

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

WEDNESDAY, OCTOBER 14, 2009

7:45 PM

Room 222 **PLEASE NOTE MEETING DATE**

**PLEASE BRING WITH YOU THE ANNUAL FINANCIAL REPORT BUDGETARY BASIS REPORT FOR THE YEAR ENDED JUNE 30, 2009.**

**ITEMS SCHEDULED FOR DISCUSSION:**

#269-09      COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report.  
[09/01/09 @ 4:45 PM]  
**HELD 5-0 on 09-14-09**

**CHAIRMAN'S NOTE:** The following item is scheduled for discussion pending additional information from the Executive Department.

#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 8-0 on 09-30-09**  
**(Public Hearings Held on 07-20-09 and 9-30-09)**

#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]  
**HELD 8-0 on 09-30-09**

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

#302-09      HIS HONOR THE MAYOR requesting the establishment of three School Department revolving funds; each fund is to be used for receiving and expending up to \$25,000 annually for the purpose of the deposit of revenue for customer services provided by students and for the payment of corresponding expenses for the Automotive Technology, Carpentry and Graphics Communications Departments. [09/17/09 @ 10:16 AM]  
**PROGRAM AND SERVICES APPROVED 7-0 on 10-07-09**

**A MOTION TO MOVE TO EXECUTIVE SESSION MAY BE ENTERTAINED**

- #299-09 HIS HONOR THE MAYOR requesting authorization to approve the terms, including the cost items, of a new collective bargaining agreement between the City and Newton Superior Officers Association (NPSOA), first year of the contract is already funded in the Police Department budget, approval of the cost items in this two year contract to bind the parties to the second year is requested. [09/29/09 @ 12:28 PM]

**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]  
**PUBLIC SAFETY & TRANSPORTATION APPROVED 4-0-2 (Harney and Linsky abstaining; Coletti and Danberg not voting) on 10-07-09**
- #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**
- #301-09 COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for sidewalk construction: [09/29/09 @ 4:38 PM]

	<u>Property Owner</u>	<u>Location</u>	<u>Book/Page</u>	<u>Amount</u>
1.	Sciretta, John & Sarah	6 Black Stone Terr. 72-21-13	051958/0528	\$1,519.50
2.	Birnhak, Jacqueline	9 Black Stone Terr. 72-21-9	026928/0485	\$802.00
3.	Thorn, Frank & Sondra	10 Black Stone Terr. 72-21-12	013534/0336	\$576.00
4.	Ansel, Jodie	15 Black Stone Terr. 72-21-10	028707/0522	\$506.00
5.	Rigg, Donna Marie	1662 Commonwealth Ave. 32-26-5	047093/0326	\$942.00

<u>Property Owner</u>	<u>Location</u>	<u>Book/Page</u>	<u>Amount</u>
6. Blitz, Alan L.	1670 Commonwealth Ave. 32-26-4	019877/0180	\$1,098.00
7. Bavington, Richard F.	15 Knowles St. 61-42-7	049466/0191	\$889.50
8. Fallon, Karen & Timothy F.	31 Knowlises St. 61-42-10	027882/0184	\$856.00
9. Kaplan, Harvey	37 Knowles St. 61-42-11	028644/0488	\$838.50
10. Monaco, Anthony & Mary Louise	25 Farlow Rd. 72-37-2	046009/0435	\$1,715.00
11. Chrisholm, John & Margery F.	117 Fuller St. 32-34-6	043584/0227	\$2,359.50
12. Bontempo, Joseph	420 Fuller St. 43-45-24	01056/0176	\$1,239.50
13. Resnicow, Joan D.	162 Fuller St. 53-37-29	001047/0143	\$1,328.50
14. Bernstein, Mitchel & Stacy	8 Lansing Rd. 53-38-8	043819/0028	\$1,872.50
15. Johnsen, Robert & Joan Stearns	201 Fuller St. 32-28-16	029072/0185	\$1,432.00
16. Koskinen, Michael F. & Ines R.	242 Fuller St. 53-37-13	013258/0098	\$2,569.50
17. Kazimi, Mujid & Nazik D.	16 Manamet Rd. 64-20-15	013543/0467	\$1,363.50
18. Laniado, Dov & Lisa	47 Manamet Rd. 64-11-7	031515/0108	\$1,187.00
19. Weylman, Sally	39 Nonantum St. 72-19-6	049769/0049	\$856.00
20. Fasciano, Karen	46 Nonantum St. 72-31-13	045871/0388	\$1,013.50
21. Perkins, Sarah Lynch	52 Nonantum St. 72-31-12	047871/0388	\$1,137.50

	<u>Property Owner</u>	<u>Location</u>	<u>Book/Page</u>	<u>Amount</u>
22.	Mosher, Ralph & Jessica	58 Nonantum St. 72-31-11	011337/0214	\$943.50
23.	Vallabh, Rajesh & Monika J.	64 Nonantum St 72-31-10	031731/0383	\$1,171.00
24.	Waller, J. Garland	112 Nonantum St. 72-31-3	031579/0102	\$819.50
25.	Yang, Zhiyong	32 Shornecliff Rd. 72-33-5	041480/0024	\$1,150.50
26.	Kodis, Ralph & Christine	39 Shornecliff Rd. 72-31-19	011327/0729	\$1,047.00
27.	Cohan, Robert & Phuli	40 Shornecliff Rd. 72-33-4	029816/0019	\$1,591.00
28.	Newman, David	46 Shornecliff Rd. 72-33-3	049656/0048	\$1,241.00
29.	Necheles, Carmen	79 Shornecliff Rd. 72-31-24	040632/0226	\$2,727.00
30.	Notopoulous, Alexander	96 Shornecliff Rd. 72-34-5	020496/0020	\$996.00
31.	Colantonio, Victor & Dawn	99 Franklin St. 72-33-12	015256/0538	\$1,257.00
32.	Gluck, Rosald & Elizebeth Brody	160 Franklin St. 72-34-6	026056/0132	\$3,252.00
33.	Blanco, Carlos	185 Franklin St. 72-31-1	048928/0281	\$2,222.50
34.	Peckler, Maxwell D. & Mindy	188 Franklin St. 72-30-6	035606/0421	\$1,887.00
35.	Saemann, Ruth	24 Hood St. 72-38-3	000969/0071	\$1,311.00
36.	Gilpin, Brian	67 Marlboro St. 72-20-7	051518/0417	\$908.50

**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**  
**PUBLIC FACILITIES APPROVED AS AMENDED 6-0-1 @ \$453,000 (Gentile abstaining) on 10-07-09**

**ITEM RECOMMITTED TO FINANCE COMMITTEE on 10/05/09**

**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**  
*NOTE: Letter received from Mayor on 09/25/09 requesting that appropriation amount be amended to \$4,426,000.*  
**FINANCE APPROVED 5-1-2 AS AMENDED @ \$4,426,000 (Ald. Freedman opposed, Johnson and Parker abstaining).**  
**PUBLIC FACILITIES APPROVED \$4,426,000 TO ALIGN WITH FINANCE COMMITTEE 7-0 on 10-07-09**  
**(A) \$3,839,050 PROJECT COST ESTIMATE LESS THE \$344,000 DESIGN MONEY**  
**(B) \$ 586,950 MECHANICS BAY ESTIMATE COST**  
**\$4,426,000 TOTAL APPROPRIATION**

- #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**

- #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 8-0 on 09-30-09**

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

- #300-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand dollars (\$150,000) from Budget Reserve for the purpose of settling a claim filed against the City of Newton due to a motor vehicle accident. [09/29/09 @ 4:56 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 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 classrooms at the Oak Hill Middle School and for design work for modulars at the Day Middle School. [09/15/09 @ 1:28 PM]

**PUBLIC FACILITIES HELD 7-0 on 10-07-09**

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]

- #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]

