

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

WEDNESDAY, SEPTEMBER 30, 2009

7:45 PM

Room 222 **PLEASE NOTE MEETING DATE**

**ITEMS SCHEDULED FOR DISCUSSION:**

**PROPOSAL TO ACCEPT A LOCAL MEALS TAX INCREASE PUBLIC HEARING**

#207-09(2) ALD. GENTILE, JOHNSON, LENNON, SALVUCCI AND SANGIOLO requesting a public hearing on docket item #207-09, a proposal to increase the meals tax by .075% in Newton. [07/24/09 @ 9:14 AM]

#207-09 HIS HONOR THE MAYOR requesting acceptance of GL64L, which authorizes a local option meals tax of 0.75%. If adopted prior to August 31, 2009, this tax would become effective October 1, 2009, generating for FY10 an estimated \$800,000 in new revenue. [7/7/09 @ 4:31 PM]

**HELD 5-3-0 (Coletti, Freedman and Schnipper opposed) on 07-20-09**

#206-09(2) ALD. PARKER proposing the creation of a Capital Maintenance Account to which all new receipts from local meals taxes and the expanded receipts from hotel/motel taxes be dedicated. [07/09/09 @ 12:42 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#11-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million, eight hundred thirty-nine thousand dollars (\$3,839,000) from bonded indebtedness for the reconstruction of Fire Station # 7. [08/04/09 @ 4:29 PM]

**PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining; Mansfield and Albright not voting) on 09-09-09**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#196-07(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional one hundred twelve thousand, four hundred dollars (\$112,400) from bonded indebtedness for the rehabilitation of Fire Station #4. [08/04/09 @ 4:28 PM]

**PUBLIC FACILITIES APPROVED 7-0-1 (Gentile abstaining) on 09-09-09**

**ITEM RECOMMITTED TO PUB. FACILITIES & FINANCE COMMITTEES 3/19/07**  
**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#76-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]  
**PUB FACILITIES APPROVED 6-0-1 (Gentile abstaining) on 03-07-07**  
**FINANCE MOTION TO APPROVE FAILED TO CARRY 2-4-1 (Lennon, Salvucci, Gentile and Coletti opposed; Linsky abstaining) on 3-12-07**  
**PUBLIC FACILITIES APPROVED AS AMENDED 5-0 @ \$250,000 on 10-15-07**

#286-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifteen thousand dollars (\$15,000) from Budget Reserve for the purpose of supplementing the Newton Library Overtime accounts. [09/15/09 @ 3:08 PM]

#287-09 COMMUNITY PRESERVATION COMMITTEE requesting to correct an error of fourteen thousand three hundred two dollars (\$14,302) from part-time staff to general reserve in the program's published budget for FY10. [09/09/09 @ 1:45 PM]

**REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES**

#233-09 ALD. JOHNSON AND LINSKY requesting a discussion to increase fines to the maximum level for dogs not having a current license. [07/13/09 @ 7:26 PM]  
**PROGRAM & SERVICES APPROVED 5-0 (Merrill and Sangiolo not voting) on 09-09-09**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07-17-08 @ 9:53 AM]  
**PROGRAM & SERVICES APPROVED 5-0-1 (Merrill abstaining; Freedman, Sangiolo not voting) on 06-17-09**

**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES**

#55-02 ALD. YATES requesting that the water/sewer discount rate be made available to homeowners who receive Fuel Assistance, Supplementary Security Income, Food Stamps, Supplementary Disability Income, General Relief, Low Income Sewer and Water Assistance, School Breakfast and Lunch and other income based State and Federal programs.  
**PUBLIC FACILITIES APPROVED 6-0 on 06-16-04**

#213-08 ALD. LINKSY, JOHNSON, ALBRIGHT, FREEDMAN, HARNEY, HESS-MAHAN, VANCE, MANSFIELD & PARKER requesting the evaluation of the following in conjunction with the contemplated conversion of general fund monies from operational budget uses to debt service use in regard to the Newton North High School project:  
(a) the impact on city and/or school services,  
(b) the process by which criteria and prioritization will be established when choices need to be made between services, and  
(c) whether additional revenue will be required in the form of debt exclusions or otherwise. [04-29-08 @ 11:26 AM]

#348-08 ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation. [09-30-08 @ 1:54 PM]  
**HELD 5-0 on 03-23-09**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#33-08 ALD. COLETTI requesting review of the scope of work and performance of Turner Construction and review of proposed 18-month extension of the Turner Construction contract. Included in discussion will be the process for review of future invoices of Dimeo and other vendor invoices by Turner. [01-15-08 @ 11:14]  
**PUBLIC FACILITIES NO ACTION NECESSARY 7-0 on 12-03-08**  
**HELD 6-0 on 12-08-08**

**REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES**

#168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.  
**ZONING & PLANNING APPROVED 6-0 on 12-13-04**  
**HELD 7-0 on 02-14-05**

**REFERRED TO PROG & SERV, PUB FAC AND FINANCE COMMITTEES**

#54-08(3) PUBLIC FACILITIES COMMITTEE offering a RESOLUTION to His Honor the Mayor requesting that he request and receive from the State Treasurer a review of the project plans and a review of the project's finance plan and submit said reviews to the Board of Aldermen in order to preserve cost-saving options.  
**PROGRAMS & SERVICES APPROVED 4-2-1 (Baker and Hess-Mahan opposed; Merrill abstaining; Parker not voting) on 03-12-08**  
**PUBLIC FACILITIES APPROVED 5-3 (Gentile, Salvucci, Schnipper opposed) on 02-20-08**

#453-06 LEON JR. AND MARION D. SEMONIAN, 373 Dedham Street, requesting total abatement of betterment assessment in the amount of \$2,690 (assessed for sidewalk/curbing/road improvements to Countryside Road and Patten Circle).  
[11-16-06 @ 11:02 AM]

#93-06(2) ROBERT E. & ANNE M. SULLIVAN, 391 Dedham Street, applying for abatement of a street betterment assessment in the amount of \$15,880 levied by the Board of Aldermen in Board Order #93-06 which improved Countryside Road by the laying out, grading and acceptance of it as a public way. [07-02-07 @ 2:24 PM]

**HELD 5-0 on 02-11-08**

**ITEM RECOMMITTED ON 3-5-07 TO FINANCE COMMITTEE ONLY:  
REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#23-06 ALD PARKER AND LINSKY requesting that the City adopt §19 of MGL Chapter 32B to allow retiree coalition bargaining of health care benefits  
**PROGRAM AND SERVICES NO ACTION NECESSARY 4-0-2 (Parker and Merrill abstaining; Sangiolo not voting) on 03-08-06**  
**FINANCE NO ACTION NECESSARY 5-0-3 (Lennon, Linsky and Parker abstaining) on 02-12-07**  
**HELD 8-0 on 09-08-08**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#31-08 ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor expressing a no confidence vote pertaining to the current status of the Newton North High School Construction Project and related Financing Plan. [01-15-08 @ 11:14 AM]

#207-07(3) ALD. COLETTI proposing that the sum of \$300,000 be removed from various municipal and school department budgets for FY09 and placed in a separate "employee compensation" reserve account until the Mayor and School Committee present to the Board of Aldermen performance pay plan policies. [7-2-08 @12:12 PM]  
**HELD 8-0 on 09-08-08**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

# 35-06 ALD. JOHNSON AND HESS-MAHAN requesting discussion with the School Department and School Committee members regarding the results of the studies addressing compensation for management and executive personnel and organizational structure of central administrative salaries.  
**PROGRAM & SERVICES NO ACTION NECESSARY 6-0 on 04-18-07**  
**HELD 6-0 (Salvucci and Gentile not voting) on 10-27-08**

#29-06 ALD. JOHNSON AND PARKER requesting creation of a Citizen Financial Advisory Committee to work with city officials and staff to facilitate bench markers, strategic planning, and other initiatives to improve the financial operation of the City.  
(President's Note: While not formally referred to the Long Range Planning Committee, this item might usefully be discussed there in light of prior discussions of similar issues.)

- #209-05 ALD. STEWART requesting that the Mayor provide the Board of Aldermen with a list of all salaried City employees who receive additional compensation (other than overtime) along with an explanation of the exact reasons for said additional payments.

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

Re-appointment by His Honor the Mayor

- #285-09 EDWARD GOURDEAU, JR., 81 Dalby Street, Newton, re-appointed as a Constable for a term to expire November 1, 2012. [09/08/09 @ 9:20 AM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #288-09 HIS HONOR THE MAYOR requesting to appropriate and expend one million four hundred thousand dollars (\$1,400,000) from bonded indebtedness for the purpose of funding the installation of four modular classrooms at the Oak Hill Middle School and for design work for modulars at the Day Middle School. [09/15/09 @ 1:28 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #289-09 ALD. PARKER requesting development of a property tax rebate program for households that opt for smaller trash containers. [09/08/09 @ 10:57 AM]

**REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES**

- #271-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of purchasing a fire engine. [08/31/09 @ 2:55 PM]
- #270-09 HIS HONOR THE MAYOR requesting acceptance of a contribution of two hundred thousand dollars (\$200,000). First, one hundred thousand dollars (\$100,000) from Newton Girls Soccer and second, one hundred thousand dollars (\$100,000) from Newton Youth Soccer, and authorization to expend two hundred thousand (\$200,000) with the terms of a Deed of Gift dated July 27, 2009 for the purpose of maintenance, refurbishment and replacement of the fields currently under construction at Newton South High School. [09/01/09 @ 1:44 PM]
- #269-09 COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report. [09/01/09 @ 4:45 PM]  
**HELD 5-0 on 09-14-09**

**ITEM RECOMMITTED TO PUB. FAC. AND FINANCE COMMITTEES on 09-08-09**  
**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #179-09 HIS HONOR THE MAYOR requesting to appropriate and expend from bonded indebtedness the sum of four hundred five thousand dollars (\$405,000) to Department of Public Buildings for the purpose of replacing two underground fuel tanks at the Crafts Street DPW yard. [06-09-09 @ 5:08 PM]  
**PUBLIC FACILITIES APPROVED 4-0 on 07-08-09**  
*Note: A letter from His Honor the Mayor was received on 07/16/09 requesting to amend this appropriation from bond authorization to the Department of Public Buildings from \$405,000 to \$453,000.*  
**APPROVED AS AMENDED @ \$310,000 5-2 (Gentile and Parker opposed; Johnson not voting) on 07-20-09, SUBJECT TO 2<sup>ND</sup> CALL.**  
**Public Facilities Approved (A) \$310,000 & held (B) \$143,000 7-1 on 09-08-09**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]  
**PROGRAM AND SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 04-15-09**  
**HELD 4-0 (Ald. Johnson not voting) on 9-14-09**

**REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE on 05-04-09**

**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 02-17-09**

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]  
**PUBLIC SAFETY & TRANSPORTATION HELD 6-0 (Ciccione and Coletti not voting) on 06-17-09**  
**PUBLIC FACILITIES HELD 3-0 (Mansfield not voting) on 07-08-09**

**ITEM RECOMMITTED TO PUB. FAC. AND FINANCE COMMITTEES ON 02-17-09**  
**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #13-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred eighty-five thousand dollars (\$385,000) from bonded indebtedness to the Public Works Department for the purpose of replacing both the salt shed and the Quonset hut at Crafts Street. [12-30-08 @ 5:04 PM]  
**PUBLIC FACILITIES APPROVED 4-0-2 (Gentile and Mansfield abstaining) on 01-07-09**  
**FINANCE APPROVED 2-1-3 (Gentile opposed; Parker, Lennon and Freedman abstaining) on 02-09-09**
- #354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]  
**HELD 4-0 (Ald. Johnson not voting) on 09-14-09**
- #352-08 ALD. COLETTI requesting discussion monthly reports from the Chief Budget Officer and Comptroller on the status of the Health Insurance Trust Fund. [09-30-08 @ 1:54 PM]  
**HELD 4-0 (Ald. Johnson not voting) on 09-14-09**
- #349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]  
**HELD 4-0 (Ald. Johnson not voting) on 09-14-09**

**REFERRED TO POST AUDIT & OVERSIGHT AND FINANCE COMMITTEES**

- #300-08 ALD. JOHNSON AND SWISTON requesting discussion with Mayor David Cohen and Superintendent Jeffrey Young as to the procedures that are in place to ensure accountability of their staff in respect to adherence to the authorization of purchasing and expenditures policy and procedures. [07-21-08 @ 9:03 AM]  
**POST AUDIT & OVERSIGHT HELD 5-0 on 11-25-08**  
**FINANCE HELD 8-0 on 01-12-09**  
**POST AUDIT & OVERSIGHT HELD 6-0 (Harney not voting) on 04-16-09**
- #299-08(2) HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the provisions of §19 of Chapter 32B (as amended) of the General Laws to allow all subscribers for whom the City provides health insurance to transfer to the Group Insurance Commission (GIC) pursuant to Section 19(e) of Section 32B, which authorizes the City to engage in so-called coalition bargaining re the issue of the City joining the GIC. [08-04-08 @ 12:35 PM]  
**HELD 6-0-2 (Freedman and Salvucci not voting) on 01-12-09**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07-17-08 @ 9:53 AM]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.  
PUB. SAFETY AND FINANCE COMMITTEES**

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]  
**PUBLIC FACILITIES NO ACTION NECESSARY 5-0 (Albright, Lappin and Salvucci not voting) on 6-17-09**  
**PUBLIC SAFETY & TRANSPORTATION REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES APPROVED 7-0 (Coletti not voting) on 06-17-09**  
**ZONING & PLANNING NO ACTION NECESSARY 6-0 (Cicccone not voting) on 09-14-09**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07-17-08 @ 9:53 AM]

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #261-08 ALD. SANGIOLLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07-08-08 @ 1:29 PM]  
**PROGRAM AND SERVICES HELD 7-0 (Baker not voting) on 09-17-08**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #259-08 ALD. SANGIOLLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07-08-08 @ 1:28 PM]  
**PROGRAM AND SERVICES HELD 7-0 (Baker not voting) on 09-17-08**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #258-08 ALD. SANGIOLLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07-08-08 @ 1:29 PM]  
**PROGRAM & SERVICES HELD 7-0 (Freedman not voting) on 06-03-09**

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #207-08 ALD. BRANDEL AND SANGIOLLO proposing that the following question be put before the Newton voters:  
"Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05-21-08 @ 12:58 PM]  
**PROGRAM & SERVICES HELD 7-0 (Parker not voting) on 03-04-09**



**REFERRED TO PUB. SAFETY & TRANSPORTATION & FINANCE COMMITTEES**

- #174-08(2) PUBLIC SAFETY/TRANSPORTATION COMMITTEE proposing changes to the rate structure and/or enforcement hours for parking meters as well as installation of additional meters citywide. [06-18-08 @ 8:00 PM]  
**PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 04-15-09**

**REFERRED TO COMMUNITY PRESERVATION & 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**  
**(B) BALANCE OF PROJECT ESTIMATE \$321,900.00**  
**Voice vote APPROVED Motion to amend docket to add referral to Public Facilities Committee on 5-19-08.**  
**FINANCE APPROVED (A) Design Funds at \$37,500 6-0 on 07-21-08**  
**FINANCE HELD (B) Balance of Project on 07-21-08**

**REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES**

- #89-08 ALD. PARKER requesting the following:  
A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)  
B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility  
C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.  
[02-13-08 @ 12:07 PM]  
**PROGRAMS AND SERVICES HELD 6-0 (Freedman not voting) on 04-09-08**

**REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES**

- #30-08 ALD. COLETTI requesting a list of current vacancies in the Police, Fire and Public Works Departments, with specific discussion in Committee relative to Police Department vacancies. [01-15-08 @ 11:15 AM]  
**PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 01-21-09**  
**HELD 8-0 on 09-08-08**

**ITEM RECOMMENDED TO PUBLIC FACILITIES AND FINANCE ON 6/19/08  
REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#11-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$1,200,000 from bonded indebtedness for the purpose of funding the installation of four modular classrooms. [01-02-08 @ 4:53 P.M.]

**B) \$1,225,000 from bonded indebtedness**

*NOTE: Letter received from Mayor on 1/4/08 requesting that appropriation amount be amended to \$1.3 million. Letters received 5/7 and 5/21 requesting that the funding source to capital stabilization for costs incurred for design work and the remaining \$1,225,000 from bonded indebtedness be voted no action necessary. Part A) \$75,000 from Capital Stabilization approved on 6/19/08.*

#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. [7-2-08 @12:12 PM]  
**HELD 8-0 on 09-08-08**

#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. [7-2-08 @12:12 PM]  
**HELD 5-0 (Parker and Johnson not voting) on 02-23-09**

**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02-27-07 @ 10:21 PM]  
**PROGRAM & SERVICES HELD 6-0 on 02-04-09**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#345-06 ALD. SCHNIPPER requesting that the contingency on smaller Public Buildings projects be increased from 5% to at least 8%.

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

**PROGRAM & SERVICES HELD 8-0 on 11-05-08**

**REFERRED TO PROG. & SERVICES AND FINANCE COMMITTEES**

- #264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.

**PROGRAM & SERVICES HELD 6-0 (Parker not voting) on 04-23-08**

**REFERRED TO PROG. & SERV., PUB. FAC. AND FINANCE COMMITTEES**

- #309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

Respectfully Submitted,

Paul E. Coletti, Chairman

As of August 7, 2009 the Massachusetts Department of Revenue website indicates the following seven (7) communities adopted the local option meals tax (as indicated in the July 20, 2009 Finance Committee Report).

As of September 24, 2009, the website indicates an additional twenty-three (25) communities have adopted the local option meals tax. (*ITALICIZED*) out of 351 communities

**Total Number of Communities**      **32**                      **0**

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**Massachusetts Department of Revenue  
Division of Local Services  
Municipal Databank/Local Aid Section**

**Local Option Meals Excise @ .75%**

<b>DOR Code</b>	<b>Municipality</b>	<b>Date Accepted</b>	<b>Date Revoked</b>
008	AMHERST	7/27/2009	
<i>017</i>	<i>AUBURN</i>	<i>8/27/2009</i>	
023	BEDFORD	8/3/2009	
<i>033</i>	<i>BLANDFORD</i>	<i>8/31/2009</i>	
<i>035</i>	<i>BOSTON</i>	<i>8/26/2009</i>	
<i>046</i>	<i>BROOKLINE</i>	<i>8/26/2009</i>	
049	CAMBRIDGE	7/27/2009	
<i>056</i>	<i>CHELMSFORD</i>	<i>8/17/2009</i>	
<i>061</i>	<i>CHICOPEE</i>	<i>8/31/2009</i>	
<i>072</i>	<i>DARTMOUTH</i>	<i>8/25/2009</i>	
<i>074</i>	<i>DEERFIELD</i>	<i>8/26/2009</i>	
<i>093</i>	<i>EVERETT</i>	<i>8/26/2009</i>	
101	FRANKLIN	7/15/2009	
<i>106</i>	<i>GILL</i>	<i>09/14/2009</i>	
<i>117</i>	<i>HADLEY</i>	<i>8/25/2009</i>	
<i>176</i>	<i>MEDFORD</i>	<i>8/31/2009</i>	
<i>178</i>	<i>MELROSE</i>	<i>8/17/2009</i>	
<i>197</i>	<i>NANTUCKET</i>	<i>9/21/2009</i>	
<i>214</i>	<i>NORTHAMPTON</i>	<i>8/20/2009</i>	
<i>227</i>	<i>PALMER</i>	<i>8/27/2009</i>	
<i>238</i>	<i>PLAINVILLE</i>	<i>8/25/2009</i>	
<i>245</i>	<i>RAYNHAM</i>	<i>8/13/2009</i>	

#207-09(2)

<b>262</b>	<b>SAUGUS</b>	<b>8/24/2009</b>
<b>274</b>	<b>SOMERVILLE</b>	<b>8/27/2009</b>
<b>278</b>	<b>SOUTHBRIDGE</b>	<b>8/24/2009</b>
<b>281</b>	<b>SPRINGFIELD</b>	<b>6/30/2009</b>
<b>289</b>	<b>SUNDERLAND</b>	<b>8/17/2009</b>
<b>293</b>	<b>TAUNTON</b>	<b>6/30/2009</b>
<b>301</b>	<b>TYNGSBOROUGH</b>	<b>8/18/2009</b>
<b>325</b>	<b>WEST SPRINGFIELD</b>	<b>8/17/2009</b>
<b>346</b>	<b>WINTHROP</b>	<b>7/28/2009</b>
<b>348</b>	<b>WORCESTER</b>	<b>8/11/2009</b>

#207-09(2)  
DRAFT

CITY OF NEWTON

IN BOARD OF ALDERMEN

, 2009

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its  
Chairman Paul E. Coletti, the following item

#207-09(2) ALD. GENTILE, JOHNSON, LENNON, SALYUCCI AND SANGIOLO  
requesting a public hearing on docket item #207-09, a proposal to increase  
the meals tax by .075% in Newton.

Under Suspension of Rules  
Readings Waived and

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#207-09

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

July 7, 2009

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

09 JUL -7 PM 4:34  
CITY CLERK  
NEWTON, MA. 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to adopt Massachusetts General Law Chapter 64L, which authorizes a local option meals tax of 0.75%. If adopted by your Honorable Board prior to August 31, this tax would become effective October 1. We have estimated that this would generate approximately \$800,000 in new revenue in FY10. I look forward to working with your Honorable Board to determine the most beneficial use of these funds for the citizens of Newton.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb



CITY CLERK  
NEWTON, MA. 02159

09 JUL 17 PM 2:44

**Excise on Meals**

SECTION 60. The General Laws are hereby amended by inserting after chapter 64K the following chapter:-

CHAPTER 64L.

LOCAL OPTION MEALS EXCISE

Section 1. As used in this chapter, the following words shall have the meaning assigned to them in paragraph (h) of section 6 of chapter 64H: "honor snack tray", "meals" and "restaurant".

"Commissioner", the commissioner of revenue.

"Sale", a sale of meals by a restaurant for any purpose other than resale in the regular course of business.

"Vendor", shall have the meaning assigned to it in section 1 of chapter 64H.

Section 2. (a) A city or town which accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon the sale of restaurant meals originating within the city or town by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a municipality on the first day of the calendar quarter following 30 days after its acceptance by the municipality or on the first day of a later calendar quarter that the city or town may designate.

(d) Notwithstanding any provisions in section 21 of chapter 62C to the contrary, the commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section including, but not limited to, a report of the amount of local option sales tax on restaurant meals collected in the aggregate by each city or town under this section in the preceding fiscal year, and the identification of each individual vendor collecting local option sales tax on restaurant meals collected under this



#207-09

chapter.

Section 3. Except as provided herein, a sale of a meal by a restaurant is sourced to the business location of the vendor if (1) the meal is received by the purchaser at the business location of the vendor or (2) if the meal is delivered by the vendor to a customer, regardless of the location of the customer. A vendor with multiple business locations in the commonwealth must separately report sales sourced to each location in a manner prescribed by the commissioner. Restaurant meal delivery companies that purchase meals for resale must source their sales to the delivery location indicated by instructions for delivery to the purchaser and shall separately report sales by municipality in a manner prescribed by the commissioner. The commissioner may also adopt by rule or regulation destination sourcing and reporting rules for caterers or other vendors with a high volume of delivered meals, as the commissioner may determine, in order to mitigate any anti-competitive impact of the local meals tax.

Section 4. Reimbursement for the tax imposed by this chapter shall be paid by the purchaser to the vendor, and each vendor in the commonwealth shall add to the sales price and shall collect from the purchaser the full amount of the tax imposed by this chapter and such tax shall be a debt from the purchaser to the vendor, when so added to the sales price, and shall be recoverable at law in the same manner as other debts.

Section 5. Upon each sale of a meal by a restaurant taxable under this chapter, the amount of tax collected by the vendor from the purchaser shall be stated and charged separately from the sales price and shown separately on any record thereof at the time the sale is made or on any evidence of sale issued or used by the vendor, but in the instance of the sale of alcoholic beverages for on premises consumption, the tax collected need not be stated separately.

Section 6. Every person who fails to pay to the commissioner any sums required by this chapter shall be personally and individually liable therefor to the commonwealth. The term "person", as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership or limited liability company, who as an officer, employee or member is under a duty to pay over the taxes imposed by this chapter.

- 
- [Previous Outside Section](#)
  - [Next Outside Section](#)

09 JUL 17 PM 2:44  
CITY CLERK  
NEWTON, MA. 02159

#207-09

STATUTES

4 § 4

Notes of Decisions

In general 1

1. In general

Special commission, created by legislature, to consist of 11 members variously appointed by Governor, president of senate, or speaker of

house, may organize to do business as long as six members have been appointed, regardless of which particular appointing authority appointed them; and therefore failure to appoint members to a special commission will not render commission unable to function as long as a simple majority of members have been appointed. Op. Atty.Gen., June 29, 1973, p. 155.

§ 3. Enacting style of initiative measures

The enacting style of all measures submitted to the people in pursuance of an initiative petition for a law shall be: Be it enacted by the People, and by their authority.

Historical and Statutory Notes

St.1920, c. 388, § 1.

Cross References

Enacting style of acts, statutes and laws, see Const. Pt. 2, c. 6, Art. 8.

Library References

Statutes 317.  
Westlaw Topic No. 361.  
C.J.S. Statutes § 126.

§ 4. Mode of acceptance of statute by municipality or district

Wherever a statute is to take effect upon its acceptance by a municipality or district, or is to be effective in municipalities or districts accepting its provisions, this acceptance shall be, except as otherwise provided in that statute, in a municipality, by vote of the legislative body, subject to the charter of the municipality, or, in a district, by vote of the district at a district meeting. Amended by St.1962, c. 182; St.1966, c. 253; St.1977, c. 870, § 1; St.2004, c. 122, § 1, eff. Sept. 1, 2004.

Historical and Statutory Notes

As appearing in G.L.1932 (Ter.Ed.), this section read:

"Wherever it is provided that a statute shall take effect upon its acceptance by a city or town, such acceptance shall, except as otherwise provided in such statute, be, in a city, by vote of the city council or, in a town, by vote of the inhabitants thereof at a town meeting."

St.1962, c. 182, an emergency act, approved March 7, 1962, rewrote this section.

St.1966, c. 253, approved May 9, 1966, substituted "city, town, or district" for "or town", "cities, towns, or districts" for "or towns", deleted "or" following "such city" and added "or, in a dis-

trict, by vote of the district at a district meeting".

St.1977, c. 870, § 1, approved Dec. 28, 1977, in the first sentence, inserted "municipality," "municipalities" and "in a municipality having a town council form of government, by vote of the town council, subject to the provisions of the charter of such municipality", and added the second sentence.

St.2004, c. 122, § 1, approved June 3, 2004, effective Sept. 1, 2004, rewrote the section, which prior thereto read:

"Wherever a statute is to take effect upon its acceptance by a city, town, municipality, or district, or is to be effective in cities, towns,

09 JUL 17 PM 2:44  
CITY CLERK  
NEWTON, MA 02159

Library References

Municipal Corporations ¶75.  
Statutes ¶361.  
Westlaw Topic Nos. 268, 361.

C.J.S. Municipal Corporations § 130  
C.J.S. Statutes §§ 130, 134 to 136.

#207109  
09 JUL 17 PM 2:45  
CITY CLERK  
NEWTON, MA 02159

Research References

Treatises and Practice Aids

18 Mass. Prac. Series § 9, Revocation and  
Rescission of Statutes.

Notes of Decisions

In general 1

1. In general

Town cannot amend its personnel administration plan in such way as to reduce entitlement to vacation benefits for its regular police officers prescribed by statutes previously accepted by town. Medfield Police League v. Board of Selectmen of Medfield (1980) 406 N.E.2d 1043, 10 Mass.App.Ct. 265. Towns ¶ 29

§ 4B. Rescission of laws previously accepted by cities, towns or municipalities

At any time after the expiration of three years from the date on which a law to take effect upon its acceptance by a city or town or a municipality as defined in section four, or is to be effective in such cities, towns or municipalities accepting its provisions, has been accepted in any such city, town or municipality such statute may be revoked in the same manner as it was accepted by such city, town or municipality, but such revocation shall be subject to the following restrictions:

(a) This section shall not apply if such law provides for another manner of revocation.

(b) This section shall not apply to any such law which authorizes, but does not require, acceptance by a city, town or municipality to act.

(c) This section shall not apply to any action taken under chapter thirty-two or thirty-two B.

(d) This section shall not apply to any action taken to establish a regional district, authority or other entity which involves another city, town, municipality, district or other governmental entity.

(e) This section shall not affect any contractual or civil service rights which have come into existence between the city, town or municipality and any officer or employee thereof as a result of the original acceptance of any such law or the provisions thereof; provided, however, that such revocation shall apply to the successor to the incumbent officer or employee, which application shall prevent such contractual or civil service right from automatically continuing with respect to such successor officer or employee.

If a petition signed by five per cent or more of the registered voters of a city or town is filed in the office of the city or town clerk within sixty days following a vote other than a vote taken by voters on an official ballot to revoke the acceptance of any optional provision of the General Laws, requesting that the

revoking city or town such as the next selectmen special meeting shall be signing and certified brief summary appear voters voters it shall following essential "Shall the of chapter

If, on the acceptance aforesaid

If at the acceptance municipality required that procedure in original Added by

St. 1980, limitation the state elect the provisions to the

Section 1 "The provision if any of its shall be the competent court shall maining provision of."

St. 1981, upon passage the introduction read:

#207-09

is § 191.  
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Police League v.  
field (1980) 406  
265. Towns

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revoking of such acceptance be submitted as a question to the voters of such city or town, said vote to revoke shall be suspended from taking effect until such question is determined by vote of the registered voters voting thereon at the next regular city or town election, or if the city council or board of selectmen or other authority charged with calling elections shall so direct, at a special election called for that purpose. Petitions filed requesting the placement of the question or revocation on the ballot for determination by the voters shall be substantially in conformity with the provisions of the law governing the signing of nomination papers for city or town officers, as to the identification and certification of names thereon, and submission to the registrars thereof. A brief summary of the relevant section or sections of the General Laws shall also appear on the official ballot. If such revocation is favored by a majority of the voters voting thereon, the acceptance of said optional law shall be revoked and it shall become null and void beginning with the first day of the month next following said vote of revocation. The question to be placed on a ballot shall be essentially as follows:

"Shall the acceptance by \_\_\_\_\_ (City, Town) of section(s) \_\_\_\_\_ of chapter \_\_\_\_\_ of the General Laws be revoked?

YES \_\_\_\_\_ NO \_\_\_\_\_"

If, on the sixty-first day following the date a vote has been taken to revoke the acceptance of an optional provision of the General Laws, and no petition as aforesaid has been filed, the vote to revoke shall become effective forthwith.

If at the time a city, town, municipality or district is authorized to revoke its acceptance of a law under the provisions of this section and such city, town, municipality or district has adopted a change in charter or otherwise is required to adopt a different procedure for acceptance of such law other than that procedure used for its original acceptance, then the procedure for acceptance in effect at the time of revocation shall be the manner for revoking such original acceptance.

Added by St.1980, c. 580, Sec. 5. Amended by St.1981, c. 782, § 2.

**Historical and Statutory Notes**

St.1980, c. 580, Section 5, a property tax limitation bill, was approved by the people at the state election held Nov. 4, 1980, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, as amended.

Section 13 of St.1980, c. 580, provides:  
"The provisions of this act are severable, and if any of its provisions or an application thereof shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions or other applications thereof."

St.1981, c. 782, § 2; by § 16 made effective upon passage, in the first paragraph, rewrote the introductory clause, which prior thereto read:

"At any time after the expiration of three years from the date on which any optional provision of the General Laws has been accepted in any city or town, whether by official ballot, by bylaw, by ordinance or by vote of the legislative body of the city or town, or by vote of the board of selectmen or school committee of a town, the revocation of such acceptance of any optional provision of the General Laws may be effected in the same manner as was the original vote to accept the said provisions, but such revocation shall be subject to the following restrictions:  
; in subpar. (a), substituted "such law provides for" for "the optional provision contains, within itself"; in subpar. (b), substituted "such law" for "optional provision" and "accepted by a city, town or municipality" for "the city or town"; in subpar. (c), deleted "of the General

09 JUL 17 PM 2:45  
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## Chapter 27 of the Acts of 2009

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.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is immediately to make appropriations for the fiscal year beginning July 1, 2009, and to make certain changes in law, each of which is immediately necessary or appropriate to effectuate said appropriations or for other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

SECTION 1. To provide for the maintenance of the several departments, boards, commissions and institutions and other services, and for certain permanent improvements and to meet certain requirements of law, the sums set forth in sections 2, 2B, 2D and 3, for the several purposes and subject to the conditions specified in sections 2, 2B, 2D and 3, are hereby appropriated from the General Fund unless specifically designated otherwise, subject to the provisions of law regulating the disbursement of public funds and the approval thereof for the fiscal year ending June 30, 2010. All sums appropriated under this act, including supplemental and deficiency budgets, shall be expended in a manner reflecting and encouraging a policy of nondiscrimination and equal opportunity for members of minority groups, women and handicapped persons. All officials and employees of an agency, board, department, commission or division receiving monies under this act shall take affirmative steps to ensure equality of opportunity in the internal affairs of state government, as well as in their relations with the public, including those persons and organizations doing business with the commonwealth. Each agency, board, department, commission or division, in spending appropriated sums and discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or termination, rates of compensation, in-service or apprenticeship training programs and all terms and conditions of employment.

SECTION 1A. In accordance with Articles LXIII and CVII of the Articles of Amendment to the Constitution of the Commonwealth and section 6D of chapter 29 of the General Laws, it is hereby declared that the amounts of revenue set forth in this section by source for the respective funds of the commonwealth for the fiscal year ending June 30, 2010 are necessary and sufficient to provide the means to defray the appropriations and expenditures from such funds for said fiscal year as set forth and authorized in sections 2 and 2B. The comptroller shall keep a distinct account of actual receipts from each such source by each such fund to furnish the executive office for administration and finance and the house and senate committees on ways and means with quarterly statements comparing such receipts with the projected receipts set forth herein and to include a full statement comparing such actual and projected receipts in the annual report for said fiscal year pursuant to section 13 of chapter 7A of the General Laws. The quarterly and

annual reports shall also include detailed statements of any other sources of revenue for the budgeted funds in addition to those specified in this section.

CHAPTER 64L.

**Local Option Meals Excise**

Section 1. As used in this chapter, the following words shall have the meaning assigned to them in paragraph (h) of section 6 of chapter 64H: "honor snack tray", "meals" and "restaurant". "Commissioner", the commissioner of revenue. "Sale", a sale of meals by a restaurant for any purpose other than resale in the regular course of business. "Vendor", shall have the meaning assigned to it in section 1 of chapter 64H.

Section 2. (a) A city or town which accepts this section in the manner provided in section 4 of chapter 4 may impose a local sales tax upon the sale of restaurant meals originating within the city or town by a vendor at a rate of .75 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6 of chapter 64H. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth.

(b) All sums received by the commissioner under this section shall, at least quarterly, be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has accepted this section in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner's calculation of its distribution under this subsection shall notify the commissioner, in writing, not later than 1 year from the date the tax was distributed by the commissioner to the city or town.

(c) This section shall take effect in a municipality on the first day of the calendar quarter following 30 days after its acceptance by the municipality or on the first day of a later calendar quarter that the city or town may designate.

(d) Notwithstanding any provisions in section 21 of chapter 62C to the contrary, the commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section including, but not limited to, a report of the amount of local option sales tax on restaurant meals collected in the aggregate by each city or town under this section in the preceding fiscal year, and the identification of each individual vendor collecting local option sales tax on restaurant meals collected under this chapter.

Section 3. Except as provided herein, a sale of a meal by a restaurant is sourced to the business location of the vendor if (1) the meal is received by the purchaser at the business location of the vendor or (2) if the meal is delivered by the vendor to a customer, regardless of the location of the customer. A vendor with multiple business locations in the commonwealth must separately report sales sourced to each location in a manner prescribed by the commissioner. Restaurant meal delivery companies that purchase meals for resale must source their sales to the delivery location indicated by instructions for delivery to the purchaser and shall separately report sales by municipality in a manner prescribed by the commissioner. The commissioner may also adopt by rule or regulation destination sourcing and reporting rules for caterers or other vendors with a

high volume of delivered meals, as the commissioner may determine, in order to mitigate any anti-competitive impact of the local meals tax.

Section 4. Reimbursement for the tax imposed by this chapter shall be paid by the purchaser to the vendor, and each vendor in the commonwealth shall add to the sales price and shall collect from the purchaser the full amount of the tax imposed by this chapter and such tax shall be a debt from the purchaser to the vendor, when so added to the sales price, and shall be recoverable at law in the same manner as other debts.

Section 5. Upon each sale of a meal by a restaurant taxable under this chapter, the amount of tax collected by the vendor from the purchaser shall be stated and charged separately from the sales price and shown separately on any record thereof at the time the sale is made or on any evidence of sale issued or used by the vendor, but in the instance of the sale of alcoholic beverages for on premises consumption, the tax collected need not be stated separately.

Section 6. Every person who fails to pay to the commissioner any sums required by this chapter shall be personally and individually liable therefor to the commonwealth. The term "person", as used in this section, includes an officer or employee of a corporation, or a member or employee of a partnership or limited liability company, who as an officer, employee or member is under a duty to pay over the taxes imposed by this chapter.

SECTION 61. The General Laws are hereby amended by inserting after chapter 64L the following chapter:—

*Approved June 29, 2009*

#207-09



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

Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113  
E-mail

David B. Cohen  
Mayor

Dcohen@newtonma.gov

**MEMORANDUM**

To: Honorable Members of the Board of Aldermen  
From: Mayor David Cohen  
Re: Update on Meals Taxes  
Date: September 4, 2009

09 SEP -4 PM 3:59  
CITY CLERK  
NEWTON, MA. 02459

During the deliberations of your Honorable Board on the subject of local option Meals taxes, you asked that I periodically apprise you of what other communities are doing on the matter. I am pleased to provide your Honorable Board with another such update.

As you know, on June 28<sup>th</sup>, Governor Patrick signed into law the state's fiscal year 2010 budget and with it, amendments to the Mass General Laws that enable localities to raise Hotel/Motel taxes by 2% and Meals taxes by .75%. The actions of your Honorable Board this summer will ensure the City will receive \$366,666 in additional Hotel/Motel tax revenues in FY'10. It is estimated that approving the slight increase in Meals taxes would provide the City with more than \$1 million in additional revenue each fiscal year.

Since my last update on this matter, Meals tax proposals are under consideration in hundreds of cities and towns across the Commonwealth. As of today, 30 Massachusetts communities have passed the Meals tax increase, including large cities (Boston, Worcester, Springfield), small towns (Hadley, Palmer, Plainville), and some communities of comparable size to Newton (Brookline, Cambridge, Everett, Somerville).

Newton's largest abutters, Boston and Brookline, have adopted the Meals tax. The governing boards of Watertown, Wellesley and Needham are all still considering the issue. In Waltham, hotel/motel taxes are being considered, but the Meals tax proposal is not before the City Council.

This year, the City of Newton endured an 11.14% cut in local aid – more than \$2.4 million. The past few fiscal years have necessitated cuts to programs and services provided by virtually every department in the City. Accepting this recurring money will provide a drastically needed boost to revenues at a time when they are needed most.

Like all Massachusetts communities, for nearly three decades our options for raising revenue has been restricted by Proposition 2 ½. And while raising local taxes on the heels of a rise in the state sales tax may not be an ideal solution to our fiscal troubles, I believe that it is in the best interest of the City to utilize the tools provided us by the Governor and Legislature to realize additional revenues during these unusually challenging fiscal times.

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2009

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Paul E. Coletti, the following item

#206-09(2) ALD. PARKER proposing the creation of a Capital Maintenance Account to which all new receipts from local meals taxes and the expanded receipts from hotel/motel taxes be dedicated.

Under Suspension of Rules  
Readings Waived and

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

# 11-09(2)  
Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113  
TDD  
(617) 796-1089  
E-mail  
dcohen@newtonma.gov

August 4, 2009

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 appropriate three million, eight hundred thirty-nine thousand dollars (\$3,839,000) from bonded indebtedness for the reconstruction of Fire Station #7.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

09 AUG -4 PM 4:29  
CITY CLERK  
NEWTON, MA. 02159



City of Newton

# 11-09(2)



# PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen

Mayor

August 4, 2009

The Honorable David B. Cohen

Mayor

Newton City Hall

1000 Commonwealth Avenue

Newton Centre, MA 02459

09 AUG -4 PM 4:29  
CITY CLERK  
NEWTON, MA 02159

RE: Fire Station #7, 144 Elliot Street, Newton Upper Falls – Building Renovation Funding Request

Dear Mayor Cohen:

Please consider this request in the amount of \$3,838,779.00 to cover the cost of expenses associated with the building renovation to Fire Station #7, 144 Elliot Street, Newton Upper Falls.

Attached is a spreadsheet with the project budget as well as a comparison of costs with those of the Fire Station #4 construction project.

Total Project Budget:	\$ 4,182,779
Design and Clerk/PM Funding Rec'd	<u>344,000</u>
	\$ 3,838,779

Please do not hesitate to contact Arthur Cabral or myself should you have any questions regarding this request.

Sincerely,

A. Nicholas Parnell, AIA  
Commissioner of Public Buildings

ANP:dla  
Enclosure

CC: Chief Joseph LaCroix  
Sandy Pooler Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
David Olson, Clerk of the Board  
Arthur F. Cabral, Budget & Project Specialist

# Fire Station #7 Budget compared to Fire Station #4 Budget

7/31/2009

(2) 11-09-11 #

## Fire Station #7

### Projected Costs

\$ 287,500  
 \$ 60,000  
 \$ 15,000  
 \$ 2,500  
 \$ 113,000  
 \$ 3,210,327  
 \$ 215,272  
 \$ 80,000

**\$ 3,983,599**

\$ 199,180

(5% CONTINGENCY)

**\$ 4,182,779**

\$ 296.23 sq. ft.

