Order #514-99(2) or the Site subject to Board Order #515-99(2). The petitioner shall also submit the final design for such access to the City Engineer and City Traffic Engineer for review and to obtain approval prior to the issuance of any building permit for either the Site subject to Board Order #514-99(2) or the Site subject to Board Order #515-99(2).

- b) Construction of the entrance and exit shall be completed to the binder pavement stage on the Sites subject to Board Order #515-99(2) and Board Order #514-99(2) and the temporary construction access shall be removed prior to the issuance of any occupancy permits for the Site subject to Board Order #514-99(2).
26. Emergency/Pedestrian Access at Tanglewood Road: Final design for emergency access-only between this Site and the existing street stub at Tanglewood Road shall be submitted for review and approval to the City Traffic Engineer, Director of Planning and Development, and Fire Chief prior to the issuance of any building permits. Access from Tanglewood Road to the Site subject to Board Order #514-99(2) shall be designed to accommodate pedestrian passage, provided, however, that vehicular access shall be permitted for emergency vehicles only and such access shall be gated or chained.
27. The Sites subject to Board Orders #514-99(2) and #515-99(2) may be combined into a single parcel without amendment to this Special Permit.
28. In the event that the Site subject to Board Order #515-99(2) is not combined with the adjacent site subject to Board Order #514-99(2), the entrance and exit driveways serving both Sites may be partially located on the adjacent site as shown on the plans cited in Condition #1 above.
29. No garage area shall be used in any manner which prevents the use of such garage for its intended purpose, *i.e.*, the parking of a car or cars.
30. The petitioner shall execute a Traffic Mitigation Fund Agreement with the city and contribute \$25,000.00 to be used toward the cost of traffic improvements which involve physical changes and improvements, studies, or transportation programs which do not involve physical changes or improvements such as the Nexus Bus or its successor. The Traffic Mitigation Fund Agreement and payment amount established pursuant to this condition shall be the same as established pursuant to condition # 28 of Board Order #514-99(2). Such improvements, studies or programs shall be selected by the City for the purpose of mitigating potential impacts of the project or improving traffic safety and flow in the Boylston Street/Langley-Jackson Road/Florence Street area. The City shall construct each traffic improvement or safety program that is undertaken by the City with the Traffic Mitigation Fund or by a contractor engaged by the City, not the petitioner; but in no event shall said funds be used toward traffic improvements which Petitioner has agreed to undertake at Petitioner's cost in this Board Order and in Board Order # 514 -99(2). Petitioner's payment shall be made at the time of the issuance of a Building Permit and shall

be refunded to the Petitioner if not used within 5 years from the date of issuance of a certificate of occupancy of any building constructed pursuant to this special permit.

31. In the event of a conflict between the plans and the terms and provisions of this Board Order, the terms and provisions of the Board Order shall govern.
32. The following actions must occur in order for the special permit/site plan approval for the Site subject to Board Order #515-99(2) to be considered exercised:
 - a) The petitioner's LSP must certify that the contaminated soils shall have been removed, in accordance with the petitioner's LSP standards, and an acceptable cover (new soil) replace, as per Condition #2 above has been installed;
 - b) The work shall have commenced on the main entrance and site access road at Langley Road/Boylston Street intersection and connecting through to the adjacent Site subject to Board Order #514-99(2).
33. The petitioner must be issued a building permit for construction of the Project authorized by Board Order #515-99(2) no later than twenty-four (24) months from the effective date of the special permit or the such special permit shall lapse notwithstanding satisfaction by the petitioner of Condition #32 above.
34. No building permit for site work shall be issued in pursuance of this SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a) The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - b) A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
 - c) The petitioner has executed the escrow Agreement, paid the full amount due to the escrow fund, and executed and recorded the required Declaration of Restriction, in accordance with Condition #2 above.
 - d) A petitioner has complied with the City's Tree Preservation Ordinance in accordance with Condition #24 above.
 - e) The Director of Planning and Development and the Commissioner of Inspectional Services have reviewed and approved the final Construction Management Plan, in accordance with the draft plan cited in Condition #5 above.

CITY OF NEWTON

IN BOARD OF ALDERMEN

November 20, 2006

ORDERED:

That in accordance with the recommendation of the Public Facilities Committee through its Chairman, Alderman Sydra Schnipper and the Finance Committee through its Chairman, Alderman Paul E. Coletti, the sum of Twenty-Five Thousand Dollars (\$25,000) be and is hereby appropriated from the Bradford Development Traffic Mitigation Fund, to be expended under the direction of the Commissioner of Public Works, for the purpose of installing curb-line geometry changes at the intersection of Daniel and Jackson Streets in Newton Centre:

FROM:	RR Fund – Traffic Mitigation (14K101B-5901).....\$25,000
TO:	Daniel/Jackson Traffic Improvements (C401057-586002).....\$25,000

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Ald. Albright and Gentile)

EXECUTIVE DEPARTMENT
Approved November 22, 2006

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

(SGD) PAUL E. COLETTI, Chairman
Finance Committee

#131-05
(514-99.2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

April 19, 2005

ORDERED:

That in accordance with the recommendation of the Public Facilities Committee through its Chairman, Ald. Sydra Schnipper and the Finance Committee through its Chairman, Ald. Paul E. Coletti, the sum of Fifty Thousand Dollars (\$50,000) be and is hereby appropriated from funds held by the City from Bradford Development Inc., under the terms of Special Permit #514-99(2), to be expended under the direction of the Commissioner of Public Works for the purpose of designing and purchasing a sedimentation basin at the Hampton Place condominiums on Florence Street:

FROM:	Receipts Reserved; Special Permits (14R40101-5901).....	\$50,000
TO:	Hampton Place Drainage (C40133-586004).....	\$50,000

Under Suspension of Rules
Readings Waived and Approved
23 yeas, 0 nays, 1 absent (Ald. Hess-Mahan)

EXECUTIVE DEPARTMENT
Approved: April 21, 2005

(SGD) LINDA FINUCANE
Acting City Clerk

(SGD) DAVID B. COHEN
Mayor

(SGD) PAUL E. COLETTI
Chairman, Finance Committee



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#202-10

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(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

June 14, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$40,000 from the Fiscal Year 2011 Budget Reserve to the Treasury Department.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From:	Budget Reserve	
	0110498-5790	\$40,000
To:	Treasury Salaries	
	0110701-511001	\$40,000

AW 08/16/10 *PS*

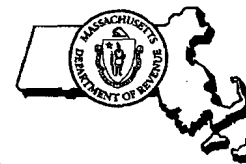
10 JUN 14 PM 6:20
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



Bulletin

2010-03B

2009 LEGISLATION

TO: Local Officials

FROM: Robert G. Nunes, Deputy Commissioner & Director of Municipal Affairs

DATE: March 2010

SUBJECT: Summary of 2009 Municipal Finance Law Changes

10 JUN 31 AM 10:57
 CITY CLERK
 NEWTON, MA. 02159

To keep you informed of legislative developments during the year, the Division of Local Services publishes on a periodic basis a **BULLETIN** summarizing any new laws enacted that affect municipal budgets and local tax assessment, administration and collection. Each issue contains a cumulative summary of session laws enacted to that time and indicates whether the Division has issued or will issue any further implementation guidelines.

Attached is the **final** edition of the **2009 LEGISLATIVE BULLETIN**. It includes any legislative changes affecting municipal finance found in Chapters 1 – 204 of the Acts of 2009. **Summaries of legislation enacted since the September 2009 edition was issued begin on page 6 with Chapter 120. Any changes in or additions to the previously issued material are in boldface and underscored.**

Copies of these new laws can be obtained from the web site of the State Legislature: www.mass.gov/legis or the State Bookstore located in Room 116 of the State House.