**REFERRED TO PROGRAM & SERV. 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**

**HELD 8-0 on 09-30-09**

**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 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 (Cicccone and Coletti not voting) on 06-17-09**  
**PUBLIC FACILITIES HELD 3-0 (Mansfield not voting) on 07-08-09**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #59-09(3) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million six hundred seventy thousand dollars (\$3,670,000) from bonded indebtedness for the costs related to energy savings improvements to be undertaken by NORESCO, an Energy Services Company, at the Bigelow Middle School, Brown Middle School, Oak Hill Middle School, Education Center, City Hall, Police Headquarters, Police Annex, and Police Garage; said savings are designed to generate savings sufficient to offset the cost of the project. [09/29/09 @ 4:57 PM]  
**PUBLIC FACILITIES HELD 7-0 on 10-07-09**

**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**

**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**

- #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**  
**HELD 8-0 on 09-30-09**



**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. SANGIOLO 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. SANGIOLO 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. SANGIOLO 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**

- #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]

**HELD 8-0 on 09-30-09**

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

- #207-08 ALD. BRANDEL AND SANGIOLO 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 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**  
**HELD 8-0 on 09-30-09**

**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 8-0 on 09-30-09**

**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]  
**HELD 8-0 on 09-30-09**

**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 RECOMMITTED 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(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 09-30-09**

- #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**

**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**  
**HELD 8-0 on 09-30-09**

- #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]
- HELD 8-0 on 09-30-09**

**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**

- #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 8-0 on 09-30-09**

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

- #48-06 ALD. HESS-MAHAN, BURG, JOHNSON, DANBERG, PARKER & WEISBUCH proposing that the city provide financial incentives to rent accessory apartments to low- to moderate-income households at affordable rates that can serve housing affordability goals.

**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.)  
**HELD 8-0 on 09-30-09**

**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 09-30-09**
- #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.  
**HELD 8-0 on 09-30-09**

**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**
- #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 8-0 on 09-30-09**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #59-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional eighty five thousand four hundred dollars (\$85,400) from bonded indebtedness for the purpose of entering into a contract with NORESKO to perform energy audits on the remaining municipal and school buildings that have not been audited. [09/29/09 @ 4:57 PM]  
**PUBLIC FACILITIES HELD 7-0 on 10-07-09**

**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**

**HELD 8-0 on 09-30-09**

**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

#269-09  
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 be and is hereby-----.

#269-09      COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report.

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





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

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE

#207-09

CITY CLERK  
NEWTON, MA 02158

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 02459

#207-09

UTES

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 "town, or district" for "or town", "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,

CITY CLERK  
NEWTON, MA. 02159

09 JUL 17 PM 2:44

#2070

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.

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 could not amend its personnel adminis-  
tration plan in such way as to reduce entitle-

ment to vacation benefits for its regular police  
officers prescribed by statutes previously ac-  
cepted 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 municipali-  
ties

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 municipal-  
ity 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, municipali-  
ty, 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 t  
such qu  
the nex  
selectme  
special  
ment of  
shall be  
signing  
and cert  
brief sur  
appear  
voters v  
it shall  
following  
essential  
"Shall th  
of chapt

If, on t  
acceptan  
aforesaid

If at th  
acceptan  
municipa  
required  
that pro  
tance in  
original  
Added by

St.1980,  
limitation  
the state el  
the provis  
ments to th  
Section 1  
"The pro  
if any of its  
shall be he  
competent  
court shall  
maintain pr  
of."

St.1981,  
upon pass  
the introd  
read:

#207-09

is § 191.  
136.

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:

its regular police  
s previously ac-  
Police League v.  
field (1980) 406  
265. Towns

or municipali-

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

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

1 which a law  
lity as defined  
municipalities  
or municipal-  
elected by such  
the following

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.

er manner of  
izes, but does

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.

ter thirty-two

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

sh a regional  
n, municipali-

**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

rights which  
nd any officer  
y such law or  
shall apply to  
lication shall  
lly continuing

oters of a city  
lays following  
to revoke the  
sting that the

09 JUL 17 PM 2:45  
RECEIVED  
GENERAL  
102159

## 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*



David B. Cohen  
Mayor

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

#207-09

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

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

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

**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>	

<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>

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

Prag x

# 302-09



City of Newton, Massachusetts  
Office of the Mayor

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

David B. Cohen  
Mayor

September 25, 2009

09 SEP 29 PM 4: 56  
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 establish three revolving funds and authorize spending up to \$25,000 each for the purposes outlined in the attached letter from the Newton School Committee.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

315-08

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton, Massachusetts  
Office of the Mayor



David B. Cohen  
Mayor

# 299-09

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

September 29, 2009

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

09 SEP 29 PM 12: 28  
CITY CLERK  
NEWTON, MA. 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to approve the terms, including the cost items, of a new collective bargaining agreement between the City and the Newton Superior Officers Association (NPSOA). Although the first year of the contract is already funded in the Police Department budget, your approval of the cost items in this two year contract is necessary to bind the parties to the second year of the contract.

The Memorandum of Agreement (MOA) attached to this letter sets out the terms of a settlement between the Newton Police Superior Officers Association (representing Police sergeants, lieutenants, and captains) and the City regarding the Quinn Bill. The key provisions are an agreement by the union to accept no pay increases in FY10 and FY11 in exchange for the City agreeing to continue to pay full Quinn Bill education incentive payments to current employees.

This settlement came about after several weeks of intensive bargaining with the NPSOA. At issue during those negotiations was the question of the City's legal obligation to pay Quinn Bill payments. The union argued that once a city or town accepts the Quinn Bill, it is under a full obligation to pay Quinn Bill benefits and cannot amend that obligation through a collective bargaining contract. The union cites a statute, Chapter 150E, §7(d), that lists the topics that municipal employers and unions may agree to deviate from state standards, e.g., the number vacation days granted employees per year. The union argued that any topic not expressly listed in this section is pre-empted from amendment by contract and that the Quinn Bill is not one of the topics so listed.

Without conceding to the union's arguments, the City understood that many other communities had accepted that argument. When the NPSOA came to us with a settlement modeled on one recently adopted by the Town of Brookline, in which the

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE

police union agreement to full Quinn Bill payments in exchange for two years of zero pay increases, we concluded that such a settlement was in the City's interest.

This settlement allows our ranking officers to continue to receive their current rate of pay. Without this settlement, they would have seen pay decreases of between five percent and 12.5%, depending on their education levels. Such a pay cut imposed on our employees by the act of the State is clearly a severe burden.

In thinking about the City's position relative to our police unions, I also had to consider the implications of such a pay cut on our ability to retain and recruit staff. Many communities are struggling with this same issue. Some, such as the City of Cambridge, have contracts that obligate them to pay full Quinn Bill benefits regardless of any State reimbursement. Others, such as the Town of Belmont, have no language in their contracts providing for what to do in case of a cut in State Quinn Bill payments and have decided they must pay full Quinn Bill benefits. Others, such as the Town of Brookline, had language akin to ours that provided for a cut in Quinn Bill payments if the State failed to fully reimburse them, but which decided to continue to pay full Quinn Bill benefits in exchange for concessions on future pay increases. The Quinn Bill has helped to enhance the quality and professionalism of our police force, and we did not want to put ourselves at a competitive disadvantage now.

I think this settlement is in the best interest of the City. I note that the NPSOA bargained in a professional and cooperative manner on this issue so we could reach a resolution that met our mutual needs and interests. We all share a commitment to keeping the Newton Police Department one of the finest in the state and in doing so in a financially responsible manner. This settlement does that and I urge your Honorable Board to support it.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David B. Cohen", with a large, stylized flourish at the end.

David B. Cohen  
Mayor

DBC: smp



#299-09

CITY CLERK  
NEWTON, MA 02159

09 SEP 29 PM 12: 28

**Memorandum of Agreement  
Between  
City of Newton  
And  
The Newton Superior Officers Association**

September 2009

The City of Newton (City) and the Newton Superior Officers Association, collectively the "Parties," hereby agree to extend their collective bargaining agreement (effective July 1, 2006 through June 30, 2009) through June 30, 2011, except as modified herein by this Memorandum of Agreement.