## Fire Station #4

### Final Projected Costs

Design (includes MEP Commissioning) \$ 249,086.92  
 Clerk of the Works / PM \$ 49,913.08  
 Moving / Cleanout of station \$ 13,850.00  
 Storage Container Rental \$ 4,603.88  
 Temporary Housing \$ -  
 Construction \$ 2,412,817.00  
 Site Work \$ 125,575.00  
 FF & E \$ 60,000.00

Sub Total

**\$ 2,915,845.88**

Remaining Project Contingency

\$ 9,571.12

Revised Budget Total

**\$ 2,925,417.00**

CITY CLERK  
 NEWTON, MA 02459

09 AUG -4 PM 4:29

\$ 230.28 sq. ft.

### \*\* Major Differences in costs:

a. Windows required at #7, already completed at #4	\$ 194,085.00
b. Building Square Footage increase (14,120 vs 12,704)	\$ 326,069.78
c. Mechanics Garage Equipment	\$ 48,000.00
d. FF & E increase cost	\$ 20,000.00
e. Mechanics Garage upgrade, #4 had no such facility	\$ 75,000.00
f. Four story second means of egress vs. two story	\$ 115,000.00
g. Additional site work, i.e. paving, grading	\$ 89,697.00
h. Escalation 2%	\$ 93,504.67
i. Design of procurement of temporary housing	\$ 12,000.00
j. Temporary Housing	\$ 113,000.00
k. Additional cost of design compared to #4	\$ 15,000.00
l. 10% Contractor Overhead & profit	\$ 96,135.64
m. 5% contingency	\$ 59,874.60

Total

\$ 1,257,366.70

City of Newton



David B. Cohen  
Mayor

## PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone (617) 796-1600

FAX (617) 796-1601

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

# 11-09(2)

September 3, 2009

Alderman Sydra Schnipper  
Chairman, Public Facilities Committee  
Alderman Paul E. Coletti  
Chairman, Finance Committee  
1000 Commonwealth Avenue  
Newton, MA 02459

RE: Fire Station #7 Renovation Funding Request

Dear Chairmen:

In preparation for the September 9, 2009 Public Facilities Committee meeting please find attached a copy of the Design Development Presentation as prepared by the project Architect, Deborah Durland, of Durland Van Voorhis Architects. Ms. Durland will be in attendance at the meeting to answer design questions.

Included in the Presentation is a cost estimate in the amount of \$4,182,779, for the original 2009 scope of the project. Additionally, there is an estimate for a proposed 30' X 50' X 20' high mechanics bay addition in the amount of \$561,700.

The mechanics bay has been requested by Chief LaCroix in order to meet the current needs of their mechanic who is unable to service ladder trucks year round.

Chief LaCroix will on hand to answer any questions the committee may have regarding this programmatic change.

Should you have any questions prior to the meeting, please feel free to contact myself or Arthur Cabral.

Sincerely,

A. Nicholas Parnell, AIA  
Commissioner of Public Buildings

ANP:dla

Attachment

CC: Mayor David B. Cohen

Chief Joseph LaCroix

Sandy Pooler, Chief Administrative Officer

Susan Burstein, Chief Budget Officer

Assistant Chief Proia

Arthur F. Cabral, Budget & project Specialist, Public Buildings Department

Josh Morse, HVAC Technologist, Public Buildings Department

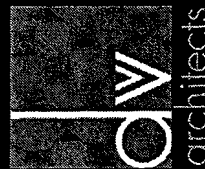
David Olson, Clerk of the Board

09 SEP -4 AM 11: 24  
CITY CLERK  
NEWTON, MA. 02159

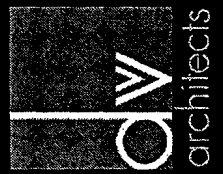
#11-09(2)

Newton Fire Station No. 7

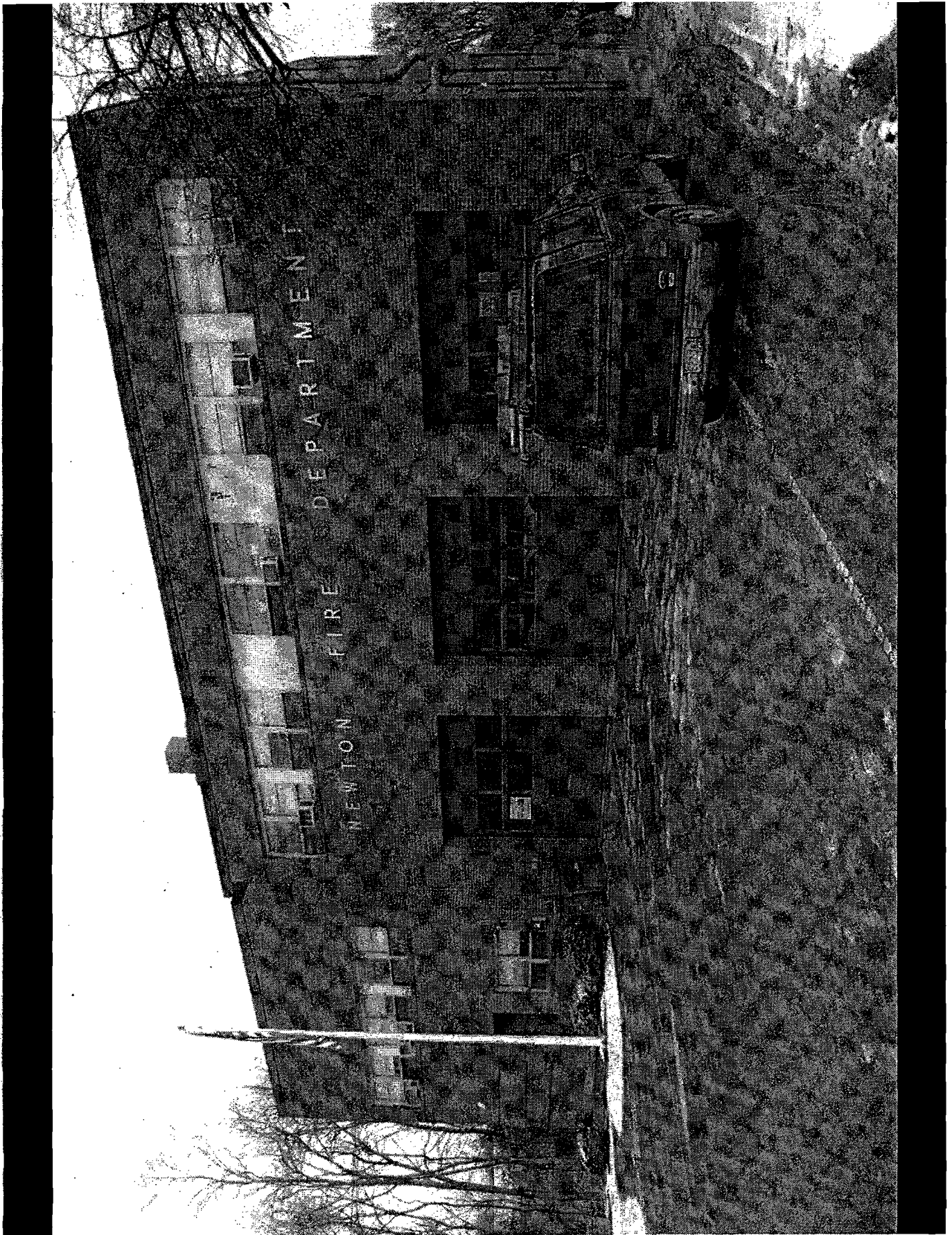
August 27, 2009



EXISTING CONDITIONS

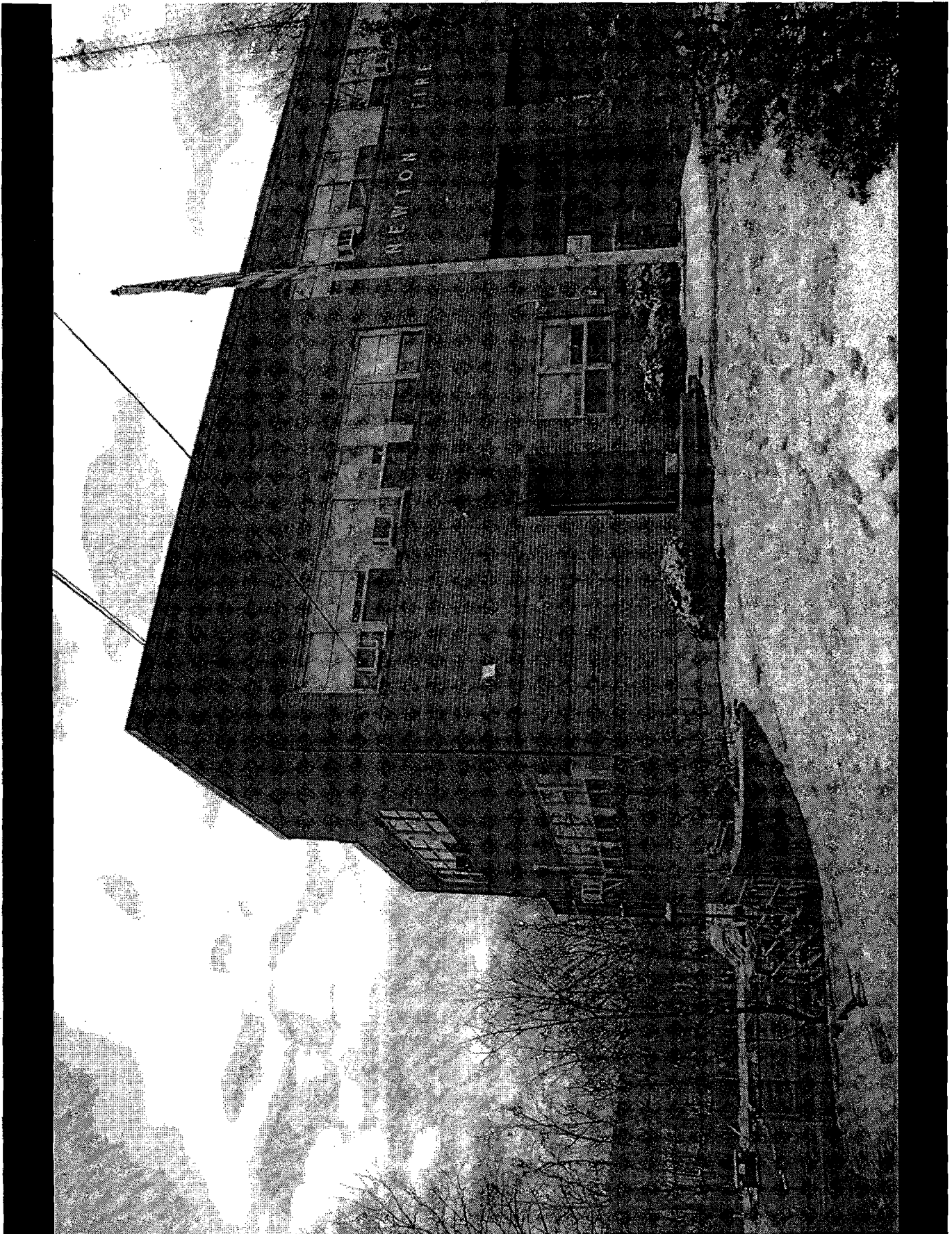


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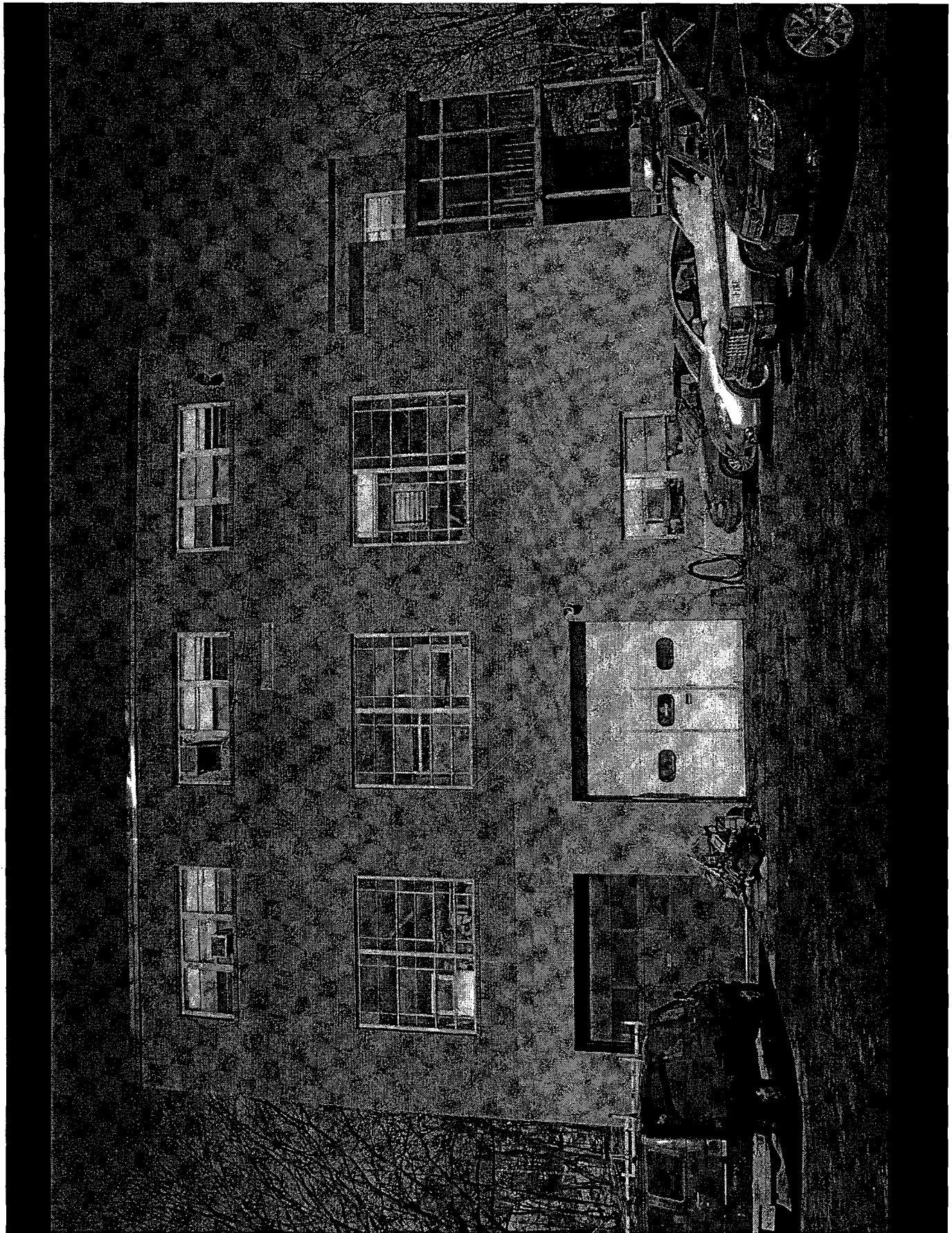
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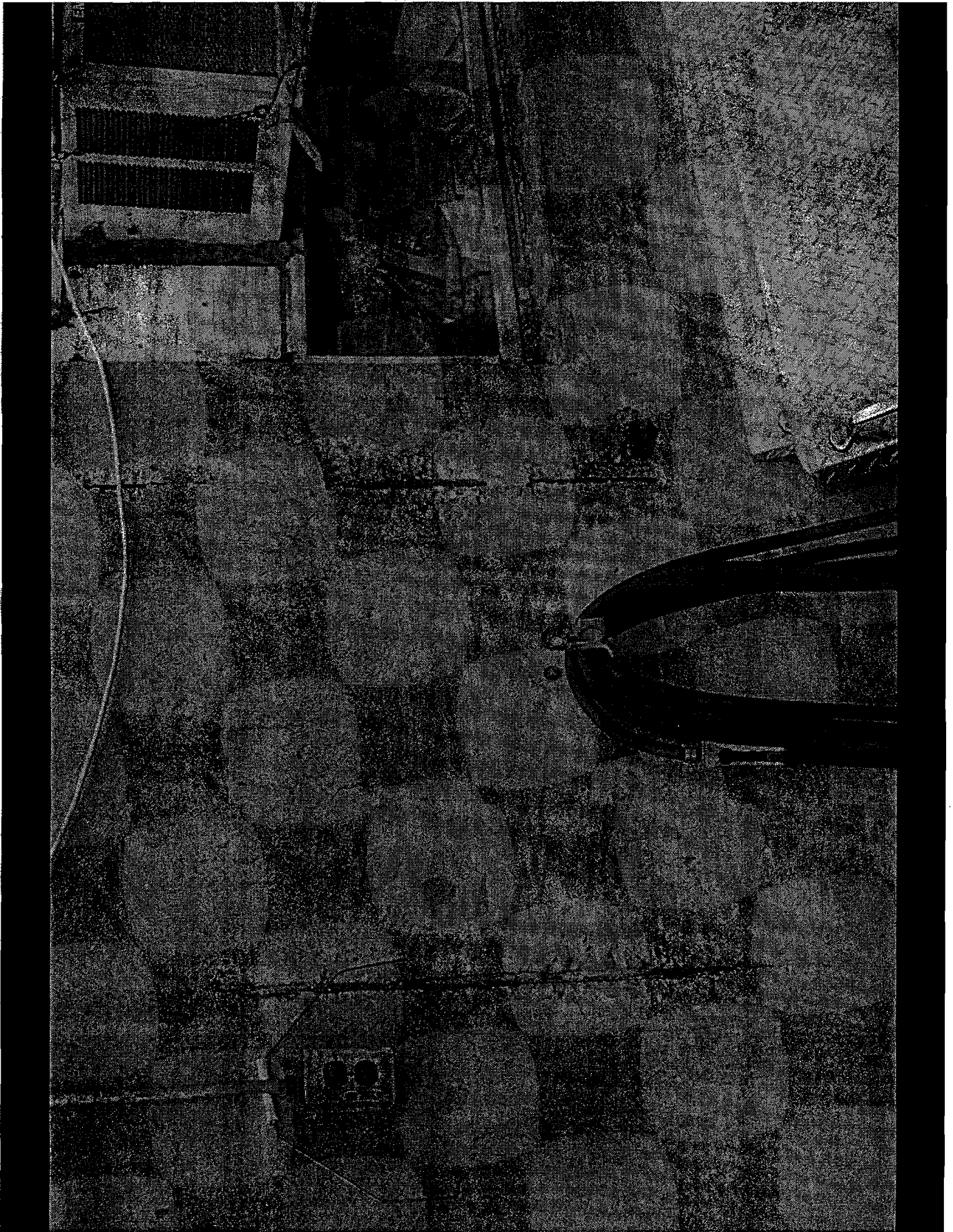
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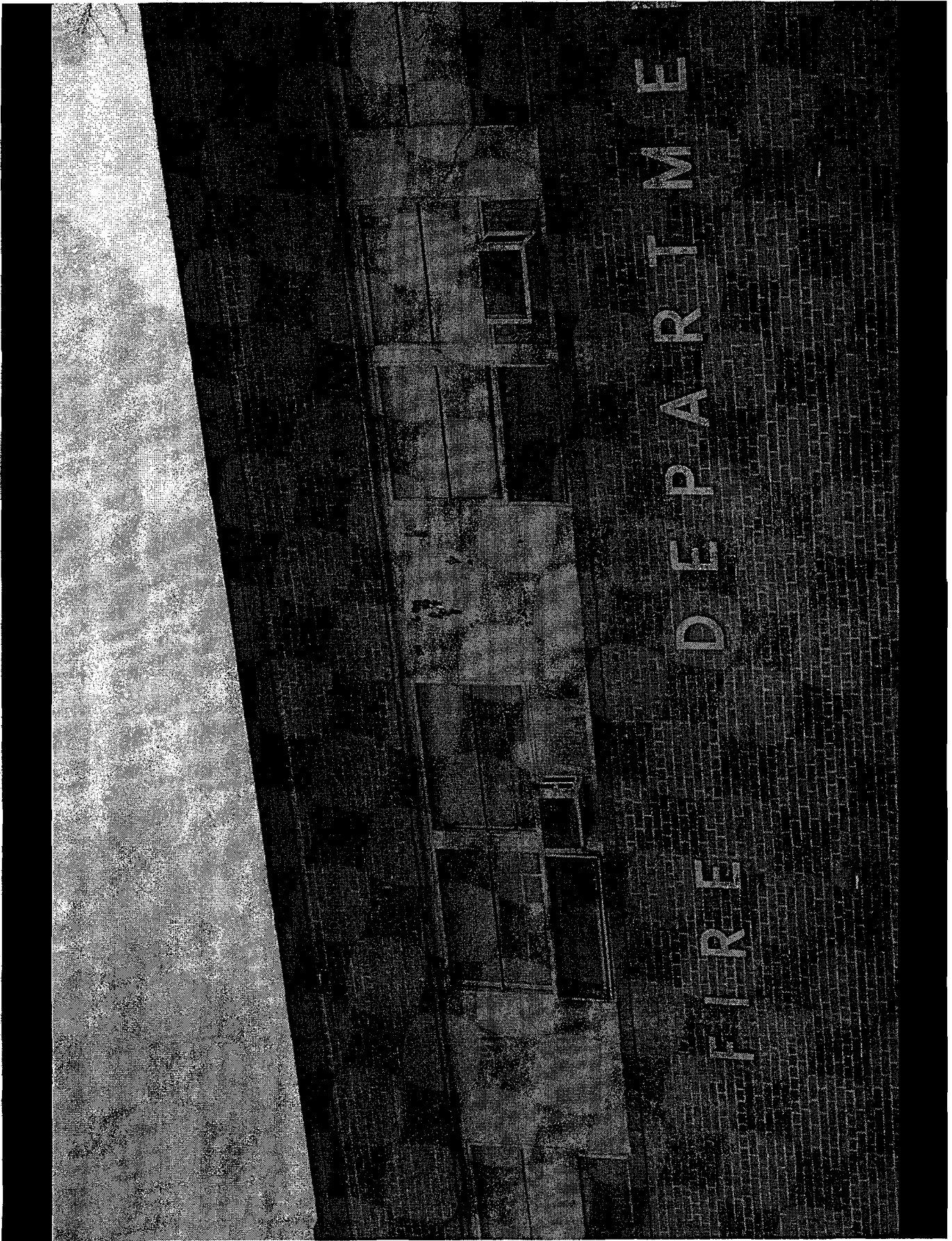
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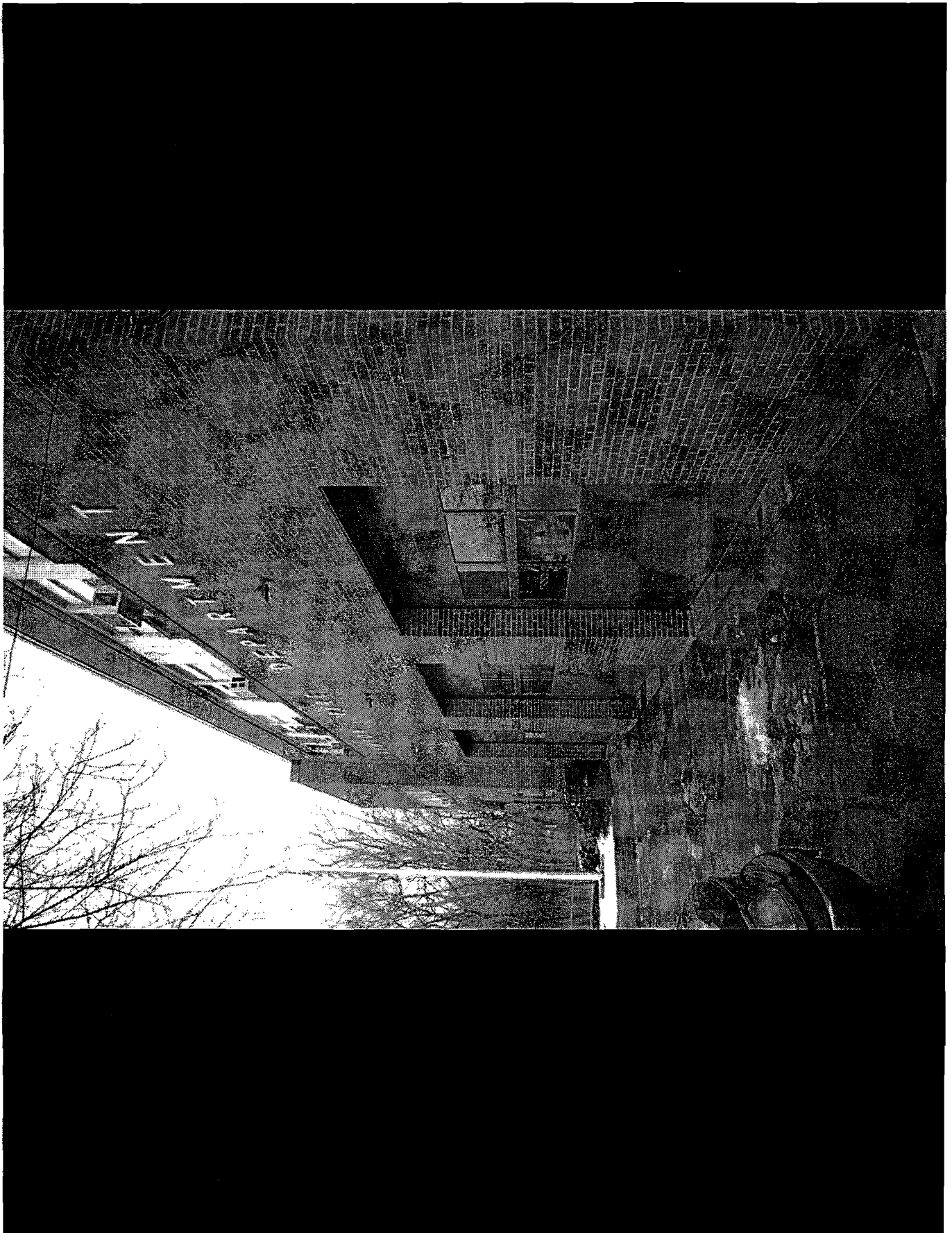
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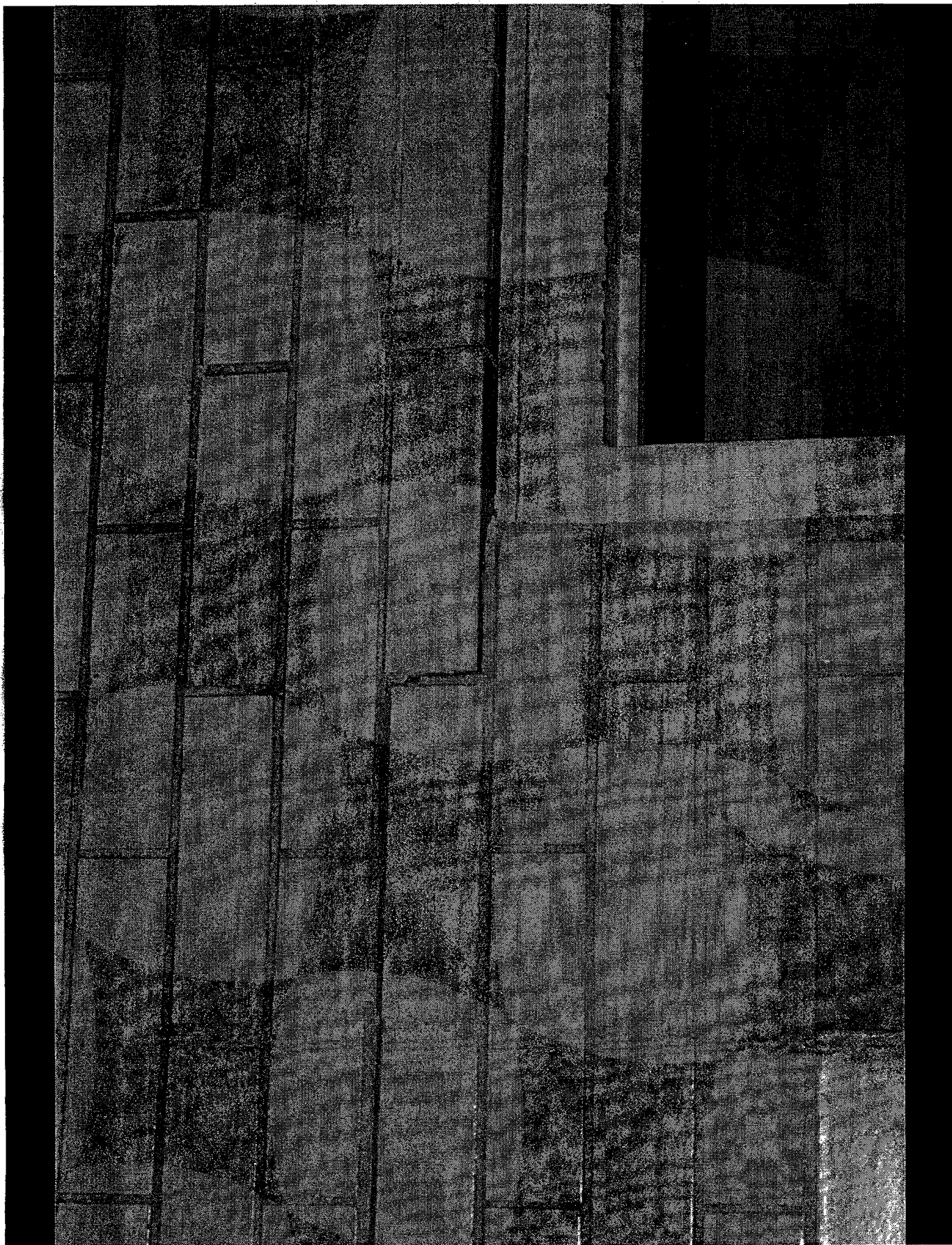
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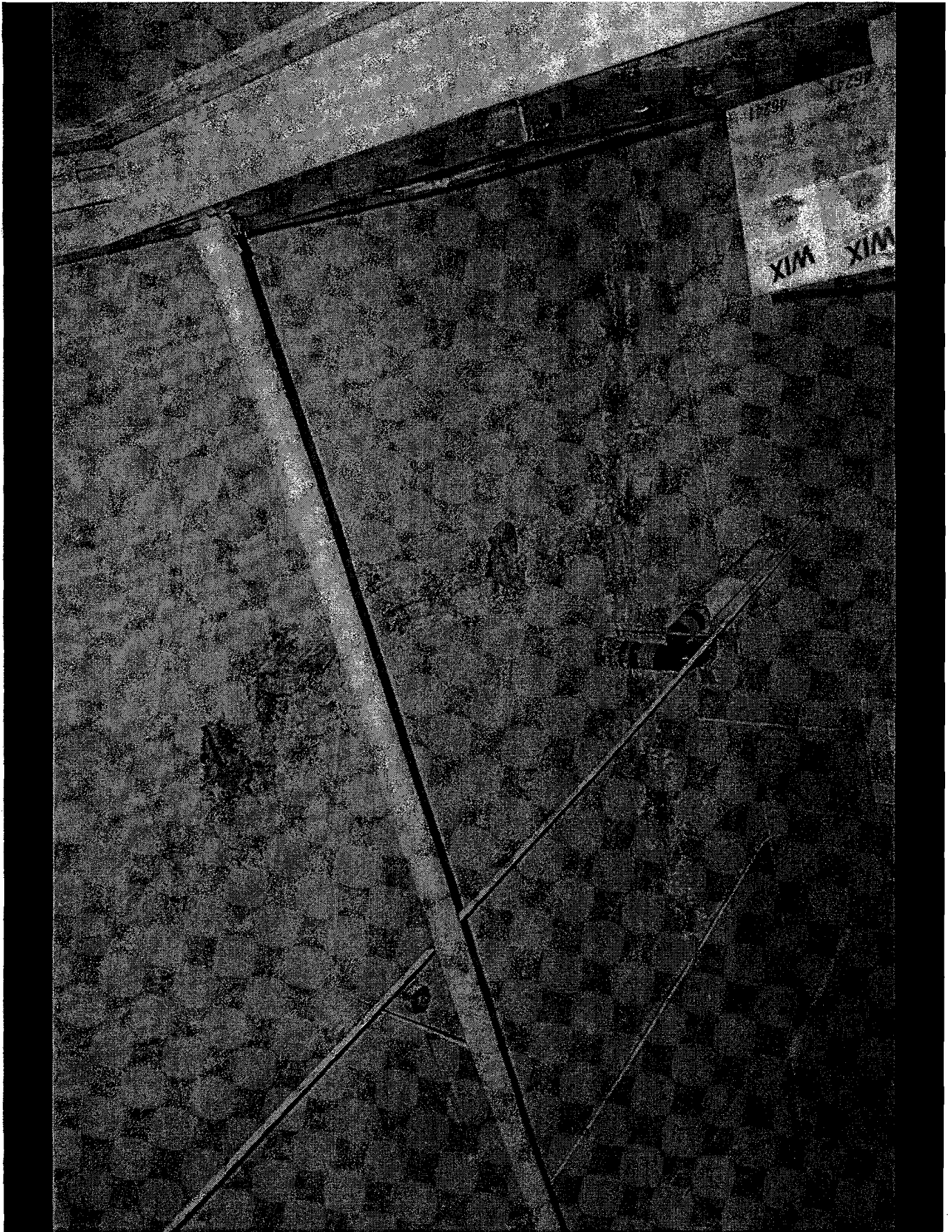


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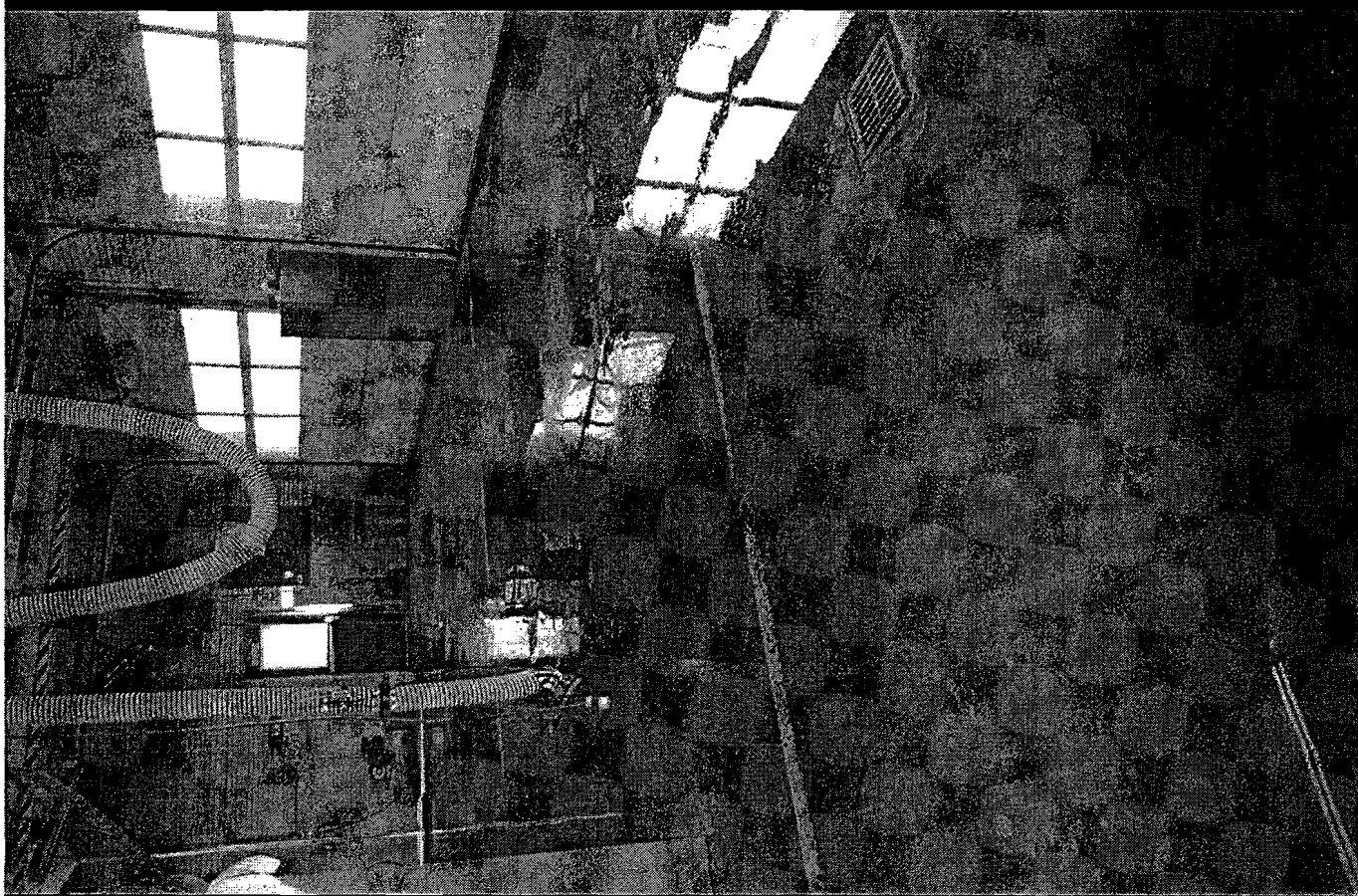
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#11-09(z)