The Division of Local Services is responsible for oversight of and assistance to cities and towns in achieving equitable property taxation and efficient fiscal management. The Division regularly publishes IGRs (Informational Guideline Releases detailing legal and administrative procedures) and the Bulletin (announcements and useful information) for local officials and others interested in municipal finance.

Post Office Box 9569, Boston, MA 02114-9569, Tel: 617-626-2300; Fax: 617-626-2330 <http://www.mass.gov/dls>

2009 LEGISLATION

Ch. 1 FISCAL YEAR 2009 STATE BUDGET REDUCTIONS

An Act Expanding the Governor's Authority to Address Deficiencies in Revenue.
Effective January 22, 2009.

Expands the Governor's power to make budget cuts under G.L. c. 29, § 9C for the purpose of addressing revenue shortfalls during Fiscal Year 2009. The power ordinarily extends only to appropriations made for executive branch agencies under the Governor's control. For FY09, the power includes appropriations made for certain local aid distributions to cities, towns and regional school districts. Bulletin 2009-04B, Fiscal Year 2009 Local Aid Cuts.

Ch. 5 FISCAL YEAR 2009 SUPPLEMENTAL BUDGET

An Act Making Appropriations for Fiscal Year 2009 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.
Effective March 19, 2009, unless otherwise noted.

§ 20 Extended Unemployment Benefits. Allows the Governor to use funds from the federal Emergency Unemployment Compensation (EUC) Act of 2008 to cover up to 13 additional weeks of benefits for laid-off employees before providing state extended benefits. During the period federal EUC funds are used, municipal employers on the reimbursable plan would not be charged for benefits of laid-off employees. However, once federal EUC coverage ends, they would become responsible for 100 percent of any further state paid extended benefits. Contact the Division of Unemployment Assistance for additional information about this section and the extended benefits programs.

Ch. 21 PENSION REFORM

An Act Providing Responsible Reforms in the Pension System. *Effective June 16, 2009.*

Makes several changes to public employee pension systems that are applicable to members who retire after July 1, 2009. Changes include a new definition of regular compensation that excludes housing allowances and certain other indirect payments. Housing and other allowances allowed under a collective bargaining agreement or employment contract may continue until the contracts expire, or June 30, 2012, if earlier. Accidental disability retirement benefits for someone in a temporary or acting position when the injury occurred will now be based on the person's annual rate of regular compensation during the prior 12 months. If the person was working in his or her permanent position, the benefits will be based on the annual rate of compensation on the date the injury occurred.

-2-

The “one-day, one year” provision is eliminated and elected officials will be given creditable service based on actual time served rather than a full year service for working one day in a calendar year. The “termination allowance” for elected officials who are not nominated or reelected is eliminated and elected officials must now have 10 years of creditable service at age 55 to retire. Previously, they needed six years.

Those serving in uncompensated positions will no longer be able to purchase creditable service for that position. Officers and employees who earn \$5,000 or less in compensation will no longer qualify for creditable service after their current terms expire, or July 1, 2012, if earlier. Retirees who return to work as consultants or independent contractors can no longer receive a full salary in addition to their pension benefits. The amount they may earn is limited.

Individuals who are members of more than one retirement system will now have to retire from each system separately. They can no longer combine their compensation and increase their pensions unless they retire before January 1, 2010.

Several changes are made to improve administrative efficiency. They include allowing retirement boards to require direct deposit of pension payments and requiring boards to notify employers when pension payments do not cover a retiree’s health insurance premium.

Retirement systems may extend their full funding schedules for two years – until 2030. A special commission on public pensions was reestablished with additional members and additional areas to study and report on by September 1, 2009.

See Public Employee Retirement Administration Commission (PERAC) Memorandum No. 24 (June 22, 2009) for a summary of these changes.

Ch. 26. FISCAL YEAR 2009 SUPPLEMENTAL BUDGET

An Act Making Appropriations for Fiscal Year 2009 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.
Effective June 29, 2009, unless otherwise noted.

§ 49 Pension Charges to Federal Education Grants. Waives for federal grants distributed to municipal and regional schools during FY09 and FY10 through the State Fiscal Stabilization Fund under the American Reinvestment and Recovery Act (ARRA) of 2009, the usual nine percent pension chargeback requirements of G.L. c. 40, § 5D when salaries are funded by the grants. See Informational Guideline Release (IGR) 90-106, Pension Charges to Federal Grants. Districts must still make their regular contributions to local retirement systems for personnel not included within the state Teachers’ Retirement System. See Department of Elementary and Secondary Education (DESE) Advisory Memorandum on FY10 ARRA State Fiscal Stabilization Fund (SFSE) Grants (July 15, 2009).

Ch. 27 FISCAL YEAR 2010 STATE BUDGET

An Act Making Appropriations for the Fiscal Year 2010 for the Maintenance of the Departments, Boards, Commissions, Institutions and Certain Activities of the Commonwealth, for Interest, Sinking Fund and Serial Bond Requirements and for Certain Permanent Improvements. *Effective July 1, 2009, unless otherwise noted.*

Item 8000-0040 Police Career Incentive Program Reimbursement. Makes police officers hired on or after July 1, 2009, or employed as of that date, ineligible for police career incentive program (Quinn Bill) benefits if they have not begun to accumulate points.

§ 3 Local Aid Advances. Authorizes the State Treasurer to advance payments of FY10 local aid distributions to a city, town, regional school district or independent agricultural and technical school that demonstrates an emergency cash shortfall, as certified by the Commissioner of Revenue and approved by the Secretary of Administration and Finance.

§ 24 Senior Work-off Abatements. Allows cities and towns to increase the maximum property tax reduction seniors may earn performing work for their communities under local option G.L. c. 59, § 5K. This amendment increases the maximum reduction to \$1,000. Previously, it was \$750. **An updated Informational Guideline Release (IGR) will be issued on this program.**

§§ 25 and 149 Taxation of Telecommunications Corporations Poles and Wires on Public Ways. *Effective as of January 1, 2009 for fiscal years beginning on or after July 1, 2009.* Section 25 amends G.L. c. 59, § 18, Fifth, to eliminate the historical exemption from local taxation for poles and wires owned by telephone and telegraph, cable television, internet, data service and other telecommunications corporations and located on public ways that was based on court decisions. In effect, it makes the 2008 decision of the Appellate Tax Board (ATB) that determined the poles and wires of centrally valued telephone corporations located on public ways are subject to tax applicable to all centrally and locally valued telecommunications corporations beginning in FY10. *Verizon New England, Inc. Consolidated Central Valuation Appeals, ATB Docket No. C273560.* In addition, Section 149 permits assessors who are unable to obtain information from locally valued cable and other telecommunications corporations about these assets and complete valuations before the fiscal year 2010 actual commitment, to use the omitted and revised assessment procedure to make assessments for FY10. *Bulletin 2009-14B, Taxation of Poles and Wires on Public Ways.*

§§ 50-52 and 154 Local Room Occupancy Excise. *Effective for occupancies on or after August 1, 2009.* Section 50 amends G.L. c. 64G, § 2, which exempts certain occupancies from the room occupancy excise. Rooms occupied in hotels or motels operated by public or private educational institutions will now be subject to the excise. Sections 51 and 52 amend G.L. c. 64G, § 3A, which allows a city or town, by local acceptance, to impose a local room occupancy excise. The local excise is in addition to

the state excise imposed on room occupancies. Communities may now set a local rate up to six percent (six and one-half for Boston). Previously, the maximum local rate was four percent (four and one-half for Boston). Bulletin 2009-15B, Local Option Excises; Bulletin 2009-17B, Local Option Excise Revenues.