**1. Duration of Agreement**

July 1, 2009 – June 30, 2011

**2. Wages and Stipends**

**A. Wages**

Fiscal Year 2010:	Effective July 1, 2009	0% wage Increase
Fiscal Year 2011:	Effective July 1, 2010	0% Wage Increase

**Reopeners:** The Parties agree that the Union may reopen the collective bargaining agreement during fiscal year 2011 on the issue of wages for fiscal year 2011 if the City and a Public Employee Committee established under section 19 of Chapter 32B of the Massachusetts General Laws provide health insurance to eligible employees through the Group Insurance Commission (GIC).

In accordance with paragraph 23.01 of the collective bargaining agreement, the Parties also agree that the Union may reopen the collective bargaining agreement on the issue of wages if the Patrol Officers' economic settlement for any one of the two years covered by this agreement is greater than zero in order to maintain the benchmarks contained therein.

**B. Stipend Payments**

The parties agree to work together to phase in weekly payment of stipends, as feasible.

**3. Education Incentive Pay**

Article XXIX

Replace paragraphs 29.03 e and f with the following:

29.03 e. In the event that General Laws, Chapter 41, Section 108L is underfunded, repealed, or amended by the Commonwealth of Massachusetts or its acceptance rescinded by the CITY, members of the bargaining unit who were employed by the Newton Police Department on July 1, 2009 shall continue to receive the education incentive pay and percentages they were receiving prior to July 1, 2009 as well as the education incentive pay and percentages they may be entitled to receive after July 1, 2009 in accordance with Chapter 41, Section 108L had Chapter 41, Section 108L not been underfunded, repealed, or amended, and the City shall pay the entire amount thereof. It is the intent of this section to guarantee to said employees 100% payment of the education incentive pay benefits notwithstanding any subsequent appropriation or legislation that might affect Chapter 41, Section 108L or the City's reimbursement by the Commonwealth. Such education incentive pay benefits shall be no less than 10% for an Associate's degree in law enforcement or 60 points earned towards a Baccalaureate degree in law enforcement, 20% for a Baccalaureate degree in law enforcement, and 25% for a Master's degree in law enforcement or for a degree in law.

4. Grievances

The grievances pertaining to auxiliary officers and details shall be returned to step two of the contractual grievance procedure for further discussion of a potential resolution.

Agreed to this 11<sup>th</sup> of September, 2009 by

City of Newton

Newton Superior Officers Association

Jacob Rye

Edward Mahoney

Dennis Beumbe

Dennis P. Beumbe

Dennis P. Beumbe

\_\_\_\_\_

Walter Sallie

\_\_\_\_\_

Frank Curcio

President: **Gerard Mahoney**  
Vice President: **William Spalding**  
Secretary: **Dennis Berube**  
Phone: 617-796-2147  
Email: npsoa1@yahoo.com



#299-09  
Executive Board  
**Dennis Dowling**  
**Frank Eldridge**

Newton Police Superior Officers Association, 1321 Washington Street, Newton, MA 02465

---

Newton Board of Alderman  
President Lisle Baker  
1000 Commonwealth Ave.  
Newton, Mass. 02459

Dear Mr. President,

10/2/09

I am writing to you to express the Newton Police Superior Officer's Association support of the proposed meals tax. We feel that the implementation of this tax would be a minor price to pay to raise additional funds needed by the city to continue to provide the high level of services that residents of Newton have come to expect. We do not believe that this minimal increase in the meals tax will have a significant impact on local Restaurant Owners. We hope that the Board of Alderman will see this as an opportunity to raise additional revenue with a minimal burden to the local taxpayers.

Respectfully submitted,

A handwritten signature in black ink that reads "Gerard Mahoney".

Lt. Gerry Mahoney  
President N.P.S.O.A.  
MassCop Local 401

09 OCT -7 PM 4:37  
CITY CLERK  
NEWTON, MA. 02159

PST/14

#271-09



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

CITY CLERK  
NEWTON, MA. 02159

09 AUG 31 PM 2:55

August 31, 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 five hundred thousand dollars (\$500,000) from bonded indebtedness for the purpose of purchasing a fire engine for the Fire Department. This engine will become the first line Engine 4.

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

# 271-09



# CITY OF NEWTON, MASSACHUSETTS FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584  
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230  
FAX: (617) 796-2211 EMERGENCY: 911



David B. Cohen  
Mayor

Joseph LaCroix  
Chief  
AUG 31 AM 9:41  
CITY CLERK  
NEWTON, MA. 02459

July 14, 2009

Honorable David B. Cohen, Mayor  
City of Newton  
1000 Commonwealth Avenue  
Newton, Ma 02459

Dear Mayor Cohen,

I am requesting that you authorize the replacement of Newton Engine 4 as soon as possible.

I would like to make you aware of the current condition of Engine 4. This is a 1992 Emergency One Foam Engine with approximately 101,083 miles recorded on it. This does not include all the static time the engine runs while fighting fires. The normal life cycle of a first line engine is usually from nine to fifteen years.

Engine 4 has several problems that will continue to grow. I will list them for you; 1. Frame creeks everywhere, 2. All cabinet doors have aluminum corrosion, 3. Several cabinet door skins are coming apart, 4. Several cabinet door locks are not working, 5. Rear step is coming apart, 6. Numerous electrical problems, 7. All pump discharge ball valves are leaking, 8. Several stress cracks on aluminum flooring, 9. Interior vinyl seat areas are all ripped up, 10. Front intake valve does not work due to corrosion, 11. Windshield wipers are a constant problem, 12. Turret nozzle does not work properly all the time, 13. Foam lines inside from the bladder to the pump are restricted and there are still more problems. Parts are hard to find since the truck is over ten years old and the requirement to maintain an inventory of spare parts expires. We have to pay premium and some parts have to be manufactured special. All of the under carriage is corroded to include all wiring and break line fittings. It should be noted that weather proof connections did not exist back when we purchased this truck. The engine burns oil and overheats whenever the temperature reaches 90 degrees or above.

I have been in touch with our vendor for apparatus, and have been informed that due to the economic climate in the country, many orders for new apparatus have been cancelled. This has created a surplus of apparatus in the stock program. We can purchase an apparatus that would meet all of our specification for a considerable savings. They are also offering a bumper to bumper warranty for two years on top of all the other warranties. It makes no sense, cost wise; to try and bring Engine Four up to current standards and the problems will force us to replace this apparatus in the near future. All fire apparatus manufacturers have to abide by the new EPA motor regulations by January 2010 which is going to add \$25,000 to \$35,000 to the price of apparatus. Not to mention that all manufacturers will have there annual increase of 2 to 3 percent around October 2009. If we were to spec this truck today we would be over \$550,000 as it is designed. If we wait until next year we will be looking at \$600,000 or more.

#271-09

CITY OF NEWTON, MASSACHUSETTS

IN BOARD OF ALDERMEN

ORDERED:

That for the purpose of paying costs of purchasing and equipping a new fire engine for the use of the Fire Department, and for the payment of any and all other costs associated therewith, there be and hereby is appropriated and authorized to be borrowed under and pursuant to Chapter 44, Section 7(9) of the General Laws, as amended and supplemented, or pursuant to any other enabling authority, the sum of Five Hundred Thousand Dollars (\$500,000).



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#301-09

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

September 25, 2009

09 SEP 29 PM 4:56  
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 assess betterments for sidewalk/driveway apron and/or curbing improvements and or installation pursuant to the attached applications.

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

#301-09

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

David B. Cohen  
Mayor

September 24, 2009

09 SEP 29 PM 4:08  
CITY CLERK  
NEWTON, MA 02459

To: David Cohen, Mayor  
From: Thomas Daley, Commissioner of Public Works  
CC: David Wilkinson, David Olsen, Susan Burstein, Sandy Pooler, Ryan Ferrara, Keri Taverna, Natasha Bhan, Darrell Azure,  
Re: Billing of Betterment Applications for Construction Year 2008

The Department of Public Works respectfully requests the Honorable Mayor docket for consideration the assessment of betterments on the properties listed on the attached table. These betterments have been completed by Public Works in construction year 2008 and have been inspected by the Engineering Division who has confirmed the work is complete. A copy of each application is attached. The formal request is as follows:

The Commissioner of Public Works is requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments graded and constructed and assessments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for sidewalk construction.

Thank you.