# 11-09(2)



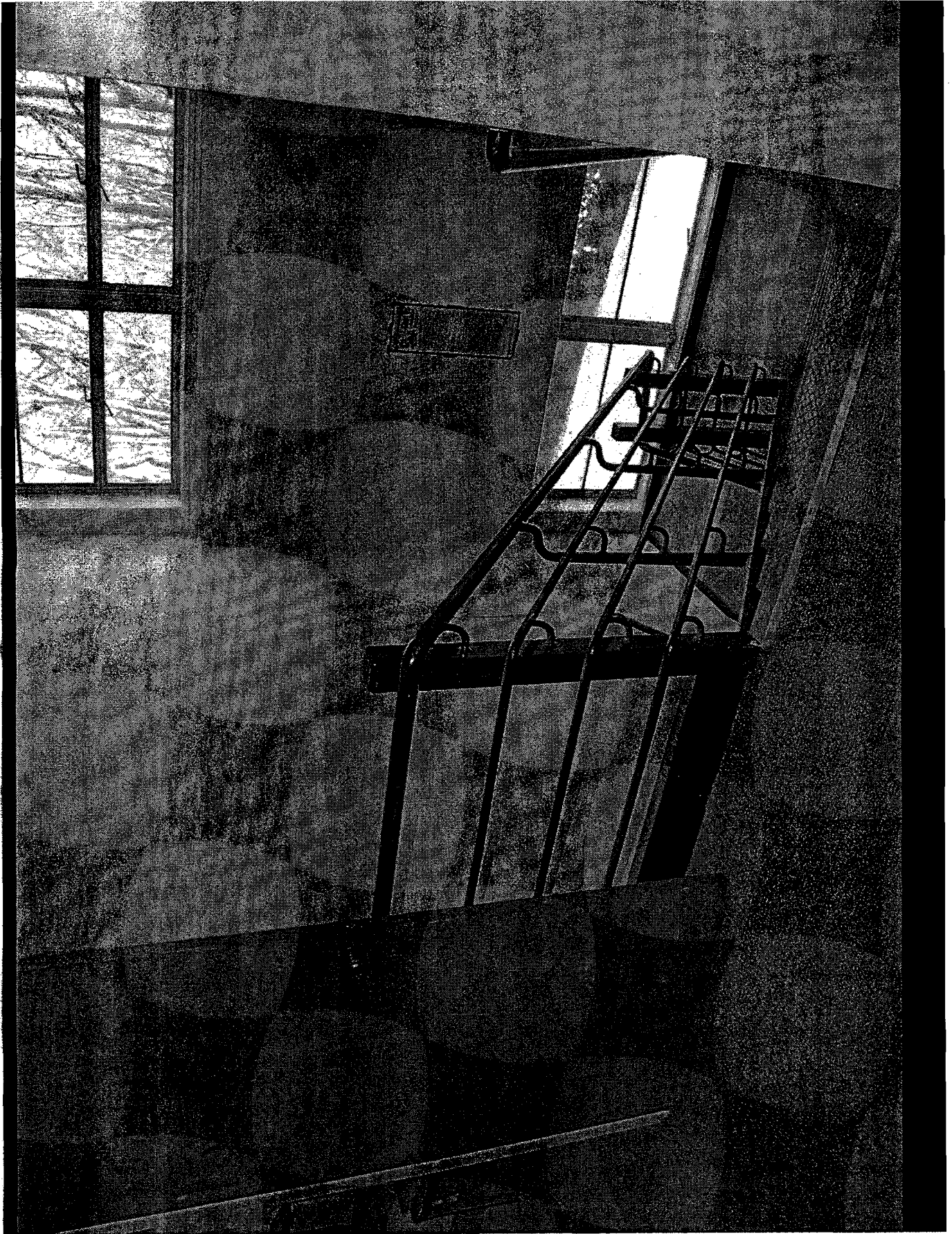
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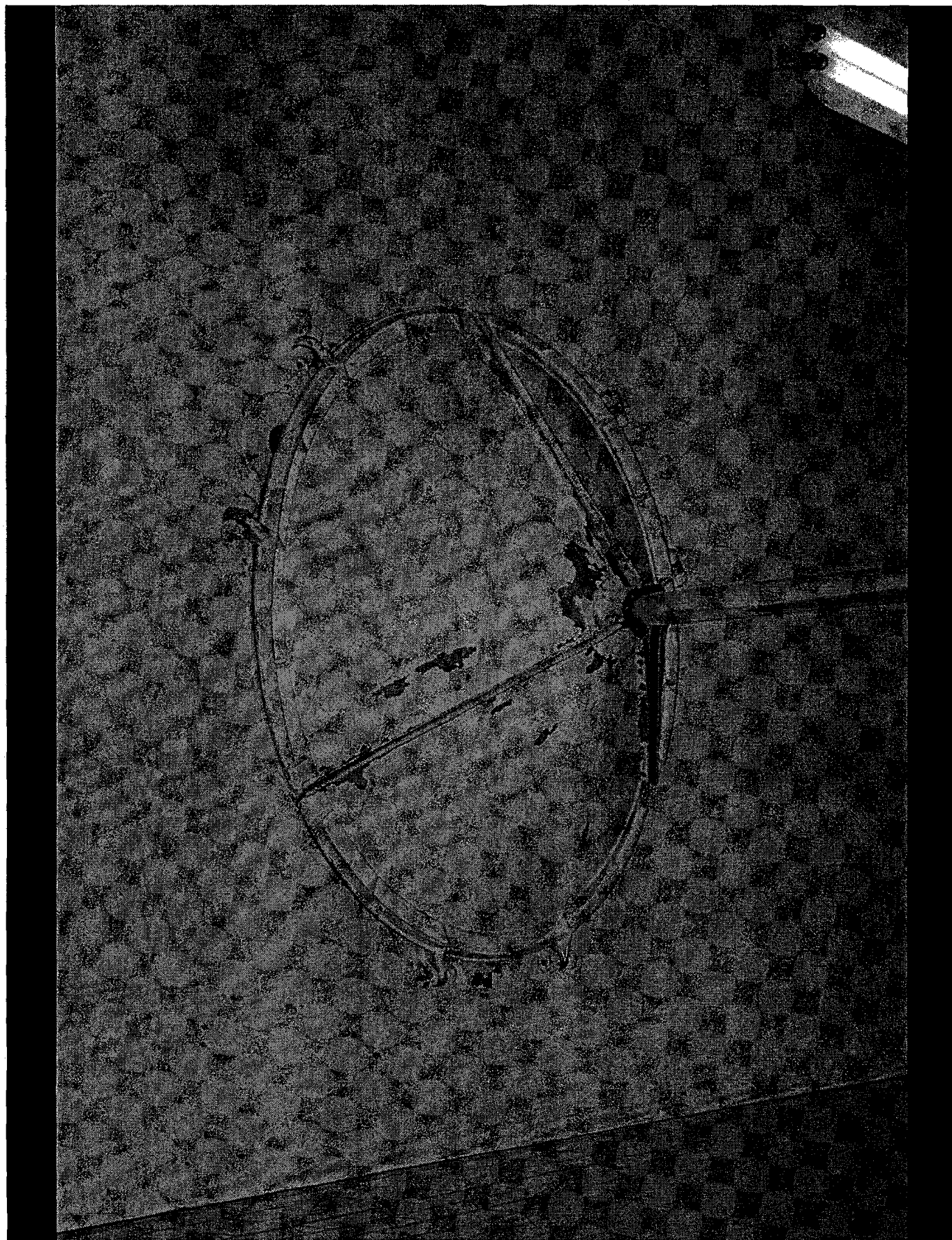
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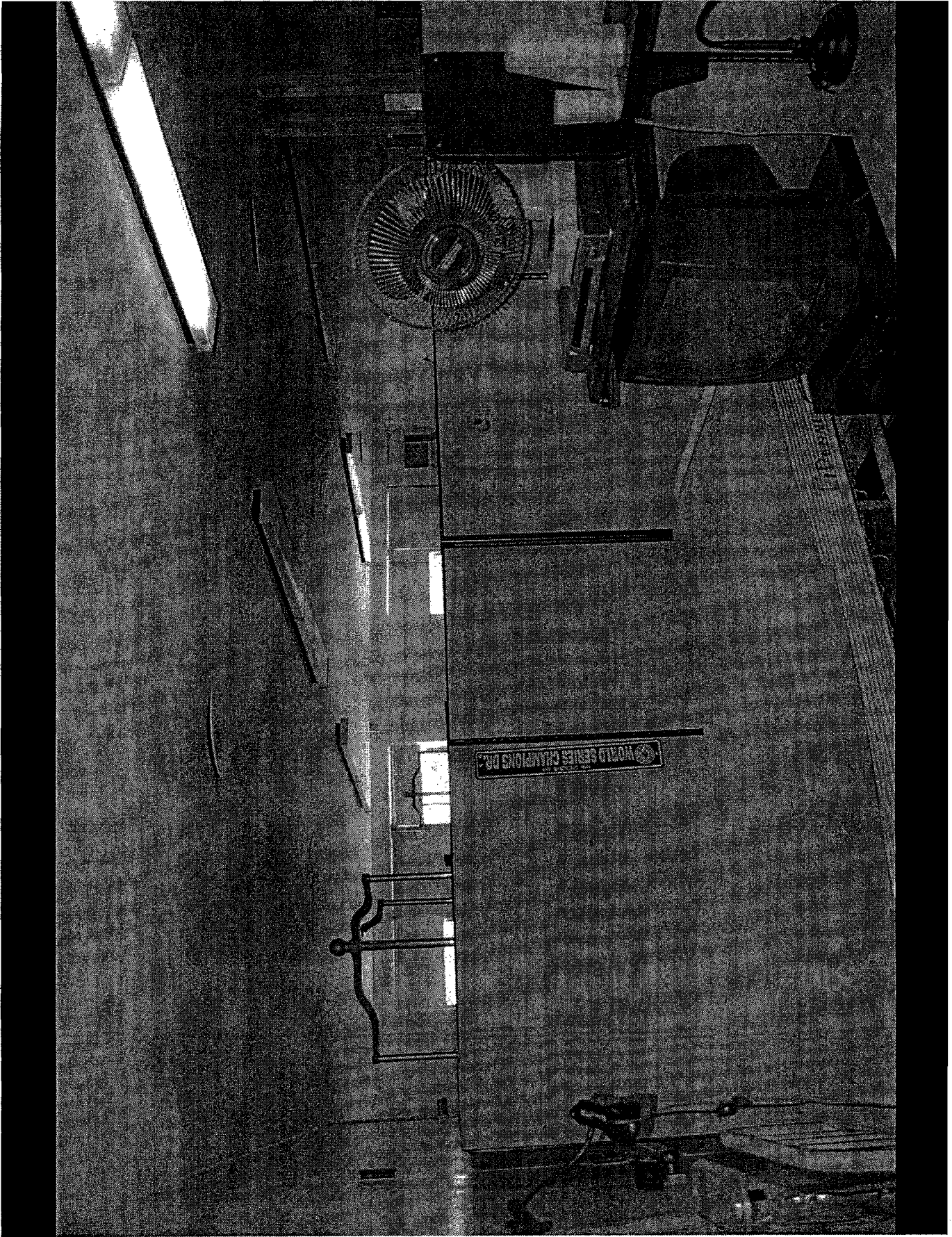
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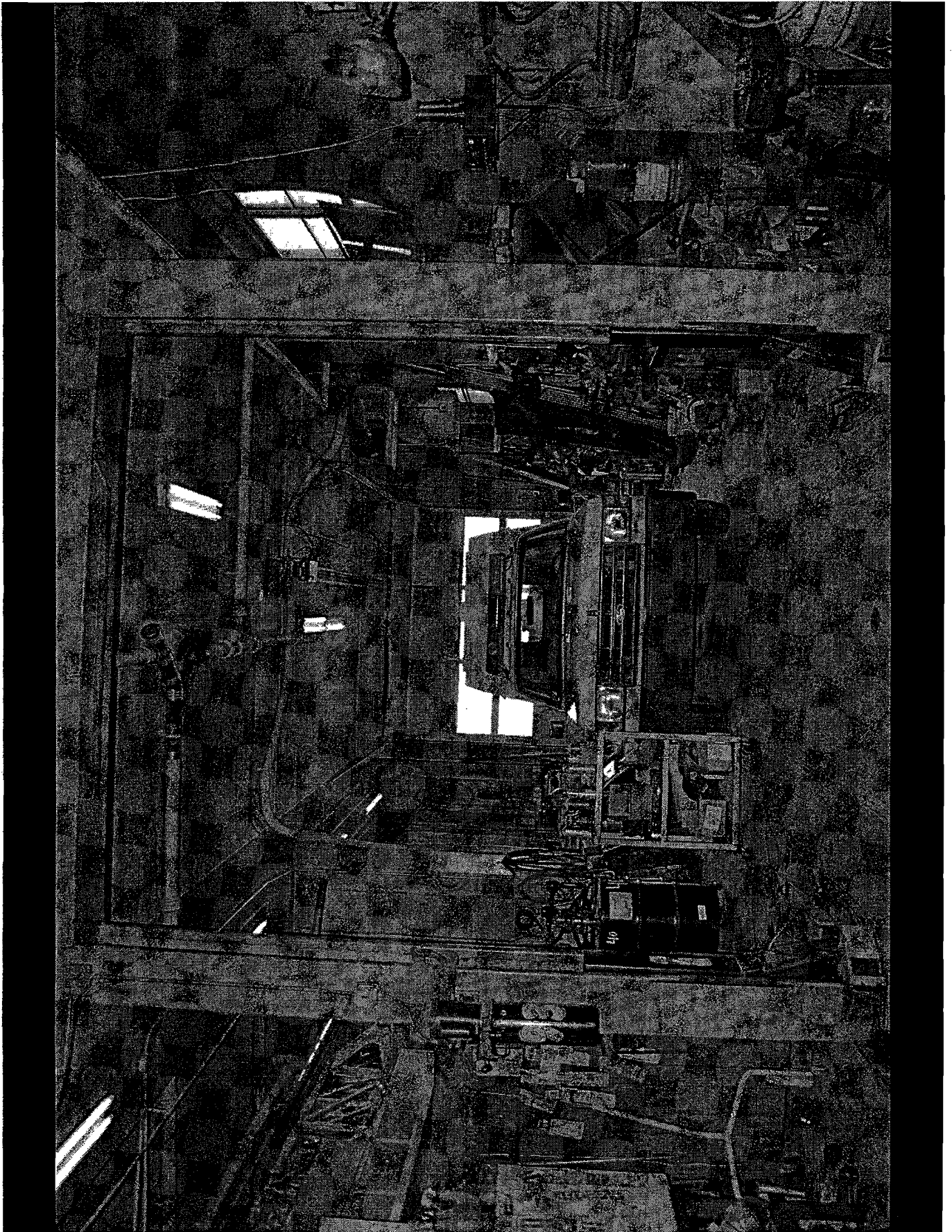


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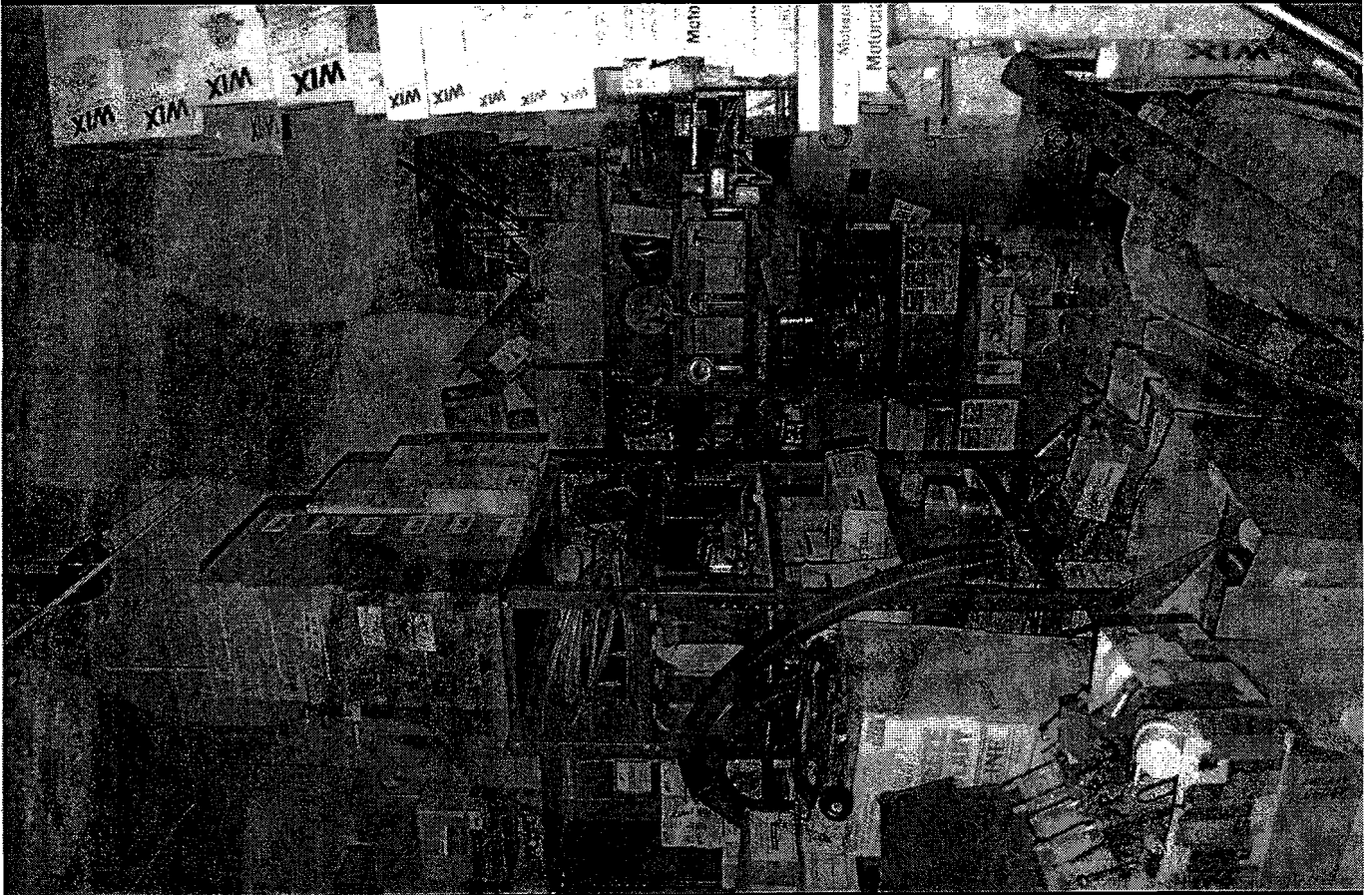




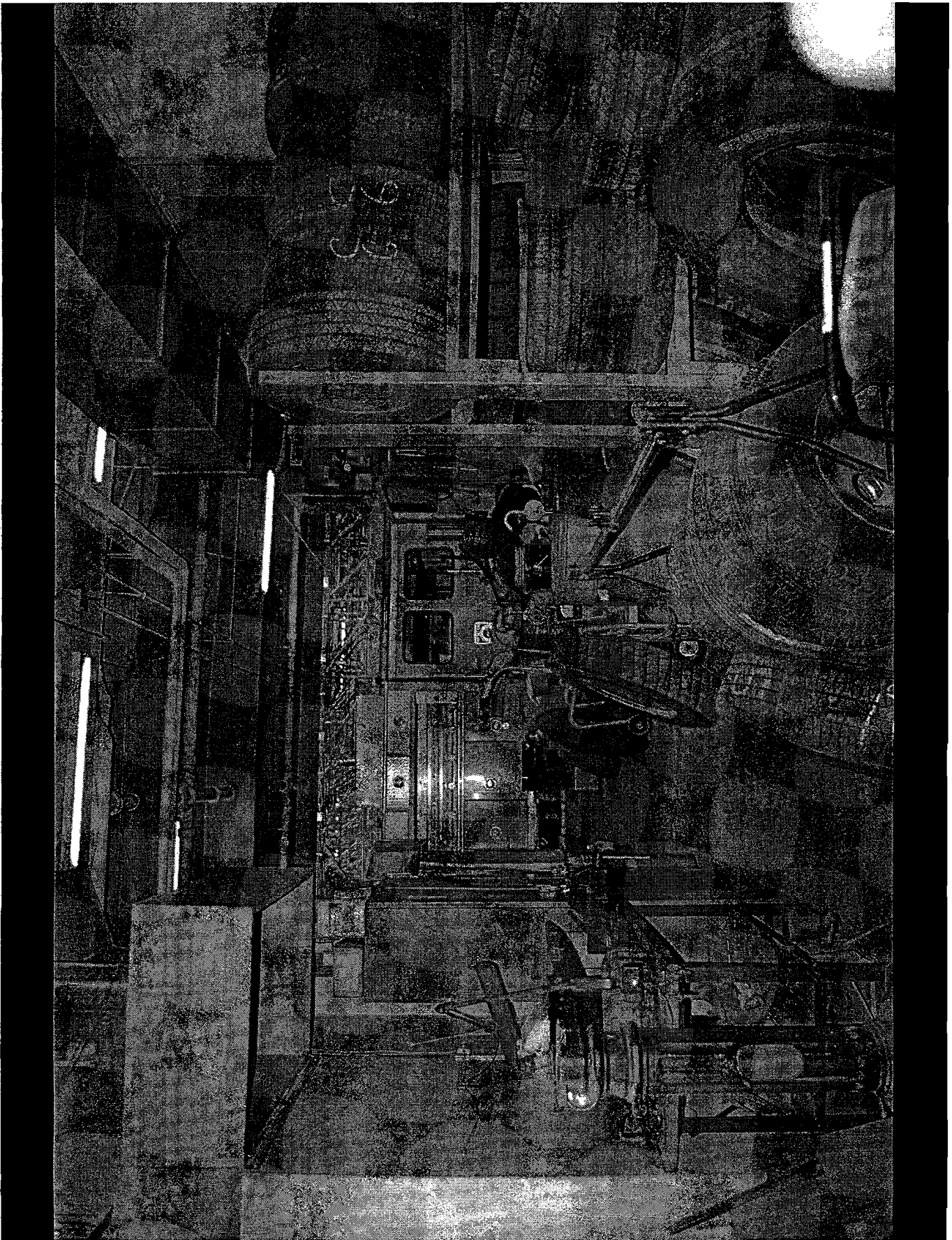
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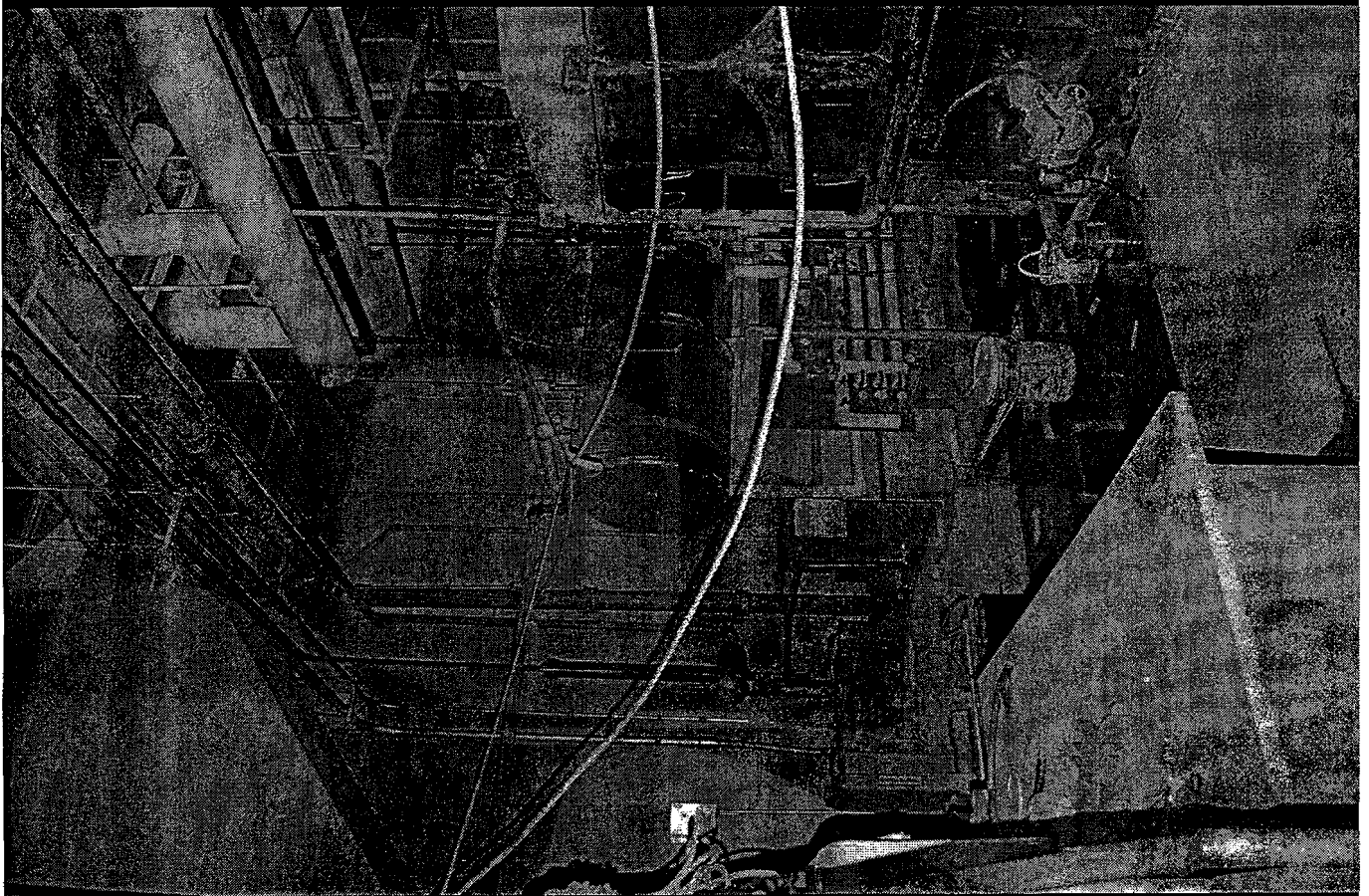
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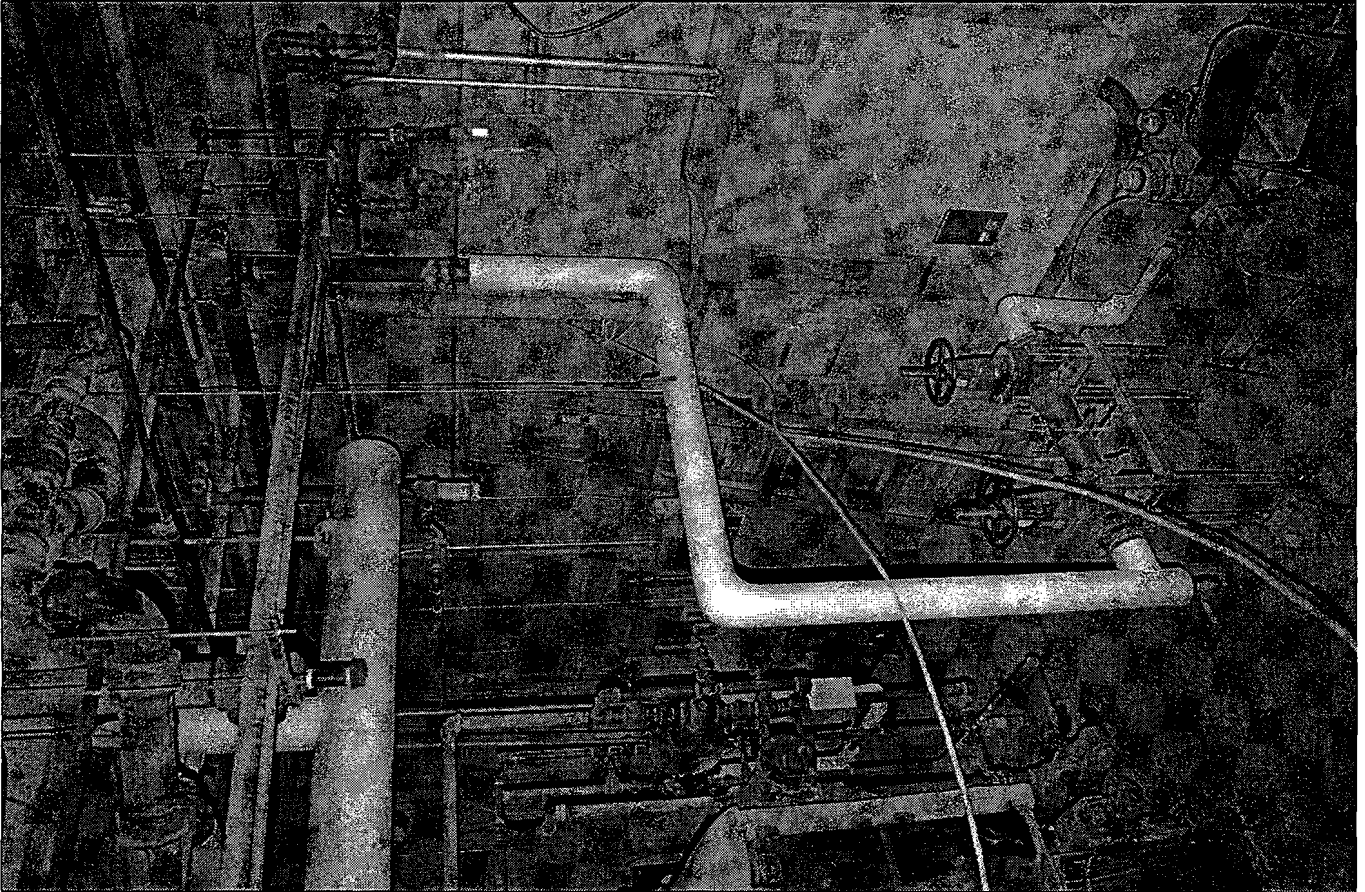
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#11-09(z)



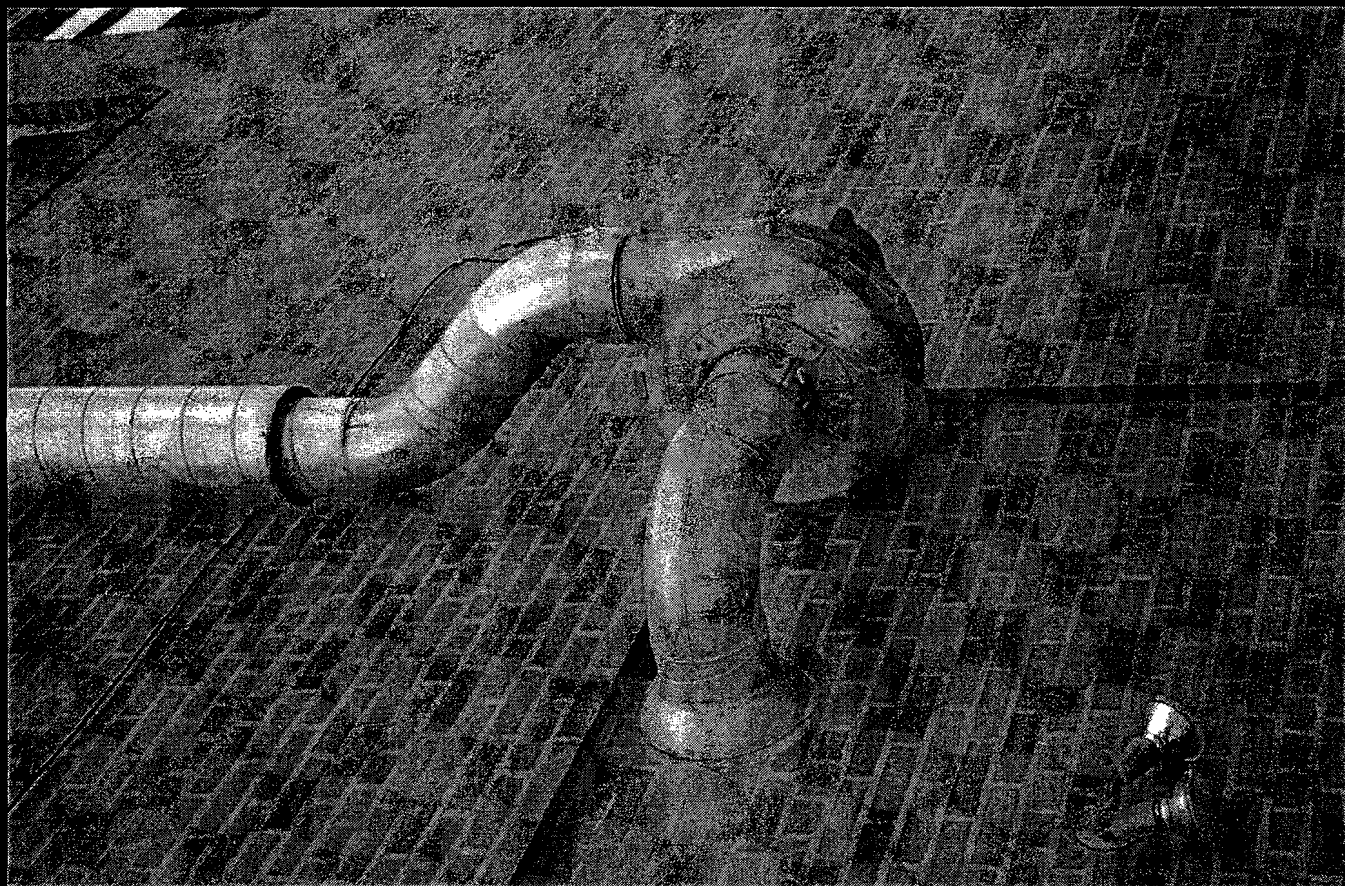
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# 11-09(2)

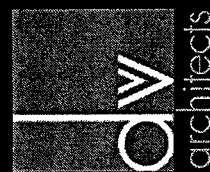


# 11-09(2)



#11-09(2)

PROJECT DESIGN





#11-09(2)

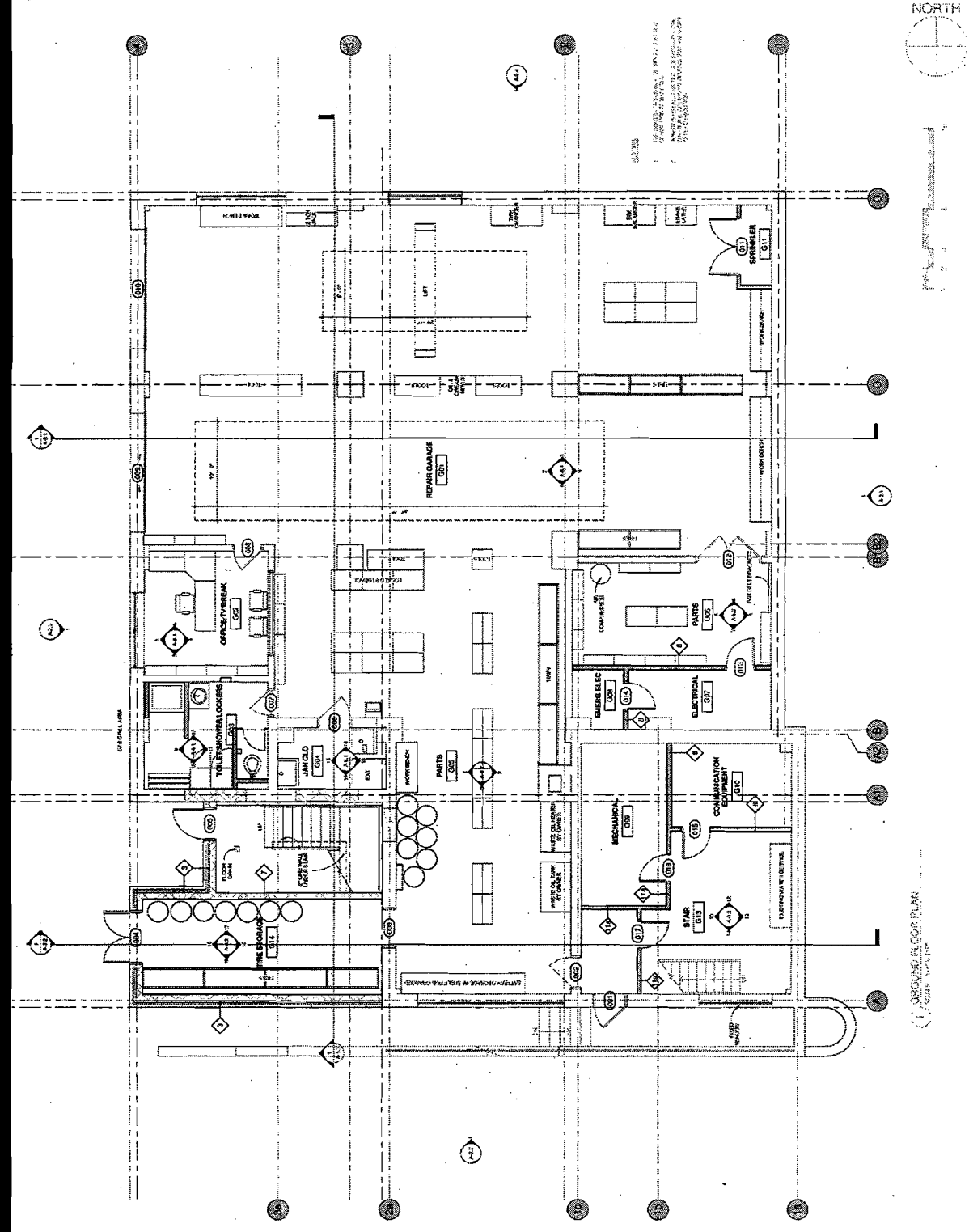


DURAND • VAN VOORHIS  
ARCHITECTS  
100 STATE STREET  
NEWTON, MASSACHUSETTS 02459  
TEL: 617.552.3300  
WWW.DVVA.COM

144 Elliot Street Newton, Massachusetts  
Fire Station No. 7

DATE	11/11/11
PROJECT	FIRE STATION NO. 7
NO.	11-09(2)
SCALE	AS SHOWN
DESIGNED BY	...
CHECKED BY	...
DATE	...
PROJECT	...
NO.	...
SCALE	...
DESIGNED BY	...
CHECKED BY	...
DATE	...

PROPOSED FLOOR PLAN  
A-1.0



PROPOSED FLOOR PLAN  
A-1.0

PROPOSED FLOOR PLAN  
A-1.0



# 11-09(2)



DESIGN DEVELOPMENT

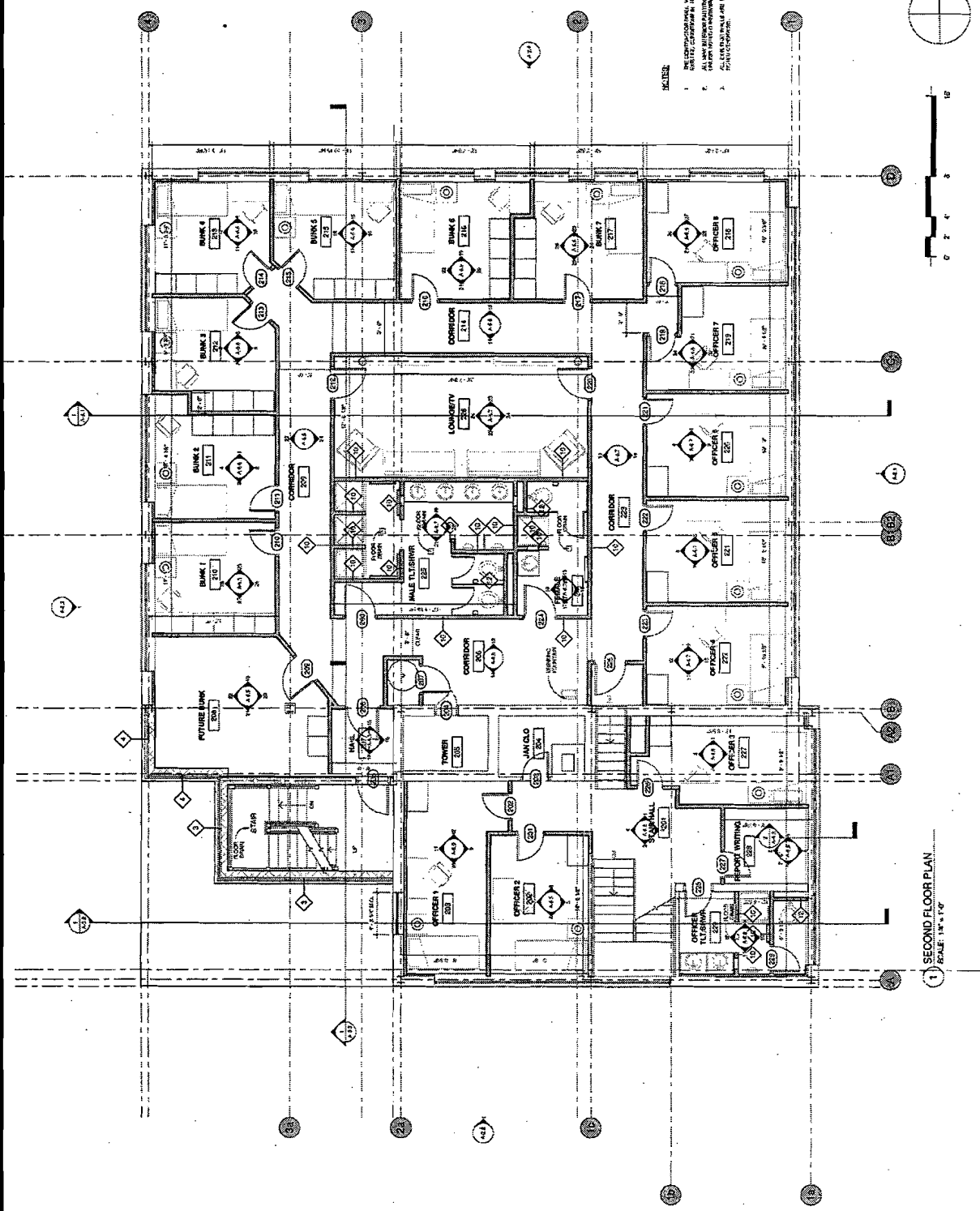
144 Eliot Street Newton, Massachusetts  
Fire Station No. 7

DATE	10/11/09
BY	AV
CHECKED BY	AV
PROJECT NO.	11-09
DESCRIPTION	ARCHITECTURAL
SCALE	AS SHOWN

SECOND FLOOR PLAN  
A-1.2



- NOTES:
1. SEE EXISTING CONDITIONS, VERIFY ALL DIMENSIONS AND CONDITIONS ON SITE.
  2. ALL WORK SHALL BE ACCORDING TO THE 2009 INTERNATIONAL BUILDING CODE (IBC).
  3. ALL WORK SHALL BE ACCORDING TO THE 2009 INTERNATIONAL FIRE CODE.