§§ 60 and 156 Local Meals Excise. *Effective for sales of restaurant meals on or after October 1, 2009.* Section 60 adds a new local option tax statute, G.L. c. 64L, which allows a city or town, by local acceptance, to impose an excise of .75 percent on the sales of restaurant meals originating within the municipality. The local excise is in addition to the state tax imposed on the meals. As with the local option room occupancy excise, the Department of Revenue will collect the local option meals excise and distribute the collections to the city or town. Bulletin 2009-15B, Local Option Excises; Bulletin 2009-17B, Local Option Excise Revenues.

§ 62 Borrowing for School Construction Projects. *Effective as of January 1, 2008.* Makes a technical amendment to subsection (d) to G.L. c. 70B, § 6, which relates to approval of school facility grants by the Massachusetts School Building Authority. It adds "regional school committees" to the first sentence of that subsection which authorizes a 25 year borrowing for the local share of school construction projects. Previously, that sentence only referenced cities and towns.

§ 114 Education Reform Waivers. Permits cities, towns and regional school districts to apply for various adjustments in their FY10 minimum required contributions to schools under the Education Reform Act. Municipalities may seek adjustments if (1) non-recurring revenues were used to support FY09 operating budgets and those revenues are not available in FY10, (2) they have extraordinary non-school related expenses in FY10, (3) their FY10 municipal revenue growth factor is at least 1.5 times the statewide average and is deemed to be excessive, or (4) in calculating one-time adjustments to their FY10 local contributions, the DESE used budgeted FY08 local contributions and their reported FY08 actual spending was less than budgeted or was revised downward. Regional school districts that used non-recurring revenues in FY09 that are unavailable for FY10 must seek waivers if a majority of the selectmen in a town, the city council in a Plan E city or the mayor in all other cities in a majority of the member municipalities requests them. If a regional school budget has already been approved by the members and a waiver is granted of any member's minimum required local contribution to the district, the use of that waiver must be approved by the selectmen, the city council in a Plan E city or the mayor in all other cities of a majority of the member municipalities. Requests for waivers must be made by October 1, 2009. IGR 09-302 issued July 2009.

§ 145 Water Infrastructure Commission. Establishes a 17 member special water infrastructure finance commission to develop a comprehensive, long-range water infrastructure finance plan for the Commonwealth and municipalities within two years. Members include the Commissioner of Environmental Protection and State Treasurer, or their designees, two appointees of the Senate President including one Senator, two

appointees of the Speaker of the House including one Representative, one appointee each by the Minority Leaders of the House and Senate, a representative of the Boston Water and Sewer Commission, and nine appointees of the Governor, including representatives from municipal, business, labor and environmental organizations.

Ch. 28 **ETHICS REFORM**

An Act to Improve the Laws Relating to Campaign Finance, Ethics and Lobbying.
Effective September 29, 2009, unless otherwise noted.

Makes a number of changes in the state's lobbying, open meeting, campaign finance and ethics laws that apply to municipal officials.

§§ 17-20 and 106 Open Meeting Law. *Effective July 1, 2010.* Provides for consolidation of the separate Open Meeting Laws for state, county and local governmental bodies into a new single law, G.L. c. 30A, §§ 18 – 25, that will be overseen and enforced by the Attorney General (AG) instead of the local district attorney. The AG is expected to provide training for governmental officials and can issue advisory opinions and regulations. The AG will also investigate alleged violations of the law and after a hearing, determine whether a violation occurred and the appropriate sanction from a number of options listed in the law. The law has also been updated so that the definition of deliberation includes certain communications by email. Electronic posting of meeting notices will also be permitted.

§§ 35, 23-59 and 105 Campaign Finance Law. *Effective January 1, 2010.* Changes some reporting requirements for candidates for municipal offices. Requires candidates for mayor in cities with populations of 40,000 to 100,000 to file electronic campaign finance reports with the Office of Campaign and Political Finance (OCPF) if they raise or spend \$5,000 during an election cycle. Previously, their reports were filed locally. In other cities and towns, city or town clerks are to post the campaign finance reports of candidates who have more than \$1,000 of activity in a reporting period on their municipal web sites (if any) within 30 days of the reporting deadline.

§§ 61-97, 101 and 102 Conflict of Interest Law. Increases civil fines and expands other enforcement tools and sanctions. Also includes requirement that State Ethics Commission (SEC) publish a summary of the Conflict of Interest Law for state, county, and municipal employees on its website and provide it to employees within 30 days of employment and on an annual basis. In addition, all current employees must be given a summary of the revised law no later than 90 days after the Act takes effect. Employees must acknowledge receipt of these summaries. Municipal employees will receive the summary from and return their acknowledgements to the city or town clerk.

The SEC must also provide on-line training for public employees, to be completed within 30 days of employment and every two years thereafter. Within 120 days after the

Act takes effect, each city and town must designate a senior level employee to serve as its liaison to the commission for the purpose of disseminating the required information and training to municipal employees.

See Summary of Chapter 28 and Implementation Procedures established by the State Ethics Commission for more detailed information about these changes.

Ch. 60 **REGIONALIZATION COMMISSION**

An Act Establishing a Regionalization Advisory Commission. *Effective July 1, 2009.*

Establishes a 19 member regionalization advisory commission to study opportunities for regionalization of services, by April 30, 2010. Members include the Secretaries of Administration and Finance, Health and Human Services, Energy and Environmental Affairs, Public Safety, Transportation, Elder Affairs, Veterans' Affairs, Labor and Workforce Development, Education, Housing and Economic Development or their designees, Senate President and Speaker of the House or their designees, Senate and House Minority Leaders or their designees, three appointees of the Governor and a representative from the Metropolitan Area Planning Council and the Massachusetts Municipal Association.

Ch. 120 **FISCAL YEAR 2009 SUPPLEMENTAL BUDGET**

An Act Making Appropriations for Fiscal Year 2009 to Provide for Supplementing Certain Existing Appropriations and for Certain Other Activities and Projects.
Effective June 30, 2009.

§ 13 Tax Credit Bonds. Adds § 21B to G.L. c. 44, which will enable municipalities and districts that want to issue tax credit bonds under ARRA or other laws to comply with federal law regarding the use of investment income on the bond proceeds. The designation of borrowings that may be issued with federal tax credits or other similar subsidies as tax credit bonds is made by the city council of a city, with the approval of the mayor, the selectmen in a town, school committee in a regional school district or prudential committee in a district. A separate trust fund is established for the bond proceeds. The treasurer may invest the proceeds in the same manner as trust funds under G.L. c. 44, § 55, with the earnings credited to the fund. Ordinarily, these investment earnings belong to the general fund. G.L. c. 44, § 53. In addition, investments may be made for a period longer than the one year limit under G.L. c. 44, § 55, but they cannot mature later than the payment or redemption date of the bonds. The municipality or district may appropriate the earnings to pay the debt or fund a capital purpose for which it could borrow for 5 or more years.

Ch. 183 FISCAL YEAR 2009 TAX BILL MAILING EXTENSION
An Act Extending the Deadline for Mailing Quarterly Tax Bills.
Effective December 15, 2009.

Extends for FY2010 only the time for mailing actual tax bills in communities that have accepted the quarterly tax payment system, or semi-annual preliminary tax payment system, under G.L. c. 59, § 57C from December 31, 2009 to January 30, 2010. For the extension to apply, the board of selectmen, town council or city council must accept the legislation. If accepted, actual FY2010 tax bills in quarterly communities are payable in two installments if mailed on or before January 30, 2010. The first installment (third quarter) is due February 1, 2010, or 30 days after the bills are mailed, whichever is later. The second installment (fourth quarter) is due May 1, 2010. Actual tax bills mailed after January 30, 2010 are payable in a single installment due May 1, 2010, or 30 days after the bills are mailed, whichever is later. In communities using the semi-annual preliminary tax payment system, the balance owed for the year is still due on April 1, 2010 if the actual bills are mailed on or before January 30, 2010. Actual tax bills mailed after January 30, 2010 are due May 1, 2010, or 30 days after the bills are mailed, whichever is later. Bulletin 2009-23B, Fiscal Year 2010 Tax Bill Options.