2008 Betterment List (Not Paid)

HOUSE NO.	ADDRESS	OWNER NAME Book/Page	DATE OF APP	BETT TYPE	DATE EST	TOTAL EST	MAILED	BETT REC DATE
6	BlackStone Terr 72-21-13	Sciretta John & Sarah 051958/0528	07/31/08	Granite Curb	07/31/08	\$1,519.50	07/31/08	07/31/08
9	BlackStone Terr 72-21-9	Birnhak Jacqueline 026928/0485	04/14/08	Granite Curb	04/25/08	\$802.00	04/25/08	06/11/08
10	BlackStone Terr 72-21-12	Thorn Frank & Sondra 013534/0336	04/15/08	Granite Curb	04/25/08	\$576.00	04/25/08	05/20/08
15	BlackStone Terr 72-21-10	Ansel Jodie 028707/0522	08/08/08	Granite Curb	08/25/08	\$506.00	08/25/08	08/25/08
1662	Comm Ave (/fuller) 32-26-5	Rigg Donna Marie 047093/0326	07/08/08	Granite Curb	07/09/08	\$942.00	07/09/08	07/14/08
1670	Comm Ave (/fuller) 32-26-4	Blitz Alan L. 019877/0180	09/06/07	Granite Curb	03/20/08	\$1,098.00	03/20/08	03/26/08
15	Knowles St 61-42-7	Bavington Richard F. 049466/0191	05/20/08	Granite Curb	06/17/08	\$889.50	06/17/08	09/02/08
31	Knowles St 61-42-10	Fallon Karen & Timothy F. 027882/0184	05/01/08	Granite Curb	05/05/08	\$856.00	05/07/08	08/26/08
37	Knowles St 61-42-11	Kaplan Harvey 028644/0488	06/20/08	Granite Curb	07/01/08	\$838.50	07/01/08	07/24/08

#30109

2008 Betterment List (Not Paid)

HOUSE NO.	ADDRESS	OWNER NAME Book/Page	DATE OF APP	BETT TYPE	DATE EST	TOTAL EST	MAILED	BETT REC DATE
25	Farlow Road 72-37-2	Monaco Anthony & Mary Louise 046009/0435	04/15/08	Granite Curb	05/14/08	\$1,715.00	05/20/08	05/27/08
117	Fuller St 32-34-6	Chrisholm John & Margery F. 043584/0227	01/03/07	Granite Curb	02/07/07	\$2,359.50	04/24/07	04/25/07
420	Fuller St 43-45-21	Bontempo Joseph 01056/0176	04/30/07	Granite Curb	05/03/07	\$1,239.50	05/03/07	05/15/07
162	Fuller St 53-37-29	Resnicow Joan D. 001047/0143	08/03/07	Granite Curb	08/07/08	\$1,328.50	08/07/08	08/14/08
8	Lansing Rd(/fuller) 53-38-8	Bernstein Mitchel & Stacy 043819/0028	05/11/07	Granite Curb	05/21/07	\$1,872.50	05/21/07	05/30/07
201	Fuller St 32-28-16	Johnsen Robert/Joan Stearns 029072/0185	04/30/07	Granite Curb	05/03/07	\$1,432.00	05/03/07	06/22/07
242	Fuller St 53-37-13	Koskinen Michael F & Ines R. 013258/0098	05/02/06	Granite Curb	02/12/07	\$2,569.50	04/25/07	05/03/07
16	Manamet Road 64-20-15	Kazimi Mujid & Nazik D 013543/0467	04/14/08	Granite Curb	08/02/08	\$1,363.50	08/14/08	08/25/08
47	Manamet Road 64-11-7	Laniado Dov & lisa 031515/0108	04/14/08	Granite Curb	08/02/08	\$1,187.00	08/18/08	08/20/08

NEWTON, MA 02159  
CITY CLERK

09 SEP 29 PM 4:38

MANAMET

#301-09

2008 Betterment List (Not Paid)

HOUSE NO.	ADDRESS	OWNER NAME Book/Page	DATE OF APP	BETT TYPE	DATE EST	TOTAL EST	MAILED	BETT REC DATE
39	Nonantum St 72-19-6	Weylman Sally 049769/0049	05/27/08	Granite Curb	06/02/08	\$856.00	06/02/08	06/05/08
46	Nonantum St 72-31-13	Fasciano Karen 045871/0388	08/19/08	Granite Curb	08/19/08	\$1,013.50	08/19/08	08/19/08
52	Nonantum St 72-31-12	Perkins Sarah Lynch 047236/0540	04/14/08	Granite Curb	04/25/08	\$1,137.50	04/25/08	05/02/08
58	Nonantum St 72-31-11	Mosher Ralph & Jessica 011337/0214	05/30/08	Granite Curb	06/02/08	\$943.50	06/02/08	06/03/08
64	Nonantum St 72-31-10	Vallabh Rajesh & Monika J. 031731/0383	05/09/08	Granite Curb	05/13/08	\$1,171.00	05/13/08	05/15/08
112	Nonantum St 72-31-3	Waller J. Garland 031579/0102	04/14/08	Granite Curb	05/05/08	\$819.50	05/09/08	05/12/08
32	Shornecliff Road 72-33-5	Yang Zhiyong 041480/0024	05/01/07	Granite Curb	05/23/07	\$1,150.50	05/23/07	06/29/07
39	Shornecliff Road 72-31-19	Kodis Ralph & Christine 011327/0729	02/18/07	Granite Curb	05/23/07	\$1,047.00	05/23/07	05/23/07
40	Shornecliff Road 72-33-4	Cohan Robert & Phuli 029816/0019	03/25/07	Granite Curb	05/21/07	\$1,591.00	05/21/07	05/24/07

#301-09

2008 Betterment List (Not Paid)

HOUSE NO.	ADDRESS	OWNER NAME Book/Page	DATE OF APP	BETT TYPE	DATE EST	TOTAL EST	MAILED	BETT REC DATE
46	Shornecliff Road 72-33-3	Newman David 049656/0048	04/17/08	Granite Curb	04/17/08	\$1,241.00	04/17/08	04/25/08
79	Shornecliff Road 72-31-24	Necheles Carmen 040632/0226	06/11/07	Granite Curb	06/22/07	\$2,727.00	06/22/07	05/06/08
96	Shornecliff Road 72-31-5	Notopoulos Alexender 020496/0020	04/30/08	Granite Curb	05/05/08	\$996.00	05/07/08	05/20/08
99	Franklin St 72-33-12	Colantonio Victor & Dawn 015256/0538	03/25/08	Granite Curb	03/25/08	\$1,257.00	03/25/08	03/25/08
160	Franklin St 72-34-6	Gluck Rosald & Elizebeth Brody 026056/0132	04/26/07	Granite Curb	04/26/07	\$3,252.00	04/26/07	04/29/07
185	Franklin St 72-31-1	Blanco Carlos 048928/0281	05/12/08	Granite Curb	05/12/08	\$2,222.50	05/12/08	05/12/08
188	Franklin St 72-30-6	Peckler Maxwell D. & Mindy 035606/0421	06/27/07	Granite Curb		\$1,887.00		07/19/07
24	Hood St 72-30-3	Saemann Ruth 000969/0071	9/5/2008	Granite Curb		\$1,311.00		9/11/2008
67	Marlboro St 72-20-7	Gilpin Brian 051518/0417	8/28/2008	Granite Curb		\$908.50		8/28/2008

**Total Betterment Amount \$48,626.00**

NEWTON, MA 02459  
CITY CLERK  
09 SEP 29 PM 4 38

#301-09

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 mentioned sidewalk/driveway apron and/or curb betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for sidewalk construction.