1 SECOND FLOOR PLAN  
SCALE: 1/8" = 1'-0"

#11-09(2)

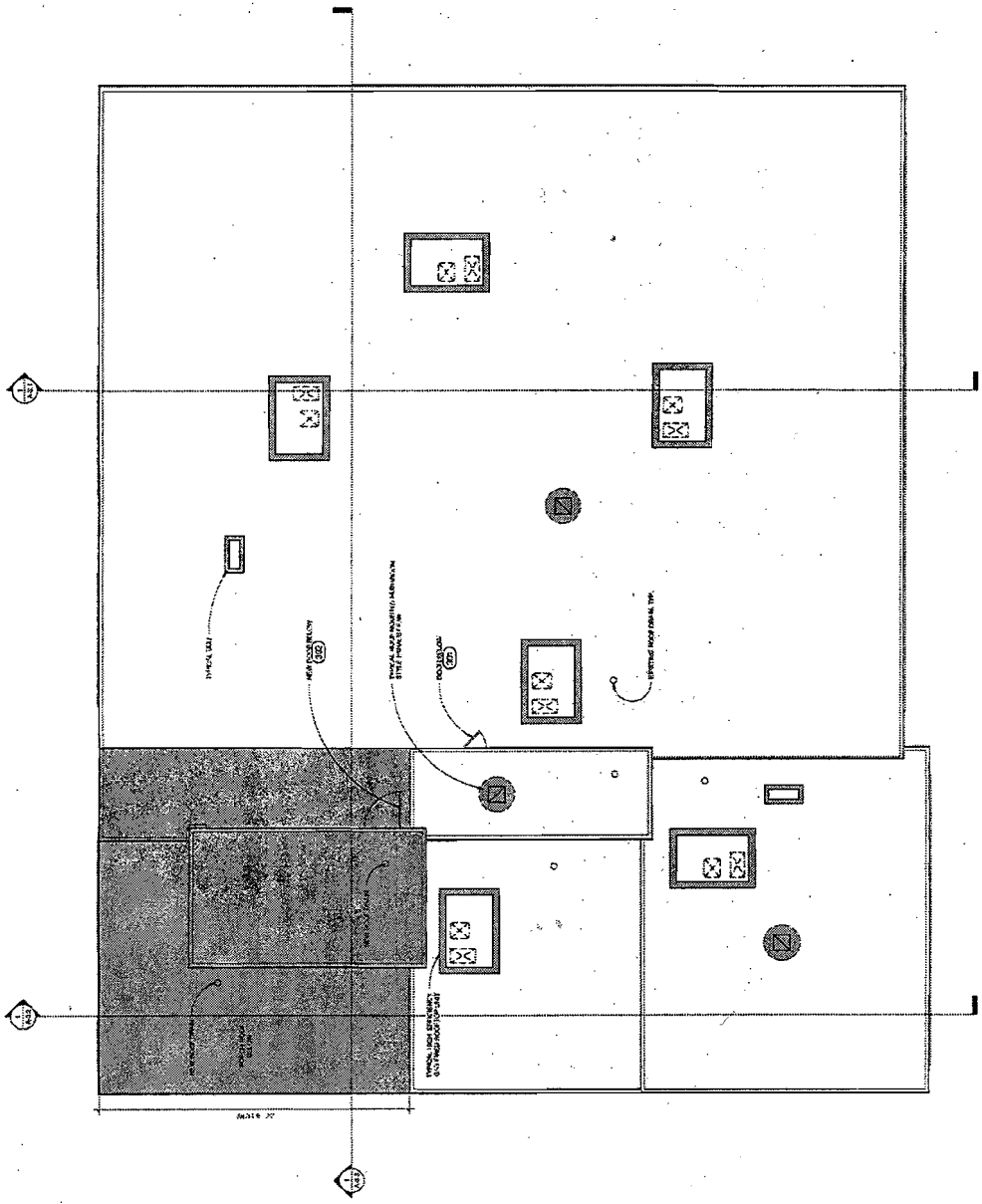
144 Elliot Street Newton, Massachusetts  
 Fire Station No. 7

DESIGN DEVELOPMENT

DURAND • VAN VOORHIS

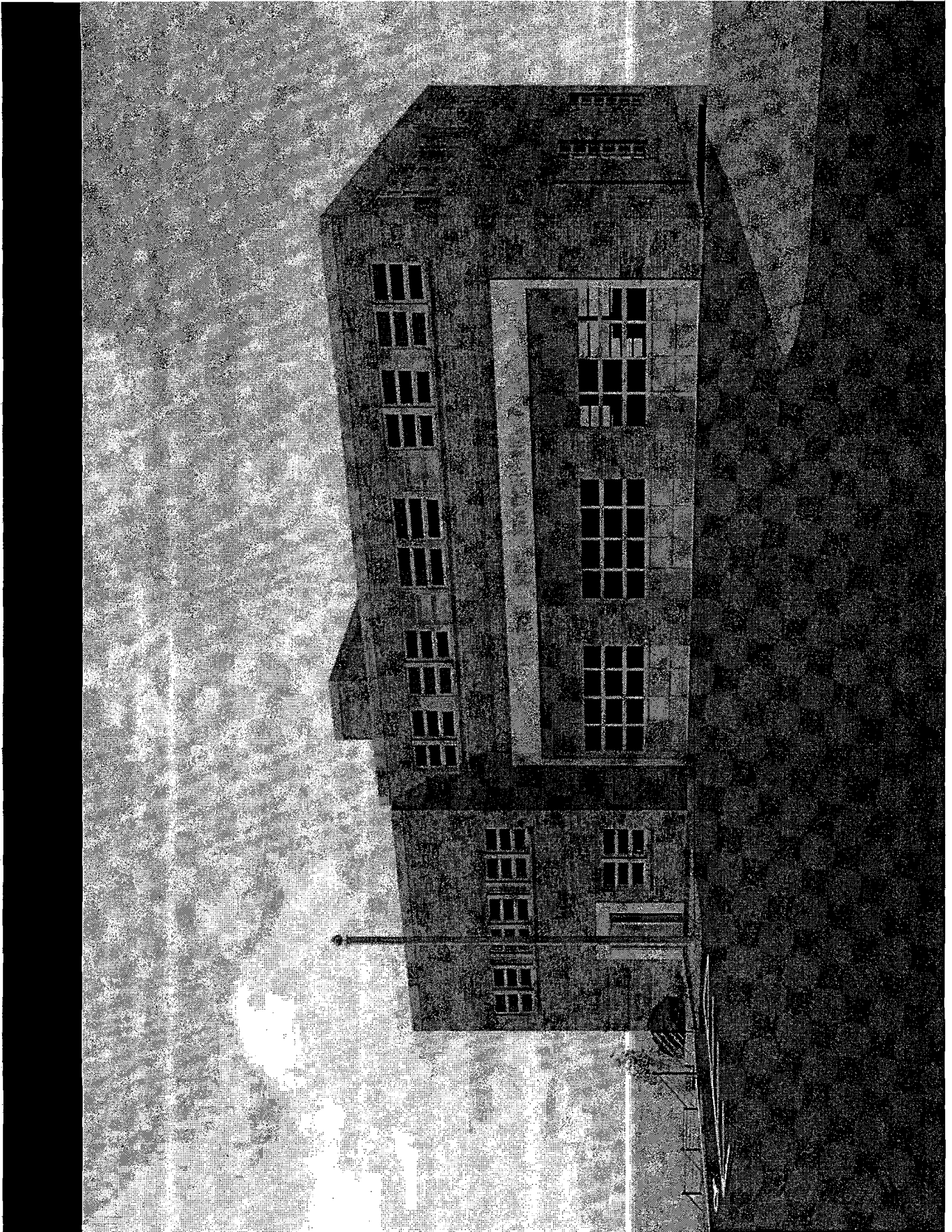
ROOF PLAN  
 A-1.3

DATE	10/1/10
SCALE	1/8" = 1'-0"
PROJECT	144 ELLIOT ST.
OWNER	NEWTON FIRE DEPT.
DESIGNED BY	DM
CHECKED BY	DM
DATE	10/1/10

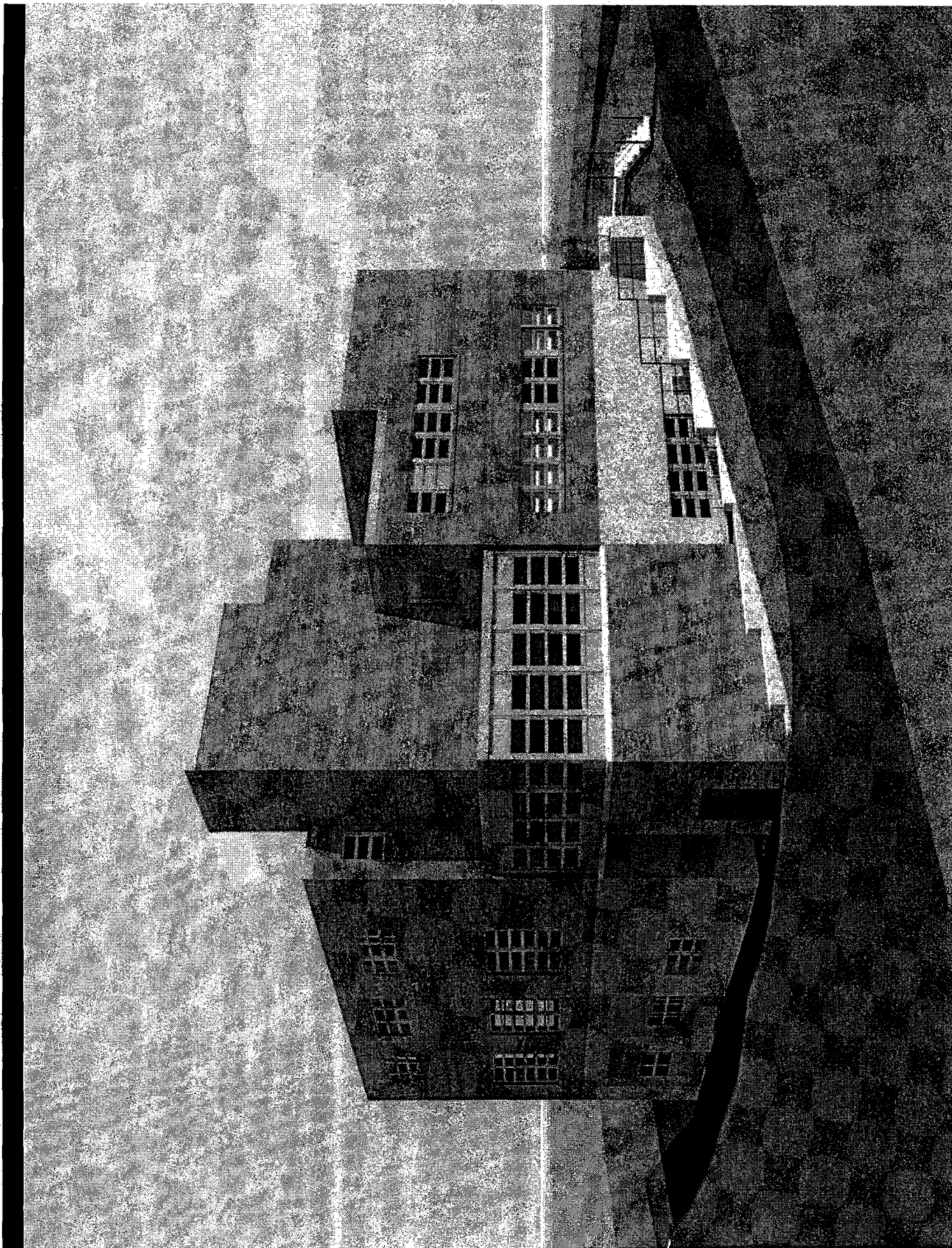


1 ROOF PLAN  
 SCALE: 1/8" = 1'-0"

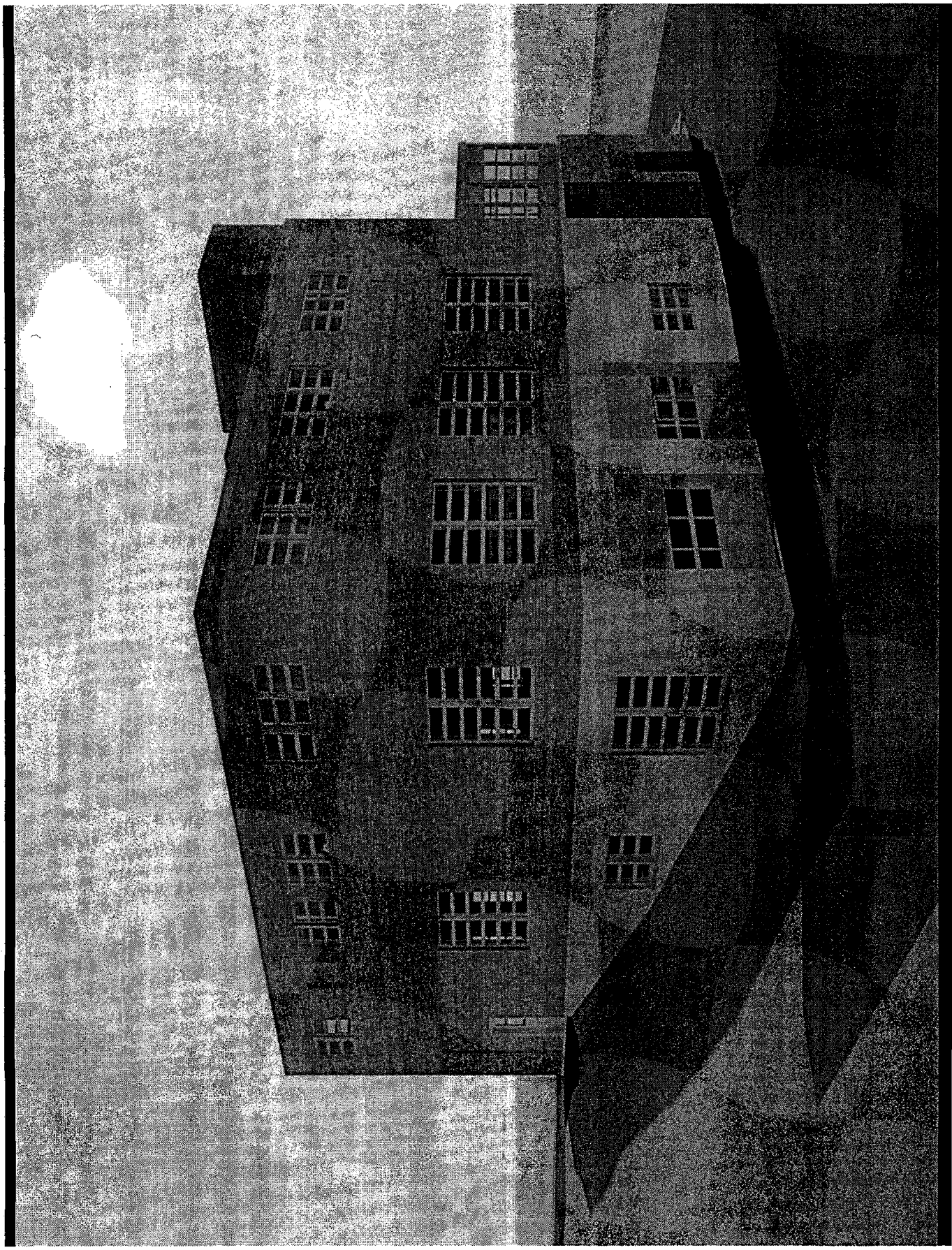
#11-09(2)



# 11-09(2)



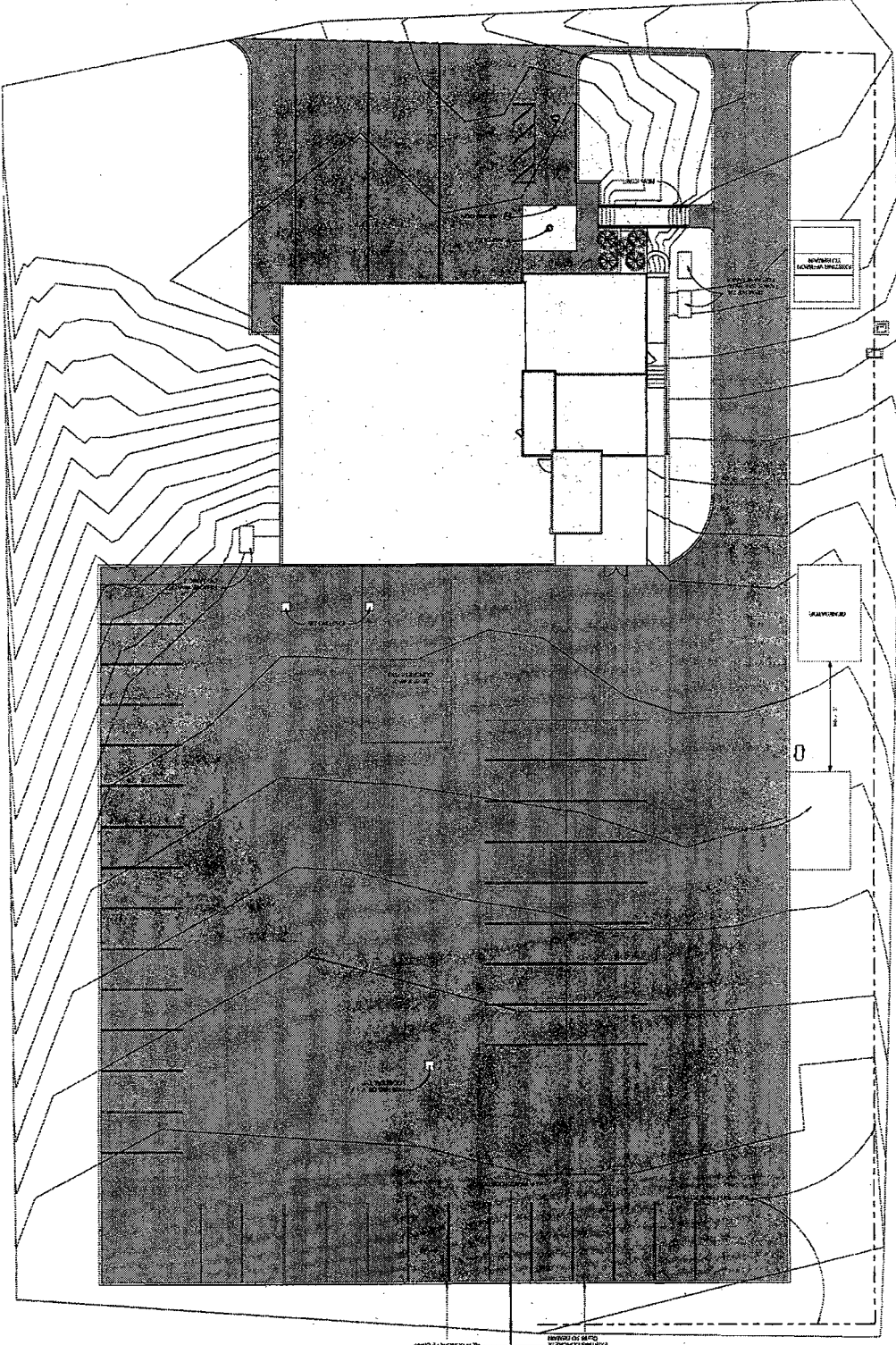
# 11-09(2)



#11-09/2

144 Elliot Street  
Newton, Massachusetts  
Fire Station No. 7

DATE: 11/11/11  
BY: [Signature]  
PROJECT: [Signature]  
SHEET: [Signature]  
SCALE: [Signature]  
SHEET NO.: [Signature]



REGION DEVELOPMENT

SITE PLAN

L-1.1





### PROBABLE PROJECT COST

Fire Station No. 7 - Newton, Massachusetts  
Design Development - July 29, 2009

Existing Fire Station No. 7 14,120 sf  
Stair/Porch addition 925 sf  
Cost estimate for assumed fall 2009 bid

Construction Cost Estimate	\$3,317,599
Repair bay specialties (lift, equip. & shivs)	48,000
Phyvovent	30,000
Construction contingency 5%	<u>169,780</u>
Construction sub-total	3,565,379

A&E Fees	225,000
Bidding costs (additional printing)	6,500
Clerk of the Works/PM	60,000
Commissioning	11,000
Fixtures Furniture and Equipment	80,000
FF&E procurement	8,000
Materials Testing & Structural oversight	10,000
Hazmat Inspection & Specification	15,000
Oil tank removal additional contingency	30,000
Move (allowance)	17,500
Temporary Facilities procurement	12,000
Temporary facilities (allowance)	113,000
Contingency 5%	<u>29,400</u>

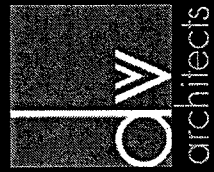
Other costs sub-total 617,400

Project total \$4,182,779

#11-09(2)

Probable Project Cost \$4,182, 799

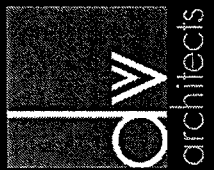
If Design Contingency increased to 5%  
\$4,269,885



#11-09(2)

#11-09(z)

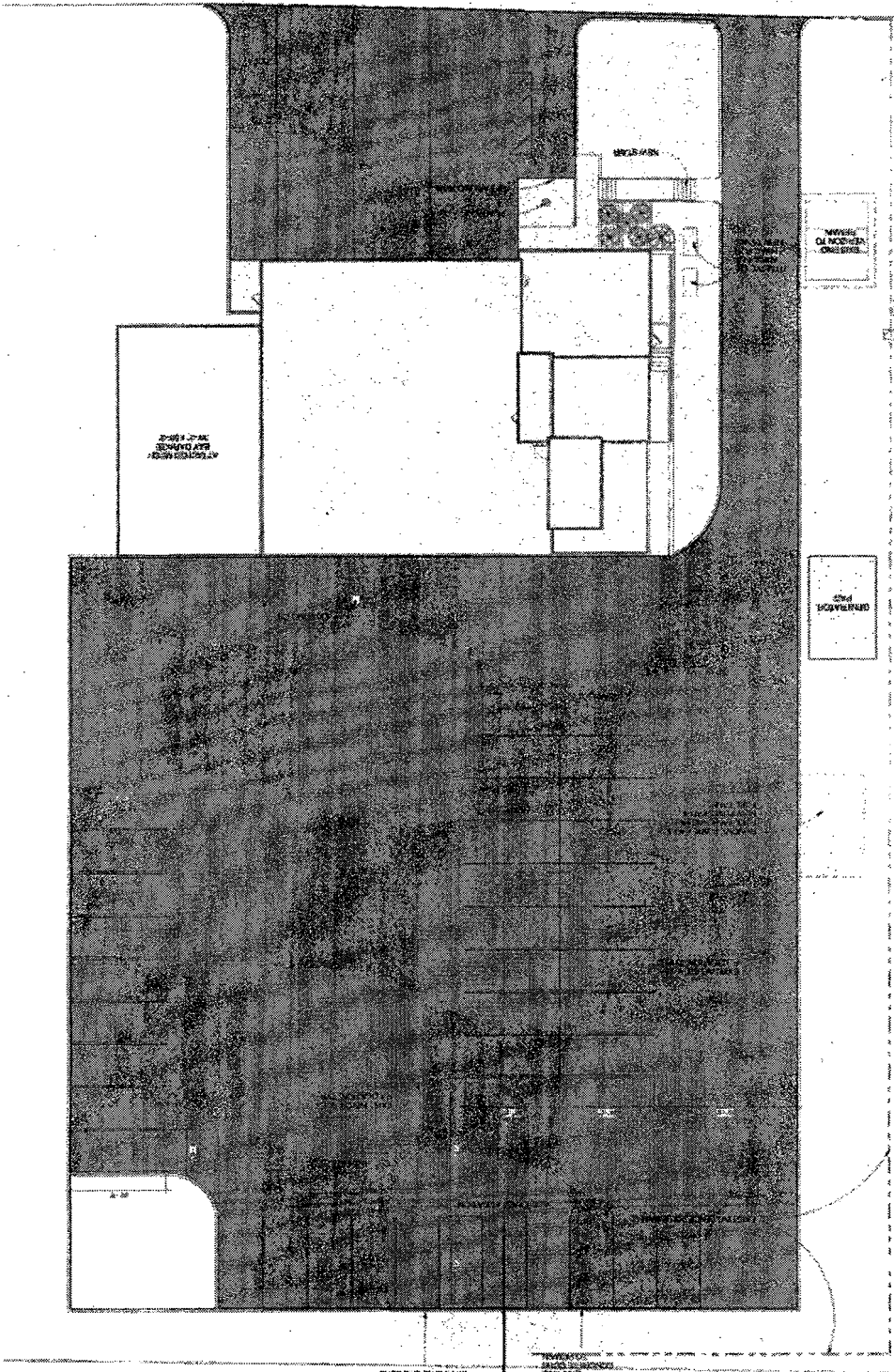
ALTERNATE DESIGN  
ADDITIONAL MECHANICS BAY



# 11-0972

144 Elliot Street Newton, Massachusetts  
Fire Station No. 7  
CONSTRUCTION POSITION

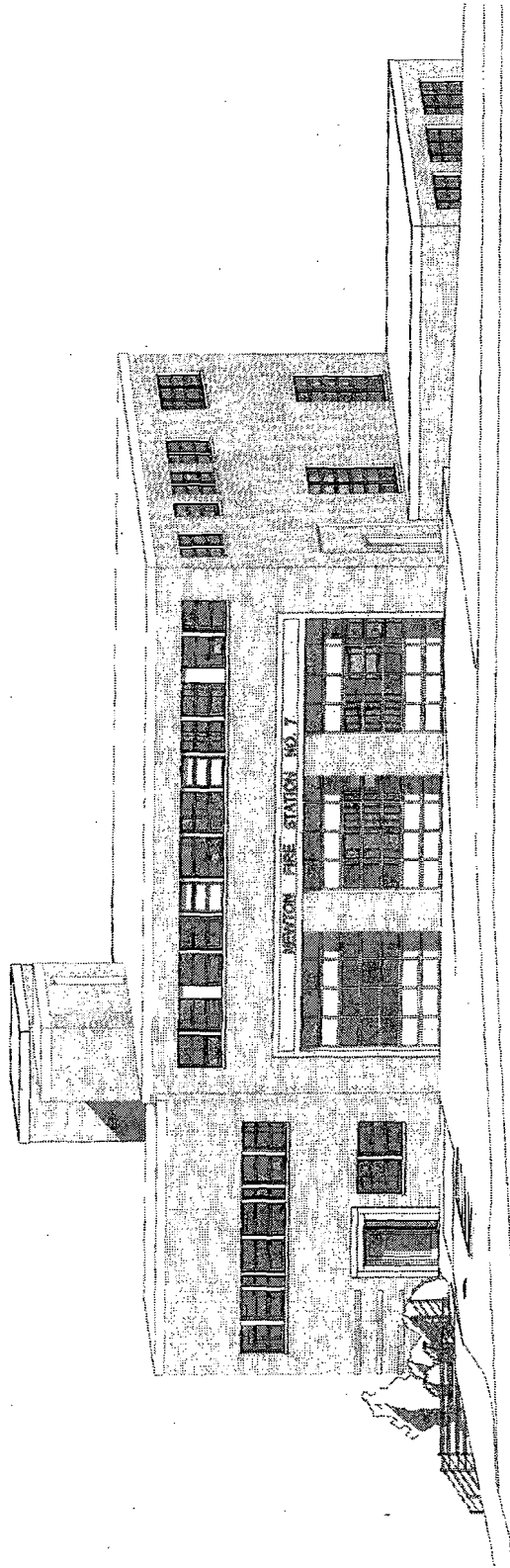
DATE: 11/11/09  
SCALE: 1/8" = 1'-0"  
SHEET: 1 OF 1  
SITE PLAN OPTION 2  
L-1.1



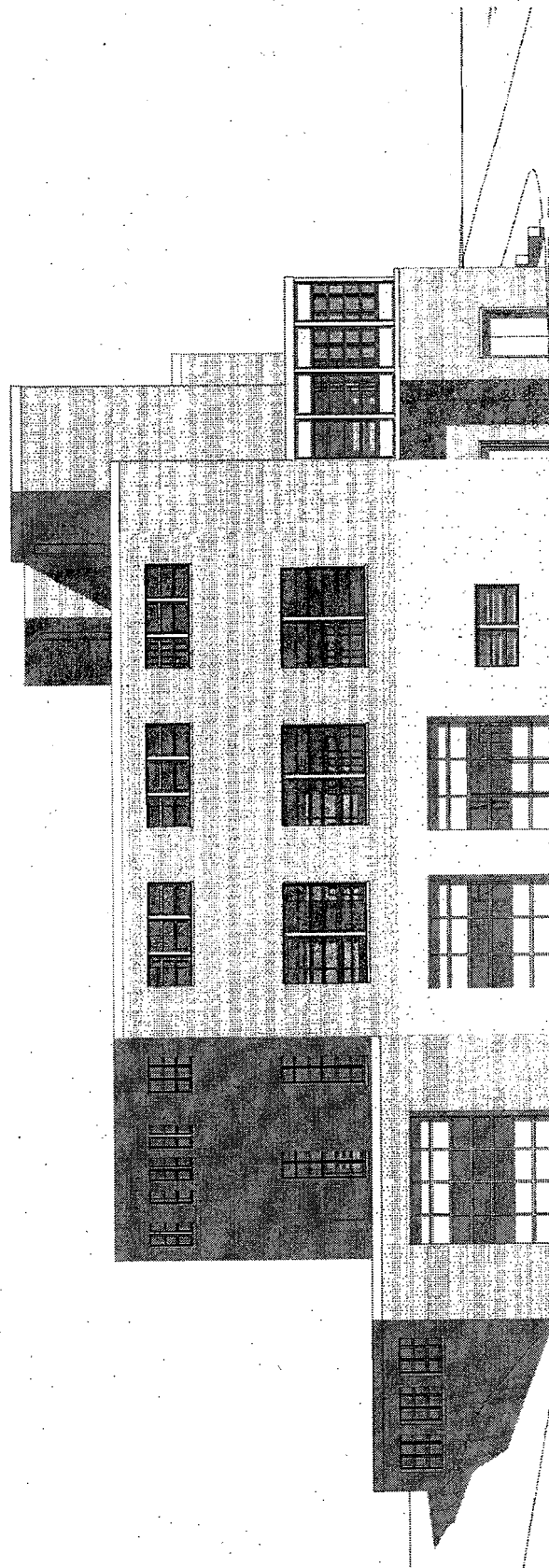
PLANNED - VAIL RECORDS

CONSTRUCTION POSITION

#11-09(z)



# 11-09(2)



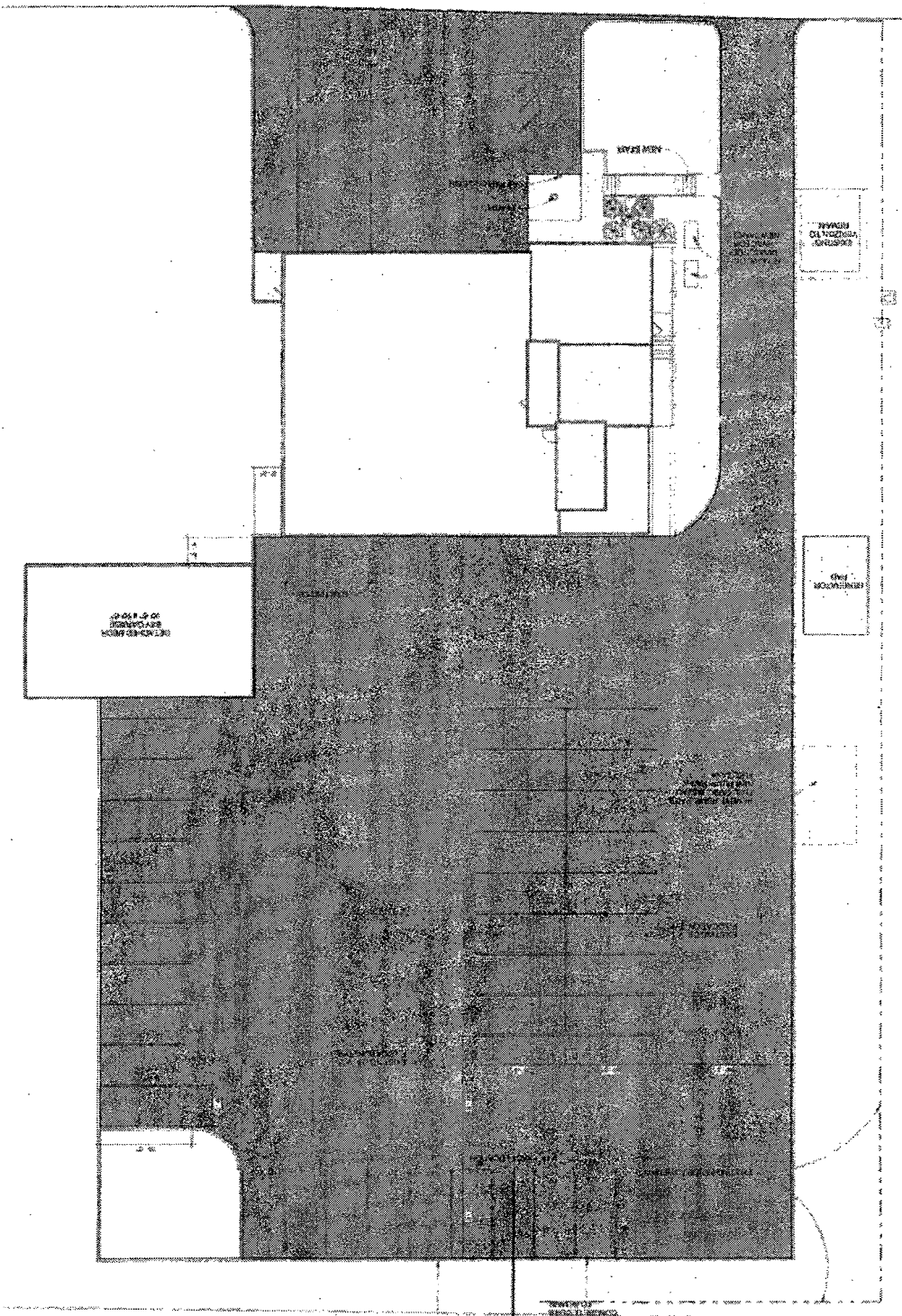
MECHANICS BAY ADDITION

PROBABLE ADDITIONAL COST  
\$560,000 TO \$585,000

#11-09(2)

144 Elliot Street  
Newton, Massachusetts  
Fire Station No. 7

SITE PLAN  
OPTION 3  
L-1.1



EXISTING DRIVE  
20' x 100'

EXISTING BRAN

EXISTING BRAN

NEW BRAN

DATE: 11/11/11  
DRAWN BY: [illegible]

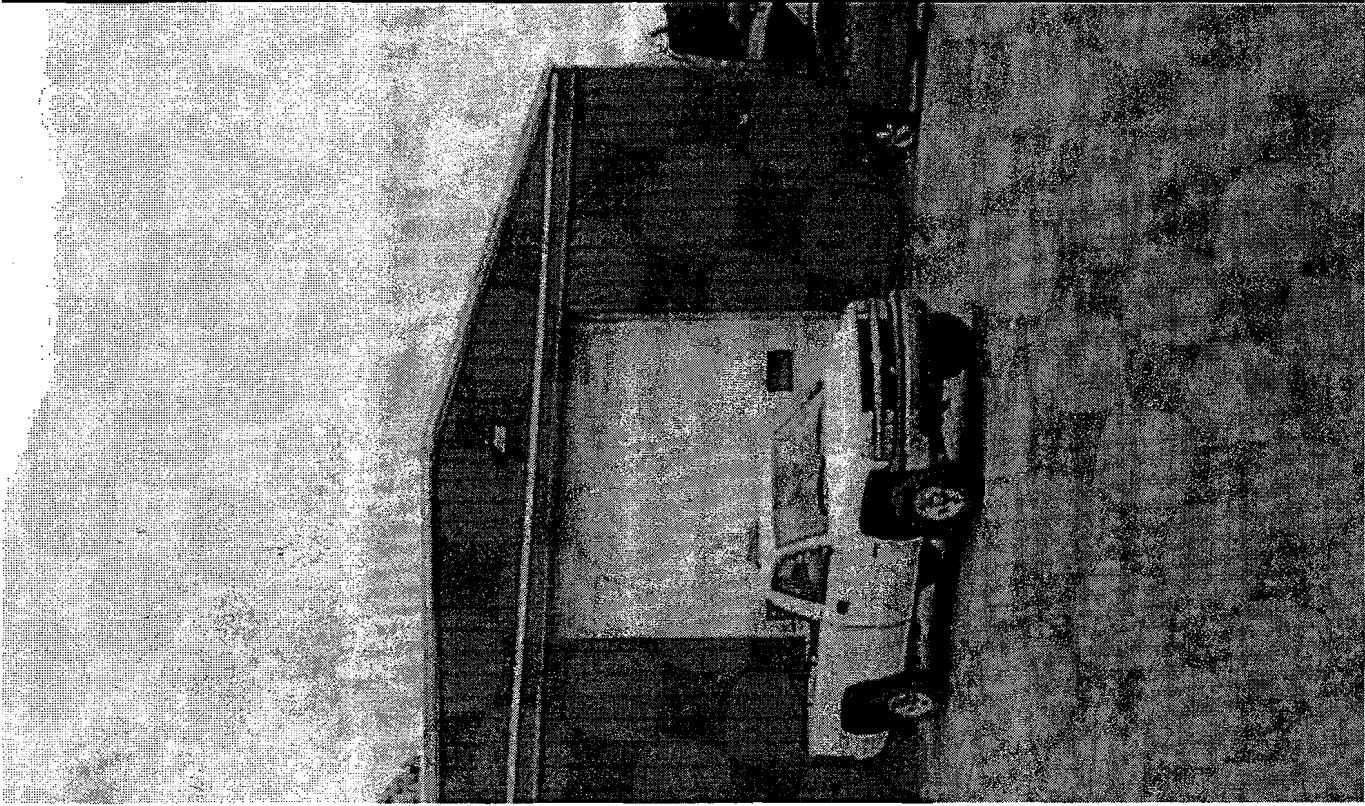


BUTLER TYPE BUILDING

1,500 SF

PROBABLE ADDITIONAL COST

\$275,000 TO \$300,000



City of Newton



David B. Cohen  
Mayor

**PUBLIC BUILDINGS DEPARTMENT**

**A. NICHOLAS PARNELL, AIA, COMMISSIONER**

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

#11-09(2)

09 SEP 11 PM 4:08  
CITY CLERK  
NEWTON, MA 02459

September 10, 2009

Alderman Sydra Schnipper  
Chairperson, Public Facilities Committee  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Fire Station #7 Renovation Project - Additional Back Up Materials - Docket Item # 11-09(2)

Dear Alderman Schnipper:

Enclosed please find additional back up materials regarding our request for funding for the Fire Station #7 Renovation Project.

The material is a revised spreadsheet outlining the project cost with and without the addition of the Mechanic's Bay.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Nicholas Parnell".

A. Nicholas Parnell, AIA  
Commissioner of Public Buildings

ANP:dla  
Enclosure

CC: Mayor David B. Cohen  
Honorable Board of Aldermen  
David Olson, Clerk of the Board  
Sandy Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
Chief Joseph LaCroix  
Arthur F. Cabral, Budget and Project Specialist

# Fire Station #7 Revised Budget

9/10/2009

#11-09(2)

	Projected Budget	Additional Cost Mechanics Bay	Projected Budget (w/mechanic bay addition)
Design (includes MEP Commissioning)	\$ 287,500	\$ 54,000	\$ 341,500
Clerk of the Works / PM	\$ 60,000	\$ -	\$ 60,000
Moving / Cleanout of station	\$ 15,000	\$ -	\$ 15,000
Storage Container Rental	\$ 2,500	\$ -	\$ 2,500
Temporary Housing	\$ 113,000	\$ -	\$ 113,000
Construction	\$ 3,210,327	\$ 441,000	\$ 3,651,327
Site Work	\$ 215,272	\$ 54,000	\$ 269,272
FF & E	\$ 80,000	\$ 10,000	\$ 90,000
<b>Sub Total</b>	<b>\$ 3,983,599</b>	<b>\$ 559,000</b>	<b>\$ 4,542,599</b>
Remaining Project Contingency	\$ 199,180	\$ 27,950	\$ 227,130
<b>Revised Budget Total</b>	<b>\$ 4,182,779</b>	<b>\$ 586,950</b>	<b>\$ 4,769,729</b>

09 SEP 11 PM 14:08  
 CITY CLERK  
 NEWTON, MA 02159

Potential Bid Dates:

(No mechanic bay addition)

Specs Available	13-Oct-09
Pre-Bid	27-Oct-09
Filed Sub Bids	10-Nov-09
General Bids	24-Nov-09

Potential Bid Dates:

(w/mechanic bay addition)

	4-Nov-09
	18-Nov-09
	3-Dec-09
	17-Dec-09

# 11-09(2)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#11-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million, eight hundred thirty-nine thousand dollars (\$3,839,000) from bonded indebtedness for the reconstruction of Fire Station # 7. [08/04/09 @ 4:29 PM]

**ACTION:** **APPROVED 5-0-1 (Gentile abstaining; Mansfield and Albright not voting)**

**NOTE:** The Project Architect, Debra Durland, of Durland Van Voohis Architects, gave a PowerPoint Presentation to the Committee. A hard copy of the presentation was attached to the agenda. Fire Station #7 was built in 1955 and there has been very little in the way of improvements since then. The presentation included lay out for each area of the fire station. The rehabilitation will provide a more organized space within the mechanic bays, private individual areas for the firefighters to sleep, additional storage space, and a second means of egress from the building. The building is on a hill and the parking lot and two overhead doors to access the mechanics' service space are located in the rear of the building. The layout of the first floor remains the same except for a new porch, better accessibility to the station and a new staircase. There is a major redesign of the second floor. As previously mentioned, there will be private spaces for sleeping, a day room, and new facilities for both men and women. The roof is new and there is minimal work planned on the roof in order to maintain the warranty on roof. Ms. Durland also provided the probable cost of the rehabilitation, which is \$4,182,799. If the design contingency were increased to 5%, the total cost would be \$4,269,885.

Ald. Yates asked if the ability for solar generated hot water remained. Ms. Durland stated that the solar equipment was removed when the new roof was installed. Commissioner Parnell explained that the Public Buildings Department is looking at the possibility of installing photovoltaic equipment. However, the idea is still in the early investigative stage. Ald. Mansfield inquired if a new hot water system is being installed and if it could utilize the photovoltaic system. Ms. Durland stated that the rehabilitation includes a new gas hot water system; the photovoltaic system is used to generate electricity.

Fire Chief LaCroix spoke on the rehabilitation and stated that he is pleased that there will be the ability to use the new stair tower for high-rise fire training. The firefighters currently utilize the Boston College parking garage to train for this type of fire. Chief LaCroix alluded to the alternative design, which includes an additional mechanics bay. Ms. Durland's presentation included slides depicting the additional mechanics bay and the costs associated with the additional mechanics bay. The new attached bay would be 1,500 square feet and would service the newer fire equipment that cannot be serviced within the two existing bays due to their size. The Fire Department services their whole fleet at Station #7. The addition will service the biggest pieces of equipment. Currently, there are two vehicles within the fleet that cannot fit into the existing service bays; however, as the old fleet is replaced there will be other trucks that do not fit within the current mechanic bays. The newer fire trucks are taller and wider and when they are being serviced there needs to be 18' of clearance. Anything the city buys in the future would need to be custom built to allow them to be serviced in the existing mechanic bays, which would increase the cost of the new vehicles greatly. The new bay will be 20' in height and able to accommodate the new vehicles. All three bays will be utilized for repair of any type of vehicle. Committee members asked where the two fire engines are serviced. The work is done

outside of Fire Station #7, as all mechanics are located at that station. Ms. Durland also provided a second alternative to address the mechanic bay issue. It is possible to put up a temporary building to be used as a mechanics bay but it will not last very long. Ms. Durland provided a picture and costs of a freestanding structure to be used as a mechanics bay. The Committee members felt that a temporary structure was not the way to resolve the issue.

Ald. Lennon is becoming increasingly concerned about the cost of the rehabilitation of the fire stations. The rehabilitation of Station #4 has exceeded its original budget and it appears the even without the mechanics bay Station #7 will also exceed the projected funding. It is his fear that due to cost overruns at the two stations the city will not be able to rehabilitate the other stations. Ald. Lennon suggested looking at other alternatives that do not have such a cost impact such as utilizing the Department of Public Works' mechanic bay. Ald. Salvucci stated that the Public Works garage is not large enough to accommodate the fire trucks. Ald. Gentile urged that the new bay be a couple of feet higher to guarantee space for vehicles in the future. Ms. Durland felt that it was possible to build the bay a few feet taller.