Last Act: Chapter 204 approved by the Governor on January 10, 2010.

Property Tax Bureau
 Informational Guideline Release (IGR) No. 02-210
 September 2002

10 JUN 31 AM 10:57
 CITY CLERK
 NEWTON, MA 02159

(Supersedes IGR 00-201)

SENIOR CITIZEN PROPERTY TAX WORK-OFF ABATEMENT

Chapter 184 §52 of the Acts of 2002
 (Amending G.L. Ch. 59 §5K)

This Informational Guideline Release (IGR) informs local officials about an amendment increasing the maximum abatement that senior citizens may earn under the local option statute that allows cities and towns to establish a property tax work-off program.

Topical Index Key:

Abatements and Appeals
 Tax Bills

Distribution:

Assessors
 Collectors
 Treasurers
 Accountants and Auditors
 Selectmen/Mayors
 City/Town Managers/Exec. Secys.
 Finance Directors
 City/Town Councils
 City Solicitors/Town Counsels

2. Effective Date

The acceptance vote should explicitly state the fiscal year in which the program will first be available.

3. Revocation

Acceptance of the statute may be revoked, but the city or town must wait until at least three years after the statute was accepted to do so. Revocation is also by town meeting, town council or city council vote. G.L. Ch. 4 §4B.

B. SCOPE OF ABATEMENT

1. Age

Taxpayers must be over 60 years of age to earn a property tax abatement under the program.

2. Ownership

Taxpayers must be the assessed owner of the property on which the tax to be abated is assessed, or have acquired ownership before the work is performed and the abatement applied. If the property is subject to a trust, the senior must have legal title, *i.e.*, be one of the trustees, on the applicable January 1 assessment date, or at the time the work is performed.

More than one qualifying owner of the parcel may earn an abatement, unless local program rules limit multiple abatements on a parcel. See Section C below.

3. Maximum Abatement and Hourly Rate

The maximum abatement taxpayers may earn is \$750 per fiscal year. In addition, they cannot receive credit for their services at an hourly rate higher than the state's minimum wage. As of January 1, 2001, that rate is \$6.75 an hour.

Communities should also set the rate no lower than the federal minimum wage unless advised by the Wages and Hours Division of the United States Department of Labor that the federal fair labor standards act does not apply to the program. The federal minimum wage is currently \$5.15 an hour.

4. Personal Exemptions and Deferrals

Taxpayers may earn abatements under the work-off program in addition to any property tax exemptions they may be eligible for under other statutes, such as personal exemptions under G.L. Ch. 59 §5 or residential exemptions under G.L. Ch. 59 §5C. They may also defer the balance of their taxes under G.L. Ch. 59 §5(41A) if they are eligible to do so.

C. ADOPTION OF LOCAL PROGRAM RULES

After acceptance of the statute, the selectmen, town council or mayor with approval of the city council may establish a senior work-off program consistent with any local rules and procedures the municipality may adopt by by-law or ordinance. Those officials should coordinate the assignment of program participants to the various municipal departments where they will perform their volunteer services.

A municipality accepting the new law should adopt rules to determine:

- The hourly rate at which the tax reduction is to be computed;
- An eligibility date;
- Any income asset limitations on eligibility;
- Any limitation of eligibility to a tax reduction on a volunteer's domicile;
- Any limitations on the number of volunteers or the types of work they may do;
- Any other restrictions or regulations consistent with the intent of the law.

D. CERTIFICATION OF SERVICE

The board, officer or department supervising the taxpayer's volunteer services must certify to the assessors the hours of services performed by the taxpayer before the actual tax for the fiscal year is committed. The certification must state the amount actually earned as of that time. Services performed after that date are credited toward the next fiscal year's actual tax bill to the extent consistent with the program rules established by the municipality.

A copy of the certification must also be given to the taxpayer before the actual tax bill is issued. (See attached model that may be adapted to suit local needs).

E. TREATMENT OF "EARNED" AMOUNT

The amount of the property tax reduction earned by the taxpayer under this program is not considered income or wages for purposes of state income tax withholding, unemployment compensation or workmen's compensation.

The United States Internal Revenue Service (IRS) has ruled that under current federal law the abatement amount is included in the taxpayer's gross income for both federal income tax and Federal Insurance Contribution Act (FICA) tax purposes, however. In addition, if the community pays the taxpayer's share of FICA taxes, that amount is also income subject to federal income tax. Communities should verify with the IRS that their procedures comply with all applicable federal laws regarding income, Social Security and Medicare tax withholding on abatements earned under this program.

F. ACCOUNTING FOR ABATEMENTS

Earned reductions must be applied to the actual tax bills for the fiscal year. The assessors must commit the full tax for the year and process the gross amount earned as certified by the board, officer or department supervising the taxpayer's volunteer services as an abatement to be charged against the overlay account. See Section D above. The taxpayer's actual tax bill, however, should only show a credit for the amount earned net of any federal withholdings. The municipal share of federal Social Security and Medicare taxes may also be charged to the overlay unless the community has otherwise provided.

G. STATUS OF VOLUNTEERS

Taxpayers performing services in return for property tax reductions are employees for purposes of municipal tort liability. Municipalities will therefore be liable for damages for injuries to third parties and for indemnification of the volunteers to the same extent as they are in the case of injuries caused by regular municipal employees.

(MODEL)

(Copy must be given to the taxpayer before the actual tax bill is mailed)

City/Town of _____
Certificate of Completion of Volunteer Services

(G.L. Ch.59 §5K)

To: Board of Assessors

_____ the owner of a parcel at _____ has completed
(Taxpayer's name) (Property address)
_____ hours of volunteer work to be credited toward the fiscal year _____ tax
assessed on the parcel at the address listed above at the rate of \$ _____ per hour.

(Signature of Person Certifying Work)

(Board or Department)

(Date)

The General Laws of Massachusetts

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE IX. TAXATION

CHAPTER 59. ASSESSMENT OF LOCAL TAXES

PERSONS AND PROPERTY EXEMPT FROM TAXATION

Chapter 59: Section 5K. Property tax liability reduced in exchange for volunteer services, persons over age 60

Section 5K. In any city or town which accepts the provisions of this section, the board of selectmen of a town or in a municipality having a town council form of government, the town council or the mayor with the approval of the city council in a city may establish a program to allow persons over the age of 60 to volunteer to provide services to such city or town. In exchange for such volunteer services, the city or town shall reduce the real property tax obligations of such person over the age of 60 on his tax bills and any reduction so provided shall be in addition to any exemption or abatement to which any such person is otherwise entitled and no such person shall receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for services provided pursuant to such reduction nor shall the reduction of the real property tax bill exceed \$750 in a given tax year. It shall be the responsibility of the city or town to maintain a record for each taxpayer including, but not limited to, the number of hours of service and the total amount by which the real property tax has been reduced and to provide a copy of such record to the assessor in order that the actual tax bill reflect the reduced rate. A copy of such record shall also be provided to the taxpayer prior to the issuance of the actual tax bill. Such cities and towns shall have the power to create local rules and procedures for implementing this section in any way consistent with the intent of this section.