<u>Property Owner</u>	<u>Location</u>	<u>Book/Page</u>	<u>Amount</u>
1. Sciretta, John & Sarah	6 Black Stone Terr. 72-21-13	051958/0528	\$1,519.50
2. Birnhak, Jacqueline	9 Black Stone Terr. 72-21-9	026928/0485	\$802.00
3. Thorn, Frank & Sondra	10 Black Stone Terr. 72-21-12	013534/0336	\$576.00
4. Ansel, Jodie	15 Black Stone Terr. 72-21-10	028707/0522	\$506.00
5. Rigg, Donna Marie	1662 Commonwealth Ave. 32-26-5	047093/0326	\$942.00
6. Blitz, Alan L.	1670 Commonwealth Ave. 32-26-4	019877/0180	\$1,098.00
7. Bavington, Richard F.	15 Knowles St. 61-42-7	049466/0191	\$889.50
8. Fallon, Karen & Timothy F.	31 Knowlises St. 61-42-10	027882/0184	\$856.00
9. Kaplan, Harvey	37 Knowles St. 61-42-11	028644/0488	\$838.50

<u>Property Owner</u>	<u>Location</u>	<u>Book/Page</u>	<u>Amount</u>
10. Monaco, Anthony & Mary Louise	25 Farlow Rd. 72-37-2	046009/0435	\$1,715.00
11. Chrisholm, John & Margery F.	117 Fuller St. 32-34-6	043584/0227	\$2,359.50
12. Bontempo, Joseph	420 Fuller St. 43-45-24	01056/0176	\$1,239.50
13. Resnicow, Joan D.	162 Fuller St. 53-37-29	001047/0143	\$1,328.50
14. Bernstein, Mitchel & Stacy	8 Lansing Rd. 53-38-8	043819/0028	\$1,872.50
15. Johnsen, Robert & Joan Stearns	201 Fuller St. 32-28-16	029072/0185	\$1,432.00
16. Koskinen, Michael F. & Ines R.	242 Fuller St. 53-37-13	013258/0098	\$2,569.50
17. Kazimi, Mujid & Nazik D.	16 Manamet Rd. 64-20-15	013543/0467	\$1,363.50
18. Laniado, Dov & Lisa	47 Manamet Rd. 64-11-7	031515/0108	\$1,187.00
19. Weylman, Sally	39 Nonantum St. 72-19-6	049769/0049	\$856.00
20. Fasciano, Karen	46 Nonantum St. 72-31-13	045871/0388	\$1,013.50
21. Perkins, Sarah Lynch	52 Nonantum St. 72-31-12	047871/0388	\$1,137.50
22. Mosher, Ralph & Jessica	58 Nonantum St. 72-31-11	011337/0214	\$943.50
23. Vallabh, Rajesh & Monika J.	64 Nonantum St 72-31-10	031731/0383	\$1,171.00

<u>Property Owner</u>	<u>Location</u>	<u>Book/Page</u>	<u>Amount</u>
24. Waller, J. Garland	112 Nonantum St. 72-31-3	031579/0102	\$819.50
25. Yang, Zhiyong	32 Shornecliff Rd. 72-33-5	041480/0024	\$1,150.50
26. Kodis, Ralph & Christine	39 Shornecliff Rd. 72-31-19	011327/0729	\$1,047.00
27. Cohan, Robert & Phuli	40 Shornecliff Rd. 72-33-4	029816/0019	\$1,591.00
28. Newman, David	46 Shornecliff Rd. 72-33-3	049656/0048	\$1,241.00
29. Necheles, Carmen	79 Shornecliff Rd. 72-31-24	040632/0226	\$2,727.00
30. Notopoulos, Alexander	96 Shornecliff Rd. 72-34-5	020496/0020	\$996.00
31. Colantonio, Victor & Dawn	99 Franklin St. 72-33-12	015256/0538	\$1,257.00
32. Gluck, Rosald & Elizebeth Brody	160 Franklin St. 72-34-6	026056/0132	\$3,252.00
33. Blanco, Carlos	185 Franklin St. 72-31-1	048928/0281	\$2,222.50
34. Peckler, Maxwell D. & Mindy	188 Franklin St. 72-30-6	035606/0421	\$1,887.00
35. Saemann, Ruth	24 Hood St. 72-38-3	000969/0071	\$1,311.00
36. Gilpin, Brian	67 Marlboro St. 72-20-7	051518/0417	\$908.50

Under Suspension of Rules  
Readings Waived and ----

EXECUTIVE DEPARTMENT  
Approved:

(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

#179-09

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

TO: Honorable Members of the Board of Aldermen  
FROM: Susan Burstein, Chief Budget Officer  
RE: Funding for Craft Street fuel tank replacement  
DATE: October 7, 2009

09 OCT -7 PM 4: 00  
CITY CLERK  
NEWTON, MA. 02159

---

It is the intention of the Executive Office to fund the replacement of the Craft Street fuel tank with bond proceeds that were allocated in FY09. The long term capital plan includes the \$1.75 million annually in new debt for municipal capital needs. This item was docketed in FY09 as part of the FY09 annual new debt allocation. Approval of this appropriation will not be counted as part of the FY10 allocation for new capital debt.

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE



**CITY OF NEWTON, MASSACHUSETTS  
FIRE DEPARTMENT HEADQUARTERS**

1164 Centre Street, Newton Center, MA 02459-1584  
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230  
FAX: (617) 796-2211 EMERGENCY: 911



David B. Cohen  
Mayor

Joseph E. LaCroix  
Chief

TO: Honorable Board of Alderman  
THRU: Honorable David B. Cohen, Mayor  
Sanford Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
FROM: Joseph E LaCroix, Chief *JEL*  
Fire Department  
RE: Craft Street Fuel Tanks  
DATE: September 22, 2009

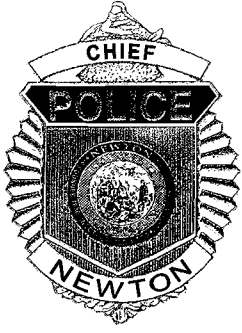
09 SEP 22 PM 4:51  
CITY CLERK  
NEWTON, MA. 02159

When the Board failed to approve the replacement of the Craft Street Fuel Island and tanks it created a serious future problem for the Fire Department. I was going to allow the removal of all the underground tanks located on the existing six fire station locations. This would have saved the City approximately \$450,000 in new code upgrades. I would then have been committed to using the fuel stations at both Elliot Street for the south side Engine and Ladder companies and Craft Street for the north side Engine and Ladder companies. With the loss of the Craft Street fueling station I am very reluctant to give up my current status with my own tanks at the six stations.

To move all my North side apparatus to the south side fueling station, when in need of fuel, would create a safety hazard and a response time problem for the North side of the City. Also think of the possibility of a loss of use around the Elliot Street area and with no back-up available to fuel the fire apparatus at any location.

There is going to be a cost to the city in the near future to upgrade my existing tanks to the new code standards. It should also be understood that, by code, the City must remove the abandoned tanks at the Craft Street yard; this is a significant amount of funds.

In the best interest of the City I would like to request the Board of Alderman to reconsider there position on the Craft Street Fuel Tanks. Thank you for your consideration to this very important issue.



# City of Newton Police Department



TELEPHONE  
(617) 796-2101  
FAX # (617) 796-3679  
TDD/TTY: 617-796-1089

*Office of the Chief of Police*

HEADQUARTERS  
1321 WASHINGTON STREET  
NEWTON, MASSACHUSETTS 02465

**MATTHEW A. CUMMINGS**  
CHIEF OF POLICE

September 9, 2009

Newton Board of Alderman  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, Massachusetts 02459-1449

09 SEP 10 PM 1:32  
CITY CLERK  
NEWTON, MA. 02159

Dear Honorable Board Members:

I join with Commissioner Daley in his concern for the bonding and replacement of the Crafts Street fuel islands and tanks that he outlined in his letter to you dated August 26, 2009. Costs are certainly a factor in all bonding decisions made by our Honorable Board members. In this particular case though my own personal belief is that common sense and emergency planning must be afforded equal or more weight than that of cost factors alone. Please allow me a brief moment to explain a few reasons why the ability to fuel on both sides of the city is especially crucial for police without restating the Commissioner's main points.

The Police Department's patrol plan is split into two distinct North and South geographical boundaries. Within these boundaries each patrol division is determined by emergency call and service call data. When possible the workload is divided within patrol divisions to ensure that no neighborhood is neglected by patrol officers and to ensure response times are maintained in the event of emergencies -- albeit difficult to predict. As police officer staffing has declined over the years, the size of these patrol divisions has increased. This means that many patrol officers cover larger patrol areas now and they need to traverse greater distances when responding to calls within their patrol divisions.