Ald. Lennon also thought that adding the mechanic bay would become more palatable if there was an ability to work on other cities' and towns' equipment for a fee to help defray the cost. Chief LaCroix responded that he could put out feelers to other communities to determine if there is a need. The Chief also pointed out that many of the major repairs are done by the mechanics and the bay is an investment in the future. If it becomes necessary to send equipment out for service, it will be very expensive. It is important to build stations that meet the needs of the fire department. Ald. Lennon encouraged the Chief to find answers, such as whether it is possible to service the larger trucks in the Public Works Department garages. Ald. Gentile asked how the Aldermen could justify the cost of Station #7. He also asked if the other stations are going to be significantly less costly. The Fire Chief could not comment on the costs of the other stations but felt that the rehabilitation would provide a place for training and the ability for the Fire Department to continue to repair its own equipment. Commissioner Parnell explained that Station #7 is probably the most complex station. Some of the other stations are smaller and will not be as expensive to rehabilitate. There are other stations that are much newer than Station #7 and will not require the same amount of rehabilitation.

Ald. Lennon pointed out that the fire station rehabilitations are part of the Capital Plan and are each budgeted for approximately \$2.8 million. The Mayor's request for bond authorization is for \$3,839,000 and the figure given by architect for the rehabilitation without the third bay is \$4,182,799. The Commissioner responded that the Mayor would be sending a request for an amendment to the docket item. Ald. Lennon stated that it is important to paint a realistic picture of the fire station rehabilitations. The Committee felt that the financing of the station rehabilitations should be discussed in the Finance Committee. Commissioner Parnell provided the attached spreadsheet, which outlines the project costs with and without the addition of the mechanic's bay.

Ald. Yates asked if the City has applied for any grant money available to the Fire Department for rehabilitation. The Fire Chief responded that there has been application sent in and he is just waiting to hear if the Fire Department will receive funds. Ald. Yates felt that Station #7 is a citywide facility, as all the fire equipment is repaired at the site. He also reasoned

#11-09(z)

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 9, 2009

PAGE 6

that if the new standard is to build all the apparatus higher, you have a good case for the third bay.

Commissioner Parnell informed the Committee that the project has been reviewed by the Design Review Committee (DRC). The DRC was very responsive to what is being done. The DRC preferred the permanent mechanics bay to the temporary structure. Tommy Lopez, Fire Union President, voiced his support of the project and pointed out that the Chief and architects are creating a place to train for high-rise fires that was recommended as part of study in 1980. Ald. Yates moved approval of the item, which carried. Ald. Gentile abstained due to the questions regarding financing. However, he does agree with the Design Review Committee's recommendation to build the mechanic's bay as part of building.



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

# 196-07(5)

Telephone  
(617) 796-1100  
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(617) 796-1113  
TDD  
(617) 796-1089  
E-mail  
dcohen@newtonma.gov

August 4, 2009

09 AUG -4 PM 4:28  
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 docket for consideration a request to appropriate an additional one hundred twelve thousand, four hundred dollars (\$112,400) from bonded indebtedness for the rehabilitation of Fire Station #4. This request is based on the revised budget contained in the attached letter from Commissioner Parnell.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



David B. Cohen  
Mayor

PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

#196-07(5)

August 4, 2009

The Honorable David B. Cohen  
Mayor  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Additional Funding Request – Fire Station #4 Renovations

Dear Mayor Cohen:

The renovation project at Fire Station #4 is nearing completion. The anticipated completion date of the project is September 30, 2009. During the course of the project several unknown existing conditions have been encountered. They are summarized on the attached spreadsheet. The final cost of this project is anticipated to be \$ 2,925,417.00; an increase of \$ 112,417.00 from our last project estimate of December, 2008. The total change order cost is anticipated to be \$ 2,538,342 or 9.92% of the original contract cost. Attached for your information is the final budget for this project.

With the above as an understanding, the Public Buildings Department is requesting an additional \$ 112,417.00 for this project.

Please feel free to get back to either Arthur Cabral or myself should you have any questions concerning the attached document.

Sincerely,

A. Nicholas Parnell, AIA  
Commissioner of Public Buildings

ANP:dla  
Enclosure

CC: Chief Joseph LaCroix  
Sandy Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
David Olson, Clerk of the Board  
Arthur F. Cabral, Budget & Project Specialist

09 AUG -4 PM 4: 29  
CITY CLERK  
NEWTON, MA. 02159



# Fire Station #4 Revised Budget

7/31/2009

#196-07(5)

## Final Project Costs

Design (includes MEP Commissioning)	\$ 249,086.92
Clerk of the Works / PM	\$ 49,913.08
Moving / Cleanout of station	\$ 13,850.00
Storage Container Rental	\$ 4,603.88
Temporary Housing	\$ -
Construction	\$ 2,412,817.00
Site Work	\$ 125,575.00
FF & E	\$ 60,000.00
<b>Sub Total</b>	<b>\$ 2,915,845.88</b>
<b>Remaining Project Contingency</b>	<b>\$ 9,571.12</b>
<b>Revised Budget Total</b>	<b>\$ 2,925,417.00 \$ 230.28 sq. ft.</b>
<b>Current Budget</b>	<b>\$ 2,813,000.00</b>
<b>Additional Funds Required</b>	<b>\$ 112,417.00</b>

## Contract Summary:

Base Contract:	\$ 2,309,388
Change order #1	(Corrected base contract total, included above)
Change order #2	\$ 29,324
Change order #3	\$ 5,899
Change order #4	\$ 35,160
Change order #5	\$ 14,132
Change order #6	\$ 58,891
Change order #7	\$ 85,598 (estimated cost)
<b>Additional work change order total</b>	<b>\$ 229,004 9.92%</b>
<b>Revised Contract Total</b>	<b>\$ 2,538,392</b>

## Major Change Order Items:

1. Additional Site work due to poor subsurface conditions (prep for contracted asphalt work as well as replacement of existng)	\$ 56,038
2. Additional asbestos abatement work	\$ 29,324
3. Underground Fuel Oil Tanks removal & replacement with single tank in basement	\$ 18,832
4. Column replacement at front of building	\$ 14,383
5. Repair to door sill area at overhead doors	\$ 32,448
<b>Total of Major Change Order Items</b>	<b>\$ 151,025</b>

09 AUG -4 PM 4: 29  
 CITY CLERK  
 NEWTON, MA. 02159

City of Newton



David B. Cohen  
Mayor

**PUBLIC BUILDINGS DEPARTMENT**

**#196-07(5)**

**A. NICHOLAS PARNELL, AIA, COMMISSIONER**

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

September 10, 2009

Alderman Sydra Schnipper  
Chairperson, Public Facilities Committee  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Fire Station #4 Renovation Project – Additional Back Up Materials – Docket Item  
# 196-07(5)

Dear Alderman Schnipper:

Enclosed please find additional back up materials regarding our request for funding for the Fire Station #4 Renovation Project.

These materials are copies of change orders #1 thru #6 and a copy of the Revised Budget.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "A. Nicholas Parnell".

A. Nicholas Parnell, AIA  
Commissioner of Public Buildings

ANP:dla

Enclosure

CC: Mayor David B. Cohen  
Honorable Board of Aldermen  
David Olson, Clerk of the Board  
Sandy Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
Chief Joseph LaCroix  
Arthur F. Cabral, Budget and Project Specialist

Change Orders Pending

- Eliminate CMU Walls Below New Stairs
- Storage Room Wall
- Electrical/Wall Changes in Offices 214 and 215
- Modified Pavement System at New Drive and Existing Pavement Replacement
- ACT Ceiling in Existing Stair Hall E204
- ACT Ceiling in New Stair 228
- Underground Tanks Removal and Newton 275 Gal. Tank
- Extend GWB to Underside of Deck
- Eliminate Window Roller Shades
- ADA Undercounter Refrigerator
- Hardware Core Changes
- Concrete Cap at Holding Tank

*City of Newton*

#196-07(5)

*CHANGE ORDER NO.1*

TO

CONTRACT NO. C- 2664

**TO:** Re Cappoli – Chief Procurement Officer

**THROUGH:** A. Nicholas Parnell, AIA

**FROM:** Arthur Cabral

**DATE:** March 26, 2009

---

M.G.L. c.149 and M.G.L. c.30, sec.39M states that: Change orders must be in writing. Within 30 days after a change order is issued, the awarding authority must issue a certificate, signed under penalties of perjury, containing the following:

Due to Masonry filed-sub Low Bidder withdrawing their bid, there was a change in the cost of this filed sub bid. The original contract total included the additional cost of the new Masonry Filed Sub Bid cost but not the mark-up that is entitled to the General Contractor, the following change in the original contract total is required at this time:

Mark-up for increased masonry filed sub-bid due to original sub-bidder withdrawing their bid - \$8,388.00

No substitutions from the original design documents is necessary and that the contract price has been equitably adjusted based on the original bid provided.

This change does not significantly hurt the project and that it is in the best interest of the awarding authority. [M.G.L.c.30,sec.39M]

**In accordance with the requirements of G.L. c. 30, §39I, the City, acting through its Public Buildings Commissioner, certifies that any substantial deviation(s) from the original plans and specifications proposed by the above referenced proposed Change Order: 1) does not materially injure the Project as a whole; 2) is of the same cost and quality as the originally specified work or that an equitable adjustment in the Contract Sum has been agreed upon by the Parties; and 3) that the deviation is in the best interest of the City.**

Signed under Pains and Penalties of Perjury this 26th day of March, 2009.

\_\_\_\_\_  
Commissioner of Public Buildings

*City of Newton*

#196-07(5)

CHANGE ORDER NO.2

TO

CONTRACT NO. C- 2664

TO: Re Cappoli – Chief Procurement Officer

THROUGH: A. Nicholas Parnell, AIA

FROM: Arthur Cabral

DATE: March 26, 2009

---

M.G.L. c.149 and M.G.L. c.30, sec.39M states that: Change orders must be in writing. Within 30 days after a change order is issued, the awarding authority must issue a certificate, signed under penalties of perjury, containing the following:

Due to unforeseen conditions, the following changes in the original contract are required at this time:

1. Additional Asbestos Removal - \$29,323.98

No substitutions from the original design documents is necessary and that the contract price has been equitably adjusted based on the original bid provided.

This change does not significantly hurt the project and that it is in the best interest of the awarding authority. [M.G.L.c.30,sec.39M]

In accordance with the requirements of G.L. c. 30, §39I, the City, acting through its Public Buildings Commissioner, certifies that any substantial deviation(s) from the original plans and specifications proposed by the above referenced proposed Change Order: 1) does not materially injure the Project as a whole; 2) is of the same cost and quality as the originally specified work or that an equitable adjustment in the Contract Sum has been agreed upon by the Parties; and 3) that the deviation is in the best interest of the City.

Signed under Pains and Penalties of Perjury this 26th day of March, 2009.

\_\_\_\_\_  
Commissioner of Public Buildings

City of Newton

#196-07(5)

CHANGE ORDER NO. 3

TO

CONTRACT NO. C- 2664

TO: Re Cappoli -- Chief Procurement Officer

THROUGH: A. Nicholas Parnell, AIA

FROM: Arthur Cabral

DATE: March 26, 2009

---

M.G.L. c.149 and M.G.L. c.30, sec.39M states that: Change orders must be in writing. Within 30 days after a change order is issued, the awarding authority must issue a certificate, signed under penalties of perjury, containing the following:

Due to unforeseen conditions, the following changes in the original contract are required at this time:

1. Remove and dispose of chain link fence in apparatus bay	+1,518.44
2. Demolition and disposal of pipe chase walls	+1,228.15
3. Removal of unsuitable material in the drain & foundation trenches	+3,151.76
Total	\$5,898.35

No substitutions from the original design documents is necessary and that the contract price has been equitably adjusted based on the original bid provided.

This change does not significantly hurt the project and that it is in the best interest of the awarding authority. [M.G.L.c.30,sec.39M]

In accordance with the requirements of G.L. c. 30, §39I, the City, acting through its Public Buildings Commissioner, certifies that any substantial deviation(s) from the original plans and specifications proposed by the above referenced proposed Change Order: 1) does not materially injury the Project as a whole; 2) is of the same cost and quality as the originally specified work or that an equitable adjustment in the Contract Sum has been agreed upon by the Parties; and 3) that the deviation is in the best interest of the City.

Signed under Pains and Penalties of Perjury this 26th day of March, 2009.

\_\_\_\_\_  
Commissioner of Public Buildings

City of Newton

#196-07(5)

CHANGE ORDER NO.4

TO

CONTRACT NO. C- 2664

TO: Re Cappoli – Chief Procurement Officer

THROUGH: A. Nicholas Parnell, AIA

FROM: Arthur Cabral

DATE: June 9, 2009

---

M.G.L. c.149 and M.G.L. c.30, sec.39M states that: Change orders must be in writing. Within 30 days after a change order is issued, the awarding authority must issue a certificate, signed under penalties of perjury, containing the following:

The following changes in the original contract are required at this time:

1. One of the addenda removed the Kitchenette unit that included a sink and faucet but did not call for a standard sink and faucet to be installed. Cost to provide: \$ 1,694.84
2. Demolition of additional concrete on apparatus floor not shown on drawings: \$ 1,468.20
3. Replace plumbing fixtures in Bath E206. Not originally part of project but added during pre-construction meeting: \$ 8,658.46
4. Existing condition of soils around building required additional test pits to determine the composition of the soil: \$ 1,038.34
5. Existing column at front of the building was found to require replacement after the removal of the masonry around it. Column was found to be twisted after demolition was complete: \$14,383.37
6. Construction of a CMU wall instead of the sheet rock wall shown on the drawings due to the relocation of water main installed by the City of Newton: \$ 7,122.50
7. The water heater shown on the drawings would not fit through the existing door opening. Two smaller units were purchased at reduced cost: (\$ 2,825.00)
8. Original plans called for the installation of GWB on all wall surfaces on the stairwells and mezzanine offices. This change is to provide GWB and framing on the lower portion of the wall to accomodate a new chair rail not called for originally on the plans: \$1,922.48
9. Two additional structural frame floor openings we required after the coordination of the various trades on the job revealed a conflict: \$1,697.00

Total \$35,160.19

City of Newton

#196-07(5)

CHANGE ORDER NO. 5  
TO  
CONTRACT NO. C- 2664

TO: Re Cappoli – Chief Procurement Officer

THROUGH: A. Nicholas Parnell, AIA

FROM: Arthur Cabral

DATE: July 6, 2009

M.G.L. c.149 and M.G.L. c.30, sec.39M states that: Change orders must be in writing. Within 30 days after a change order is issued, the awarding authority must issue a certificate, signed under penalties of perjury, containing the following:

The following changes in the original contract are required at this time:

- |   |                   |
|---|-------------------|
| 1. Lighting and wiring changes requested by Fire Department after Project was bid.              | + \$4,040.61      |
| 2. Installation of Arc fault Circuit Breakers per Electrical Inspector after Project was bid    | + \$6,225.60      |
| 3. Credit for not removing existing window sills and door frames                                | ( \$1,000.00)     |
| 4. Install wood trim for chair rails not within original scope of the bid project.              |                   |
| This is a scope change from the bid documents   | +\$ 1,540.77      |
| 5. Purchase of Fire Alarm panel originally to be purchased by the City                          | +\$2,797.94       |
| 6. Elimination of fire suppression system above ceiling per Fire Department:                    | ( \$1,050.00)     |
| 7. Change in door and hardware styles, additional of some styles and reduction of others        | ( \$ 1,080.00)    |
| 8. Installation of a new sump pump pit cover and venting of same per the<br>Plumbing Inspector: | <u>\$2,657.51</u> |
| Total   | 14,132.43         |

No substitutions from the original design documents are necessary and that the contract price has been equitably adjusted based on the original bid provided.

This change does not significantly hurt the project and that it is in the best interest of the awarding authority. [M.G.L.c.30,sec.39M]

In accordance with the requirements of G.L. c. 30, §39I, the City, acting through its Public Buildings Commissioner, certifies that any substantial deviation(s) from the original plans and specifications proposed by the above referenced proposed Change Order: 1) does not materially injure the Project as a whole; 2) is of the same cost and quality as the originally specified work or that an equitable adjustment in the Contract Sum has been agreed upon by the Parties; and 3) that the deviation is in the best interest of the City.

Signed under Pains and Penalties of Perjury this 8th day of June, 2009.

\_\_\_\_\_  
Commissioner of Public Buildings



*City of Newton*

#196-07(5)

*CHANGE ORDER NO.6*  
TO  
*CONTRACT NO. C- 2664*

**TO:** Re Cappoli – Chief Procurement Officer

**THROUGH:** A. Nicholas Parnell, AIA

**FROM:** Arthur Cabral

**DATE:** August 21, 2009

---

M.G.L. c.149 and M.G.L. c.30, sec.39M states that: Change orders must be in writing. Within 30 days after a change order is issued, the awarding authority must issue a certificate, signed under penalties of perjury, containing the following:

The following changes in the original contract are required at this time:

1. Change CO2 detectors from 110v to 24v per Fire Department	\$ 2,506.53
2. Install Epoxy Flooring in Bath E206. (enhancement - not to be done in original contract)	\$ 4,018.27
3. Repair of unknown sill conditions at Overhead Doors	\$23,196.93
4. Install concrete apron at overhead doors due to unknown filed conditions	\$ 9,250.53
5. Removal and disposal of underground fuel oil tanks (enhancement - not in original contract)	\$14,402.85
6. Re-route 911 lines and electrical service (FD request - not in original contract)	\$11,692.68
7. Installation of exterior gas line (FD request - not in original contract)	\$ 2,145.91
8. Change in style of over head doors - Credit (PBD request to change style)	(\$457.00)
9. Infill apparatus wall holes to intermediate floor level (not in original contract)	\$ 807.35
10. Reduction in area of roof to be removed for new HVAC equipment – Credit	(\$7,973.00)
11. PBD request to Change from ceiling to floor mounted Toilet Partitions – Credit	(\$ 700.00)

Total \$58,891.05

Minor substitutions from the original design documents were necessary and that the contract price has been equitably adjusted based on the original bid provided.

This change does not significantly hurt the project and that it is in the best interest of the awarding authority. [M.G.L.c.30,sec.39M]

**In accordance with the requirements of G.L. c. 30, §39I, the City, acting through its Public Buildings Commissioner, certifies that any substantial deviation(s) from the original plans and specifications proposed by the above referenced proposed Change Order: 1) does not materially injure the Project as a whole; 2) is of the same cost and quality as the originally specified work or that an equitable adjustment in the Contract Sum has been agreed upon by the Parties; and 3) that the deviation is in the best interest of the City.**

Signed under Pains and Penalties of Perjury this 21st day of August, 2009.

---

Commissioner of Public Buildings

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#196-07(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional one hundred twelve thousand, four hundred dollars (\$112,400) from bonded indebtedness for the rehabilitation of Fire 0 Station #4. [08/04/09 @ 4:28 PM]

**ACTION:** **APPROVED 7-0-1 (Gentile abstaining)**

**NOTE:** Arthur Cabral presented the request for additional funds for the rehabilitation of Fire Station #4. The funds are being requested to close out work at Fire Station #4. The rehabilitation is over 95% done. The station should be back on-line in early October. A list of the major change order items was included as part of the backup attached to the agenda. Mr. Cabral explained that some of the change orders such as the removal of the underground fuel tank were not part of the original budget. In addition there was additional asbestos abatement required that was not anticipated. There was also a change order due to the need to reconstruct the driveway apron, as when it was opened it was discovered that there were poor subsurface conditions.

Ald. Salvucci stated that the overhead doors seem to be very large. Fire Chief LaCroix responded that the doors are the standard 14' x 14' doors, which meet the size requirement for future equipment. The Committee requested copies of all pending change orders related to the project. Mr. Cabral agreed to provide those to the Board and they are attached to the report. The Committee also requested that the Fire Chief or Public Buildings Department provide a memo to the committee regarding the installation of smoke desks and the watch desks at various stations. Ald. Yates moved approval of the item, which carried by a vote of seven in favor and one abstention. Ald. Gentile abstained as he wished to review the change orders and had further questions regarding the financing of the rehabilitation. Commissioner Parnell encouraged Committee members to walk through Station #4 before it is opened.



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#76-07

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

February 27, 2007

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 appropriate and expend three hundred thousand dollars (\$300,000) from Free Cash to conduct a study of the municipal buildings throughout the city.

This study is part of our comprehensive, long range plan to assess the capital needs throughout the city. The results of this study will be inform the allocation of capital funds in the years to come.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC:srb

2007 FEB 27 PM 4: 16  
CITY CLERK  
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE



PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone (617) 796-1600

FAX (617) 796-1601

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen  
Mayor

February 27, 2007

The Honorable David B. Cohen  
Mayor  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

2007 FEB 27 PM 4:16  
CITY CLERK  
NEWTON, MA 02159

RE: Municipal Buildings Facilities Study

Dear Mayor Cohen:

The Public Buildings Department respectfully requests the sum of \$300,000.00 to conduct a study of the City's municipal buildings.

The study will include evaluating the building envelope, structural, electrical, plumbing and mechanical, and life safety systems. Included in the study will be a life cycle cost analysis and remediation plan with cost estimates.

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

Sincerely,

A. Nicholas Parnell, AIA  
Commissioner of Public Buildings

ANP:dla  
cc: Sandy Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#76-07

Telephone  
(617) 796-1100  
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E-mail  
dcohen@newtonma.gov

March 16, 2007

2007 MAR 16 PM 4:51  
CITY CLERK  
NEWTON, MA. 02159

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

Ladies and Gentlemen:

Based on the vote of the Finance Committee on Monday March 12, 2007, I amend my request, in docket item #76-07, to include a facilities study for the twenty-six largest municipal buildings. I have attached a revised excerpt from the draft Request for Qualifications with a list of the buildings to be studied.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: smp

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE

# 76-07

**STUDY ARCHITECT FOR ASSESSMENT OF  
Facilities Study**

2007 MAR 16 1 PM 4:51  
CITY CLERK  
NEWTON, MA 02159

The City of Newton has over 70 municipal buildings. The requested study will look at these buildings that provide essential services and house a number of critical programs.

**Study objectives:**

The Newton Public Buildings Department is interested in a long-range Facilities Study of 26 municipal buildings. It is the City's desire to create a database and inventory of the existing facilities and sites.

The desired outcome is an electronic database containing current information about these buildings. A set of standards outlining how each building conforms to the standards and recommended approach and time table for addressing bringing buildings up to standards as well as a hierarchy of needs with priorities listed. Care will need to be taken to ensure that these standards are realistic, achievable, and take into account fiscal and other constraints. The City of Newton would expect to own the database and continue to update it following the completion of the study.

The City of Newton through its Designer Selection Committee is currently seeking expressions of interest from individuals and firms for professional services for the following work:

**City of Newton Municipal Buildings Facilities Study**

The City of Newton Municipal Buildings Survey Study dated April 30, 1978 (Volumes I and II) will serve as a reference in the completion of the following scope of services:

DEPARTMENT	LOCATION	YEAR BUILT	TOTAL SQ. FT.
<b><u>LIBRARY (5)</u></b>			
Main Library	330 Homer Street	1991	93,000
Auburndale Library	371 Auburn Street	1934	4,830
Newton Corner Library	124 Vernon Street	1910, 1934	6,138
Nonantum Library	114 Bridge Street	1957	5,137
Waban Library	1608 Beacon Street	1934	6,378
			<b>115,483</b>
<b><u>PUBLIC WORKS (4)</u></b>			
Elliot Street Operations Center	74 Elliot Street	1927	15,858
Elliot Street Garage	70 Elliot Street	1959	9,000
Crafts Street DPW Operations Ctr.	90 Crafts Street	1894	19,553
Crafts Street Garage	110 Crafts Street	1919, 36, 88	23,474
			<b>67,885</b>
<b><u>RECREATION (9)</u></b>			
Crystal Lake Bath House	16 Rogers Street	1931	7,581

Hawthorne Fieldhouse	17 Hawthorne Street	1950	5,608
Recreation Headquarters	70 Crescent Street	1900	3,208
Lower Falls Comm. Center	545 Grove Street	1958	10,519
Recreation Garage	70 Crescent Street, (rear)	1940	4,600
Albemarle Fieldhouse	250 Albemarle Road	1964	2,072
Gath Pool Facility	256 Albemarle Road	1964	4,600
Upper Falls Comm. Ctr/Lib.	5 High Street	1955	13,118
Newton Centre Fieldhouse	81 Tyler Terrace	1900	4,558

2007 MAR 16 1 PM 4:51  
 NEWTON, MA 02459  
 CLERK  
 55-58

**MISCELLANEOUS (4)**

City Hall/War Memorial	1000 Commonwealth Ave.	1931	8,000
Jackson Homestead	527 Washington Street	1807	6,000
Health Department	1294 Centre Street	1934	4,581
Senior Citizens Center	345 Walnut Street	1938	11,298
			<b>103,879</b>

**PUBLIC SAFETY (4)**

Fire Alarm Headquarters	1164 Centre Street	1928	6,541
Police Headquarters	1321 Washington Street	1932	30,000
Police Garage	1321 Washington Street	1959	7,548
Police Annex	25 Chestnut Street	1925	5,470
			<b>49,559</b>

Contact for Site Visit: Henry Milo  
 Facilities Manager  
 Newton Public Buildings Department  
 617-796-1613

Contact for Copies of Municipal Buildings Survey April 30, 1986 (Volumes I and II)  
 A. Nicholas Parnell  
 Public Buildings Commissioner  
 City of Newton  
 52 Elliot Street  
 Newton Highlands, MA 02461  
 617-796-1600

Completion Date for Final Report January 7, 2008  
 The RFQ for the Project Designer includes Information to Applicants; Questionnaire; Criteria to be used by the Designer Selection Committee in Attachment A, Tentative Schedule for Selection Process to be followed by the Designer Selection Committee in Attachment B.

Applicants should submit twenty-four (24) copies of the completed and signed Questionnaire and completed and signed Sub-Consultant Acknowledgement for all identified Sub-Consultants no later than 2:00 p.m. on May 10, 2007:

# 76-07

DEPARTMENT	LOCATION	YEAR BUILT	SQ. FT.	StudyCost/Bldg.
<b><u>LIBRARY (5)</u></b>				
Main Library	330 Homer Street	1991	93,000	\$ 59,148
Auburndale Library	371 Auburn Street	1934	4,830	\$ 3,071
Newton Corner Library	124 Vernon Street	1910 /34	6,138	\$ 3,903
Nonantum Library	114 Bridge Street	1957	5,137	\$ 3,267
Waban Library	1608 Beacon Street	1934	6,378	\$ 4,056
			<b>115,483</b>	
<b><u>PUBLIC WORKS (4)</u></b>				
Elliot Street Operations Ctr.	74 Elliot Street	1927	15,858	\$ 10,085
Elliot Street Garage	70 Elliot Street	1959	9,000	\$ 5,724
Crafts St. DPW Op. Ctr.	90 Crafts Street	1894	19,553	\$ 12,534
Crafts Street Garage	110 Crafts Street	1919/ 36/88	23,474	\$ 14,929
			<b>67,885</b>	
<b><u>RECREATION (9)</u></b>				
Crystal Lake Bath House	16 Rogers Street	1931	7,581	\$ 4,821
Hawthorne Fieldhouse	17 Hawthorne Street	1950	5,608	\$ 3,566
Recreation Headquarters	70 Crescent Street	1900	3,208	\$ 2,040
Lower Falls Comm. Center	545 Grove Street	1958	10,519	\$ 6,690
Recreation Garage	70 Crescent Street	1940	4,600	\$ 2,925
Albemarle Fieldhouse	250 Albemarle Road	1964	2,072	\$ 1,317
Gath Pool Facility	256 Albemarle Road	1964	4,600	\$ 2,925
Upper Falls Comm. Ctr/Lib.	5 High Street	1955	13,418	\$ 8,533
Newton Centre Fieldhouse	81 Tyler Terrace	1900	4,352	\$ 2,767
			<b>55,958</b>	
<b><u>MISCELLANEOUS (4)</u></b>				
City Hall/War Memorial	1000 Comm. Ave.	1931	81,000	\$ 51,730
Jackson Homestead	527 Washington Street	1807	7,000	\$ 4,452
Health Department	1294 Centre Street	1934	4,581	\$ 2,913
Senior Citizens Center	345 Walnut Street	1938	11,298	\$ 7,185
			<b>103,879</b>	
<b><u>PUBLIC SAFETY (4)</u></b>				
Fire Alarm Headquarters	1164 Centre Street	1928	6,541	\$ 4,160
Police Headquarters	1321 Washington Street	1932/93	30,000	\$ 19,080
Police Garage	1321 Washington Street	1959	7,548	\$ 4,800
Police Annex	25 Chestnut Street	1925	5,470	\$ 3,478
			<b>49,559</b>	
<b>TOTALS</b>			<b>392,764 S.F.</b>	<b>\$ 250,000</b>

Note: The individual estimate for each building was derived from a square foot cost of \$0.63. This may change after the selected consultant has had the opportunity to respond and adjust according to the level of study each building will undergo. The outcome of the study will ultimately provide the City with a comprehensive plan to address the deficiencies identified.





David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

# 76-07

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(617) 796-1100

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dcohen@newtonma.gov

September 28, 2007

NEWTON, MA. 02459  
CITY CLERK

2007 SEP 28 1 PM 5: 01

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

Ladies and Gentlemen:

I write to request that your Honorable Board amend docket item 76-07, a request appropriate three hundred thousand dollars (\$300,000) to conduct a study of the municipal buildings throughout the city. The source of funds for this study is to be FY08 Free Cash.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC:srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE

#76-07

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 3, 2007

PAGE 3

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#76-07

**HIS HONOR THE MAYOR** requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]

**Public Facilities Approved 6-0-1 on 3/7/07; Finance Motion to Approve Fails to Carry 2-4-1 on 03/12/07; Item Recommended to both Committees on 3/19/07, Public Facilities held on 3/21/07**

**ACTION:** **APPROVE AS AMENDED 5-0 @ \$250,000 (Albright not voting)**

**NOTE:** Commissioner Parnell was present for the discussion of this item. The Board recommitted this item on March 19, 2007. The Public Facilities Committee previously voted approval of the item on March 7, 2007. On March 16, 2007, the Mayor amended his original request for \$300,000 to \$250,000 for a study of 26 of the largest municipal buildings. The Committee then discussed the item on March 21, 2007 and held the item awaiting the release of the fire station study. The fire station study has been released and the Mayor has submitted a letter to the Committee clearly identifying the funding source as FY'08 Free Cash. The previous reports on this item and the letter identifying the source of the funds are attached. The Committee voted unanimously to approve the item as amended.



David B. Cohen  
Mayor

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Office of the Mayor

#286-09

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September 14, 2009

CITY CLERK  
NEWTON, MA 02159

09 SEP 15 PM 3:08

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 appropriate fifteen thousand dollars (\$15,000) from Budget Reserve for the purpose of supplementing the Newton Library Overtime accounts.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

From: BUDGET RESERVE  
011049F- J790 N, 100  
To: LIBRARY SALARIES  
0160103- J13001 15,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us

DEDICATED TO COMMUNITY EXCELLENCE

09/23/2009

#286-09

To: Finance Committee  
From: Newton Free Library  
Subject: Budget request for FY10  
Date: September 21, 2009

The library is open 40 Sundays with a total cost of \$91,132. In FY09 we reduced the Sunday hours from five to four. At that time we reduced the overtime budget by \$34,000. We subsequently realized that this was too much for the reduction of the one hour. This year we restored \$20,000 to the overtime budget by reducing \$10,000 from part-time personnel and \$10,000 from the materials budget. While this doesn't fully fund the estimated cost, we have historically been able to make up the difference in other salary savings. In the last few years, however, we have needed supplemental funding. While we do expect some savings towards this expense, at this time we estimate we need \$15,000.

Supplemental funding made later in the year cannot be reported to the MA Board of Library Commissioners for this fiscal year. By appropriating these funds now we will be able to include it in our annual report.

09 SEP 24 AM 8:59  
CITY CLERK  
NEWTON, MA 02459

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2009

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Paul E. Coletti, the sum of fifteen thousand dollars (\$15,000) to be appropriated from Budget Reserve be and is hereby appropriated, granted and expenditure authorized for the purpose of supplementing the Newton Library Overtime accounts.

FROM:	Budget Reserve (0110498-5790).....	\$15,000
TO:	Library Salaries (0160103-513001).....	\$15,000

Under Suspension of Rules  
Readings Waived and

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

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

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee



#287-09

City of Newton



David B. Cohen  
Mayor

# City of Newton, Massachusetts Community Preservation Committee

## MEMORANDUM



09 SEP - 9 PM 1:45  
CITY CLERK  
NEWTON, MA 02159

**DATE:** 8 September 2008  
**TO:** Mayor David B. Cohen, Honorable Board of Aldermen  
**FROM:** Alice E. Ingerson, Community Preservation Program Manager  
**RE:** minor correction to published  
CP program administrative budget for fiscal 2010

Dear ladies and gentlemen,

The Community Preservation Committee would like to correct a minor error in the program's published budget for fiscal 2010:

Return all funds from this account:

\$14,302 account 21Z114 - 511101, part-time staff (program administration)

To this account:

\$14,302 account 21R10498 - 5790, general reserve (grantable funds)

The "part-time staff line" was created in error and duplicates the \$13,176 allocated in the published administrative budget to account 21Z114 - 513004, for part-time "work by other departments," to be done at the request of the CPC or its full-time program manager.

Thank you for your attention to this request.

From: CPA Fund SALARIES  
21Z114-511101 14,302  
TO CPA Fund EXPENSES  
21R10498-5790 14,302

*AW* 09/23/2008

**CONTACT:** Alice E. Ingerson, Community Preservation Program Manager, aingerson@newtonma.gov,  
617.796.1144

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2009

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Paul E. Coletti, a transfer of fourteen thousand three hundred two dollars (\$14,302) from CPA fund salaries to correct an error from part-time staff to general reserve in the Community Preservation Committees program's published budget for FY10 be and is hereby-----.

FROM:	CPA Fund Salaries (21Z114-511101).....	\$14,302
TO:	CPA Fund Expenses (21R10498-5790).....	\$14,302

Under Suspension of Rules  
Readings Waived and

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

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

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee



# The General Laws of Massachusetts

[Search the Laws](#)

## PART I. ADMINISTRATION OF THE GOVERNMENT

### TITLE XX. PUBLIC SAFETY AND GOOD ORDER

Go To:  
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[Previous Section](#)  
[Chapter Table of Contents](#)  
[MGL Search Page](#)  
[General Court Home](#)  
[Mass.gov](#)

#### CHAPTER 140. LICENSES

##### EMPLOYMENT AGENCIES

##### DOGS

#### Chapter 140: Section 173. Ordinances and by-laws relating to dogs

Section 173. A town may make additional ordinances or by-laws relative to the licensing and restraining of dogs, and may affix penalties of not more than fifty dollars for a breach thereof; but such ordinances or by-laws shall relate only to dogs owned or kept in such town, and the annual fee required for a license under section one hundred and thirty-nine shall in no case be more than one dollar in addition to the amount required by said section.

**DOG FEES AND FINES**

**NEWTON (CITY)**

License Fee: \$15, \$10 spayed/neutered

License Fine: \$25

Leash Fine: \$50 flat fine

Waste: \$25, \$35, \$50

Barking \$25 flat fine

**ARLINGTON (TOWN)**

License Fee: \$15, \$10 spayed/neutered

License Fine: None

Leash Fine: Warning, \$50, \$75, \$150

Waste Fine: \$75, \$100, \$150

Barking Fine: None

**BELMONT (TOWN)**

License Fee: \$8 all dogs (and cats)  
\$5 owners over 60

License, Leash, Waste, Barking Fines: Warning, \$25, \$50

**BROOKLINE (TOWN)**

License Fee: \$20 all dogs

License Fine: \$20 late fee

License, Leash, Waste, Barking Fines: \$25, \$50, \$75

**FRAMINGHAM (TOWN)**

License Fee: \$15, \$10 spayed/neutered

License Fine: \$25 late fee, \$10 for each year unlicensed

Leash Fine: Warning, \$25, \$50, \$100

Waste Fine: None

Barking Fine: \$25 flat fine

**LEXINGTON (TOWN)**

License Fee: \$15 all dogs

License Fine: \$25 late fee

Leash Fine: \$50 or up to max permitted by MGL

Waste Fine: None

Barking Fine: None

**DOG FEES AND FINES**

**NATICK (TOWN)**

License Fee: \$15, \$10 spayed/neutered  
License Fine: \$25 late fee up to 30 days, \$50 for up to 60 days  
Failure to License: \$100  
Unvaccinated for Rabies: \$300  
Leash, Waste, Barking Fines: \$25, \$50, \$75, \$100  
Unleashed on park or school property: \$100 flat fine

**NEEDHAM (TOWN)**

License Fee: \$15, \$10 spayed/neutered  
License Fine: None  
Leash, Barking Fines: \$25, \$50  
Waste Fine: None

**WELLESLEY (TOWN)**

License Fee: \$20, \$12 spayed/neutered  
License Fine: \$25  
Leash, Barking Fines: \$50 flat fine  
Waste: None

**CAMBRIDGE (CITY)**

License Fee: \$15, \$5 spayed/neutered  
License Fine: \$25  
Leash, Waste Fines: \$10, \$25, \$50  
Barking Fine: \$50 flat fine

**BOSTON (CITY)**

License Fee: \$17, \$6 spayed/neutered, \$50 Pit Bulls/Pit Bull mixes  
License Fine: \$10  
Leash, Barking Fines: Warning, \$25, \$30, \$50  
Waste Fine: \$50 flat fine

## 2. By laws

Manual for Town Clerks - MASS. #233-09

#233-09

### a. submission to the Attorney General [40:32; 40A:5; 40C:3,4]

Within 30 days after the final adjournment of a town meeting, you must submit all new bylaws and amendments voted by the meeting to the attorney general for his approval. If you do not act within the 30 days, the selectmen may make the submission. [Chapter 38 of the Acts of 1981].

You must include in your submission proof that all procedures required by the General Laws and by your bylaws or charter have been satisfied. Since the statutory time limit is rather short, it is suggested that you start collecting the needed material well before town meeting begins.

Since the timing of various events leading up to town meeting is critical and a fairly large number of papers and certifications are required, the Department of Community Affairs has prepared a chart relating to zoning bylaw amendments.

The attorney general must approve the bylaw amendments within 90 days of the receipt of submission, unless he has requested additional proof. If he takes no action on the submission within the 90 day period, the bylaw amendments take effect "by reason of the failure of the Attorney General to seasonably act." If he disapproves a bylaw amendment, he must notify you and state his reasons for disapproval.

The Attorney General's Office has a packet available which will guide you through the process of submitting bylaws. Submit only the necessary pages.

It is suggested that you send your submission by certified mail, return receipt requested, so that you will have proof of the date of submission and the date received by the attorney general.

#### (1) general bylaws [ 40:32]

For adoption of or amendments to the general bylaws, the following must be submitted:

- - a certificate of each vote taken which amended the main motion under the article
- - two certificates of each final vote taken under the article with all amendments incorporated within the final text. The vote amending and the final vote may be included in one certificate provided the action taken is clear. A majority vote only is required to amend a General Bylaw, but if the final vote was counted, include the count in the certificate. (Sample certificate to follow).

In addition, the following will need to be submitted as proof that the required procedures were followed:

- ⇒ - a certified copy of the call of the meeting showing the date and place of the meeting, the closing of the warrant showing the manner in which service was ordered, the date the warrant was issued and the persons who issued it (the selectmen except under unusual circumstances) and the officer's return showing the date of service and posting.
- ⇒ - simply make a copy of the appropriate sections of the warrant containing the original signatures of the selectmen and the officer who posted it. Attest each page as a true copy, add your signature and the town seal. (See sample closing and officer's return at end of this section).

- ⇒ - your certificate that the service of the warrant was in accordance with the town's bylaws or vote of the town, and that any adjournments of the town meeting met all notice requirements of the bylaws or town meeting votes. If you have a quorum requirement, include in the certificate that the quorum requirement was met and that a quorum was present at all sessions of the meeting at which bylaw amendments were voted. (See sample at end of this section).
- ⇒ - a certified copy of each bylaw amendment article as it appeared in the warrant including any material referred to by reference in the article such as maps, plans, fee schedules, etc. If the warrant is fairly short, you may include a certified copy of the entire warrant, and you will not need to include a separate certified copy of the call of the meeting, the close of the warrant and the officer's return.

If, however, the warrant is fairly long, include only those articles which relate to bylaw amendments, certifying each page. In this case, it is suggested that you type at the top of each page "(year) Annual Town Meeting Warrant, Town of (name)" or "(date) Special Town Meeting Warrant, Town of (name)." This will specify the warrant from which the pages were taken in case they become separated from the rest of the submission.

If the substance of the bylaw being amended is not clear from the language of the warrant article, include a copy of the text of the bylaw section as in effect just prior to amendment. If you are submitting a large number of amendments, it may be helpful to the Attorney General if you include a certified copy of the entire bylaws.

**Note:** You do not need to submit amendments of the personnel bylaw to the attorney general since these are specifically exempted from such submission. [41:103C]

## (2) zoning bylaws [40A:5]

For adoption of or amendments to the zoning bylaws, you will need to submit all of the items listed above under (1) general bylaws. However, the final vote under a zoning bylaw amendment must be at least 2/3rds rather than a majority. Your certificates of final vote must include the count in favor and opposed, or be stated as unanimously voted.

The following additional items must be included in your submission:

- ⇒ - two certified copies of the zoning map, not larger than 24" x 36" and preferably smaller with the proposed changes outlined in color and the article number noted. If, however, none of the amendments being submitted relate to changes in zoning districts, a map need not be submitted. (See sample zoning map at end of this section).
- ⇒ - a certified copy of the notice of the public hearing on the proposed changes held by the planning board, or by the selectmen if there is no planning board. (see 41:81A) The hearing notice must be posted in a conspicuous place in the town hall at least 14 days prior to the hearing. It must also be published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than 14 days prior to the hearing. The notice must include the time and place of the hearing and the subject matter to be heard, correlated to the article numbers under which they are to be voted. The full text of the articles does not need to be included in the notice, but the place where the full text and any related maps or plans may be seen must be stated. The notice must also include the name of the newspaper and the dates published. Obtain a copy of the hearing notice at the time it is posted and note the date of receipt and posting so that you may be sure that this requirement has been met and so that you may make a certified copy to include with your submission. Also, obtain a news clip of the hearing notice from both editions of the newspaper showing name of the paper and publication date. Include a copy of these in your submission to prove the publication requirement was met.

**REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES**

#233-09 ALD. JOHNSON AND LINSKY requesting a discussion to increase fine to the maximum level for dogs not having a current license.  
[07/13/09 @ 7:26 PM]

**ACTION: APPROVED 5-0 (Ald. Merrill and Sangiolo not voting)**

**NOTE:** David Olson, Clerk of the Board, asked the Committee to take care of a clerical problem within the ordinances. He noted that there are several discrepancies in Chapters 3 and 20 of the ordinances that refer to the fines for dogs. The fines were changed in one Chapter but not the other. Mr. Olson is asking the Committee to make the references consistent.

**Fine Limitations and Discrepancies**

Mr. Olson noted that for item #233-09 the maximum fine that can be allowed is \$50 per Mass General Laws. Newton did accept a different Mass General Law that allowed the City to set its own fines up to \$300 (Chapter 40, Section 21), however, in 1982 the City filed special legislation (Special Acts of 1983, Chapter 418, Section 4) that limits dog fines to \$50. The current license fine in Newton is \$25. Mr. Olson also noted that Section 1 of the special legislation states that dog licenses can not be more than \$10 and that is the current license fee in Newton. Ald. Parker asked if the City could repeal the special legislation so that fines and the license fee could be set at a higher rate in the future. Ald. Johnson said that a different docket item would be necessary to repeal these. The Committee voted to docket that item.

Mr. Olson said that the other fines within the dog ordinance (barking, disposal of waste, etc.) were set at varying levels. The Committee agreed to set all dog fines at \$50. (The fine for the noise ordinance violation is currently \$50.) Ald. Brandel asked how this would compare to surrounding communities. Information regarding other communities was attached to the agenda and are within the approximately \$25 - \$50 range.

**Licensing Efforts**

Ald. Brandel thought that residents should be given time to understand the dog licensing laws. Mr. Olson explained that there has been significant effort over the past 2 years to educate the residents. Posters and sandwich boards had been placed around the City. Also, every veterinarian is required to send the Clerk a list of the dogs they have vaccinated. The Clerk's office is sending a mailing to that list of owners with the appropriate information and a dog license application. In 2007, the Clerk's office licensed 2,234 dogs; in 2008 2,398; and so far in 2009 2,765. Ald. Linsky was appreciative of the effort and the rise in licensure. However, he felt that there were many, many more dogs that are unlicensed. Mr. Olson said that he gives the Police Dept. an update each month of dogs that have been licensed. Each year the shape of the brass tag changes to make it easier to spot an expired license. Ald. Baker asked Mr. Manseau of the Elections Dept. if dogs could be added to the census.

# 233-09

Possible New Legislation

Mr. Olson reported that there is Senate Bill 21-20 being proposed to regulate animal control. It is intended to strengthen the Mass state animal control laws. He noted that Ruth Balsler was a sponsor of this bill. He felt most of it was good but he was concerned about one section that requires all cities and towns to collect a \$3 surcharge for every license. This surcharge would be paid back to the state to fund a spaying/neutering program in low-income areas. The bill (42 pages) can be found attached to the online report.

It was moved that the Committee vote to set all dog fines to \$50 and to make the ordinances consistent. Marie Lawlor of the Law Department will work on the Board Orders for the Finance Committee when it takes up this item. The Committee voted in favor of both, 5-0.

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#272-08      **ALD. JOHNSON** proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07/17/08 @ 9:53 AM]

**ACTION:**      **APPROVED 5-0-1 (Ald. Merrill abstaining; Ald. Freedman and Sangiolo not voting)**

**NOTE:** Ald. Johnson said her thoughts and concerns are that the City will be electing a new mayor, and the school department will be hiring a new superintendent of schools, and her view is that the Human Resources department is absolutely instrumental and critical to a change effort. She does not believe there are sufficient resources from an FTE standpoint in either of the human resources departments in order to do what needs to be done. On the other hand, she does feel there are some redundancies in the departments. Overall, she felt there needed to be a discussion to think about the possibilities of what Human Resources could do and have some proposals for the new mayor to consider. Ald. Johnson also noted that Joe Russo will be the new Asst. Superintendent for Human Resources, replacing Paul Stein.

Ald. Johnson noted that one of her HR colleagues has extensive experience in strategic human resources and teaches a HR certification course at Northeastern. Ald. Johnson has asked her colleague if she might come to speak to a group regarding transforming human resources from operational to strategic thinking and other ideas related to this.

**School Committee Comment**

Marc Laredo, Chairman of the School Committee, said the school's human resources department is a strategic operation. He also explained that there are some areas of overlap between the school and the city HR departments, but there are also some areas that require very different expertise. He maintains that the mission of the school HR department is very different than that of the City's department.

**Examples of Overlap in Both Departments**

Dr. Paul Stein, Asst. Superintendent of Human Resources, said that their department works to foster the goals and mission of the school department. They want to highlight that what they are doing is strategic human capital planning and he noted that the city department is doing that as well. He also said he was happy to look for any economies that can be found by working together. He said both departments work together in some specific ways. The city department handles the benefits packages for both sides, for example. The computer system encompassing FinancePlus, the payroll and personnel system is jointly run. The retirement system overlaps but it also splits in some ways. Half of the school employees belong to the city retirement system, but the other half go to the teacher's retirement system which has its own rules and requirements. Administering that requires a different expertise.

*Compensation Analysis*



Ald. Parker asked if it would be helpful to have someone to do compensation analysis. He felt this could be useful for collective bargaining. Dr. Stein said they have done compensation studies for the non-aligned employees in the past couple of years. There was the HRS study and the Gibson report as well. In addition to that, every time they go into negotiations, they look at comparable communities to look at compensation structures. Newton wants to be competitive in order to attract great people, but they don't want to overspend either. Dr. Stein said it would be nice to periodically have a cycle in which these comparative compensation studies were completed. That might be more appropriately and economically done with a consultant instead of an employee, and it could be done for both the school and the city side.

Ald. Brandel said he would like some sort of evaluation of the productivity of city employees. The public wants to see how well employees are performing and what is their actual value proposition to the City. Also, he said that have to determine how to map the compensation and performance expectation of a municipal employee as opposed to one on the school side. This is a theme that came up during the discussion around pay raises for the H grade city employees and raises for the school employees.

Examples of Distinct Expertise in School HR Department

No matter what comes out of this discussion, Dr. Stein said there are things unique to the School HR department's role. First of all, there are licensure issues that require extensive knowledge of the system, rules and regulations. He also noted that working with principals and teachers requires some experience of working in those roles. There is also a "seasonal" hiring process and they take in thousands of applicants, and hire hundreds of people every year. For this, they use an applicant tracking system. Monitoring of granting professional teacher status is quite unique as well. There is also the issue of orientation and training of teachers throughout their career, which is not a "traditional" human resources function. Principals also have power to make some decisions, so it's the role of the HR department to make sure they are knowledgeable enough to make those decisions. State reporting has become a big part of their job - they have to report extensively and in detail on every teacher in the system. Mr. Laredo said it was critical to have an expert in HR at the union negotiations that the school committee undertakes to deal with money and benefits, but also work rule issues, some of which can be costly or can have an impact on the quality of teaching. He feels they would lose money in negotiations without that expertise at the table.

In summary, Dr. Stein said that although he thinks there are tremendous opportunities to come together for some economies, there is also a lot of specialization that goes on in a school department's human resources organization in terms of monitoring, educating, reporting and negotiating.

Starting Point

Ald. Johnson thought that a perfect place to start sharing between the departments would be with the applicant tracking system that the school department uses. She said that she was aware that there were some education specific areas to be addressed, but there were also some very broad issues that could be addressed together. Ald. Johnson noted that

the school department could be a role model for the new mayor in that they have a seat at the table with the superintendent in terms of HR, and currently, that is not the case with the city HR department and the executive. This strategic relationship is essential. There is also no evaluation system at city hall as there is with the school department. Total Rewards is something that has to be looked at as well as the landscape is changing. This includes all the benefits that employees get including retirement, insurance, etc.

Ald. Johnson requested job descriptions for the positions in the school's HR Department. Marc Laredo said he would provide them.

#### Summary and Follow up

Ald. Baker said they have to remember that the school department is not just another department of the city. The School Committee has the responsibility for making decisions for the school department. The only role of the Board is to vote funds. He said he was happy to vote the resolution as stated, but wondered what Ald. Johnson hoped the response would be.

Ald. Johnson said she wants there to be collaboration regarding all of these issues and more to find the most productive way to manage the human resources of the city and the schools. Change is coming to both the school and city side and it is the time to come together over the next few months. However, if there will be no response from the executive or the school committee, she sees no sense in voting the resolution.

Mr. Pooler said the Mayor feels the best way to respond to a resolution is to get a resolution. Mr. Pooler said the kind of conversations that Ms. Hamilton and Dr. Stein have about these issues are ongoing. There are reasons that some things are not shared, such as applicant tracking. The school department gets thousands of applicants with resumes, while the city gets 70% of their applicants from civil service or labor service lists, and only 30% from advertising with submitted resumes. Mr. Pooler said that most productive conversations are with people with knowledge of a subject, like Ald. Johnson, with the executive office. The school has unique needs and there are certain things they can not give up, but he also feels there are ways to work together. He would welcome having these conversations. Mr. Laredo echoed that sentiment and was open to having these conversations as well. He said they were open to helping in any way they could and receiving information and suggestions. Ald. Johnson will report back to the committee what develops in these conversations. There may be another docket item that comes out them, but that remains to be seen.

The Committee voted to approve this item.

#272-08  
DRAFT

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
, 2008

BE IT RESOLVED:

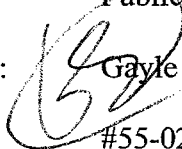
Alderman Johnson proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments.

RESOLUTION .....

(SGD) DAVID A. OLSON  
City Clerk

#55-02

CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM

DATE: June 11, 2004  
TO: Ch. Sydra Schnipper and Members  
Public Facilities Committee  
FROM:  Gayle A. Smalley, Associate City Solicitor  
RE: #55-02

2004 JUN 11 PM 4: 51  
CITY CLERK  
NEWTON, MA. 02159

In connection with this item (or perhaps a related docket item) some time ago our office provided information concerning income/asset limits for various state and federal programs. At the time, the committee was exploring the possibility of "piggy-backing" the local water/sewer discount program on one or more of the existing state and federal programs.

Earlier this year, I asked our lawclerk to update the eligibility information. The chart that he produced (current as of March 2004) is enclosed for your assistance.

enclosure

#55-02

TO: Gayle Smalley  
FROM: Jason Saul  
RE: Updated Income-Based Assistance Programs Chart  
DATE: 3/8/04

Federal and State Income-Based Assistance Programs (2004)

<i>Program</i>	<i>Administering Agency</i>	<i>Financial Requirements</i>	<i>Categorical Requirements</i>
<b>Low-Income Home Energy Assistance Program (LIHEAP)</b> (42 USC §§ 8621 et seq.)	Bureau of Energy Programs (a division of Mass. Dept. of Housing and Community Development)	Household income less than 150% of federal poverty level (FPL) or 60% of state median income  *MA level currently set at 200% of FPL	Households with at least 1 member receiving benefits under SSI, state programs funded by 42 USC §601 (TANF), Food Stamps or 38 USCS Veterans' Benefits are automatically eligible
<b>Weatherization Assistance Program (WAP)</b> (M.G.L. c. 23B, §§24, 24A)	MA Bureau of Energy Programs	[same as above]	Households eligible for LIHEAP and households with a member receiving TAFDC or SSI benefits are eligible for the program
<b>Heating Emergency Retrofit Task Weatherization Assistance Program (HEARTWAP)</b> (M.G.L. c. 23B, §§24, 24A)	MA Bureau of Energy Programs	Households with an income less than 200% of FPL	[same as above]
<b>Low Income Sewer and Water Assistance (LISAWAP)</b> (M.G.L. c. 23B, §24B)	MA Bureau of Energy Programs	Homeowners earning less than 150% of FPL	Homeowners who are "eligible for one or two household fuel assistance program" are also automatically eligible for this program

<i>Program</i>	<i>Administering Agency</i>	<i>Financial Requirements</i>	<i>Categorical Requirements</i>																						
<b>Supplementary Security Income (SSI)</b> (42 USC §§ 1381 et seq.)	Social Security Administration	For single applicant, total annual income less than \$1,752 and total resources less than \$2,000; For applicant with spouse, total income less than \$2,828 and total resources less than \$3,000 (42 USC §1382)	Recipients must be over 65, Disabled or Blind																						
<b>Emergency Aid to Elderly, Disabled and Children (EAEDC)</b> (M.G.L. c.118A, §1; 106 CMR 320)	Mass. Department of Transitional Assistance	See attached Table of Standards of Assistance for income limitations; Single applicants must have total assets less than \$250, while assistance units with 2 or more members must have total assets less than \$500	Recipients must be over 65, Disabled, Caring for Disabled, or Student under 21																						
<b>Federal Food Stamp Program</b> (7 USC §§ 2011 et seq.)	Mass. Department of Transitional Assistance (see 106 CMR 360 to 367 for implementing regulations)	Household income less than 100% of FPL and total assets less than \$2,000; Household income with disabled or elderly member less than 130% of FPL and assets less than \$3,000	Households in which each member receives benefits under SSI, state TANF program, or aid to the aged, blind or disabled under titles I, X, XIV, or XVI of Social Security Act are automatically eligible																						
<b>Emergency Assistance</b> (106 CMR 309)	Mass. Department of Transitional Assistance	<table border="0"> <thead> <tr> <th><i>Unit Size</i></th> <th><i>Monthly Income Cap</i></th> </tr> </thead> <tbody> <tr><td>1</td><td>749</td></tr> <tr><td>2</td><td>1010</td></tr> <tr><td>3</td><td>1272</td></tr> <tr><td>4</td><td>1534</td></tr> <tr><td>5</td><td>1795</td></tr> <tr><td>6</td><td>2057</td></tr> <tr><td>7</td><td>2319</td></tr> <tr><td>8</td><td>2580</td></tr> <tr><td>9</td><td>2842</td></tr> <tr><td>10</td><td>3104</td></tr> </tbody> </table> <p>* Units must have assets less than \$2,500 (106 CMR 309.020)</p>	<i>Unit Size</i>	<i>Monthly Income Cap</i>	1	749	2	1010	3	1272	4	1534	5	1795	6	2057	7	2319	8	2580	9	2842	10	3104	Emergency Aid is provided for needy children under 21 or pregnant women without needy children and to any other member of the assistance unit. Such aid may be used to pay for back rent or a family shelter.
<i>Unit Size</i>	<i>Monthly Income Cap</i>																								
1	749																								
2	1010																								
3	1272																								
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9	2842																								
10	3104																								

<i>Program</i>	<i>Administering Agency</i>	<i>Financial Requirements</i>	<i>Categorical Requirements</i>
<b>Temporary Assistance to Families with Dependent Children (TAFDC)</b> (M.G.L. c.118, §2; 106 CMR 203, 204, 207, 208)  * This is a state TANF program	Mass. Department of Transitional Assistance	See attached Tables of Eligibility Standards for income limitations; assistance units must have total assets less than \$2,500	Eligible households must include either a dependent child or a pregnant woman in final 120 days of pregnancy
<b>National School Lunch Program</b> (42 USCS §§1751 et seq.) <b>School Breakfast Program</b> (42 USCS §1773)	Mass. Department of Education	Families with an income less than 130% of FPL are eligible for free meals; families with an income between 130% and 185% of FPL are eligible for reduced price meals.	A household that receives food stamps or a family that receives assistance from state TANF program is automatically eligible for both programs.
<b>Low-Income Customer Tariff for Gas and Electricity Distributors</b> (M.G.L. c.164, §1F(4); 220 CMR 11.04)	Mass. Department of Telecommunications and Energy	Discount rates are required for customers who receive benefits under any means-tested public benefit program, or are eligible for LIHEAP, for which eligibility does not exceed 175% of FPL based on household's gross income.	
<b>MassHealth</b> (state health insurance) (130 CMR § 501 et seq.)	Mass. Division of Medical Assistance	Low-to-mid income persons, max income 200% FPL	Generally, persons under age 65 who families with children under 19, are children under 19, pregnant, disabled, HIV-positive, unemployed.
<b>Head Start</b> (42 USC § 9840)	Dept. of Health and Human Services, Administration for Children and Families	Households with annual income less than 100% of FPL.	Children from birth to age 5, pregnant women, and their families who qualify as low-income.

<i>Program</i>	<i>Administering Agency</i>	<i>Financial Requirements</i>	<i>Categorical Requirements</i>
<b>Mass Veterans Benefits</b> (MGL c. 115)	Mass. Dept. of Veterans Services		A veteran as defined by MGL ch. 4, §7(43) or an eligible dependent
<b>Dependency and Indemnity Compensation (DIC) for Surviving Parents of Veterans</b> (38 USC § 1311)	Dept. of Veterans Affairs	Sole Surviving Parent, or One of Two Parents Not Living With a Spouse: Max annual income \$11,256. Sole Surviving Parent Living with a Spouse, or One of Two Parents Living With a Spouse: Max annual income \$15,129. (12-1-03)	Deceased must have died from: (1) a disease or injury incurred or aggravated while on active duty or active duty for training; (2) an injury incurred or aggravated in line of duty while on inactive duty training; or (3) a disability compensable by VA
<b>Federal Refugee Resettlement Program</b> (8 USC § 1101 et seq.)	Department of Health and Human Services, Office of Refugee Resettlement (ORR)		Refugees admitted under INA § 207, Asylees granted asylum under INA § 208, Cuban and Haitian entrants as defined under 45 CFR § 401.2.



# 55-02

**2004 Department of Health and Human Services Poverty Guidelines**

<b>Size of Family Unit</b>	<b>48 Contiguous States and D.C.</b>	<b>Alaska</b>	<b>Hawaii</b>
1	\$ 9,310	\$11,630	\$10,700
2	12,490	15,610	14,360
3	15,670	19,590	18,020
4	18,850	23,570	21,680
5	22,030	27,550	25,340
6	25,210	31,530	29,000
7	28,390	35,510	32,660
8	31,570	39,490	36,320
For each additional person, add	3,180	3,980	3,660

**SOURCE:** *Federal Register*, Vol. 69, No. 30, February 13, 2004, pp. 7336-7338.

Appendix A:

**National Department of Health and Human Services  
2002 Poverty Guidelines**

For All States (Except Alaska and Hawaii) and for the District of Columbia

Size of family unit	100 Percent of Poverty	110 Percent of Poverty	125 Percent of Poverty	150 Percent of Poverty	175 Percent of Poverty
1	\$8,860	\$9,746	\$11,075	\$13,290	\$15,505
2	\$11,940	\$13,134	\$14,925	\$17,910	\$20,895
3	\$15,020	\$16,522	\$18,775	\$22,530	\$26,285
4	\$18,100	\$19,910	\$22,625	\$27,150	\$31,675
5	\$21,180	\$23,298	\$26,475	\$31,770	\$37,065
6	\$24,260	\$26,686	\$30,325	\$36,390	\$42,455
7	\$27,340	\$30,074	\$34,175	\$41,010	\$47,845
8	\$30,420	\$33,462	\$38,025	\$45,630	\$53,235

For family units with more than 8 members, add \$3,388 for each additional member at 110 percent of poverty, \$3,850 at 125 percent of poverty, \$4,620 at 150 percent of poverty and \$5,390 at 175 percent of poverty.

Source: *Federal Register*, Vol. 67, No. 31, February 14, 2002, pp. 6931-33.

Appendix B:

**Temporary Assistance for Families with Dependent Children  
Table of Eligibility Standards (106 CMR 204.405)**

1. Non-exempt Assistance Units

Assistance Unit Size	A. Eligibility Standards	B. Eligibility Standards
	No Rent Allowance (Countable Monthly Income)	With Rent Allowance (Countable Monthly Income)
1	\$ 699.30	\$ 773.30
2	884.30	958.30
3	1,069.30	1,143.30
4	1,245.05	1,319.05
5	1,428.20	1,502.20
6	1,613.20	1,687.20
7	1,796.35	1,870.35
8	1,973.95	2,047.95
9	2,155.25	2,229.25
10	2,336.55	2,410.55
Incremental	190.55	190.55

2. Exempt Assistance Units (Disabled and those caring for disabled or infant)

Assistance Unit Size	A. Eligibility Standards	B. Eligibility Standards
	No Rent Allowance (Countable Monthly Income)	With Rent Allowance (Countable Monthly Income)
1	\$ 717.80	\$ 791.80
2	908.35	982.35
3	1,097.05	1,171.05
4	1,278.35	1,352.35
5	1,465.20	1,539.20
6	1,657.60	1,731.60
7	1,844.45	1,918.45
8	2,029.45	2,103.45
9	2,214.45	2,288.45
10	2,401.30	2,475.30
Incremental	194.25	194.25

Appendix C:

**Emergency Aid to Elderly, Disabled and Children (EAEDC)  
Standards of Assistance (106 CMR 321.420)**

The figures in the following Standards of Assistance Tables are used to determine financial eligibility. If the countable monthly income for the assistance unit is equal to or less than the appropriate standard of assistance (see 106 CMR 705.910 for Rent Allowance), the unit is financially eligible. The monthly grant is the difference between the countable income and the appropriate standard of assistance.

**(A) Living Arrangement A:** an EAEDC individual or EAEDC family who is responsible for a shelter cost, including but not limited to rent, mortgage, real estate taxes, insurance, fuel or utility expenses or room or board expenses from a licensed lodging house, and who:

- (1) Lives alone; or
- (2) Lives with others, except as specified in 106 CMR 321.410(A)(2) or (A)(3).

Assistance Unit Size	Standard of Assistance No Rent Allowance	Standard of Assistance with Rent Allowance
1	\$ 303.70	\$ 338.70
2	395.10	430.10
3	486.60	521.60
4	578.20	613.20
5	669.80	704.80
6	761.10	796.10
Incremental	91.60	91.60

**(B) Living Arrangement B:** an EAEDC individual or EAEDC family who lives with another assistance unit who is applying for or receiving TAFDC, AFDC or RRP, including spouses, and a legal obligation to support exists between a member(s) of the TAFDC, AFDC or RRP assistance unit and a member(s) of the EAEDC assistance unit, except as described in 106 CMR 321.410(A)(3)(b).

Assistance Unit Size	Standard of Assistance
1	\$ 91.60
2	183.20
Incremental	91.60

**(C) Living Arrangement C:** Individuals in halfway houses, licensed chronic hospitals, licensed nursing homes, approved public medical institutions, licensed intermediate care facilities, residential treatment centers or public psychiatric institutions shall receive \$ 60.00 per month, minus countable income, provided they do not receive any other

#55-02

personal needs allowance from any other source.

\*Note – 106 CMR 321.420 provides other Tables of Assistance for those living in detoxification centers, who are homeless, or who are in rest homes.

#5502

From: **Brian Yates <byates@COMTEAM.ORG>**  
To: **"SSullivan@ci.newton.ma.us" <SSullivan@ci.newton.ma.us>**  
Subject: **FW: newton stats**  
Date sent: **Tue, 15 Jun 2004 15:44:30 -0400**

-----Original Message-----

From: John Wells [mailto:wells@bostonabcd.org]  
Sent: Tuesday, June 15, 2004 3:40 PM  
To: byates@comteam.org  
Subject: newton stats

Brian. Here are the stats I have to date for low income clients in Newton. Of approx 380 eligible fuel assistance clients in Newton, 189 are homeowners

and of those 189 clients, 140 are elderly (74%). Elderly for the purposes of fuel assistance is defined as those 60 years of age and above. Hope this is what you are looking for.

John Wells

From: "Diana Patten" <dpatten@CI.NEWTON.MA.US>  
Organization: City of Newton  
To: ssullivan@ci.newton.ma.us  
Date sent: Fri, 4 Jun 2004 15:00:21 EST  
Subject: Federal Funds past 12 months  
Priority: normal

I am the intake person for Newton for both the Federal Emergency Management Agency's Emergency Food and Shelter Program . I served about 60 people last year and have begun intake for this year and have seen an additional 15 with more to come. I will see a total for 12 months of 125.

Federal Energy Assistance, a.k.a., ABCD Fuel Assistance Program for Newton residents, serves 450 households in Newton per year.

I hope this is what you need. If not let me know.

Diana Patten  
Community Social Worker  
dpatten@ci.newton.ma.us

#### School Lunch Program - Newton

The average number of school lunches served as part of the School Lunch Program is 624.25 per day.

# 55-02

# MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

## MassCHIP Custom Report Massachusetts Community Health Information Profile

### PubFac Census 2000 (SF3) Sample Data: Income and Poverty status

MassCHIP v3.0 r308.0 Printed: 6/11/2004, 13:14:49  
Copyright ©1995-2004 Massachusetts Department of Public Health - All Rights Reserved

Geography	Year	Data Element	Count
Newton	2000	Households with Earnings	26,063
Massachusetts Total	2000	Households with Earnings	1,959,211
Newton	2000	Households Receiving Supplemental Security Income (SSI) in 1999	907
Massachusetts Total	2000	Households Receiving Supplemental Security Income (SSI) in 1999	119,743
Newton	2000	Households Receiving Public Assistance Income in 1999	425
Massachusetts Total	2000	Households Receiving Public Assistance Income in 1999	70,183
Newton	2000	Households Receiving Retirement Income in 1999	4,576
Massachusetts Total	2000	Households Receiving Retirement Income in 1999	403,769
Newton	2000	Families: Receive Social Security	4,590
Massachusetts Total	2000	Families: Receive Social Security	363,990
Newton	2000	Families: Receive Public Assistance and/or SSI	710
Massachusetts Total	2000	Families: Receive Public Assistance and/or SSI	107,189

#### General Notes:

#### Notes on Population Data

Population data are used as the denominators for all rates in MassCHIP except for Infant Deaths and Early Intervention clients which use the Births file as the denominator. The population data used for a given rate depends on the year of the numerator:

MDPH Interpolations for 1986-1989

Census Counts for 1990



#55-02

# MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

## MassCHIP Custom Report Massachusetts Community Health Information Profile

### PF Census 2000 (SF3) Sample Data: Disabilities

MassCHIP v3.0 r308.0 Printed: 6/11/2004, 12:22:45  
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Geography	Year	with 1 or More Disabilities Count	with an Employment Disability (ages 16 to 64) Count	with a Disability and Living Below 100% Poverty Level Count
Newton	2000	9,944	3,748	791
Massachusetts Total	2000	1,084,746	485,779	167,928
		<b>with no Disabilities and Living Below 100% Poverty Level Count</b>		
Newton	2000	2,355		
Massachusetts Total	2000	356,866		

#### General Notes:

#### Notes on Population Data

Population data are used as the denominators for all rates in MassCHIP except for Infant Deaths and Early Intervention clients which use the Births file as the denominator. The population data used for a given rate depends on the year of the numerator:

MDPH Interpolations for 1986-1989

Census Counts for 1990

MISER Estimates for 1985, 1991-1998

MDPH Preliminary Estimates for 1999

MDPH Preliminary Estimates for 2000 (any stratification that includes Race/Hispanic ethnicity)

Census Counts for 2000 (any stratification not including Race/Hispanic ethnicity)

#### Limitations of Small Numbers

#55-02

# MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

## MassCHIP Custom Report Massachusetts Community Health Information Profile

### Untitled Custom Report WIC Program Utilization (June Participation)

MassCHIP v3.0 r308.0 Printed: 6/11/2004, 13:30:55  
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Geography	Year	WIC Total Active Participants
		Count
Newton	2003	197
Massachusetts Total	2003	125,750

#### General Notes:

##### Notes on Population Data

Population data are used as the denominators for all rates in MassCHIP except for Infant Deaths and Early Intervention clients which use the Births file as the denominator. The population data used for a given rate depends on the year of the numerator:

MDPH Interpolations for 1986-1989

Census Counts for 1990

MISER Estimates for 1985, 1991-1998

MDPH Preliminary Estimates for 1999

MDPH Preliminary Estimates for 2000 (any stratification that includes Race/Hispanic ethnicity)

Census Counts for 2000 (any stratification not including Race/Hispanic ethnicity)

##### Limitations of Small Numbers

Cells in some tables in MassCHIP reports, and particularly those specific to individual cities and towns, contain small numbers. In general, rates and proportions based upon less than five observations are suppressed (specific protocols differ by data sets and are noted on the relevant reports). Whether or not the small numbers are suppressed, rates and trends based upon small numbers should be interpreted cautiously.

##### Note on NA

MassCHIP marks cells with the tag "NA" if one or more of the following is true:

#55-02

# MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH

## MassCHIP Custom Report Massachusetts Community Health Information Profile

**yates**  
**Department of Transitional Assistance (DTA)**

MassCHIP v3.0 r308.0 Printed: 6/11/2004, 12:16:42  
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Geography	Year	Recipients of Temporary Aid to Families with Dependent Children (TAFDC) Count
Newton	2002	60
Massachusetts Total	2002	46,225

**General Notes:**

**Notes on Population Data**

Population data are used as the denominators for all rates in MassCHIP except for Infant Deaths and Early Intervention clients which use the Births file as the denominator. The population data used for a given rate depends on the year of the numerator:

- MDPH Interpolations for 1986-1989
- Census Counts for 1990
- MISER Estimates for 1985, 1991-1998
- MDPH Preliminary Estimates for 1999
- MDPH Preliminary Estimates for 2000 (any stratification that includes Race/Hispanic ethnicity)
- Census Counts for 2000 (any stratification not including Race/Hispanic ethnicity)

**Limitations of Small Numbers**

Cells in some tables in MassCHIP reports, and particularly those specific to individual cities and towns, contain small numbers. In general, rates and proportions based upon less than five observations are suppressed (specific protocols differ by data sets and are noted on the relevant reports). Whether or not the small numbers are suppressed, rates and trends based upon small numbers should be interpreted cautiously.

**Note on NA**

MassCHIP marks cells with the tag "NA" if one or more of the following is true:

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#55-02

**ALD. YATES** requesting that the water/sewer discount rate be made available to homeowners who receive Fuel Assistance, Supplementary Security Income, Food Stamps, Supplementary Disability Income, General Relief, Low Income Sewer and Water Assistance, School Breakfast and Lunch and other income based State and Federal programs.

**APPROVED 6-0**

**NOTE:**

This item was discussed on June 19, 2002 and held by the Committee. Ald. Yates docketed this item because he feels that if the water/sewer discount rate is tied to various federal and state aid programs more people will benefit. People who are part of the programs would be in need of the discount if they owned their own home. More people would be eligible for the discount and there would be very little administrative burden to the City. Currently, there are only a few ways to obtain a discount and for the most part, you must be 65 or older to qualify.

Commissioner Rooney stated that there are approximately 500 out of 25,000 households that currently get the water/sewer discount. The implementation of Ald. Yates docket item would have minimum impact on the water/sewer rates.

The Chair stated that she has no problem supporting this item, as it has become so expensive to live in this City and for those people who qualify any help and support the City can give them is important. The small number of people who qualify are not going to create a major shift in the rates and as they are already involved in a program it is not going to create major administrative costs.

Ald. Stewart asked what the discount would be. Ms. Griffey responded that the discount is 30%. He asked what are the current qualifiers to be eligible for the discount. Ms. Griffey explained that the discount is piggybacked on four different tax exemption and deferral programs. If a person applies and qualifies for certain tax exemption and/or deferral programs, they are eligible for the water/sewer discount. Also, a person who applies for a water/sewer discount program qualifies if they meet the following criteria: 1) must be over 65 years of age as of July 1, 2004 2) must have primary residence in Massachusetts for ten years and owned property in the state for five years and must have occupied property as of July 1, 2004 and must have a total income of less than \$40,000 per year. The Assessing Department makes the determination of eligibility and notifies the Utilities Division.

The Committee discussed how the program will be administered and how people will find out about the new discount program. Ald. Yates stated that some of the qualifying programs are already administered by the City and that there would need to be press releases. The program will be administered in the same way that the current water/sewer discount is handled. The ordinance amendment will spell out that the applicant needs to provide the City with documented proof that they receive aid from any of the programs included in the item.

The Law Department will need to draft language for the ordinance amendment but the Committee felt that it was important to approve the item, as the water/sewer

# 55-02

PUBLIC FACILITIES COMMITTEE REPORT  
WEDNESDAY, JUNE 16, 2004  
PAGE 5

rates are to be discussed next week. The Finance Committee still needs to discuss the item. Ald. Yates moved approval unanimously.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2008

ORDERED:

That in accordance with the recommendation of the Finance  
Committee through its Chairman, Alderman Paul E. Coletti, the following item  
be and is hereby voted.....

#213-08      ALD. LINKSY, JOHNSON, ALBRIGHT, FREEDMAN, HARNEY,  
HESS-MAHAN, VANCE, MANSFIELD & PARKER requesting the  
evaluation of the following in conjunction with the contemplated  
conversion of general fund monies from operational budget uses to debt  
service use in regard to the Newton North High School project:  
(a) the impact on city and/or school services,  
(b) the process by which criteria and prioritization will be established  
when choices need to be made between services, and  
(c) whether additional revenue will be required in the form of debt  
exclusions or otherwise.

Under Suspension of Rules  
Readings Waived and Item voted -----

(SGD) DAVID A. OLSON  
City Clerk

#348-08  
DRAFT

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2008

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Alderman Paul E. Coletti, the following docket item be and is hereby voted .....

#348-08 ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation.

Under Suspension of Rules  
Readings Waived and Item Voted

(SGD) DAVID A. OLSON  
City Clerk

#168-02

**DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF NEWTON  
Massachusetts**

2005 FEB 24 PM 12:27  
CITY CLERK  
NEWTON, MA 02159

**INTER-OFFICE CORRESPONDENCE**

**DATE: FEBRUARY 24, 2005**

**TO: ALD. PAUL COLLETTI, CHAIRMAN, FINANCE COMMITTEE**

**FROM: MARTHA J. AHERIN HORN, SR. ENVIRONMENTAL PLANNER**

**SUBJECT: ADDITIONAL INFORMATION RE: PROPOSED NON-CRIMINAL TICKETING ORDINANCE FOR THE CONSERVATION COMMISSION**

---

In accordance with the requests from you and members of the Finance Committee at your February 14, 2005 meeting, enclosed is the following additional information.

1. The proposed ordinance language.
2. A mock-up of the non-criminal ticket currently being used by the Newton Health Department, with the following suggested changes and additions:
  - a. Statement that each day the offense continues is a separate violation.
  - b. Statement that payment of the fine does not relieve the offender of the obligation to bring the property into compliance
  - c. Text changes reflecting the Conservation Commission's name, address, phone.
3. Enforcement Order Guidelines adopted by the Commission in 1995.

The actual tickets are three-part carbonized paper, and the envelope in which they are delivered is orange. The appeal process is clearly articulated on the ticket and the envelope. The fines collected by the Health Department go into the General Fund. Controller David Wilkinson confirmed that all fine income goes into the General Fund unless the Board of Aldermen has specified otherwise.

If you wish additional information, please let me know at 617-796-1134. Thank you for your consideration and suggestions.

cc: M. Kruse, Director of Planning  
N. Radzevich, Chief Land Use Planner  
E. McGettigan, Esq., Law Dept.  
D. Wilkinson, Controller



DRAFT 6-3-04

CITY OF NEWTON  
IN BOARD OF ALDERMEN

ORDINANCE NO. -

September 2004

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

That Section 20-21 of the Revised Ordinances of 2001 be and are hereby further  
amended as follows:

Add the following enforcing persons and Conservation Commission ordinances  
and regulations to be enforced by civil fine:

(f) CONSERVATION COMMISSION: The city's environmental planner or city  
employee assigned the duty of staffing the conservation commission and/or the  
director of the department of planning and development and/or his or her  
designee shall be authorized to issue written notice of the following violations:

	<u>Penalty</u>
( ) Warning (Ticket to note violation) .....	\$0.00

CITY ORDINANCES

( ) Any offense of Sec. 22-22(b) through (e) Floodplain/watershed protection provisions .....	\$300.00
--	----------

( ) Failure to comply with an Enforcement Order issued pursuant to Sec. 22-22(b) through (e) .....	\$300.00
---	----------

CONSERVATION COMMISSION REGULATIONS

( ) Any offense of Reg., Naturally Occurring Banks] [310 CMR 10.54] .....	\$100.00
--	----------

( ) Any offense of Reg., Bordering Vegetated Wetland (Wet Meadows, Marshes, Swamps and Bogs [310 CMR 10.55] .....	\$100.00
--	----------

( ) Any offense of Reg., Land Under Waterbodies & Waterways	
---	--

#168-02

#[insert docket]

Page 2 of 2

- (Under any Creek, River, Stream, Pond or Lake)  
[310 CMR 10.56] .....\$100.00
  
- ( ) Any offense of Reg., Land Subject to Flooding  
(Bordering and Isolated Areas)  
[310 CMR 10.57] .....\$100.00
  
- ( ) Any offense of Reg., Riverfront Area  
[310 CMR 10.58] .....\$100.00
  
- ( ) Any offense of Reg. Wetlands Protection Act  
[M.G.L. c.131, Section 40A].....\$100.00
  
- ( ) Filling, dredging or altering any floodplain or wetland  
resource area or 100 foot Buffer Zone without permission .....\$100.00
  
- ( ) Failure to complete a permitted project in accordance with  
a Determination of Applicability or Order of Conditions.....\$100.00
  
- ( ) Failure to comply with an Enforcement Order .....\$100.00

#168-02

#[insert docket]

Page 1 of 2

DRAFT 6-3-04

CITY OF NEWTON  
IN BOARD OF ALDERMEN

ORDINANCE NO. -

June 2004

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

That Section 20-21 of the Revised Ordinances of 2001 be and are hereby further amended as follows:

Add the following enforcing persons and Conservation Commission ordinances and regulations to be enforced by civil fine:

**(f) CONSERVATION COMMISSION: The city's environmental planner or city employee assigned the duty of staffing the conservation commission and/or the director of the department of planning and development and/or his or her designee shall be authorized to issue written notice of the following violations:**

	<u>Penalty</u>
( ) Warning (Ticket to note violation) .....	\$0.00

CITY ORDINANCES

( ) Any offense of Sec. 22-22(b) through (e) Floodplain/watershed protection provisions .....	\$300.00
--	----------

( ) <b>Failure to comply with an Enforcement Order issued pursuant to Sec. 22-22(b) through (e) .....</b>	<b>\$300.00</b>
---	-----------------

CONSERVATION COMMISSION REGULATIONS

( ) Any offense of Reg., Naturally Occurring Banks] [310 CMR 10.54] .....	\$100.00
--	----------

( ) Any offense of Reg., Bordering Vegetated Wetland (Wet Meadows, Marshes, Swamps and Bogs [310 CMR 10.55] .....	\$100.00
--	----------

- ( ) Any offense of Reg., Land Under Waterbodies & Waterways  
(Under any Creek, River, Stream, Pond or Lake)  
[310 CMR 10.56] .....\$100.00
  
- ( ) Any offense of Reg., Land Subject to Flooding  
(Bordering and Isolated Areas)  
[310 CMR 10.57] .....\$100.00
  
- ( ) Any offense of Reg., Riverfront Area  
[310 CMR 10.58] .....\$100.00
  
- ( ) Any offense of Reg. Wetlands Protection Act  
[M.G.L. c.131, Section 40A].....\$100.00
  
- ( ) Filling, dredging or altering any floodplain or wetland  
resource area or 100 foot Buffer Zone without permission .....\$100.00
  
- ( ) Failure to complete a permitted project in accordance with  
a Determination of Applicability or Order of Conditions.....\$100.00
  
- ( ) Failure to comply with an Enforcement Order .....\$100.00

**NON-CRIMINAL TICKETING ORDINANCE – CURRENT PROCEDURES**

Phone complaint or visual – then a site visit to determine whether there is an issue.

If the alteration is substantial or a major violation, leave a Cease & Desist Notice on the equipment and at the front door if nobody is on the site. Both the contractor and the homeowner receive notification. (See Attachment #1)

Follow up with a letter documenting the facts. If the violation appears to be *minor*, do the following:

Letter # 1 – This is what I saw; you may have a problem; please call me. (See Attachments #2 and 3)

Letter #2 – Based on observations and/or discussions, there is a problem and this is what you need to do to bring the property into compliance. (See Attachment #4)

Letter #3 – Depends on actions to date. If they are cooperative, state the status and offer suggestions and/or encouragement. If they are not cooperative, threaten legal action.

Letter #4 – If not cooperative, enclose an official Enforcement Order (Attachment #7) and threaten legal action again.

If the violation is *major*, notify the Commission by email and assuming they authorize it, go to Letter #4 right away. This is a judgement call. (See Attachments #5 and 6)

If no cooperation, take the homeowner to District Court for a criminal proceeding. I am pleased to say that, with only one exception, we have not had to take such action to date; however, the members have become concerned about a couple of the violations that have dragged on for far too long and voted to adopt the non-criminal ticketing ordinance before you tonight.

\* \* \* \* \*

The Non-Criminal Ticket would be used if the Commission cannot get the homeowner's attention and cooperation, probably in the range of Letter #3 or #4 depending on the situation. The First Ticket would be a warning. The subsequent tickets would be for \$300 under local Ordinance #22-22 and \$100 for each offense under the state regulations, depending on the offense. Tickets would be issued daily as each day without bringing the property into compliance is a new violation. Ticketing is proposed as a last resort.