In no instance shall the amount by which a person's property tax liability is reduced in exchange for the provision of services be considered income, wages, or employment for purposes of taxation as provided in chapter 62, for the purposes of withholding taxes as provided in chapter 62B, for the purposes of workers' compensation as provided in chapter 152 or any other applicable provisions of the General Laws, but such person while providing such services shall be considered a public employee for the purposes of chapter 258, but such services shall be deemed employment for the purposes of unemployment insurance as provided in chapter 151A.

10 JUN 31 AM 10:06
 CITY CLERK
 NEWTON, MA 02159

Updated September 28, 2009

Chapter 27

TAXATION***Sec. 27-1. Composition, terms of board of assessors.**

The board of assessors shall consist of three (3) persons whose terms of office shall be for the three (3) years from the first day of February in the year of their appointments. (Rev. Ords. 1973, § 20-1)

State law reference—Number, term of assessors, G.L. c. 41, § 24

Sec. 27-2. Assistant assessors.

There shall be as many assistant assessors as the work of the assessing department requires and they shall respectively hold office for the term of one year, beginning with the first day of February and until their respective successors are appointed and qualified. (Rev. Ords. 1973, § 20-2)

State law reference—Appointment, term of assistant assessors, G.L. c. 41, § 25A

Sec. 27-3. Statement of amount of tax list and abatements.

The board of assessors shall render to the comptroller of accounts, at the time when it delivers any tax list to the city collector-treasurer, a statement of the amount of such tax list so far as the amounts thereof have not been included in any statement previously made to him and shall on or before the first day of each month submit a statement showing the amount of taxes which have been abated during the preceding month, giving the year in which the taxes abated were paid. (Rev. Ords. 1973, § 20-3)

Sec. 27-4. Disposition of certificates of abatements.

The board of assessors shall forthwith forward to the city collector-treasurer all certificates of abatements allowed by them. (Rev. Ords. 1973, § 20-4)

Sec. 27-5. Disposition of certificates of assessments of betterments.

The board of assessors shall forthwith furnish to the city collector-treasurer and the comptroller of accounts a certificate of all assessments made under any betterment law apportioned by it. (Rev. Ords. 1973, § 20-5)

Sec. 27-6. Charges to be added to tax list and bills.

The board of assessors shall add to the annual tax list and bills from a list furnished by the city collector-treasurer prior to August first of each year, all sewer assessments, sewer charges, sewer house connection charges and other betterment assessments apportioned due, and interest, and all other assessments on real estate-remaining unpaid on January first, and interest. (Rev. Ords. 1973, § 20-6)

Sec. 27-7. Notice of taxes due generally; disposition of unpaid tax bills.

The city collector-treasurer, as soon as possible after receiving any tax list, warrant, tax bills and notices of same,

*Cross reference—Administration, Ch. 2

State law references—Assessments of local taxes, G.L. c. 59; collection of local taxes, G.L. c. 60; betterments generally, G.L. c. 80

shall forthwith send such notice to any person assessed, resident and nonresident, of the amount of his tax. If he shall send such notice through the mail, he shall postpay and direct the same to the city or town which was the place of residence of such person on the first day of January of the year in which the tax was assessed, and if to a resident of this city, shall direct it to the street and number of his residence, if possible. He shall keep in his office all tax bills until paid, except as otherwise provided in this chapter. (Rev. Ords. 1973, § 20-8)

Sec. 27-8. Division of taxes.

When it becomes necessary to divide a tax, the city collector-treasurer shall return the original bill to the assessors, who shall issue new bills in place thereof to the collector-treasurer, and shall indicate the changes made on the tax list by proper entries and cross references, which shall also appear upon the bills. The original bill shall be canceled and retained by the assessors and the coupon thereof canceled and returned to the collector-treasurer. (Rev. Ords. 1973, § 20-9)

Sec. 27-9. Hotel, lodging house and motel excise tax.

(a). Every hotel, lodging house and motel located within the city shall be subject to a local excise tax upon the transfer of occupancy of any room or rooms at the rate of six (6) percent of the total amount of rent for each such occupancy all in accordance with the provisions of G.L. c. 64G, § 3A.

(b) This increase shall take effect October 1, 2009 (Ord. No. S-126, 10-7-85; Ord. No. Z-52, 08-10-09)
 Editor's note—G.L. c. 64G, § 3A was accepted by the city on 10-7-85 and became effective in Newton on November 1, 1985.

Sec. 27-10. Income eligibility for clause 41A tax deferral program.

The maximum qualifying gross receipts amount for purposes of the tax deferral program authorized under clause 41A of section 5 of chapter 59 of the General Laws shall be sixty thousand dollars (\$60,000) for the fiscal year beginning July 1, 2005. (Ord. No. X-149, 05-02-05)

Sec. 27-11. Interest rate for clause 41A tax deferral program.

The rate of interest that accrues on property taxes deferred by eligible seniors under clause 41A of section 5 of chapter 59 of the General Laws shall be determined each fiscal year, beginning with the fiscal year that begins on July 1, 2006, in accordance with this section. For each such fiscal year, the interest rate shall be the lesser of the following a) Federal Reserve Banks' discount rate charged for primary credit, effective as of June 30 of the prior fiscal year, or b) the statutory rate of eight per cent (8%).
 (Ord. No. X-221, 6-19-06)

Sections 27-12–27-19. Reserved.

ARTICLE II. SENIOR CITIZEN VOLUNTEER PROGRAM

Sec. 27-20. Establishment; rate; maximum annual reduction.

A person who qualifies pursuant to the provisions of this article may volunteer to provide services to the city in accordance with the standards and requirements set forth herein. In exchange for such volunteer services, the city shall reduce the real property tax obligation of such person on tax bills for his principal residence and any reduction so provided shall be in addition to any exemption or abatement for which such person shall be otherwise qualified. Each such volunteer shall receive a rate of or be credited with the current minimum wage of the commonwealth. The maximum allowable annual reduction on any real estate tax bill shall be \$750. (Ord. No. X-47, 4-7-2003)

State law reference—Program for persons over age 60 to provide volunteer services to city in exchange for property tax, G.L. c. 59, § 5K

Sec. 27-21. Financial Eligibility.

(a) A person who is 60 years of age or older, whose principal place of residence is in Newton and whose annual gross income, as defined in the Internal Revenue Code of the United States, is less than \$40,000 if such person is single and not head of household, less than \$50,000 if such person is head of household, or less than \$60,000 if such person files a joint tax return with spouse, may be eligible to receive the reduction set forth in section 27-20. The date of determination as to age, residence, ownership and income shall be July first of each year.

(b) Eligibility shall be determined by the assessors. In order to ascertain an applicant's financial eligibility, the assessors may request verification of the applicant's income by any means including requiring the submission of income tax returns. (Ord. No. X-47, 4-7-2003)

Sec. 27-22. Volunteer positions.

The head of each city department shall and the chair of each city board or commission may, on or before the 45th day following the passage of this article and from time to time thereafter, furnish to the director of senior services, on a form provided by said director, a list of volunteer positions available in each department, board or commission respectively. Said list shall include a description of the nature of each position, a list of skills such position requires, when the position will be available, the total hours for the position and such other information the director may require. Persons may volunteer pursuant to section 27-20 by filling out the application form furnished by the director. (Ord. No. X-47, 04-07-2003; Ord. Z-36, 11-17-08)

Sec. 27-23. Non-financial eligibility.

The director of senior services shall establish non-financial employment eligibility criteria and may require reviews of criminal offender record information as he deems necessary. If an applicant is deemed financially eligible by the assessors, his acceptance into this program shall be further subject to the approval of both the director, or his designee, and that of the appropriate department head or board or committee chair. (Ord. No. X-47, 4-7-2003; X-175, 5-26-2005; Ord. Z-36, 11-17-08)

Sec. 27-24. Certification of services; abatements.