North and Southside police supervisors closely monitor and limit on-scene call-time and downtime within each patrol division to ensure adequate coverage, especially when the police are at their busiest. When a patrol unit in one division is tied-up on an active call, or out of service when making arrests, booking prisoners, performing follow-up investigations, or obtaining fuel, it always creates a hardship in adjoining divisions. Officers in those divisions are then required to assume patrol responsibilities in patrol areas twice the size of their own patrol divisions. Consequently, some neighborhoods

**FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS**



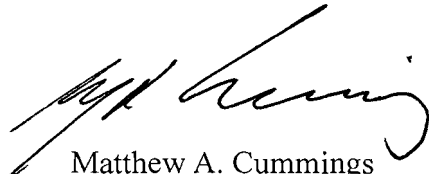
only get cursory safety checks, response times to calls increase, and travel time may be further complicated during periods of inclement weather when roads are difficult to travel due to slippery conditions or when potential roadway hazards may exist, such as downed trees, power lines, etc. Making fuel available on both sides of the city will remove at least one huge impediment for us by reducing travel and downtime when obtaining fuel.

As it relates to emergency planning, all public safety vehicles rely heavily upon fuel in order to deliver critical services to members of the public. We oftentimes take for granted the fact that fuel seems plentiful when times are good. However, in bad times like potential storms or other natural disasters the City should anticipate going without fuel deliveries over prolonged periods of time. Dependable fuel reserves, much like the Nation's Petroleum Reserves, are a vital way to mitigate this potential disruption in fuel deliveries and assuredly guarantees that public safety vehicles and personnel will be able to respond when and where help is needed.

Finally, I would like to remind past and advise present Honorable Board members that the Police Department had its own fuel tanks and pumps located behind Police Headquarters during Police Chief Quinn's administration. Chief Quinn reluctantly gave up these tanks and pumps during his tenure for environmental and cost savings benefits for the City, and he realized full well that fuel would be made available to the police on both sides of the city. At the time this seemed like a win-win situation, and in the spirit of that occasion, separate fuel depots should continue to operate on both Crafts Street and Elliot Street in order to meet our present day public safety needs.

Thank you very much for your consideration of this matter. Please direct any questions to me by phone at 617-796-2101 or by e-mail at [mcummings@newtonma.gov](mailto:mcummings@newtonma.gov).

Respectfully submitted,



Matthew A. Cummings  
Chief of Police

cc: Hon. David B. Cohen, Mayor  
Mr. Sanford Pooler, Chief Administrative Officer  
Commissioner Thomas Daley, Department of Public Works

#179-09

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

TO: Honorable Board of Aldermen

FROM: A. Nicholas Parnell, AIA *ANP*  
Commissioner of Public Buildings

DATE: September 8, 2009

RE: Crafts Street DPW Yard Storage Tanks

CITY CLERK  
NEWTON, MA. 02159

09 SEP -8 PM 2:57

In preparation of your reconsideration vote on the tanks at Crafts Street, I have been asked by certain members of the Board to break out a cost only for the removal of the tanks. Please find attached the estimates for the total project cost and that of just the removal.

ANP:dla

Attachment

CC: Sandy Pooler, Chief Administrative Officer  
 Susan Burstein, Chief Budget Officer  
 Tom Daley, Commissioner of Public Works  
 Arthur F. Cabral, Budget & Project Specialist

# Crafts Street DPW Yard Underground Storage Tank Replacement Project Estimate

9/8/2009

<u>Task</u>	<u>Above Ground Storage Tank System</u>	<u>Removal Only Of Existing Underground Storage Tank System</u>
Existing Underground Tank Removal	\$ 30,000	\$ 30,000
Soil Removal (approximately 175 tons @ \$75/ton)	\$ 13,124	\$ 13,124
Additional Soil Removal (200 tons @ \$75/ton)	\$ 15,000	\$ 15,000
Above Tank System Installation (including all piping, wiring and monitoring components and fuel Island)	\$ 280,000	N/A
Fuel Island Lighting/fixtures/stanchions	\$ 34,000	N/A
Paving	\$ 25,000	\$ 15,000
DEP Documentation / Tank Maintenance Plan)	\$ 5,000	\$ -
Design / Contract Administration	\$ 28,500	\$ 17,500
Sub Total	\$ 430,624	\$ 90,624
5% Contingency	\$ 21,531	\$ 4,531
<b>Project Total</b>	<b>\$ 452,155</b>	<b>\$ 95,155</b>

09 SEP -8 PM 2:57  
CITY CLERK  
NEWTON, MA. 02459

#179-09

003

NEWTON PUBLIC BUILDINGS

09/08/2009 14:42 FAX 6177961601

# 179-09



# NEWTON PARKS AND RECREATION DEPARTMENT

70 Crescent Street, Newton, MA 02466  
Office: (617) 796-1500  
Fax: (617) 796-1512  
TTY: (617) 796-1089



FRAN L. TOWLE  
COMMISSIONER

DAVID B. COHEN  
MAYOR

TO: Honorable Board of Alderman  
City of Newton  
1000 Commonwealth Ave.  
Newton, MA 02459

FROM: Fran Towle, Commissioner ~~\_\_\_\_\_~~

RE: Crafts Street Fuel Tanks

DATE: September 2, 2009

09 SEP -4 AM 11: 23  
CITY CLERK  
NEWTON, MA. 02159

In recent action the Board of Alderman failed to approve bonding for the replacement of the Craft Street D.P.W. Yard fuel tanks. I am very concerned at the prospect of not having gas pumps at the Crafts Street D.P.W. Yard. Although there are pumps located at Elliot Street, the Parks & Recreation Department almost exclusively utilizes the pumps at Crafts Street due to the proximity of our yard to those pumps. Requiring to fuel at Elliot Street will result in excess travel and the further consumption of costly fuel. This would create a backlog of vehicles at Elliot Street waiting to fuel their vehicles.

When the city is in emergency situations, such as snowstorms and hurricanes, it is beneficial to have two sites in which to fuel city vehicles. This not only saves travel time and gas, but increases productivity when time is of the essence. Another potential emergency situation is the malfunctioning of one of the fueling systems. Without the second site, city vehicles would be forced to utilize private facilities or not function.

The use of private facilities would not allow us to utilize the statistical data that we currently receive from the Gasboy system that is in place. How would city employees be expected to pay for the gas that they receive at the public station? The city currently has a discounted rate for gas in comparison to the prices at public pumps. Would these public stations be willing to give those same rates? We need twenty-four hour accessibility to fuel vehicles, private stations can not provide this service. Use of a private station creates an additional procedural process that further takes away from workforce productivity.

The Parks & Recreation Department would strongly urge the Board of Alderman to reconsider its decision and approve the funding to replace the Crafts Street tanks.

If you have any further questions, please feel free to contact me.

COMMISSION MEMBERS	WARD 1 - VACANT WARD 2 - ARTHUR MAGNI WARD 3 - PETER JOHNSON	WARD 4 - FRANCIS J. RICE, CHAIRMAN WARD 5 - WALTER S. BERNHEIMER II, VICE-CHAIRMAN WARD 6 - LEE MOTTARD	WARD 7 - VACANT WARD 8 - KATHLEEN A. HEITMAN COMM. SECRETARY-ROBIN MCLAUGHLIN
--------------------	--	---	---

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE

[WWW.CI.NEWTON.MA.US/PARKS](http://WWW.CI.NEWTON.MA.US/PARKS)

City of Newton



DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE COMMISSIONER  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

David B. Cohen  
Mayor

09 SEP -3 AM 9:24  
CITY CLERK  
NEWTON, MA. 02159

TO: Honorable Board of Alderman  
THRU: Honorable David B. Cohen, Mayor  
Sanford Pooler / Chief Administrative Officer  
Susan Burstein / Chief Budget Officer  
FROM: Thomas E. Daley, P.E., Commissioner  
RE: Craft Street Fuel Tanks  
DATE: August 26, 2009

Recently the Board failed to approve bonding for the replacement of the Craft St. fuel island and tanks. It is also my understanding that a motion to reconsider has been filed. The prospect of not having the second set of fuel tanks is quite alarming to me for a number of reasons.