#168-02



City of Newton, Massachusetts  
Department of Planning and Development  
Michael J. Kruse, Director

Telephone  
(617) 552-7135  
Telefax  
(617) 965-6620  
E-mail  
mkruse@ci.newton.ma.us

David B. Cohen  
Mayor

**MARTHA AHERIN HORN**  
Senior Environmental Planner  
Planning & Development Department



**CITY OF NEWTON**  
1000 Commonwealth Avenue  
Newton, MA 02459-1449  
Direct Phone (617) 796-1134  
Office Phone (617) 796-1120  
Fax (617) 796-1142  
mhorn@ci.newton.ma.us

**TO THE HOMEOWNER AT**

---

You are doing work in a wetland resource area and/or floodplain without the proper permits. Please cease and desist all work immediately. Failure to comply with the City and State environmental regulations could result in legal action.

Please contact the Conservation Commission office at City Hall by calling 617-796-1120 to resolve this situation.

Thank you.

conserva\cease&desist

Conservation Commission  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
www.ci.newton.ma.us



#168-02

July 12, 2002

Barry & Judie Samuels  
100 Boulder Road  
Newton, MA 02459

RE: Potential Wetland Violation  
100 Boulder Road, Newton

Dear Mr. and Mrs. Samuels:

Recently while in the neighborhood I noticed what appears to be a new deck at the rear of your home. Since your home is in the City of Newton Floodplain (see attached map) and we had previous discussions about what could be done on your property, I was surprised that you had not consulted the Conservation Commission prior to construction. In addition, the Inspectional Services Department has no record of a building permit for a deck.

All construction located within a floodplain requires compensatory storage for all fill. In the case of a deck, the fill is the pile supports. Such a project must first receive permission from the Conservation Commission and then a building permit. Since there is no record of either, I would appreciate your calling me at 617-796-1134 or sending me an on-ground survey which shows that the property is not located in a floodplain.

Your cooperation will be appreciated.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

cc: Inspectional Services Department  
Law Department

conserva\corres\100boulderrdeo

2 of 3

#168-02

July 12, 2002

Jason & Jennifer Soulier  
80 Boulder Road  
Newton, MA 02459

RE: Potential Wetland Violation  
80 Boulder Road, Newton

Dear Mr. and Mrs. Soulier:

Recently while in the neighborhood I noticed what appears to be a new deck at the rear of your home. Your home is in the City of Newton Floodplain (see attached map) and we had a discussions in July of 2000 about an addition being placed on an existing porch and not requiring a filing for that since no new pilings were being added. However, my notes do not indicate that the deck was part of that review. In addition, the Inspectional Services Department has no record of a building permit for a deck.

I would appreciate your calling me at 617-796-1134 as soon as possible to clarify this potential issue. Your cooperation will be appreciated.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

cc: Inspectional Services Department  
Law Department

conserva\corres\80boulderrdeco

2:3



October 22, 2004

H. Mandelcorn  
15 Bound Brook Road  
Newton, MA 02459

RE: Enforcement Action  
Wetland/Floodplain Alteration at  
15 Bound Brook Road

Dear Mr. Mandelcorn:

Today while on a site visit to Countryside School, I observed a bobcat working in your rear yard. The worker advised me that you received a demolition permit for the swimming pool in your yard and that the dumpster containing the old concrete would be removed as soon as he is finished with the excavation. Later I spoke to the worker's employer, Jim Walters of Hazardous Abatement Services, and he indicated that his contract requires him to do the demolition and then bring in some fill for the resulting depression.

This letter is your notice that the work being done is in violation of the Wetlands Regulations (310 CMR 10.57) and the City Floodplain Ordinance #22-22. Your rear yard is in one of the worst areas of flooding in the City and, as such, all work requires permission from the Conservation Commission prior to beginning the work. The demolition permit should not have been issued without discussions with the Commission.

At this point the work is well underway and our interests are in making certain that the site is stabilized well prior to the onset of winter. It is much too late to vegetate the area, so we must seek other alternatives. You may wish to place an erosion control blanket and/or large stones over the disturbed area – or any other erosion control measures which would ensure that the soils could not be scoured out of your yard and become waterborne during a flood event. Then in the spring, you could complete the work under the oversight of the Commission.

#168-02

For now, please get in touch with me as soon as possible and let me know your plans, preferably in writing. I am interested in knowing the final elevations and how you intend to stabilize any fill that is put into the depression. Your cooperation will be appreciated.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

cc: J. Brown, Commissioner of Inspectional Services  
R. O'Regan, Sr. Building Inspector  
J. Daghlian, Associate City Engineer  
J. Walters, Hazardous Abatement Services, P. O. Box 512, Hull, MA 02045  
E. McGettigan, Esq., Law Dept.

conserva\corres\15 bound brook enforcement

June 11, 2002

Dr. Won K. Pak and Ms. Heesun Kim  
33 Staniford Street  
Auburndale, MA 02466

RE: ENFORCEMENT ORDER  
Wetland and Buffer Zone Alteration at  
33 Staniford Street, Auburndale

Dear Dr. Pak and Ms. Kim:

**Confirming my discussion with Ms. Kim yesterday, this letter is your notice to cease and desist from all activities on the slope and wetland behind your dwelling until you comply with the following requirements and meet with the members of the Conservation Commission at their regular monthly meeting on June 27, 2002, at 9:00 p.m. in Room 209 at City Hall.**

**Background:**

The house at 33 Staniford Street is built on a hill above the Flowed Meadow Wetland, a Restricted Wetland under MGL 131, Ch. 40A, which is owned by the Conservation Commission of the City of Newton. The slope was vegetated with a variety of species of trees, shrubs and herbaceous material, all of which provided substantial wildlife habitat. The bottom of the slope was a wooded swamp which contained predominantly wetland species, thereby constituting a Bordering Vegetated Wetland as defined at 310 CMR 10.55. The area is also considered Bordering Land Subject to Flooding as defined at 310 CMR 10.57 and is subject to the City of Newton Floodplain Ordinance 22-22.

On June 10, 2002, while at the Rumford Avenue landfill (located behind Staniford Street), I saw through the trees a terraced hillside. Upon investigation I met Ms. Kim and we viewed the hillside together. She explained that Dr. Pak is an avid gardener and had done all of the work himself.

All of the shrubs and herbaceous vegetation which were growing on the hillside and at the bottom of the slope have been removed. It appears that from the brow of the hill at the back of the house, down the slope some 20 feet or so, Dr. Pak has planted lilies, baptisia, hosta and a number of other cultivated species. A steep pathway runs down the hillside, also serving to drain the rear yard. From the end of the hillside planting and out

approximately 40 – 50 feet, on one side of the pathway, the land has been terraced behind a large, fieldstone retaining wall. Mature trees are contained within this terrace, but the soil appears to be filled against the trunks. This will deprive the roots of oxygen and cause the trees to decline in health and eventually die. Vegetables and flowers appear to have been planted on this terraced area. Further down the pathway are other plantings. At the bottom of the slope it appears that the wetland has been filled to provide raised beds for more plantings.

Drain grates are visible in several locations. Flexible black plastic drainage hose has been stockpiled at the bottom of the slope. It appears that a drainage system is in place, with additional drainage planned.

It appears that the City Ordinance on three-foot (3') grade changes has been triggered. If so, a Special Permit from the Board of Aldermen will be required. The owner should contact the Inspectional Services Department and request a review.

**Regulatory Authority:**

The Newton Conservation Commission is empowered to administer the Wetlands Protection Act (MGL Ch. 131, s. 40), the Wetlands Regulations (310 CMR 10.00) and the City of Newton Floodplain Ordinance (Ordinance #22-22). All wetland resource areas and the land within 100 feet of them are under its jurisdiction. Prior to any work being performed within these wetland resource areas or the 100 foot Buffer Zone, a property owner must apply to the Commission and receive permission to do the work proposed. The work on this hillside lies within the 100 foot Buffer Zone of a Bordering Vegetated Wetland (Flowed Meadow). The work at the foot of the slope lies within the Bordering Vegetated Wetland, Bordering Land Subject to Flooding and the City of Newton Floodplain. None of the work described above has received a permit from the Conservation Commission. Consequently, the Newton Conservation Commission is issuing the enclosed Enforcement Order requiring restoration.

**Required Action:**

The property owner shall engage the services of a land surveyor and a civil engineer, both with professional registration in Massachusetts, and a Wetland Scientist. A topographical survey shall be performed showing the current grades and interpreting the grades of adjacent properties to approximate the previous grade on the site. A vegetative survey of adjacent properties shall be conducted and a plant list produced to guide restoration planting. Soil studies shall be conducted to approximate the previous wetland delineation. A wildlife survey shall be conducted and a wildlife list produced to guide vegetation choices.

With the information noted above, the property owner shall prepare a restoration plan incorporating the removal of the fill in the wetland and the planting of native species in

the wetland and on the hillside. The plan should also include the removal of the drainage system and the fill against the mature trees.

The property owner shall appear at the meeting as noted above with as much of information in hand as possible. At the very least, the wetland scientist or other professional should appear with the property owner or write a letter acknowledging that s/he has been engaged to prepare the plan required.

The goal of this enforcement action is the restoration of the wetland resource areas and Buffer Zone. The extent of the required restoration will be the subject of the discussion at the meeting.

I note for the record that Dr. Pak filed a Request for Determination on another Staniford Street property adjacent to Flowed Meadow in December of 1994 and received a positive Determination.

If you have any questions about what is expected of you, please call me at 617-552-7135, ext. 130. Your prompt cooperation will avoid the necessity of taking legal action against you.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

- cc: DEP – NERO, 205A Lowell Street, Wilmington, MA 01887
- Conservation Commission Members
- E. McGettigan, Esq., Law Dept.
- M. Gilroy, Commissioner of Inspectional Services
- A. Gifford, Building Inspector

conserva\corres\33stanifordst-eo

# 168-02

March 30, 1999

Mr. Avi Fogel  
22 Hollywood Drive  
Chestnut Hill, MA 02467

RE: ENFORCEMENT ORDER  
New Wetland Violation at  
22 Hollywood Drive

Dear Mr. Fogel:

**At its March 25, 1999, meeting, the members of the Newton Conservation Commission unanimously directed me to issue this Enforcement Order to you as owner of the property. This Enforcement Order is being issued to address alterations of the following Massachusetts Wetland Resource Areas: Bordering Land Subject to Flooding (BLSF) as defined at 310 CMR 10.57, and the Riverfront Area as defined at 310 CMR 10.58. The Order is also being issued to address alterations to the City of Newton Floodplain as defined in Ordinance Section 22-22 of the Newton Revised Ordinances of 1995.**

Confirming our numerous conversations and your discussion with members at the 3/15/99 Conservation Commission meeting, the following outlines our understanding of the situation as it exists at the referenced property and sets forth conditions for the restoration of the wetland.

The 1995 wetland violation at the referenced address had been cured to the point of restoration in accordance with an approved plan by the end of 1995 (Plan Reference: "Site Plan of Land, Newton, Mass., 22 Hollywood Drive, Planting Plan" dated 5/30/95, most recently revised 11/16/95, signed and stamped by Verne T. Porter, Jr., PLS). A two-year monitoring plan was supposedly in place at that point (but has not been implemented to date). You purchased the property shortly thereafter, removed the shrubs that had been planted and re-installed sod in the floodplain and buffer zone which was supposed to have been a 'no-touch' area in perpetuity. In so doing, your contractor may have re-filled the restored floodplain.

6

You now wish to sell the property to Mr. Robert Carp who is aware of the above sequence of events. You have taken full responsibility to restore the illegal alterations and will make arrangements with Mr. Carp, financial and otherwise, to ensure that the area is restored and the vegetation monitored until it meets the standards for such restorations. The restoration standard is 75% coverage with wetland vegetation after two years. If the coverage after two years is not 75%, additional plantings must be made and another two year review period will be required. Mr. Carp is aware that once he buys the property, he owns the wetland violation and must see the restoration through to the successful conclusion. The success of the restoration will be judged by the Conservation Commission in concert with your wetlands consultant. You have offered a permanent deed restriction to alert future purchasers to the 'no-touch' area and Mr. Carp has offered a fence at the edge of the 'no-touch' area to provide a permanent barrier with the hope that it will ensure that the area is not altered again.

#### **ENFORCEMENT ORDER CONDITIONS:**

Based on the foregoing, you must do the following to restore the area which was altered illegally. These conditions are similar to those issued following the original violation.

1. The services of a land surveyor registered in Massachusetts and a professional wetland scientist shall be retained. The wetland scientist shall have education and experience in soils, vegetation, wildlife and wetland restoration. His/her resume shall be given to the Commission.
2. The following flagging and staking shall be accomplished by instrument survey in the rear yard:
  - a. Stake the location of the Newton Floodplain line, noting the existing elevation and the elevation to which it must be restored.
  - b. Stake the location of the FEMA Floodplain line, noting the existing elevation and the elevation to which it must be restored.
3. Prepare a plan showing the proposed work to restore the elevations and bring the property into compliance with the previously approved plan. You have stated that you wish to plant additional trees and shrubs and they should be shown on the proposed plan. These additional plantings should be discussed with the wildlife consultant to ensure that they provide food, cover and nesting sites to improve the habitat values on the site. A fence to serve as a permanent barrier shall be shown on the plan and installed between the natural area and the lawn. All wetland restoration shall be in full compliance with the standards set forth in 310 CMR 10.55 and 310 CMR 10.57.
4. Following completion of the plan of work, it shall be submitted to the Conservation Commission for review and approval.

#168-02

5. Following approval of the plan of work, the construction may commence as soon as the contractor has signed and delivered to the Commission a statement that he has read, understood and agrees to abide by the terms of this Enforcement Order.
6. Commission members and/or its representative shall be allowed to enter the rear yard to monitor the progress of the construction.
7. Following completion of construction, the land surveyor shall prepare and submit an as-built plan, signed, stamped and certified as accurate, from an instrument survey. He shall prepare and submit a letter stating that the construction was completed in substantial compliance with the approved plan and setting forth any deviations from that plan.
8. Upon receipt of the as-built plan and certification from the land surveyor, the Commission and/or its representative shall inspect the completed project. If found to be in compliance, the Enforcement Order will be lifted except for the following condition which shall remain in force for at least two full years and longer if warranted.
9. This condition will continue for at least two years past the lifting of the Enforcement Order, in accordance with the requirement in 310 CMR 10.55 that the restoration be monitored for two years.

The wetland restoration shall be inspected by the wetland scientist at six-month intervals beginning from the date of planting to ensure that the plantings are growing well and maintaining a healthy condition. Reports will be forwarded to the Commission following each inspection visit. At the end of the two-year period, if the plantings are in good condition and meet the standards set forth in 310 CMR 10.55, this remaining condition of the Enforcement Order will be lifted. If the report is in the negative, the condition will continue until the planting is judged satisfactory and in compliance with the noted standards for two consecutive site inspections. The responsible party, Mr. Fogel or the successive owner(s), shall bear the costs associated with these inspections and reports. Proof of his arrangement with the wetland scientist shall be submitted to the Commission.

10. You shall incorporate a deed restriction referencing the natural area and the need to maintain a physical barrier between it and the lawn area into the deed at the time of conveyance. The proposed language shall be submitted in advance to the Conservation Commission for review and approval by the City Solicitor.



#168-02

If you have any questions regarding this Enforcement Order, please contact me at 552-7135, ext. 130. If the professionals you hire to complete the required work wish to consult with me at any time, please let them know that I will be pleased to do so.

Sincerely,

FOR THE CONSERVATION COMMISSION

Martha J. Horn  
Environmental Planner

cc: Robert Carp, 26 Harwich Road, Newton, 02467  
P. Giunta, City Engineer  
J. Hickey, Commissioner of Public Works  
J. Latronica, Commissioner of Inspectional Services  
Catherine Farrell, Esq., Law Department  
S. Glazer, Assoc. Director of Planning  
DEP - NERO, 205A Lowell St., Wilmington, MA 01887

corres\22holly

#168-02



**A. Violation Information**

Important:  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key



This Enforcement Order is issued by

Conservation Commission (issuing Authority) \_\_\_\_\_ Date \_\_\_\_\_

To

Name of Violator \_\_\_\_\_

Address \_\_\_\_\_

Location of Violation: \_\_\_\_\_

Property Owner (if different) \_\_\_\_\_

Street Address \_\_\_\_\_

City/Town \_\_\_\_\_ Zip Code \_\_\_\_\_

Assessors Map/Parcel Number \_\_\_\_\_ Parcel/Lot Number \_\_\_\_\_

2. Extent and Type of Activity (if more space is required, please attach a separate sheet):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**B. Findings**

The Issuing Authority has determined that the activity described above is in violation of the Wetlands Protection Act (M.G.L. c. 131, § 40) and its Regulations (310 CMR 10.00), because:

- the activity has been/is being conducted without a valid Order of Conditions.
- the activity has been/is being conducted in violation of the Order of Conditions issued to:

Name \_\_\_\_\_ Dated \_\_\_\_\_

File Number \_\_\_\_\_ Condition number(s) \_\_\_\_\_

**B. Findings (cont.)**

Other (specify): \_\_\_\_\_

**C. Order**

The issuing authority hereby orders the following (check all that apply):

- The property owner, his agents, permittees, and all others shall immediately cease and desist from the further activity affecting the Buffer Zone and/or wetland resource areas on this property.
- Wetland alterations resulting from said activity should be corrected and the site returned to its original condition.
- Complete the attached Notice of Intent. The completed application and plans for all proposed work as required by the Act and Regulations shall be filed with the Issuing Authority on or before

Date \_\_\_\_\_

No further work shall be performed until a public hearing has been held and an Order of Conditions has been issued to regulate said work.

The property owner shall take the following action to prevent further violations of the Act:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Failure to comply with this Order may constitute grounds for additional legal action. Massachusetts General Laws Chapter 131, Section 40 provides: "Whoever violates any provision of this section (a) shall be punished by a fine of not more than twenty-five thousand dollars or by imprisonment for not more than two years, or both, such fine and imprisonment, or (b) shall be subject to a civil penalty not to exceed twenty-five thousand dollars for each violation". Each day or portion thereof of continuing violation shall constitute a separate offense.



**D. Appeals/Signatures**

An Enforcement Order issued by a Conservation Commission cannot be appealed to the Department of Environmental Protection, but may be filed in Superior Court.

Questions regarding this Enforcement Order should be directed to:

Name \_\_\_\_\_

Phone Number \_\_\_\_\_

Hours/Days Available \_\_\_\_\_

Issued by:

Conservation Commission \_\_\_\_\_

In a situation regarding immediate action, an Enforcement Order may be signed by a single member or agent of the Commission and ratified by majority of the members at the next scheduled meeting of the Commission.

Signatures:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of delivery person or certified mail number \_\_\_\_\_

7

#168-02

July 12, 2002

Barry & Judie Samuels  
100 Boulder Road  
Newton, MA 02459

RE: Potential Wetland Violation  
100 Boulder Road, Newton

Dear Mr. and Mrs. Samuels:

Recently while in the neighborhood I noticed what appears to be a new deck at the rear of your home. Since your home is in the City of Newton Floodplain (see attached map) and we had previous discussions about what could be done on your property, I was surprised that you had not consulted the Conservation Commission prior to construction. In addition, the Inspectional Services Department has no record of a building permit for a deck.

All construction located within a floodplain requires compensatory storage for all fill. In the case of a deck, the fill is the pile supports. Such a project must first receive permission from the Conservation Commission and then a building permit. Since there is no record of either, I would appreciate your calling me at 617-796-1134 or sending me an on-ground survey which shows that the property is not located in a floodplain.

Your cooperation will be appreciated.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

cc: Inspectional Services Department  
Law Department

conserva\corres\100boulderdeo

2 of 3

#168-02

July 12, 2002

Jason & Jennifer Soulier  
80 Boulder Road  
Newton, MA 02459

RE: Potential Wetland Violation  
80 Boulder Road, Newton

Dear Mr. and Mrs. Soulier:

Recently while in the neighborhood I noticed what appears to be a new deck at the rear of your home. Your home is in the City of Newton Floodplain (see attached map) and we had a discussions in July of 2000 about an addition being placed on an existing porch and not requiring a filing for that since no new pilings were being added. However, my notes do not indicate that the deck was part of that review. In addition, the Inspectional Services Department has no record of a building permit for a deck.

I would appreciate your calling me at 617-796-1134 as soon as possible to clarify this potential issue. Your cooperation will be appreciated.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

cc: Inspectional Services Department  
Law Department

conserva\corres\80boulderrdeo

8:12

2:3

H168-02

October 22, 2004

H. Mandelcorn  
15 Bound Brook Road  
Newton, MA 02459

RE: Enforcement Action  
Wetland/Floodplain Alteration at  
15 Bound Brook Road

Dear Mr. Mandelcorn:

Today while on a site visit to Countryside School, I observed a bobcat working in your rear yard. The worker advised me that you received a demolition permit for the swimming pool in your yard and that the dumpster containing the old concrete would be removed as soon as he is finished with the excavation. Later I spoke to the worker's employer, Jim Walters of Hazardous Abatement Services, and he indicated that his contract requires him to do the demolition and then bring in some fill for the resulting depression.

This letter is your notice that the work being done is in violation of the Wetlands Regulations (310 CMR 10.57) and the City Floodplain Ordinance #22-22. Your rear yard is in one of the worst areas of flooding in the City and, as such, all work requires permission from the Conservation Commission prior to beginning the work. The demolition permit should not have been issued without discussions with the Commission.

At this point the work is well underway and our interests are in making certain that the site is stabilized well prior to the onset of winter. It is much too late to vegetate the area, so we must seek other alternatives. You may wish to place an erosion control blanket and/or large stones over the disturbed area – or any other erosion control measures which would ensure that the soils could not be scoured out of your yard and become waterborne during a flood event. Then in the spring, you could complete the work under the oversight of the Commission.

4

#168-02

For now, please get in touch with me as soon as possible and let me know your plans, preferably in writing. I am interested in knowing the final elevations and how you intend to stabilize any fill that is put into the depression. Your cooperation will be appreciated.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

- cc: J. Brown, Commissioner of Inspectional Services
- R. O'Regan, Sr. Building Inspector
- J. Daghlian, Associate City Engineer
- J. Walters, Hazardous Abatement Services, P. O. Box 512, Hull, MA 02045
- E. McGettigan, Esq., Law Dept.

conserva\corres\15 bound brook enforcement

4

#168-02

June 11, 2002

Dr. Won K. Pak and Ms. Heesun Kim  
33 Staniford Street  
Auburndale, MA 02466

RE: ENFORCEMENT ORDER  
Wetland and Buffer Zone Alteration at  
33 Staniford Street, Auburndale

Dear Dr. Pak and Ms. Kim:

**Confirming my discussion with Ms. Kim yesterday, this letter is your notice to cease and desist from all activities on the slope and wetland behind your dwelling until you comply with the following requirements and meet with the members of the Conservation Commission at their regular monthly meeting on June 27, 2002, at 9:00 p.m. in Room 209 at City Hall.**

**Background:**

The house at 33 Staniford Street is built on a hill above the Flowed Meadow Wetland, a Restricted Wetland under MGL 131, Ch. 40A, which is owned by the Conservation Commission of the City of Newton. The slope was vegetated with a variety of species of trees, shrubs and herbaceous material, all of which provided substantial wildlife habitat. The bottom of the slope was a wooded swamp which contained predominantly wetland species, thereby constituting a Bordering Vegetated Wetland as defined at 310 CMR 10.55. The area is also considered Bordering Land Subject to Flooding as defined at 310 CMR 10.57 and is subject to the City of Newton Floodplain Ordinance 22-22.

On June 10, 2002, while at the Rumford Avenue landfill (located behind Staniford Street), I saw through the trees a terraced hillside. Upon investigation I met Ms. Kim and we viewed the hillside together. She explained that Dr. Pak is an avid gardener and had done all of the work himself.

All of the shrubs and herbaceous vegetation which were growing on the hillside and at the bottom of the slope have been removed. It appears that from the brow of the hill at the back of the house, down the slope some 20 feet or so, Dr. Pak has planted lilies, baptisia, hosta and a number of other cultivated species. A steep pathway runs down the hillside, also serving to drain the rear yard. From the end of the hillside planting and out

5

approximately 40 – 50 feet, on one side of the pathway, the land has been terraced behind a large, fieldstone retaining wall. Mature trees are contained within this terrace, but the soil appears to be filled against the trunks. This will deprive the roots of oxygen and cause the trees to decline in health and eventually die. Vegetables and flowers appear to have been planted on this terraced area. Further down the pathway are other plantings. At the bottom of the slope it appears that the wetland has been filled to provide raised beds for more plantings.

Drain grates are visible in several locations. Flexible black plastic drainage hose has been stockpiled at the bottom of the slope. It appears that a drainage system is in place, with additional drainage planned.

It appears that the City Ordinance on three-foot (3') grade changes has been triggered. If so, a Special Permit from the Board of Aldermen will be required. The owner should contact the Inspectional Services Department and request a review.

**Regulatory Authority:**

The Newton Conservation Commission is empowered to administer the Wetlands Protection Act (MGL Ch. 131, s. 40), the Wetlands Regulations (310 CMR 10.00) and the City of Newton Floodplain Ordinance (Ordinance #22-22). All wetland resource areas and the land within 100 feet of them are under its jurisdiction. Prior to any work being performed within these wetland resource areas or the 100 foot Buffer Zone, a property owner must apply to the Commission and receive permission to do the work proposed. The work on this hillside lies within the 100 foot Buffer Zone of a Bordering Vegetated Wetland (Flowed Meadow). The work at the foot of the slope lies within the Bordering Vegetated Wetland, Bordering Land Subject to Flooding and the City of Newton Floodplain. None of the work described above has received a permit from the Conservation Commission. Consequently, the Newton Conservation Commission is issuing the enclosed Enforcement Order requiring restoration.

**Required Action:**

The property owner shall engage the services of a land surveyor and a civil engineer, both with professional registration in Massachusetts, and a Wetland Scientist. A topographical survey shall be performed showing the current grades and interpreting the grades of adjacent properties to approximate the previous grade on the site. A vegetative survey of adjacent properties shall be conducted and a plant list produced to guide restoration planting. Soil studies shall be conducted to approximate the previous wetland delineation. A wildlife survey shall be conducted and a wildlife list produced to guide vegetation choices.

With the information noted above, the property owner shall prepare a restoration plan incorporating the removal of the fill in the wetland and the planting of native species in



#168-02

the wetland and on the hillside. The plan should also include the removal of the drainage system and the fill against the mature trees.

The property owner shall appear at the meeting as noted above with as much of information in hand as possible. At the very least, the wetland scientist or other professional should appear with the property owner or write a letter acknowledging that s/he has been engaged to prepare the plan required.

The goal of this enforcement action is the restoration of the wetland resource areas and Buffer Zone. The extent of the required restoration will be the subject of the discussion at the meeting.

I note for the record that Dr. Pak filed a Request for Determination on another Staniford Street property adjacent to Flowed Meadow in December of 1994 and received a positive Determination.

If you have any questions about what is expected of you, please call me at 617-552-7135, ext. 130. Your prompt cooperation will avoid the necessity of taking legal action against you.

Sincerely,

Martha J. Aherin Horn  
Sr. Environmental Planner

cc: DEP - NERO, 205A Lowell Street, Wilmington, MA 01887  
Conservation Commission Members  
E. McGettigan, Esq., Law Dept.  
M. Gilroy, Commissioner of Inspectional Services  
A. Gifford, Building Inspector

conserva\corres\33stanifordst-ee



#168-02

March 30, 1999

Mr. Avi Fogel  
22 Hollywood Drive  
Chestnut Hill, MA 02467

RE: ENFORCEMENT ORDER  
New Wetland Violation at  
22 Hollywood Drive

Dear Mr. Fogel:

**At its March 25, 1999, meeting, the members of the Newton Conservation Commission unanimously directed me to issue this Enforcement Order to you as owner of the property. This Enforcement Order is being issued to address alterations of the following Massachusetts Wetland Resource Areas: Bordering Land Subject to Flooding (BLSF) as defined at 310 CMR 10.57, and the Riverfront Area as defined at 310 CMR 10.58. The Order is also being issued to address alterations to the City of Newton Floodplain as defined in Ordinance Section 22-22 of the Newton Revised Ordinances of 1995.**

Confirming our numerous conversations and your discussion with members at the 3/15/99 Conservation Commission meeting, the following outlines our understanding of the situation as it exists at the referenced property and sets forth conditions for the restoration of the wetland.

The 1995 wetland violation at the referenced address had been cured to the point of restoration in accordance with an approved plan by the end of 1995 (Plan Reference: "Site Plan of Land, Newton, Mass., 22 Hollywood Drive, Planting Plan" dated 5/30/95, most recently revised 11/16/95, signed and stamped by Verne T. Porter, Jr., PLS). A two-year monitoring plan was supposedly in place at that point (but has not been implemented to date). You purchased the property shortly thereafter, removed the shrubs that had been planted and re-installed sod in the floodplain and buffer zone which was supposed to have been a 'no-touch' area in perpetuity. In so doing, your contractor may have re-filled the restored floodplain.

6

You now wish to sell the property to Mr. Robert Carp who is aware of the above sequence of events. You have taken full responsibility to restore the illegal alterations and will make arrangements with Mr. Carp, financial and otherwise, to ensure that the area is restored and the vegetation monitored until it meets the standards for such restorations. The restoration standard is 75% coverage with wetland vegetation after two years. If the coverage after two years is not 75%, additional plantings must be made and another two year review period will be required. Mr. Carp is aware that once he buys the property, he owns the wetland violation and must see the restoration through to the successful conclusion. The success of the restoration will be judged by the Conservation Commission in concert with your wetlands consultant. You have offered a permanent deed restriction to alert future purchasers to the 'no-touch' area and Mr. Carp has offered a fence at the edge of the 'no-touch' area to provide a permanent barrier with the hope that it will ensure that the area is not altered again.

#### **ENFORCEMENT ORDER CONDITIONS:**

Based on the foregoing, you must do the following to restore the area which was altered illegally. These conditions are similar to those issued following the original violation.

1. The services of a land surveyor registered in Massachusetts and a professional wetland scientist shall be retained. The wetland scientist shall have education and experience in soils, vegetation, wildlife and wetland restoration. His/her resume shall be given to the Commission.
2. The following flagging and staking shall be accomplished by instrument survey in the rear yard:
  - a. Stake the location of the Newton Floodplain line, noting the existing elevation and the elevation to which it must be restored.
  - b. Stake the location of the FEMA Floodplain line, noting the existing elevation and the elevation to which it must be restored.
3. Prepare a plan showing the proposed work to restore the elevations and bring the property into compliance with the previously approved plan. You have stated that you wish to plant additional trees and shrubs and they should be shown on the proposed plan. These additional plantings should be discussed with the wildlife consultant to ensure that they provide food, cover and nesting sites to improve the habitat values on the site. A fence to serve as a permanent barrier shall be shown on the plan and installed between the natural area and the lawn. All wetland restoration shall be in full compliance with the standards set forth in 310 CMR 10.55 and 310 CMR 10.57.
4. Following completion of the plan of work, it shall be submitted to the Conservation Commission for review and approval.

5. Following approval of the plan of work, the construction may commence as soon as the contractor has signed and delivered to the Commission a statement that he has read, understood and agrees to abide by the terms of this Enforcement Order.
6. Commission members and/or its representative shall be allowed to enter the rear yard to monitor the progress of the construction.
7. Following completion of construction, the land surveyor shall prepare and submit an as-built plan, signed, stamped and certified as accurate, from an instrument survey. He shall prepare and submit a letter stating that the construction was completed in substantial compliance with the approved plan and setting forth any deviations from that plan.
8. Upon receipt of the as-built plan and certification from the land surveyor, the Commission and/or its representative shall inspect the completed project. If found to be in compliance, the Enforcement Order will be lifted except for the following condition which shall remain in force for at least two full years and longer if warranted.
9. This condition will continue for at least two years past the lifting of the Enforcement Order, in accordance with the requirement in 310 CMR 10.55 that the restoration be monitored for two years.

The wetland restoration shall be inspected by the wetland scientist at six-month intervals beginning from the date of planting to ensure that the plantings are growing well and maintaining a healthy condition. Reports will be forwarded to the Commission following each inspection visit. At the end of the two-year period, if the plantings are in good condition and meet the standards set forth in 310 CMR 10.55, this remaining condition of the Enforcement Order will be lifted. If the report is in the negative, the condition will continue until the planting is judged satisfactory and in compliance with the noted standards for two consecutive site inspections. The responsible party, Mr. Fogel or the successive owner(s), shall bear the costs associated with these inspections and reports. Proof of his arrangement with the wetland scientist shall be submitted to the Commission.

10. You shall incorporate a deed restriction referencing the natural area and the need to maintain a physical barrier between it and the lawn area into the deed at the time of conveyance. The proposed language shall be submitted in advance to the Conservation Commission for review and approval by the City Solicitor.

#168-02

If you have any questions regarding this Enforcement Order, please contact me at 552-7135, ext. 130. If the professionals you hire to complete the required work wish to consult with me at any time, please let them know that I will be pleased to do so.

Sincerely,

FOR THE CONSERVATION COMMISSION

Martha J. Horn  
Environmental Planner

cc: Robert Carp, 26 Harwich Road, Newton, 02467  
P. Giunta, City Engineer  
J. Hickey, Commissioner of Public Works  
J. Latronica, Commissioner of Inspectional Services  
Catherine Farrell, Esq., Law Department  
S. Glazer, Assoc. Director of Planning  
DEP - NERO, 205A Lowell St., Wilmington, MA 01887

corres\22holly

#168-02

**REFERRED TO ZONING & PLANNING & FINANCE COMMITTEES**

#168-02

HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.

ACTION: APPROVED 6-0

NOTE: Environmental Planner Martha Horn distributed samples of the enforcement letters that she sends out to violators of Conservation Commission Ordinances and Measures. In most cases, they result in compliance. However, in a few egregious cases, violators do not respond to the letters, leaving her with the task of seeking enforcement in court. Courts generally are not particularly concerned about such violations. The Commission believes that the ability to impose fines via tickets will bring more violators into compliance. The Committee voted unanimously to approve the tickets for the stipulated offenses.

**REFERRED TO PROG & SERV, PUB FAC AND FINANCE COMMITTEES**

#54-08(3) **PUBLIC FACILITIES COMMITTEE** offering a RESOLUTION to His Honor the Mayor requesting that he request and receive from the State Treasurer a review of the project plans and a review of the project's finance plan and submit said reviews to the Board of Aldermen in order to preserve cost-saving options.

**PUBLIC FACILITIES APPROVED 5-3 on 2-20-08 (Ald. Gentile, Salvucci, Schnipper opposed)**

**ACTION: PROGRAMS & SERVICES APPROVED 4-2-1 (Ald. Baker, Hess-Mahan opposed; Ald. Merrill abstaining; Ald. Parker not voting)**

**NOTE:** Ald. Baker asked for an explanation of these two items. Ald. Mansfield said that the original item #54-08 was approved by the Programs and Services Committee and it was then split out into these two items. Because it came to Public Facilities the day after the concrete was being poured, the majority of the Committee felt that that item had no further purpose or validity. They felt it would be more appropriate to have a resolution that was not tied to the pouring of concrete but felt a financing plan for a guaranteed maximum price was crucial for the Board to ask for at the earliest possible time to preserve cost savings options. They also wanted the State Treasurer to review the project and financing plans and then provide the City with his department's expertise on the financing.

Ald. Schnipper explained that she had voted against this in Public Facilities because of the requirement in the statement that they had to receive from the State Treasurer a review of the project plans and a review of the project financing plan in order to go forward. She felt they were willing and supportive of asking the Treasurer for his input but did not feel they needed to wait for him to review the financing plan before they would go forward with the project. Public Facilities voted No Action Necessary on that original item.

Ald. Sangiolo asked Mr. Pooler what communication has taken place between the Executive Office and the State Treasurer's Office since the requested items had been delivered. Mr. Pooler did not know what the status was and that Mr. Parnell would be the person to contact for further updates on this.

Ald. Baker moved approval of these items and the Committee voted in favor.



# 453-06

**JOHN S. DAY, ESQ.**  
**ATTORNEY AT LAW**  
**24 BAY ROAD**  
**DUXBURY, MA 02332**

781-934-2008 (telephone)  
781-846-0780 (facsimile)

www.daylaw.com (internet)  
jday@daylaw.com (e-mail)

November 16, 2006

**BY FACSIMILE AND FIRST CLASS MAIL**

David A. Olson  
Clerk, Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

2006 NOV 20 11 PM 4: 02  
CITY CLERK  
NEWTON, MA 02159

**RE: Betterment Assessment for Property owned by Leon Jr. and Marion  
D. Semonian, 373 Dedham Street, Newton, Massachusetts**

**Petition for Total Abatement of Betterment Assessment**

Dear Mr. Olson:

I am writing on behalf of Leon and Marion Semonian, who own, and reside upon, real property located at 373 Dedham Street, Newton, Massachusetts. Mr. and Mrs. Semonian have been issued a betterment assessment, dated October 16, 2007, and I have attached a copy of this assessment for your reference. As you will see, the attached betterment assessment is in the amount of \$2,690.00.

Mr. and Mrs. Semonian hereby request, pursuant to M.G.L. Chapter 80 *et seq.*, a total abatement of the attached betterment assessment, on the grounds that their property has not benefited from the purported betterment. I have determined, by conferring with my clients and reviewing the Finance Committee Agenda for February 13, 2006, that the betterment assessment at issue pertains to a new sidewalk, new granite curbstone, and road resurfacing that was performed along Countryside Road and extending into Patten Circle. Mr. and Mrs. Semonian live on the corner of Dedham Street and Countryside Road, but their lot fronts onto Dedham Street and the Countryside Road-side of their lot had a preexisting asphalt sidewalk that did not need to be replaced with a new sidewalk in order to enhance their property value. Indeed, the aforementioned work has not improved either the functionality or value of the Semonians' property.

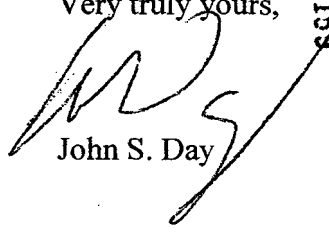
#453-06

David A. Olson  
Clerk, Board of Aldermen  
November 16, 2006  
Page 2

Moreover, Mr. and Mrs. Semonian were not consulted regarding the work to be performed along Countryside Road. Consequently, Mr. and Mrs. Semonian respectfully contend that their property is not subject to a betterment assessment. See M.G.L. c. 80, §1 (betterment assessment may only be applied to a limited area that receives a specific benefit or advantage).

As set forth above, Mr. and Mrs. Semonian request, pursuant to M.G.L. c. 80, a total abatement of the attached betterment assessment. Thank you for your attention on this matter, and I look forward to hearing from you.

Very truly yours,



John S. Day

cc: Leon and Marion Semonian

2006 NOV 20 PM 4:02  
CITY CLERK  
NEWTON, MA 02159

The Commonwealth of Massachusetts  
City of Newton  
Office of the Collector of Taxes  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

BILL #: 200728  
BOARD ORDER: 93-06

Date of Notice: 10/16/2007  
Due Date: 11/17/2007

SEMONIAN LEON JR & MARLON D  
373 DEDHAM ST  
NEWTON CENTRE MA 02459

You are hereby notified that a betterment assessment is assessed to you as follows:

Year:	2007	Type:	Street	Board Order:	93-06	Amount:	699.00
Property Address:	373 DEDHAM ST						
Parcel Identification:	83036A0003						

2006 NOV 28 PM 4:02  
CITY CLERK  
NEWTON, MA 02459

For information regarding betterment assessments, inquire of the Board instituting the improvement; if application for abatement is made, it must be filed with the Board of Aldermen within six months of the date of this notice. Interest at 5% per year begins thirty days from the date of this notice.

Interest begins on 11/17/2007 Edward J. Spellman Jr., Collector of Taxes

By statute, this bill may be apportioned into not more than twenty (20) yearly payments with interest at 5% per annum. No portion can be less than \$5.00. Apply to the Board of Assessors at once if you wish to have the bill apportioned. If you choose to apportion the bill, no payment is necessary at this time.

Taxes payable at the Collector's Office, City Hall. Hours: 8:30 AM to 5:00 PM, Monday through Friday and Tuesday evenings until 8:00 PM. Checks or money orders must be made payable to "The City of Newton".

\*For Questions, please contact the Assessors Office at (617) 796-1160\*

Please select your option (A or B) below, cut along line, and return to "Newton Treasurer's Office", 1000 Commonwealth Ave., Newton, MA 02459.