(a) The department, board or commission supervising the volunteer's services shall certify to the assessors the amount of services performed by the volunteer as of the time the actual tax for the fiscal year is committed. Services performed after that date and before the next commitment date shall be credited toward the next fiscal year's tax bill. The department, board or commission shall provide a copy of such certification to the volunteer.

(b) The assessors shall process all reductions as abatements and charge them against the overlay account. The director shall not approve a number of volunteers whose total possible reductions would exceed \$50,000 in any fiscal year. (Ord. No. X-47, 4-7-2003)

Sec. 27-25. Employment benefits prohibited.

Volunteers approved pursuant to this article shall not receive any health insurance, retirement benefits or any other employment-related benefits as a result of performing such volunteer services. Nothing herein shall create any rights to said volunteers other than those already created by state law. (Ord. No. X-47; 4-7-03)

Sec. 27-26 – 27-29. Reserved.**Sec. 27-30 Aid to elderly and disabled taxation fund; Taxation fund Committee.**

NEWTON CODE ONLINE — TAXATION

§ 27-9

(a) There is hereby established within the city a taxation aid committee consisting of the chairman of the board of assessors, the city collector-treasurer and three residents of the city appointed by the mayor with the approval of the board of aldermen, who shall serve without compensation. The appointed members shall serve for three year terms and no appointed member shall serve for more than three consecutive terms. One (1) of the initial appointees shall be for a term of one (1) year; one (1) of the initial appointees shall be for a term of two years; and (1) of the initial appointees shall serve for a term of three years. At no time shall all three appointed members be of the same sex.

The appointed members of the committee shall, so far as practicable, be selected so as to provide representation from persons with experience in dealing with senior citizens and disabled persons, including, but not limited to, persons with direct professional experience in providing social services to elderly and disabled persons; persons with experience in the field of geriatric medicine; representatives of religious organizations; veterans organizations; and organizations providing services to elderly and disabled persons.

Annually, the chairperson of the committee shall issue a report to the board of aldermen detailing the activities of the committee, including, but not limited to, the total amount of money collected and disbursed, number of people assisted and information concerning the investment of funds.

(Ord. No. X-81, 3-15-04)

State law reference—Aid to elderly and disabled taxation fund; voluntary check off donations, G.L. c. 60, § 3D

#

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON
IN BOARD OF ALDERMEN
ORDINANCE NO.

May , 2010

10 JUN 31 AM 10:57
CITY CLERK
NEWTON, MA. 02159

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 Section 27-20 of Article II SENIOR CITIZEN VOLUNTEER PROGRAM of Chapter 27 TAXATION as follows:

1. Delete the figure "\$750" in the last sentence of **Section 27-20 Establishment; rate; maximum annual reduction.**, and insert in its place the figure "1,000."

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Fun



City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

SETTI D. WARREN
MAYOR

August 2, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

As a result of Newton's designation as a *Green Community* by the Department of Energy Resources (DOER), in which the Honorable Board played a part, I am pleased to report the award of two items for which I respectfully request the following actions by the Board:

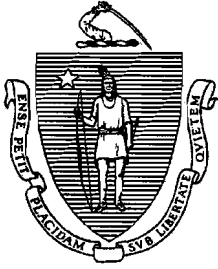
1. The acceptance of a gift of seven (7) BigBelly Solar Compactors with bottle/can recycling units for a total value of \$31,696. These compactors shall be placed in the village squares of West Newton and Upper Falls as designated by the Commissioner of Parks and Recreation. The City will be responsible for the mounted installation of the compactors and emptying them on a routine basis. The distributor (BigBelly Inc. of Needham) will maintain the mechanical systems in the compactors. (see Enclosure "A")
2. The authority to expend a grant of \$179,500 to perform a deep energy retrofit of the Lower Falls Community Center; primarily for more the installation of energy efficient windows in addition to insulation of critical wall and roof areas. Grant monies will be leveraged with another recently received \$500k State Grant to address the urgent capital needs of this heavily used building. In total, these grants will allow for a decrease in the energy demand by at least 50%. (see Enclosure "B")

With the Board's approval, the City will execute contract documents for the management of both of these awards. Thank you for your consideration on this matter.

Very truly yours,

Setti D. Warren
Mayor

10 AUG 32 PM 5:01
CITY CLERK
NEWTON, MA. 02159



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES

100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114

Internet: www.Mass.Gov/DOER
Email: Energy@State.MA.US

Deval L. Patrick
Governor

TELEPHONE
617-626-7300

Timothy P. Murray
Lieutenant Governor

FACSIMILE
617-727-0030
617-727-0093

Ian A. Bowles
Secretary, Executive Office of Energy
and Environmental Affairs

Philip Giudice
Commissioner

June 11, 2010

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

Dear Mayor Warren:

Congratulations on the City of Newton's designation as a Green Community! This designation is quite an achievement and reflects the hard work and tireless efforts your community has exhibited in meeting the Green Community Grant Program's five criteria. Having met these criteria, the City of Newton is now an energy leader in Massachusetts, poised to reduce its energy costs, improve the local environment and implement energy efficiency and renewable energy projects with funding through the Green Communities Grant Program. The purpose of this letter is to confirm your Green Communities designation in writing and provide you with program information and activities that you should be aware of.

As you know, thirty five cities and towns from across Massachusetts were designated as the Commonwealth's first Green Communities by Governor Deval Patrick on May 25, 2010. Shortly thereafter, the Green Communities Regional Coordinators contacted each Green Community to inform them of their grant allocation amount. The City of Newton is eligible to apply for \$179,500. A formulaic allocation was established due to the number of Green Communities

Encl "A"

Page Two

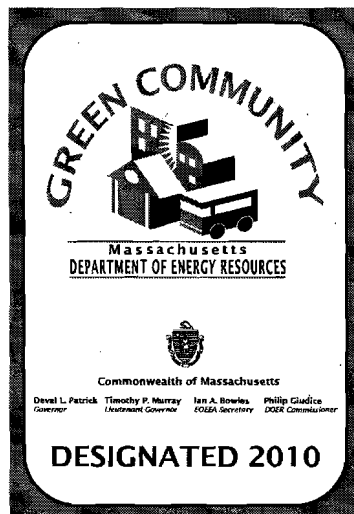
designated and the total amount of grant funds that are available for Fiscal Year 2010, which is \$8,100,000. This formula consisted of a base grant per community of \$125,000, plus an amount adjusted for population/income with an additional \$10,000 for as-of-right renewable generation. The grant application deadline was Friday, June 4, 2010 at 5:00 pm. We received the City of Newton's grant application by the deadline and are in the process of reviewing the materials submitted. In the event we have any questions, a member of the Green Communities staff will follow up with the application contact you provided and we anticipate that awards will be announced no later than June 30, 2010.

SOLAR SOLID WASTE COMPACTORS

In addition to the grant funding, Green Communities will be receiving BigBelly solar solid waste compactors ("compactors"). In order to receive these compactors, the City of Newton will need to execute a user agreement, which is attached to this letter. Included in the user agreement is the number of compactors your community will be receiving. Please be sure to read the user agreement carefully, complete the required sections including the implementation plan and the signature page and return it to the attention of Cliff Sullivan at the Department of Energy Resources by: **Tuesday, June 22, 2010** The "Certificate of Inspection and Acknowledgement of Receipt" should be completed upon delivery of the compactors by BigBelly Solar, the vendor who is providing the units.