During the Committees' debates there was discussion of alternate methods of fueling the City's fleets, in particular utilizing privately owned gas stations. This brings up a number of issues:

- 1) To the best of our knowledge there are no gas stations or refueling depots open 24 hours per day in the City. City ordinances prohibit 24 hour gas station operations. As you all very well know Police, Fire and Public Works are 24 / 7, 365 day / year operations. City emergency response vehicles need to have full tanks and more fuel readily available in order to respond to emergencies at a moments notice.
- 2) To the best of our knowledge no stations in the City have a backup generator. During severe inclement weather when a resident may need an ambulance, police assistance or even a fire, the City's emergency responders must have fuel on hand to respond. Public Works and Parks and Rec. very often work for several days straight combating snow and hurricanes, etc. We can not keep the City safe without continual access to fuel for our trucks. If the streets aren't clear Police and Fire will not be able to respond.
- 3) If a private gas station fails to perform at a critical time, what is our remedy at that crucial moment?
- 4) We annually bid our fuel with a number of other municipalities, giving us a significant better price than buying it at retail from a private gas station. We are currently paying \$1.94 per gallon for gasoline.



- 5) If we decide to obtain fuel from private gas station(s), what complicated procurement process do we now need to go through?
- 6) The City is exempt from state fuel tax. If we were to utilize a private gas station they would have to track all of our usage and bill us the appropriate amount. This would be an additional administrative burden on their part that we would ultimately end up paying for. We would also be required to closely review their bills, which would be an additional administrative burden on our part. Under our current system we easily transfer bill to other City Departments. A private gas station would also have to be able to accommodate this task without error.
- 7) Fuel management is of particular concern. We currently have a Gasboy system that tracks every employee's and every vehicle's fuel usage. We can track mileage, fuel economy, fuel volume, etc. by vehicle and person. We know who is fueling what, how much and at what time. This is done via individual personnel codes and keys for every vehicle. How would this level of fuel management be performed at a private gas station? Even if done manually, again we would ultimately end up paying for the additional administrative burden on their part. Please note that this is all currently controlled by computer and not a person. There could be a significant potential for theft and/or error if done at a private station.
- 8) From November 1st through April 30th we use an 80/20 blend in our trucks to prevent the diesel fuel from waxing. This fuel is not available at local private gas stations, which would require us to have a tank of kerosene to add to the truck fuel tanks every time they refuel during the winter months.
- 9) If required to obtain fuel from a private gas station, we would very easily inundate the station between Public Works vehicles at the end of a work day, Police at shift changes, etc. The loss in productivity and time with public safety officials not being out on the street would be significant. The backups would also extend out onto our public ways causing additional safety hazards never mind a significant public perception issue.

The second set of fuel tanks on the northerly side of the City is critically important to us from an operational standpoint. We currently fuel our vehicles at their respective DPW yards. Our sweeper operation runs out of the Craft St. yard where they currently fuel. If the sweepers were required to go to Elliot St. to fuel (which they will in September), we estimate it would add 3,780 miles to the fleet of seven sweepers per year, requiring an additional 1,890 gals. of fuel at an approx. \$3,780 / yr. cost. The extra travel time would add 190 hours of lost work per year at an approximate cost of \$4,311.

If our Craft St. Highway Division was required to fuel at Elliot St. (which they will in September when Craft St. is shutdown), we estimate it would add 21,528 miles to the fleet per year, requiring an additional 3,588 gals. of fuel at an approx. \$7,200 / yr.

cost. The extra travel time would add 1,076 hours of lost work per year at an approximate cost of \$23,680.

The above two items cost the City \$39,000 per year, only considering the DPW. Winter would be another additional cost. Assuming a 24 hour duration storm and eight plowable storms a year on average it would cost about \$19,200 per season in lost time not being out on the street plowing. This number doesn't even include the usual forty or so sanding operations per season.

In addition to all of the additional costs and lost productivity there would be significant additional miles and wear and tear on the City fleets which equates into increase maintenance costs.

In the public safety environment it is critically important to have redundancy. If we only have one set of tanks and for some reason they go down in the middle of a natural disaster, what do we do? The current situation is a great example. We lost the Elliot gasoline tank a couple of years ago and we have been able to "limp" along by utilizing only Craft St. Bear in mind it was only the gasoline tank at Elliot that had to be shut down. Without that tank all gas powered vehicles have had to go to Craft St. to fuel which has decreased efficiency and wasted time. What would happen if we didn't have that backup? Either way it would definitely cost us a whole lot more to fuel our vehicles.

Regardless if we converted totally to Elliot St. or if we traveled to some other private gas station in the City it will add costs and decrease productivity in many City Dept.'s.

One last item to consider is the fact that regardless if we re-install the tanks at Craft St., we are required anyway by state law to remove the existing tanks that are out there. The cost to just remove the tanks and restore the DPW yard is a significant part of the total cost of a complete tank replacement project.

We in the DPW sincerely urge you to reconsider this matter and hopefully ultimately approve the funding of the replacement tanks. This is critically important to keeping the City operating safely and efficiently.

If you have any questions, please give me a call.

cc: Police Chief  
Fire Chief  
Commissioner of Public Buildings  
Commissioner of Parks and Rec.  
Commissioner of ISD  
Director of Planning & Dev.  
Comm. of Health & Human Services  
Director of Assessments  
Deputy Commissioner of DPW  
Supt. of Veh. Maint.  
Director of Highway Operations  
Director of Utilities



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

September 25, 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 amend Docket item # 11-09(2), a request for funds to proceed with the renovation of Fire Station #7. The amended request is for authorization to appropriate from bonded indebtedness \$4,426,000. This amendment will add a mechanic's bay and project contingency to the amount previously requested.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

09 SEP 25 PM 2: 58  
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

#11-09(2)

City of Newton



**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

September 10, 2009

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

09 SEP 25 PM 2:58  
CITY CLERK  
NEWTON, MA 02159

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. 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

002/002

NEWTON PUBLIC BUILDINGS

09/17/2009 16:47 FAX 6177981801

	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>

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

NEWTON, MA 02159  
CITY CLERK

09 SEP 25 PM 2:58 '09

#11-09(2)

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 02159

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. 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
Sub Total	\$ 3,983,599	\$ 559,000	\$ 4,542,599
Remaining Project Contingency	\$ 199,180	\$ 27,950	\$ 227,130
Revised Budget Total	<b>\$ 4,182,779</b>	<b>\$ 586,950</b>	<b>\$ 4,769,729</b>

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

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



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

CITY CLERK  
NEWTON, MA. 02159

09 SEP -4 AM 11: 24



PP-11

# 11-09(2)



City of Newton, Massachusetts  
Office of the Mayor

David B. Cohen  
Mayor

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

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

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



# 11-09(2)

City of Newton



# 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 \$ 230.28 sq. ft.**

09 AUG -4 PM 4: 29  
 CITY CLERK  
 NEWTON, MA. 02459

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

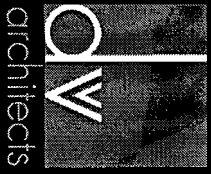
a. Windows required at #7, already completed at #4 \$ 194,085.00  
 b. Building Square Footage increase (14,120 vs 12,704) \$ 326,069.78  
 c. Mechanics Garage Equipment \$ 48,000.00  
 d. FF & E increase cost \$ 20,000.00  
 e. Mechanics Garage upgrade, #4 had no such facility \$ 75,000.00  
 f. Four 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