Betterment Assessment

Bill Date: 10/16/2007	Bill Number: 200728
Parcel ID: 83036A0003	Original Amount \$2,690.00
Location: 373 DEDHAM ST	

A)  Full Payment Enclosed. Full Payment Due By: 11/17/2007 Total Enclosed: \_\_\_\_\_

OR

B) Please Apportion For 5 10 15 20 year (Please circle the number of years)

If apportioning bill, no payment is necessary at this time. Apportioned amount will be added to Real Estate Tax Bill for the number of years selected. Non-response will apportion bill for 20 years. Please mail to: Newton Treasurer's Office, 1000 Commonwealth Ave., Newton, MA 02459

#453-06

**JOHN S. DAY, ESQ.**  
**ATTORNEY AT LAW**  
**24 BAY ROAD**  
**DUXBURY, MA 02332**

781-934-2008 (telephone)  
781-846-0780 (facsimile)

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jday@daylaw.com (e-mail)

**FACSIMILE COVER SHEET**

ADDRESSEE	TELEPHONE NUMBER	FACSIMILE NUMBER
David A. Olson, Clerk, Board of Aldermen	617-796-1210	617-796-1214

**From:** John S. Day, Esq.    **Date:** November 16, 2006    **No. of pages to follow:** 3

**Message:**

2006 NOV 16 AM 11:02  
CITY CLERK  
NEWTON, MA. 02159

**\*\*\*THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE USE OF THE SPECIFIC INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL, AND/OR OTHERWISE EXEMPT FROM DISCLOSURE. If you are not the intended recipient, or the employee or agent responsible for delivering the transmission to the intended recipient, you are hereby notified that any disclosure, distribution, dissemination, copying, use, or the taking of any action based on the contents of this transmission is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone (collect) and return the original transmission to us via the U.S. Postal Service. Thank you.\*\*\***

#453-06

**JOHN S. DAY, ESQ.**  
**ATTORNEY AT LAW**  
**24 BAY ROAD**  
**DUXBURY, MA 02332**

781-934-2008 (telephone)  
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November 16, 2006

**BY FACSIMILE AND FIRST CLASS MAIL**

David A. Olson  
Clerk, Board of Aldermen  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

2006 NOV 16 AM 11:02  
CITY CLERK  
NEWTON, MA 02159

**RE: Betterment Assessment for Property owned by Leon Jr. and Marion  
D. Semonian, 373 Dedham Street, Newton, Massachusetts**

**Petition for Total Abatement of Betterment Assessment**

Dear Mr. Olson:

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Mr. and Mrs. Semonian hereby request, pursuant to M.G.L. Chapter 80 *et seq.*, a total abatement of the attached betterment assessment, on the grounds that their property has not benefited from the purported betterment. I have determined, by conferring with my clients and reviewing the Finance Committee Agenda for February 13, 2006, that the betterment assessment at issue pertains to a new sidewalk, new granite curbstone, and road resurfacing that was performed along Countryside Road and extending into Patten Circle. Mr. and Mrs. Semonian live on the corner of Dedham Street and Countryside Road, but their lot fronts onto Dedham Street and the Countryside Road-side of their lot had a preexisting asphalt sidewalk that did not need to be replaced with a new sidewalk in order to enhance their property value. Indeed, the aforementioned work has not improved either the functionality or value of the Semonians' property.

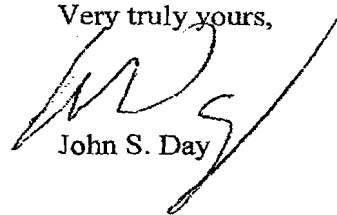
#453-06

David A. Olson  
Clerk, Board of Aldermen  
November 16, 2006  
Page 2

Moreover, Mr. and Mrs. Semonian were not consulted regarding the work to be performed along Countryside Road. Consequently, Mr. and Mrs. Semonian respectfully contend that their property is not subject to a betterment assessment. See M.G.L. c. 80, §1 (betterment assessment may only be applied to a limited area that receives a specific benefit or advantage).

As set forth above, Mr. and Mrs. Semonian request, pursuant to M.G.L. c. 80, §5, a total abatement of the attached betterment assessment. Thank you for your attention to this matter, and I look forward to hearing from you.

Very truly yours,



John S. Day

cc: Leon and Marion Semonian

#453-06

The Commonwealth of Massachusetts  
City of Newton  
Office of the Collector of Taxes  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

BILL #: 200728  
BOARD ORDER: 93-06

Date of Notice: 10/16/2007  
Due Date: 11/17/2007

SEMONIAN LEON JR & MARLON D  
373 DEDHAM ST  
NEWTON CENTRE MA 02459

2006 NOV 15 AM 11:02  
CITY CLERK  
NEWTON, MA 02159

You are hereby notified that a betterment assessment is assessed to you as follows:

Year:	2007	Type:	Street	Board Order:	93-06	Amount:	\$2,690.00
Property Address:	373 DEDHAM ST						
Parcel Identification:	83036A0003						

For information regarding betterment assessments, inquire of the Board instituting the improvement; if application for abatement is made, it must be filed with the Board of Aldermen within six months of the date of this notice. Interest at 5% per year begins thirty days from the date of this notice.

Interest begins on 11/17/2007 Edward J. Spellman Jr., Collector of Taxes

By statute, this bill may be apportioned into not more than twenty (20) yearly payments with interest at 5% per annum. No portion can be less than \$5.00. Apply to the Board of Assessors at once if you wish to have the bill apportioned. If you choose to apportion the bill, no payment is necessary at this time.

Taxes payable at the Collector's Office, City Hall. Hours: 8:30 AM to 5:00 PM, Monday through Friday and Tuesday evenings until 8:00 PM. Checks or money orders must be made payable to "The City of Newton".

**\*For Questions, please contact the Assessors Office at (617) 796-1160\***

Please select your option (A or B) below, cut along line, and return to "Newton Treasurer's Office", 1000 Commonwealth Ave., Newton, MA 02459.

Betterment Assessment

Bill Date:	10/16/2007	Bill Number:	200728
Parcel ID:	83036A0003	Original Amount	\$2,690.00
Location:	373 DEDHAM ST		

A)  Full Payment Enclosed. Full Payment Due By: 11/17/2007 Total Enclosed: \_\_\_\_\_

OR

B) Please Apportion For 5 10 15 20 year (Please circle the number of years)

If apportioning bill, no payment is necessary at this time. Apportioned amount will be added to Real Estate Tax Bill for the number of years selected. Non-response will apportion bill for 20 years. Please mail to: Newton Treasurer's Office, 1000 Commonwealth Ave., Newton, MA 02459

93.06(2)

**Robert E. and Anne M. Sullivan**  
**#391 Dedham Street**  
**Newton, MA 02459**  
**617-964-2231 – resq63@comcast.net**

February 7, 2007

2007 JUL - 2 1 PM 2:24  
CITY CLERK  
NEWTON, MA. 02159

Mitchell L. Fischman  
41 Brush Hill Road  
Newton Highlands, MA 02461

Richard A. Lipof  
105 Baldpate Road  
Newton Centre, MA 02459

Cheryl Lappin  
6 Dorcar Road  
Chestnut Hill, MA 02467

Dear Aldermen:

This is an application for an abatement of the recently assessed betterment on our property due on November 17, 2007 in the amount of \$15,880.00. The amount of the betterment stems from the conversion of Countryside Road into a public way this past summer and fall.

Our property fronts on Dedham Street, as our address indicates, not on Countryside Road. There is no "betterment" to us or our property. Over the years we have had our property littered with beer cans and bottles and other trash by drivers who have used Countryside Road, and our sleep disturbed by groups of teenagers stopping off the main road "to party". Since the "betterment", the only effect we have noticed is that the residents of Countryside Road now can roar up their street at a somewhat faster clip than had previously been the case. The City has always plowed their street in the 30 years we have lived here.

We welcome you to our property and we hope to convince you that it is in no way a betterment of our property or to us.

Very truly yours,

Bob and Anne Sullivan



93-06(z)

Card)  
Certified  
Label #:  
Customer Posta  
al:

Robert E. and Anne M. Sullivan  
391 Dedham Street  
Newton, MA 02459  
617-964-2231-resq63@comscast.net

2007 JUL -21 PM 2:24  
CITY CLERK  
NEWTON, MA. 02159

April 11, 2007

Board of Alderman  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02458

Dear Sirs/Mesdames:

I enclose a letter we sent. We have not had a reply or a hearing.

Very truly yours,

Robert E. Sullivan

Cc: Collector of taxes

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 21, 2006

ORDERED:

That in accordance with MGL Chapter 80 and 82, and the recommendation of the Finance Committee through its Chairman, Alderman Paul E. Coletti, the following Order and Schedule of Street Betterment Assessments be and is hereby approved by the Honorable Board of Aldermen:

<u>SBL</u>	<u>Names &amp; Address of Owner</u>	<u>BK/PG</u>	<u>Amount</u>
83-36-3BA	Trustees of The Gables Through Condominium Trust	14391/434	\$1,111
83-36-3DN	401-439 Dedham Street (66 units)		
83-36-31	Linda L. Chanowski 111 Countryside Road	21144/356	\$13,828
83-36-26	Nancy Ellen Nathanson 62 Rachel Road	20812/215	\$8,166
83-36-27	Pnina Joseph 73 Countryside Road	31169/269	Countryside Road \$14,717 Mosley Road \$9,616 Total \$24,333
83-36-28	James H. Mitchell & Nancy B. Mitchell 83 Countryside Road	24673/207	\$13,828
83-36-29	Vilis Gravitis & Herta Gravitis 95 Countryside Road	11429/402	\$13,828
83-36-30	Ming T. Wong & Julia Q. Wong 105 Countryside Road	27829/493	\$13,917
83-36-32	Arlene E. Fruman 125 Countryside Road	18565/107	\$19,083
83-36-33	Randi B. Lapidus Trustee & John H. Lapidus, Trustee 141 Countryside Realty Trust 141 Countryside Road	35940/504	\$19,456
83-36-34	David Goldstein 159 Countryside Road	35324/583 35324/584	\$18,833

83-36-35	Stephen S Silk Trustee & Barrie S. Silk Trustee The 175 Countryside Road Realty Trust 175 Countryside Road	34730/250	\$16,739
83-36-36	Alan Greenbaum & Sylvia Greenbaum 185 Countryside Road	14552/560	\$13,828
83-36-37	Shirley W. Waldenburg Trustee 197 Countryside Road Nominee Realty Trust 197 Countryside Road	36150/479	\$18,605
83-36-38	Sidney & Rosalie F. Gersh 170 Countryside Road	14054/10	\$30,368
83-36-39	Alan Levick a/k/a Alan L. & Nancy Rogoff a/k/a Nancy E. 150 Countryside Road	13933/376	\$16,992
83-36-40	William Seidenberg & Linda M. Seidenberg 140 Countryside Road	13625/578	\$13,828
83-36-41	Karim Zahedi & Maryam Zahedi 130 Countryside Road	13802/290	\$13,828
83-36-43	Matthew B. Feuer & Nicole B. Feuer 110 Countryside Road	31362/576	\$25,213
83-36-44	Beverly F. Greenwold & Richard B. Aron 7 Patten Circle	21327/314 Countryside Road	\$13,126 Patten Circle \$9,251 \$22,377
83-36-45	Lin Nick 19 Patten Circle	38641/407	\$15,606
83-36-46	David H. Zises, Trustee David H. Zises 2004 Revocable Trust & Margery Zises, Trustee Margery Zises 2004 Revocable Trust 20 Patten Circle	44066/392	\$15,211
83-36-47	Craig Hammer, Trustee Jola Realty Trust 10 Patten Circle	33192/002 Countryside Road	\$12,474 Patten Circle \$9,061 Total \$21,535
83-36-48	Patricia Fabrizo Malkasian, Trustee & Gia A. Nicolazzo, Trustee Anthony S. Fabrizio Nominee Trust 70 Countryside Road	35971/26 35971/33	\$16,032
83-36-49	LOGICAL, LLC 50 Countryside Road	46705/498	\$12,185
83-36-50	John Mitchell 44 Countryside Road	22670/405	\$13,828

83-36-51	David E. Gorman & Jennifer Udwin Gorman 32 Countryside Road	26469/465	\$13,828
83-36-52	Robert E. Sullivan & Anne M. Sullivan 391 Dedham St.	13215/683	\$15,880
83-36A-3	Leon Semonian, Jr. & Marion D. Semonian 373 Dedham Street	11506/387	\$2,690
83-36A-4	Carole G. Jabbawy 17 Countryside Road	44692/517	\$19,668
83-36A-7	Muzio Pesaresi & Michelle T. Pesaresi 39 Countryside Road	43568/342	\$15,285
83-36A-8	Shirley Altschul 53 Countryside Road	21353/599 Countryside Road 36249/25 Patten Circle 45267/204 Total	\$19,034 \$2,070 \$21,104
83-36A-9	Peter E. Leavitt & Amy D. Leavitt 11 Mosley Road	34453/518	\$13,889
83-36A-10	Richard G. Marcus & Beth A. Marcus 46 Rachel Road	14161/133	\$8,100

Under Suspension of Rules  
Readings Waived and Approved  
21 yeas, 0 nays, 3 absent (Ald. Gentile, Merrill and Samuelson)

EXECUTIVE DEPARTMENT  
Approved: February 23, 2006

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

(SGD) PAUL E. COLETTI  
Chairman, Finance Committee

# 93-06(2)

Robert E. and Anne M. Sullivan  
391 Dedham Street  
Newton, MA 02459  
617-964-2231-resq63@comcast.net

April 11, 2007

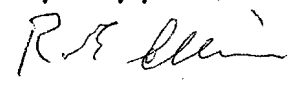
Board of Alderman  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02458

2007 APR 13 AM 9:57  
CITY CLERK  
NEWTON, MA. 02159

Dear Sirs/Mesdames:

I enclose a letter we sent. We have not had a reply or a hearing.

Very truly yours,



Robert E. Sullivan

Cc: Collector of taxes

Faint, illegible text at the bottom left of the page.

#93-06(2)

**Robert E. and Anne M. Sullivan**  
**#391 Dedham Street**  
**Newton, MA 02459**  
**617-964-2231 – resq63@comcast.net**

February 7, 2007

Mitchell L. Fischman  
41 Brush Hill Road  
Newton Highlands, MA 02461

Richard A. Lipof  
105 Baldpate Road  
Newton Centre, MA 02459

Cheryl Lappin  
6 Dorcar Road  
Chestnut Hill, MA 02467

2007 APR 13 AM 9:57  
CITY CLERK  
NEWTON, MA 02159

Dear Aldermen:

This is an application for an abatement of the recently assessed betterment on our property due on November 17, 2007 in the amount of \$15,880.00. The amount of the betterment stems from the conversion of Countryside Road into a public way this past summer and fall.

Our property fronts on Dedham Street, as our address indicates, not on Countryside Road. There is no "betterment" to us or our property. Over the years we have had our property littered with beer cans and bottles and other trash by drivers who have used Countryside Road, and our sleep disturbed by groups of teenagers stopping off the main road "to party". Since the "betterment", the only effect we have noticed is that the residents of Countryside Road now can roar up their street at a somewhat faster clip than had previously been the case. The City has always plowed their street in the 30 years we have lived here.

We welcome you to our property and we hope to convince you that it is in no way a betterment of our property or to us.

Very truly yours,

LSI

Bob and Anne Sullivan

#93-06(z)

Robert E. & Anne M. Sullivan  
391 Dedham Street  
Newton, MA 02459  
617-964-2231 617-308-3549  
resq63@comcast.net

December 6, 2007

Board of Aldermen  
City of Newton

Gentlemen/Ladies:

Sometime in the spring of 2005 (to the best of our knowledge), a group of homeowners on Countryside Road decided to petition the City to make Countryside Road a public way. We bought our home in July of 1977 and for 28 years were unaware that Countryside Road was not a public way. We were not consulted by the Countryside homeowners, nor did we receive official notice from the city that this petition had been made. We did discover a hand-delivered letter shoved under a never used door about the matter several weeks after the fact.

We were not happy to hear that Countryside Road would be improved as a thorough-fare. Countryside Road has been a consistent problem for us. Cars, especially after dark, screech up and down the road and the side of our property is consistently littered with empty liquor bottles and beer cans tossed by drivers. On many occasions we have been awakened to hear loud groups of young people laughing or fighting as they parked their cars conveniently off the main drag of Dedham Street and carried on into the wee hours of the morning.

We were not in favor of "improving" Countryside Road and attended a meeting of the Public Facilities Committee on April 20, 2005 to make our concerns known. At the meeting, Lee Bardon (62 Rachel Road) stated that "his property is on the corner of Mosley Road and he will benefit from the street acceptance, as his driveway opening is located on Mosley Road. He feels that the street acceptance is a benefit to any property that abuts the street acceptances. It is his belief that the project will raise property values in the future." We and Leon Semonian (373 Dedham Street) spoke against the petition indicating that we did not use the road and in fact found it a nuisance and source of regular disturbance to us. Alderman Lappin "wanted to be sure that the abutters were aware that there is an avenue for an abatement. Gayle Smalley clarified that the abutter could petition the Board for a site-specific abatement."

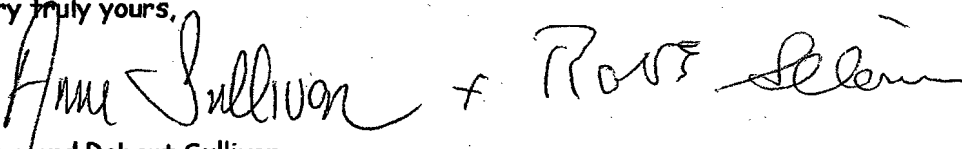
2007 DEC -7 1 AM 9:30  
CITY CLERK  
NEWTON, MA, 02459

#93-05(2)

makes a property more valuable has very little to do with whether or not there is a public road with paved sidewalks abutting it.

We request both a total abatement of the \$15,880 that has been assessed against us for this "betterment" and an explanation of how values were determined on the properties listed on the chart above.

Very truly yours,

  
Anne and Robert Sullivan

cc Leon and Marion Semonian



# 23-06

# The General Laws of Massachusetts

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## PART I. ADMINISTRATION OF THE GOVERNMENT

### TITLE IV. CIVIL SERVICE, RETIREMENTS AND PENSIONS

#### CHAPTER 32B. CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF COUNTIES, CITIES, TOWNS AND DISTRICTS, AND THEIR DEPENDENTS

##### Chapter 32B: Section 19. Health carriers; contracts; public employee committees; agreements with public authorities

*[ Text of section effective until July 25, 2007. For text effective July 25, 2007, see below.]*

Section 19. (a) Notwithstanding the provisions of any other section in this chapter, the appropriate public authority of any governmental unit which has undertaken to provide health coverage to its employees, retirees, surviving spouses or dependents, who shall hereafter be referred to collectively as subscribers, by acceptance of any other section of this chapter may instead elect to provide health coverage to all such subscribers pursuant to the provisions of this section, by entering into a contract or contracts with any one or more health carriers, or by transferring such subscribers to the group insurance commission established in chapter thirty-two A, pursuant to subsection (e) herein. This section shall take effect in a county, except in Worcester county, city, town or district upon its acceptance in the following manner: in a county except in Worcester county, by a vote of the county commissioners; in a city having Plan D or a Plan E charter, by majority vote of its city council and approved by the manager; in any other city by majority vote of the city council and approved by the mayor; in a town, by vote of the board of selectmen; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting. Acceptance hereunder shall not take effect until a written agreement is reached between the appropriate public authority and the public employee committee established herein.

Notwithstanding the provisions of subsection (c) of section four of chapter four, the acceptance of this designation may be revoked in the same manner it was accepted in accordance with all other subsections of section four B of chapter four, subject to the requirements of any public employee committee agreements as provided in this section and chapter one hundred and fifty E; provided, that revocation of this section shall not take effect until a written agreement providing for such revocation is reached between the appropriate public authority and the employee committee established herein. Nothing in this section shall preclude an appropriate public authority from agreeing to establish a health and welfare trust fund under section fifteen.

Any such contract or contracts with any one or more health insurance carriers shall be in conformity with an agreement reached by an appropriate public authority and a public employee committee. Such election by the appropriate public authority may be renewed in conformity with any successor agreement reached with a public employee committee.

The public employee committee shall be composed of a representative of each collective bargaining unit in the governmental unit and a retiree. The retiree representative shall be a designee of the Retired

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<a href="#">Mass.gov</a>

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State, County and Municipal Employees Association. The retiree representative shall have a ten percent vote. The remaining ninety percent vote shall be divided as follows: each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the governmental unit. Any agreement with the public authority must be approved by seventy percent of votes cast by the representatives on the public employee committee.

For the purposes of this section, a health carrier shall include any insurance company organized pursuant to chapter one hundred seventy-five, hospital service corporation organized pursuant to chapter one hundred seventy-six A, medical service corporation organized pursuant to chapter one hundred and seventy-six B, a health maintenance organization organized pursuant to chapter one hundred and seventy-six G, a preferred provider organization organized pursuant to chapter one hundred seventy-six I, or, in the case of a governmental unit which is partially or fully self-insured with respect to health coverage, any third party administrator selected by the governmental unit, which may include but is not limited to any health carrier.

An agreement so approved under this section shall be binding on all active and retired employees for whom health coverage is being purchased; shall supersede any conflicting provisions of all collective bargaining agreements and shall itself not be subject to supercedence in any statutory impasse proceeding under chapter one hundred and fifty E. Any dispute arising over the interpretation or application of the public employee committee agreement under this section may be submitted to binding arbitration under the labor arbitration provisions of the American Arbitration Association upon request of the public employee committee. Any request must be approved by seventy percent of votes cast by the representatives on the public employee committee.

A governmental unit which elects to provide health coverage to subscribers under this section shall be deemed in full compliance with any other provisions of this chapter regulating the procurement of health insurance.

A governmental unit which elects to provide health coverage under this section pursuant to an agreement approved by a public employee committee, may provide such coverage either as a single governmental unit or, pursuant to section twelve, through joint purchase with other governmental units or, with multiple governmental units, through a risk-sharing pool, trust or health carrier or third party administrator, or by making payments to a health and welfare trust fund to provide health coverage under this section either as a single governmental unit or together with multiple governmental units.

The appropriate public authority may contract with a health carrier for direct coverage of subscribers for whom the carrier's geographic service area provides appropriate access and coverage for other subscribers in accordance with subsection (d) herein.

(b) Nothing in this section shall be deemed to require, preclude or permit any change in any aspect of health coverage for active employees authorized by this section except where an agreement to provide for such change is reached by an appropriate public authority and a public employee committee in an agreement entered into or modified subsequent to the effective date of this subsection. In the absence of a successor agreement approved under this section the prior agreement of the public employee committee and the appropriate public authority regarding the provision of health insurance shall remain in effect.

(c) Nothing in this section shall be construed so as to relieve any governmental unit from providing

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health coverage to any employee, retiree, surviving spouse or dependent to whom it has an obligation to provide coverage under any other provision of this chapter.

(d) The agreement reached between an appropriate public authority and the public employee committee shall provide for those subscribers who, by reason of residence or domicile, cannot be appropriately served within the service area of the health carrier or carriers included in said agreement, subject to the provisions set forth in this subsection.

Coverage for active employees under this subsection shall be pursuant to and in conformity with the agreement required by this section and shall conform to all requirements of this section. The agreement reached between an appropriate public authority and the public employee committee shall provide that any subscriber who for reasons of residency is not eligible for enrollment in any such plan offered by a governmental unit shall be covered under a plan offered pursuant to chapter one hundred and seventy-six I, if any such plan is provided for under said agreement; provided, that any such subscriber who lives ten miles or more from the nearest primary care physician providing care under said plan shall have out-of-pocket payments and medical deductibles limited to the amount that he would have paid had he utilized the network of medical services of the plan offered pursuant to chapter one hundred and seventy-six I. If the agreement reached between the appropriate public authority and the public employee committee provides for only health maintenance organizations or other health carriers that limit enrollment to a particular geographic area, then, notwithstanding any general or special law to the contrary, health maintenance organizations or other health carriers shall provide for the coverage of services provided or arranged for all subscribers who do not reside within the geographic service area of said carriers in the following manner: Any subscriber not eligible for direct coverage due to his residency shall have the same benefit schedule and premium contribution provided to subscribers residing within the carrier's geographic service area, including but not limited to covered services, out-of-pocket payments and medical deductibles for any and all medical services provided for or arranged pursuant to such agreement.

(e) Where an agreement reached by an appropriate public authority and the public employee committee covering the public employee committee of the governmental unit executed or modified subsequent to the effective date of this subsection so provides, the appropriate public authority shall, for a period of time specified by regulation of the group insurance commission transfer to said commission all subscribers for whom it provides health coverage. The regulations of said commission shall permit the governmental unit, upon agreement reached by the appropriate public authority and the public employee committee pursuant to this section, to withdraw from such transfer to said commission after a period of not less than three years following such transfer consistent with the provisions of subsection (f).

(f) Said commission shall negotiate and purchase health coverage for subscribers transferred pursuant to subsection (e) and shall promulgate regulations for coverage of such subscribers so transferred. The schedule of benefits available to such transferred subscribers shall be determined by said commission in accordance with chapter thirty-two A. Said commission shall offer such subscribers at least the same choice as to health carriers as is made available to state employees, subject only to the agreement reached between the appropriate governmental unit and the public authority committee. The governmental unit's contribution to the cost of health coverage for such subscribers, shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter thirty-two A. Said commission shall require the governmental unit to collect and forward to the said commission the full premium or cost of coverage, including the subscriber's contribution, if any; provided, that the commission shall require any governmental unit so transferring subscribers under this

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section, notwithstanding any general or special law to the contrary, to forward to the commission the full cost of at least one month's but not more than three month's premiums for such transferred subscribers thirty days prior to the effective date of said transfer. For the purpose of determining the cost to subscribers transferred pursuant to subsection (d), the dollar amount payable by said subscribers shall be the same as the dollar amount paid by subscribers covered by the plan offered by the appropriate governmental unit, distinguishing only by the type of plan, individual, family or optional medicare extension plan, in which the subscriber enrolls. Said commission may also charge the governmental unit an administrative fee, to be determined by said commission, which shall be paid by the governmental unit and shall not be considered as part of the cost of coverage for purposes of determining the contributions of the governmental unit and its employees to the cost of health coverage. Any such administrative fee charged hereunder shall be used by said commission to pay any personnel or other costs associated with the administration of said plans.

(g) Any agreement reached between the governmental unit and the public employee committee shall provide that within the same health coverage plan the percentage contributed by the governmental unit to the premium or cost of health coverage shall be the same for all subscribers covered under this section. Said payments shall differ only by the type of coverage elected under the plan, individual, family, optional medicare extension or other; provided, however, that the percentage contributed by the governmental unit may vary among the different health coverage plans offered under the agreement reached between the governmental unit and the public employee committee. The agreement reached hereunder shall provide that the percentage contributed by said governmental unit to the premium or cost of at least one medicare extension plan available to all eligible subscribers shall be no less than the minimum percentage contributed by said governmental unit to any other health coverage plan offered pursuant to the agreement reached hereunder. Any governmental unit that accepts this section shall establish by agreement with the public employee committee a contribution by said governmental unit to said premium or cost of health coverage that provides for a minimum of fifty percent but not more than ninety-nine percent.

**Chapter 32B: Section 19. Health carriers; contracts; public employee committees; agreements with public authorities; transfer of subscribers to commission**

*[ Text of section as amended by 2007, 67, Sec. 4 effective July 25, 2007. For text of section effective until July 25, 2007, see above. ]*

Section 19. (a) Notwithstanding any other provision of this chapter, the appropriate public authority of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by acceptance of any other section of this chapter may instead elect to provide health insurance coverage to all its subscribers pursuant to this section by entering into contracts with health insurance carriers or by transferring its subscribers to the commission under subsection (e). For the purposes of this section, the term "subscribers" shall mean employees, retirees, surviving spouses and dependents of the political subdivision and may include employees, retirees, surviving spouses and dependents of a district who previously received health insurance benefits through the political subdivision accepting this section. This section shall take effect in a political subdivision upon its acceptance in the following manner: in a county, except Worcester county, by a vote of the county commissioners; in a city having Plan D or a Plan E charter, by majority vote of the city council and approval by the manager; in any other city, by majority vote of the city council and approval by the mayor; in a town, by vote of the board of selectmen; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting.

Acceptance of this section shall not take effect until a written agreement has been reached between

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the appropriate public authority and the public employee committee, but the written agreement may condition acceptance of this section upon the transferring of subscribers into the commission under subsection (e).

A written agreement to transfer subscribers to the commission under this section shall be the sole means by which the subscribers of a political subdivision may be transferred to commission coverage.

Notwithstanding subsection (c) of section 4B of chapter 4, the acceptance of this section may be revoked in the same manner it was accepted in accordance with all other subsections of section 4B of said chapter 4, subject to the requirements of any written agreements as provided in this section and chapter 150E. The revocation of this section shall not take effect until a written agreement providing for revocation is reached between the appropriate public authority and the employee committee established herein. Nothing in this section shall preclude an appropriate public authority from agreeing to establish a health and welfare trust fund under section 15.

Except as otherwise provided in subsection (e), a contract with a health insurance carrier shall be in conformity with an agreement reached by an appropriate public authority and a public employee committee. The election by the appropriate public authority may be renewed in conformity with any successor agreement reached with a public employee committee. The public employee committee shall include a representative of each collective bargaining unit with which the political subdivision negotiates under chapter 150E and a retiree representative. Either the public employee committee or the appropriate public authority may convene the initial meeting of the committee at any time upon 30 days notice. The retiree representative shall be designated by the Retired State, County and Municipal Employees Association. The retiree representative shall have a 10 per cent vote. The remaining 90 per cent vote shall be divided so that each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the political subdivision. An agreement with the appropriate public authority shall be approved by 70 per cent of the weighted votes of the representatives on the public employee committee and shall be binding on all subscribers and their representatives. For the purposes of this section, a health insurance carrier shall include any insurance company organized pursuant to chapter 175, hospital service corporation organized pursuant to chapter 176A, medical service corporation organized pursuant to chapter 176B, health maintenance organization organized pursuant to chapter 176G, preferred provider organization organized pursuant to chapter 176I and, in the case of a political subdivision which is partially or fully self-insured with respect to health insurance coverage, any third party administrator selected by the political subdivision, which may include, but shall not be limited to, a health insurance carrier.

An agreement approved under this section shall be binding on all active and retired employees for whom health insurance coverage is being purchased, shall supersede any conflicting provision of a collective bargaining agreement and shall not be superseded in a statutory impasse proceeding under chapter 150E, but the agreement may include procedures for resolving an impasse in negotiations for a successor agreement. A dispute arising over the interpretation or application of the public employee committee agreement under this section may be submitted to binding arbitration under the labor arbitration provisions of the American Arbitration Association upon request of the public employee committee or the appropriate public authority, except as otherwise provided in subsection (f). A request shall be approved by 70 per cent of the weighted votes of the representatives on the public employee committee as set forth in this section or, where applicable, by a majority vote of the appropriate public authority. A political subdivision which elects to provide health insurance coverage to subscribers under

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this section shall be deemed in full compliance with this chapter regulating the procurement of health insurance. A political subdivision which elects to provide health insurance coverage under this section pursuant to an agreement approved by a public employee committee, may provide such coverage either as a single political subdivision or, under section 12, through joint purchase with other political subdivisions or, with multiple political subdivisions, through a risk-sharing pool, trust or health insurance carrier or third party administrator, or by making payments to a health and welfare trust fund to provide health insurance coverage under this section either as a single political subdivision or with multiple political subdivisions. The appropriate public authority may contract with a health insurance carrier for direct coverage of subscribers for whom the carrier's geographic service area provides appropriate access and coverage for other subscribers in accordance with subsection (d).

(b) Nothing in this section shall require, preclude or permit a change in any aspect of health insurance coverage for subscribers authorized by this section except where an agreement to provide for such change is reached by an appropriate public authority and a public employee committee in an agreement entered into or modified after the effective date of this subsection except as otherwise provided in subsection (e). In the absence of a successor agreement approved under this section, the prior agreement of the public employee committee and the appropriate public authority regarding the provision of health insurance shall remain in effect.

(c) Nothing in this section shall relieve a political subdivision from providing health insurance coverage to an employee, retiree, surviving spouse or dependent to whom it has an obligation to provide coverage under any other provision of this chapter.

(d) The agreement reached between an appropriate public authority and the public employee committee shall provide for those subscribers who, by reason of residence or domicile, cannot be appropriately served within the service area of the health insurance carrier included in the agreement, subject to this subsection.

Coverage for subscribers under this subsection shall be pursuant to and in conformity with the agreement required by this section and shall conform to all requirements of this section. The agreement reached between an appropriate public authority and the public employee committee shall provide that a subscriber who for reasons of residency is not eligible for enrollment in any such plan offered by a political subdivision shall be covered under a plan offered under chapter 176I, if any such plan is provided for under the agreement, but a subscriber who lives 10 miles or more from the nearest primary care physician providing care under the plan shall have out-of-pocket payments and medical deductibles limited to the amount that he would have paid had he utilized the network of medical services of the plan offered under chapter 176I. If the agreement reached between the appropriate public authority and the public employee committee provides for only health maintenance organizations or other health insurance carriers that limit enrollment to a particular geographic area, then notwithstanding any general or special law to the contrary, health maintenance organizations or other health insurance carriers shall provide for the coverage of services provided or arranged for all subscribers who do not reside within the geographic service area by providing the same benefit schedule and premium contribution provided to subscribers residing within the carrier's geographic service area including, but not limited to, covered services, out-of-pocket payments and medical deductibles for all medical services provided for or arranged under the agreement.

(e) Where an agreement, either executed or modified, reached by an appropriate public authority and the public employee so provides, the appropriate public authority shall notify the commission that it will transfer all subscribers for whom it provides health insurance coverage to the commission. The notice shall be provided to the commission by the appropriate public authority not later than October 1 of each

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year and the transfer of subscribers to the commission shall take effect on the following July 1. On the effective date of the transfer, the health insurance of all subscribers, including elderly governmental retirees previously governed by section 10B of chapter 32A and retired municipal teachers previously governed by section 12 of chapter 32A, shall be provided through the commission for all purposes and governed under this section. As of the effective date and for the duration of this transfer, subscribers transferred to the commission's health insurance coverage shall receive group health insurance benefits determined exclusively by the commission and the coverage shall not be subject to collective bargaining, except for contribution ratios which shall be determined by the written agreement.

Subscribers transferred to the commission who are eligible or become eligible for Medicare coverage shall transfer to Medicare coverage, as prescribed by the commission. In the event of transfer to Medicare, the political subdivision shall pay any Medicare part B premium penalty assessed by the federal government on retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan. For each subscriber's premium and the political subdivision's share of that premium, the subscriber and the political subdivision shall furnish to the commission, in such form and content as the commission shall prescribe, all information the commission deems necessary to maintain subscribers' and covered dependents' health insurance coverage. The appropriate public authority of the political subdivision shall perform such administrative functions and process such information as the commission deems necessary to maintain those subscribers' health insurance coverage including, but not limited to, family and personnel status changes, and shall report all changes monthly to the commission. In the event that a political subdivision transfers subscribers to the commission under this section, subscribers may be withdrawn from commission coverage at either 3 or 6-year intervals from the date of transfer of subscribers to the commission, as determined by the written agreement which shall specify the withdrawal interval and withdrawal procedures. The written agreement may specify the procedures for resolving an impasse in negotiations over whether to withdraw from commission coverage and for determining health insurance coverage and contribution ratios for subscribers for the year following withdrawal from the commission. In the event that binding arbitration is included in the written agreement, the agreement shall provide that the dispute shall be submitted to arbitration and, if no method of arbitration is provided in the agreement, then the dispute shall be administered by the American Arbitration Association under the procedures set forth in its Labor Arbitration Rules.

The decision and notice to withdraw shall be made by October 1 of the year prior to the effective date of withdrawal. All withdrawals shall be effective on July 1 following the political subdivision's notice to the commission. Except as otherwise provided in the written agreement, withdrawal from commission coverage shall revoke acceptance of this section and any written agreements related to the implementation of this section as of the effective date of withdrawal. In the event that the acceptance of this section is revoked, the appropriate public authority of the political subdivision shall abide by all commission requirements for effectuating such withdrawal, including the notice requirements in this subsection. In the event a political subdivision withdraws from commission coverage under this section, such withdrawal shall be binding on all subscribers, including those subscribers who, prior to the transfer to the commission, received coverage from the commission under sections 10B and 12 of chapter 32A and, after withdrawal from the commission, those subscribers who received coverage from the commission under said sections 10B and 12 of said chapter 32A shall not pay more than 25 per cent of the cost of their health insurance premiums.

In the event of revocation of acceptance of this section, the political subdivision and public employee unions shall return to governance of negotiations of health insurance under chapter 150E and this chapter on the effective date of withdrawal from commission coverage, to negotiate healthcare

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coverage for subscribers thereafter.

(f) To the extent authorized under chapter 32A, the commission shall provide group coverage of subscribers' health claims incurred after transfer to the commission. The claim experience of those subscribers shall be maintained by the commission in a single pool and combined with the claim experience of all covered state employees and retirees and their covered dependents, including those subscribers who previously received coverage under sections 10B and 12 of chapter 32A.

Notwithstanding any general or special law to the contrary, a political subdivision that self-insures its group health insurance plan under section 3A and has a deficit in its claims trust fund at the time of transferring its subscribers to the commission and the deficit is attributable to a failure to accrue claims which had been incurred but not paid may capitalize the deficit and amortize the amount over 10 fiscal years in 10 equal amounts, or on a schedule providing for a more rapid amortization. Except as provided otherwise herein, subscribers eligible for health insurance coverage under subsection (e) shall be subject to all of the terms, conditions, schedule of benefits and health insurance carriers as employees and dependents as defined by section 2 and commission regulations. The commission shall determine all matters relating to subscribers' group health insurance rights, responsibilities, costs and payments, excluding contribution ratios, and obligations, including but not limited to, the manner and method of payment, schedule of benefits, eligibility requirements and choice of health insurance carriers and these matters shall be determined exclusively by the commission and shall not be subject to collective bargaining, the written agreement under subsection (a) or to arbitration under the agreement. The commission may issue rules and regulations consistent with this section and shall provide public notice of any proposed rules and regulations and notice of thereof at the request of interested parties, together with an opportunity to review those rules and regulations and an opportunity to comment on those proposed rules and regulations in writing and at a public hearing, but the commission shall not be subject to chapter 30A.

The commission shall negotiate and purchase health insurance coverage for subscribers transferred under subsection (e) and shall promulgate regulations, policies and procedures for coverage of the transferred subscribers. The schedule of benefits available to transferred subscribers shall be determined by the commission pursuant to chapter 32A. The commission shall offer those subscribers the same choice as to health insurance carriers and benefits as those provided to state employees and retirees. The political subdivision's contribution to the cost of health insurance coverage for transferred subscribers shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter 32A. Any change to the premium contribution ratios shall become effective on July 1 of each year, with notice to the commission of such change not later than January 15 of the same year.

A political subdivision that transfers subscribers to the commission shall pay the commission for all costs of its subscribers' coverage, including administrative expenses, and the governmental unit's cost of subscribers' premium. The commission shall determine on a periodic basis the amount of premium which the political subdivision shall pay to the commission. If the political subdivision unit fails to pay all or a portion of these costs according to the timetable determined by the commission, the commission may inform the state treasurer who shall issue a warrant in the manner provided by section 20 of chapter 59 requiring the respective political subdivision to pay into the treasury of the commonwealth as prescribed by the commission the amount of the premium and administrative expenses attributable to the political subdivision. The state treasurer shall recoup any past due costs from the political subdivision's cherry sheet under section 20A of chapter 58 and transfer that money to the commission. If a governmental unit fails to pay to the commission the costs of coverage for more than 90 days and



# 23-06

the cherry sheet provides an inadequate source of payment, the commission may, at its discretion, cancel the coverage of subscribers of the political subdivision. If the cancellation of coverage is for nonpayment, the political subdivision shall provide all subscribers health insurance coverage under plans which are the actuarial equivalent of plans offered by the commission in the preceding year until there is an agreement with the public employee committee providing for replacement coverage.

The commission may charge the political subdivision an administrative fee, which shall not be more than 1 per cent of the cost of total premiums for the political subdivision, to be determined by the commission which shall be considered as part of the cost of coverage for purposes of determining the contributions of the political subdivision and its employees to the cost of health insurance coverage by the commission.

(g) Any agreement reached between the political subdivision and the public employee committee, including an agreement to transfer subscribers to the group insurance commission, shall provide that within the same health insurance coverage plan the percentage contributed by the political subdivision to the premium or cost of health insurance coverage shall be the same for all subscribers covered under this section. These payments shall differ only by the type of coverage elected under the plan, including individual, family, optional Medicare extension or other coverage selections; but the percentage contributed by the political subdivision may vary among the different health insurance coverage plans offered under the agreement reached between the political subdivision and the public employee committee. The agreement reached shall provide that the percentage contributed by the political subdivision to the premium or cost of at least 1 Medicare extension plan available to all eligible subscribers shall be not less than the minimum percentage contributed by the political subdivision to any other health insurance coverage plan offered under the agreement reached. Any political subdivision that accepts this section shall establish by agreement with the public employee committee a contribution by the political subdivision to the premium or cost of health insurance coverage that provides for at east 50 per cent but not more than 99 per cent. Notwithstanding this subsection, where there is an agreement to transfer subscribers to the commission, subscribers whose coverage was governed by section 10B or 12 of chapter 32A before the date that the written agreement is executed, shall not be required to contribute more than 25 per cent of their health insurance premiums, but the written agreement may provide for a premium contribution paid by these subscribers of less than 25 per cent.

(h) If there is a revocation of acceptance or a withdrawal from the commission under this section, all retirees, their spouses and dependents insured or eligible to be insured by the political subdivision, if enrolled in Medicare part A at no cost to the retiree, spouse or dependents, shall be required to be insured by a Medicare extension plan offered by the political subdivision under section 11C or section 16. A retiree shall provide the political subdivision, in such form as the political subdivision shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health insurance coverage. The political subdivision may from time to time request from a retiree, a retiree's spouse and dependents, proof certified by the federal government of his eligibility or ineligibility for Medicare part A and part B coverage. The political subdivision shall pay the Medicare part B premium penalty assessed by the federal government on those retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan.

(i) In the absence of a public collective bargaining unit, the chief executive officer of a municipality may authorize the transfer of subscribers to the commission.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2007

ORDERED:

That in accordance with the recommendation of the Programs and Services Committee through its Chairman, Alderman Marcia T. Johnson, and the Finance Committee through its Chairman, Alderman Paul E. Coletti, the following item

**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**  
#23-06      ALD PARKER AND LINSKY requesting that the City adopt §19 of MGL Chapter 32B to allow retiree coalition bargaining of health care benefits

Under Suspension of Rules  
Readings Waived and.....

(SGD) DAVID A. OLSON  
City Clerk

#31-08  
DRAFT

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2008

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 following item be and is hereby .....

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#31-08      ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor expressing a no confidence vote pertaining to the current status of the Newton North High School Construction Project and related Financing Plan.

Under Suspension of Rules  
Readings Waived and Item voted -----

(SGD) DAVID A. OLSON  
City Clerk