SIGNS

Each designated Green Community will be receiving four (4) 12" x 18" aluminum signs to be displayed in your community. These signs are in the process of being printed and will be distributed soon. The sign design is as follows:



Page Three

Green Communities has been asked about communities purchasing additional signs. Additional signs can be purchased for \$22.94 each by contacting any of the following MassCor service representatives at:

Cathleen Ayers
508-850-1072
caayers@doc.state.ma.us

Lynn Gilbode
508-850-1073
lmgilbode@doc.state.ma.us

Debbie Correia
508-850-1071
dacorreia@doc.state.ma.us

CERTIFICATES

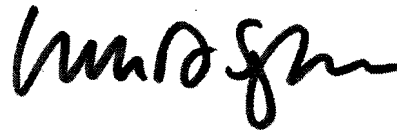
Each Green Community will also receive an official certificate for display pronouncing the city or town's designation as a Green Community along with the designation date and the Governor, Lt. Governor, Secretary of Energy and Environmental Affairs and the Department of Energy Resources Commissioner's signatures. The certificates are in the process of being printed and will be distributed once received by the Green Communities Division.

PRESS EVENTS

We have received requests for local public events to announce the Green Communities designation and to announce grant awards. It is important that each community coordinate any public event with the Green Communities Division and we recommend that public events be scheduled once signs, certificates, grant awards and solar compactors have been received. If the City of Newton would like to hold a Green Community designation event, we ask that you contact me directly at (617) 626-7339 or by email at mark.sylvia@state.ma.us.

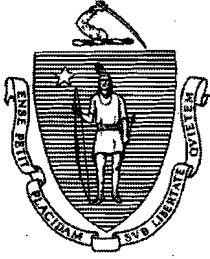
Again, Congratulations on becoming a Green Community. The Green Communities Division looks forward to working with the City of Newton to meet the goals of the Green Communities Grant Program and to support you in meeting your local energy goals. Thank you for your commitment to a greener energy future for Massachusetts.

Sincerely,



Mark D. Sylvia
Director
Green Communities Division

Cc: Robert Rooney



COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., SUITE 1020
BOSTON, MA 02114
Internet: www.Mass.Gov/DOER
Email: Energy@State.MA.US

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Ian A. Bowles
Secretary, Executive Office of Energy
and Environmental Affairs

Philip Giudice
Commissioner

TELEPHONE
617-626-7300

FACSIMILE
617-727-0030
617-727-0093

July 14, 2010

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

Dear Mayor Warren:

I am pleased to inform you that the Green Communities Division has approved the City of Newton's Green Communities grant request of \$179,500 to leverage with other funding to do energy efficiency measures as part of an energy management services contract.

The Division reviewed the City of Newton's grant application and has determined that the proposed activity/activities meet the eligibility requirements of the Green Communities Act and are viable, well-developed projects. Over the next several weeks, your Green Communities Regional Coordinator Joanne Bissetta will be in contact with the designated representative listed on your grant application form to discuss next steps, including coordination of the grant contract process (execution of a grant agreement and developing a project schedule/plan). I have enclosed a list of the grant documents that are required to be completed by the City of Newton and the Green Communities Division.

The Green Communities Division looks forward to working with the City of Newton on your grant project(s). We congratulate you on your designation as a Green Community and applaud you for your efforts to create a greener energy future for the City of Newton and for the Commonwealth of Massachusetts.

ENCL "B"

pen



City of Newton, Massachusetts
Office of the Mayor

#225-10

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

SETTI D. WARREN
MAYOR

August 2, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to accept and appropriate the sum of \$10,000 from the Fiscal Year 2010 Underage Alcohol Enforcement Grant Program offered by the Massachusetts Executive Office of Public Safety and Security.

The grant funds will be used throughout the summer months by the Police Department to support the overtime required to monitor the enforcement of sales regulations and to perform compliance checks to enforce laws against alcohol sales to minors. Examples of the programs that may be implemented as well as the budget template are attached.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

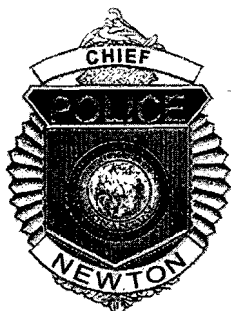
10 AUG 2 PM 4:58
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



City of Newton
Police Department



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

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

June 9, 2010

Hon. Mayor Setti D. Warren
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Request for Receipt and Expenditure of Alcohol Enforcement Grant Funds

Dear Mr. Mayor:

Respectfully request the authority to receive and expend funds in the amount of \$10,000.00 from the *FFY 2010 Underage Alcohol Enforcement Grant Program* offered by the Massachusetts Executive Office of Public Safety and Security.

The grant funds will be used throughout the summer months to support the overtime required to monitor the enforcement of sales regulations to intoxicated patrons, and to perform compliance checks in order to enforce laws against alcohol sales to minors. Please see Attachment 1 for additional examples of the programs that may be implemented with this grant.

Thank you very much for your consideration of this matter. Please contact me at extension 2101 if I may provide any additional information.

Very truly yours,

A handwritten signature in black ink that reads "Matthew A. Cummings".

Matthew A. Cummings
Chief of Police

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS



Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Office of Grants and Research
Highway Safety Division
10 Park Plaza, Suite 3720
Boston, MA 02116
Tel: 617.725.3341

Application for Grant Funds (AGF)
FFY 2010 Underage Alcohol Enforcement Grant Program

The following are brief descriptions of the programs that may be implemented with this grant:

- **Reverse Stings**: This program places two undercover police officers, acting as door or bar personnel, in a participating bar or nightclub. The undercover police officers stop anyone under the age of 21 who attempts to purchase alcohol or who uses or possesses false identification. A third officer is placed outside the licensed premises to observe outside activity and to transport and process underage individuals who are placed under arrest.
- **Underage Stings/Compliance Checks**: This program sends a person who is under 21 years of age into a retail store, bar, restaurant or nightclub to attempt to purchase alcohol with no identification.
- **Cops in Shops**: This program places one undercover police officer in a participating package store to stop anyone under 21 who attempts to purchase alcohol, or uses false identification. A second officer is placed outside to observe adults purchasing for or delivering alcohol to minors.
- **Party Patrols**: This allows a police department to have dedicated patrols for breaking up underage parties. This program works well with Cops in Shops – an officer outside the package store may observe a person (21+) getting into a vehicle that is going to a party where underage drinking may take place.
- **Surveillance Patrols**: In conjunction with above programs, conduct surveillance in areas of suspected underage drinking (i.e. athletic events).

The following is a breakdown of funding allocations:

Estimated Population based on 2007 Census	Maximum Funds
Up to 30,000	\$5,000
30,001 to 100,000	\$10,000
100,001+	\$15,000

**Newton Police Department
FY10 Underage Alcohol Enforcement Grant Program
Grant Application**

BUDGET TEMPLATE

May 1- June 30

Enforcement hour or program description	Cost/Rate	Total
36 enforcement hours for Cops and Shops	47.63	1,714.68
24 enforcement hours for Reverse Stings	47.63	1,143.12
16 enforcement hours for Party Patrols	47.63	762.08
12 enforcement hours of Surveillance Patrols	47.63	571.56
12 enforcement hours of Compliance Checks	47.63	571.56
Total		\$ 4,763.00

July 1- September 30

Enforcement hour or program description	Cost/Rate	Total
30 enforcement hours for Cops and Shops	47.63	1,428.90
8 enforcement hours for Reverse Stings	47.63	381.04
16 enforcement hours for Party Patrols	47.63	762.08
8 enforcement hours of Surveillance Patrols	47.63	381.04
48 enforcement hours of Compliance Checks	47.63	2,286.24
Total		5,239.30

Total funding amount requesting: **\$ 10,000.00**

Grant recipients are required to provide an in-kind (soft) match which represents 20% of the total project cost. For example if you receive \$5,000, your 20% match would be calculated as follows: \$5,000 divided by 80% = \$6,250 X 20% = \$1,250.

FEDERAL IN-KIND MATCH REQUIREMENTS - REQUIRED

Item/Service	Quantity	Cost/Rate	Total
Meetings w/ Lic Establis	10 hours	41.67	416.70
Grant Supervision	10 hours	41.67	416.70
Gasoline	80 gallons	1.97	157.60
Activity Reports	20 hours	23.14	462.80
Reimbursement Reports	10 hours	41.67	416.70
Officer Court time	40 hours	34.72	1,388.80
Total			\$ 3,259.30



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#229-10

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(617) 796-1100

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(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

August 4, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to amend a request that was originally submitted to your Honorable Board on August 2, 2010.

The original request was to amend the Adopted FY2011 Municipal Budget by increasing the appropriation for the Newton Public Schools by \$793,146 and increasing the appropriation for State Assessments by \$36,904.

After further analysis, I ask that, rather than adjusting the budget by the above mentioned amounts, that your Honorable Board make the following adjustments:

- Increase the FY2011 State Assessment appropriation by \$8,386, to \$4,970,628, and
- Increase the FY2011 Newton Public School appropriation by \$821,664 to \$167,203,992

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

From: Est. Revenue - FY 2011 \$830,050

To:	Newton Public Schools	
	98001080-5790	\$821,664
	State Assessments	
	0110781-562011	\$ 8,386

10 AUG -4 PM 1:16
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



SETTI D. WARREN
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August 2, 2010

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to amend the Adopted FY2011 Municipal Budget as follows:

- Increase the FY2011 state assessment appropriation by \$36,904 to \$5,589,086, and
- Increase the FY2011 Newton Public School appropriation by \$793,146 to \$167,175,474

The Adopted FY2011 Municipal Budget was developed with the anticipation of a 10% reduction in state aid. However, the final state aid and assessment information in the Commonwealth's adopted FY2011 budget included an additional appropriation in the amount of \$830,050 for the City of Newton.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

NEWTON

NEWTON

A. EDUCATION:

Distributions and Reimbursements:

1. Chapter 70	13,343,503 ✓
2. School Transportation <i>Chs. 71, 71A, 71B and 74</i>	
3. Retired Teachers' Pensions <i>Ch. 32, s. 20 (2) (c)</i>	
4. Charter Tuition Reimbursements <i>Ch. 71, s. 89</i>	83,747 ✓

Offset Items – Reserve for Direct Expenditure:

5. School Lunch <i>1970, Ch. 871</i>	32,219
6. School Choice Receiving Tuition <i>Ch. 76, s. 12B, 1993, Ch. 71</i>	

Sub-Total, All Education Items	13,459,469
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B. GENERAL GOVERNMENT:

Distributions and Reimbursements:

1. Unrestricted General Government Aid	4,970,628 ✓
2. Local Share of Racing Taxes <i>1981, Ch. 558</i>	
3. Regional Public Libraries <i>Ch. 78, s. 19C</i>	
4. Police Career Incentive <i>Ch. 41, s. 108L</i>	55,113 ✓
5. Urban Renewal Projects <i>Ch. 121, ss. 53-57</i>	
6. Veterans' Benefits <i>Ch. 115, s. 6</i>	40,518 ✓
7. Exemptions: Vets, Blind, Surviving Spouses & Elderly <i>Ch. 58, s. 8A; Ch. 59 s. 5</i>	255,241
8. State Owned Land <i>Ch. 58, ss. 13-17</i>	

Offset Item - Reserve for Direct Expenditure:

9. Public Libraries <i>Ch. 78, s. 19A</i>	90,403
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Sub-Total, All General Government	5,411,903
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C. TOTAL ESTIMATED RECEIPTS, FISCAL 2011

	18,871,372
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NEWTON

A. County Assessments:

1. County Tax: <i>Ch. 35, ss. 30, 31</i>	0
2. Suffolk County Retirement <i>Ch. 61, Acts of 2009, s. 10</i>	0
Sub-Total, County Assessments	0

B. STATE ASSESSMENTS AND CHARGES:

1. Retired Employees Health Insurance <i>Ch. 32A, s. 10B</i>	2,856 ✓
2. Retired Teachers Health Insurance <i>Ch. 32A, s. 12</i>	
3. Mosquito Control Projects <i>Ch. 252, s. 5A</i>	
4. Air Pollution Districts <i>Ch. 111, ss. 142B, 142C</i>	32,034
5. Metropolitan Area Planning Council <i>Ch. 40B, ss. 26, 29</i>	24,764
6. Old Colony Planning Council <i>1967, Ch. 332</i>	
7. RMV Non-Renewal Surcharge <i>Ch. 90; Ch. 60A</i>	169,460
Sub-Total, State Assessments	229,114

C. TRANSPORTATION AUTHORITIES:

1. MBTA <i>Ch. 161A, ss. 8-9; 1974, Ch. 825, ss. 6-7</i>	5,026,100 ✓
2. Boston Metro. Transit District <i>1929, Ch. 383; 1954, Ch. 535</i>	2,404
3. Regional Transit <i>Ch. 161B, ss. 9, 10, 23; 1973, Ch. 1141</i>	
Sub-Total, Transportation Assessments	5,028,504

D. ANNUAL CHARGES AGAINST RECEIPTS:

1. Special Education <i>Ch. 71B, ss. 10, 12</i>	48,549
2. STRAP Repayments <i>1983, Ch. 637, s. 32</i>	
Sub-Total, Annual Charges Against Receipts	48,549

E. TUITION ASSESSMENTS:

1. School Choice Sending Tuition <i>Ch. 76, s. 12B, 1993, Ch. 71</i>	7,800
2. Charter School Sending Tuition <i>Ch. 71, s. 89</i>	275,119
3. Essex County Technical Institute Sending Tuition <i>1998, Ch. 300, s. 21</i>	
Sub-Total, Tuition Assessments	282,919

F. TOTAL ESTIMATED CHARGES, FISCAL 2011

5,589,086

For additional information about how the estimates were determined and what may cause them to change in the future, please click on the following link: [Local Aid Estimate Program Summary](#).

Board of Aldermen
 City Hall
 1000 Commonwealth Avenue
 Newton, Massachusetts 02459

Dear Members of the Board of Aldermen:

The purpose of this communication is to request that you make two changes in the City's adopted fiscal year 2011 General Fund budget, based upon final state aid and assessment information for Newton that was included in the Commonwealth's adopted FY 2011 budget.

	Adopted City Budget	Final State "Cherry Sheet"	Increase/ (decrease)
Chapter 70 school aid	\$ 12,832,503	\$ 13,343,503	\$ 511,000
Unrestricted general government aid	4,659,964	5,321,500	661,536
Other cherry sheet aid	426,233	83,747	(342,486)
Total cherry sheet aid {1}	<u>17,918,700</u>	<u>18,748,750</u>	<u>830,050</u>
State assessments	<u>(5,552,182)</u>	<u>(5,589,086)</u>	<u>(36,904)</u>
Net state aid increase/(decrease)	<u>\$ 12,366,518</u>	<u>\$ 13,159,664</u>	<u>\$ 793,146</u>

{1} Excludes \$32,219 in school lunch program aid and \$90,403 in public library aid that are included on the Cherry Sheet, but are restricted for program purposes.

The recommended changes to the City budget are as follows:

- 1) Increase the fiscal year 2011 state assessment appropriation by \$36,904 to \$5,589,086.
- 2) Increase the fiscal year 2011 Newton Public School appropriation by \$793,146 to \$167,175,474

The funding source for these two budget changes is the \$830,050 increase in state aid referenced in the table presented above.