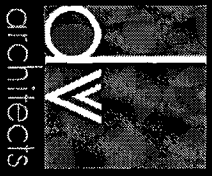
\$ 1,257,366.70

Newton Fire Station No. 7

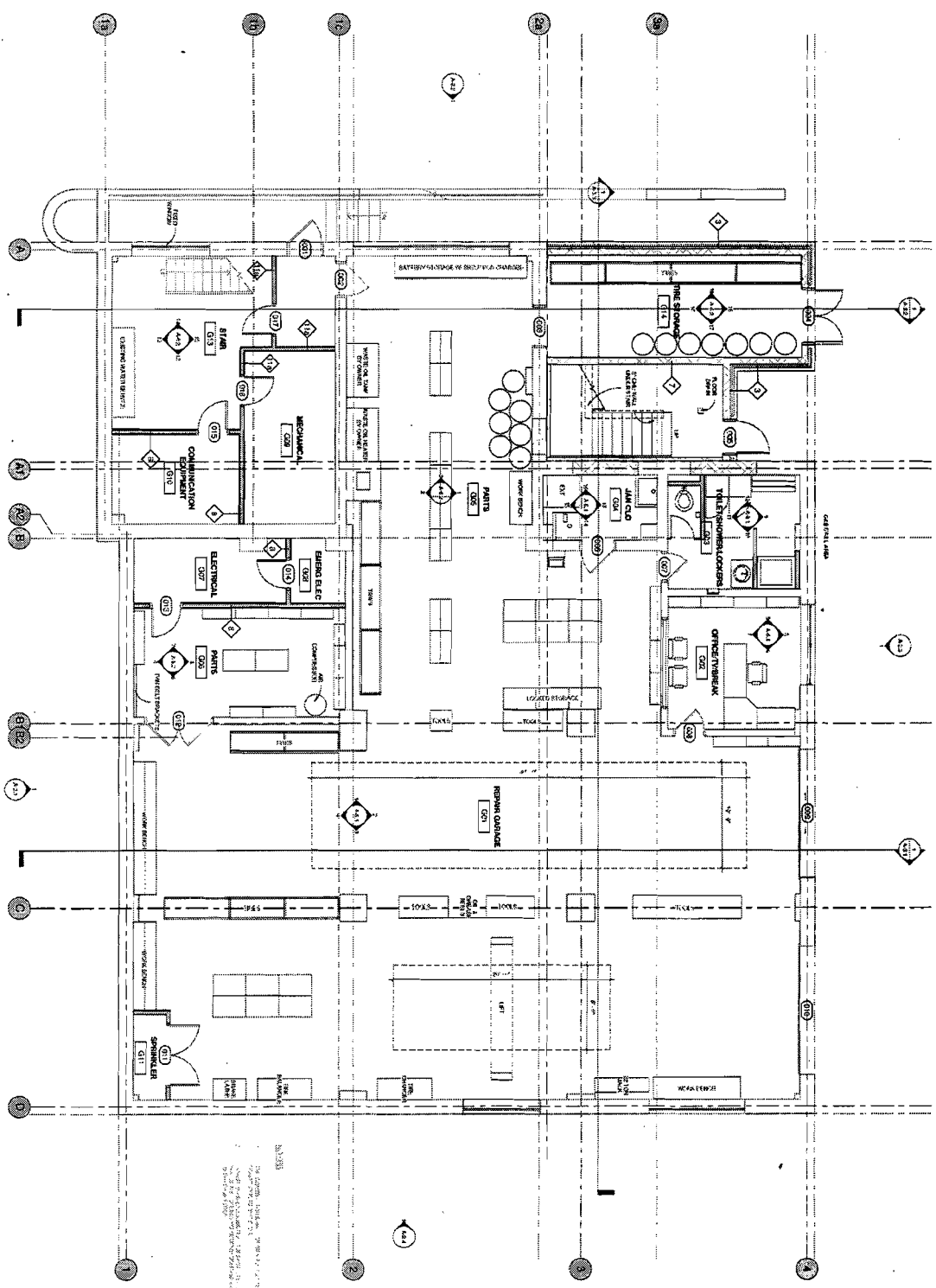
August 27, 2009



PROJECT DESIGN



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



A-1.0	
PROJECT	Fire Station No. 7
DATE	07/20/00
SCALE	1/8" = 1'-0"
DESIGNED BY	[Signature]
CHECKED BY	[Signature]
DATE	07/20/00

**Fire Station No. 7**  
144 Elliot Street Newton, Massachusetts

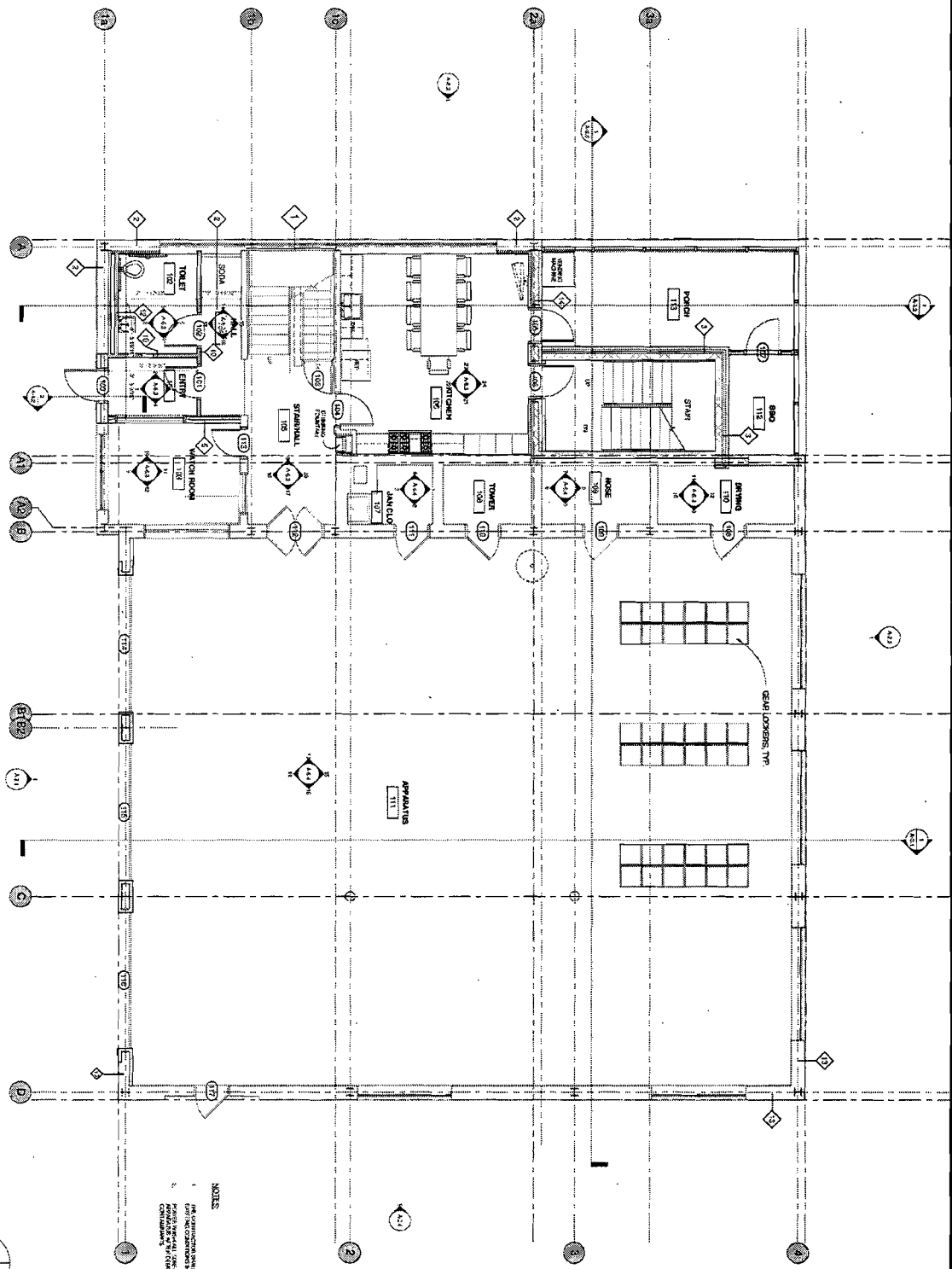
PREPARED FOR: [Blank]

**DURLAND • VAN VOORHIS**

ARCHITECTS

1000 WASHINGTON STREET  
NEWTON, MASSACHUSETTS 02459  
TEL: 617.552.4400  
FAX: 617.552.4401  
WWW.DVAVOORHIS.COM

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



NOTES  
1. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND COMPONENTS OF EXISTING CONDITIONS.

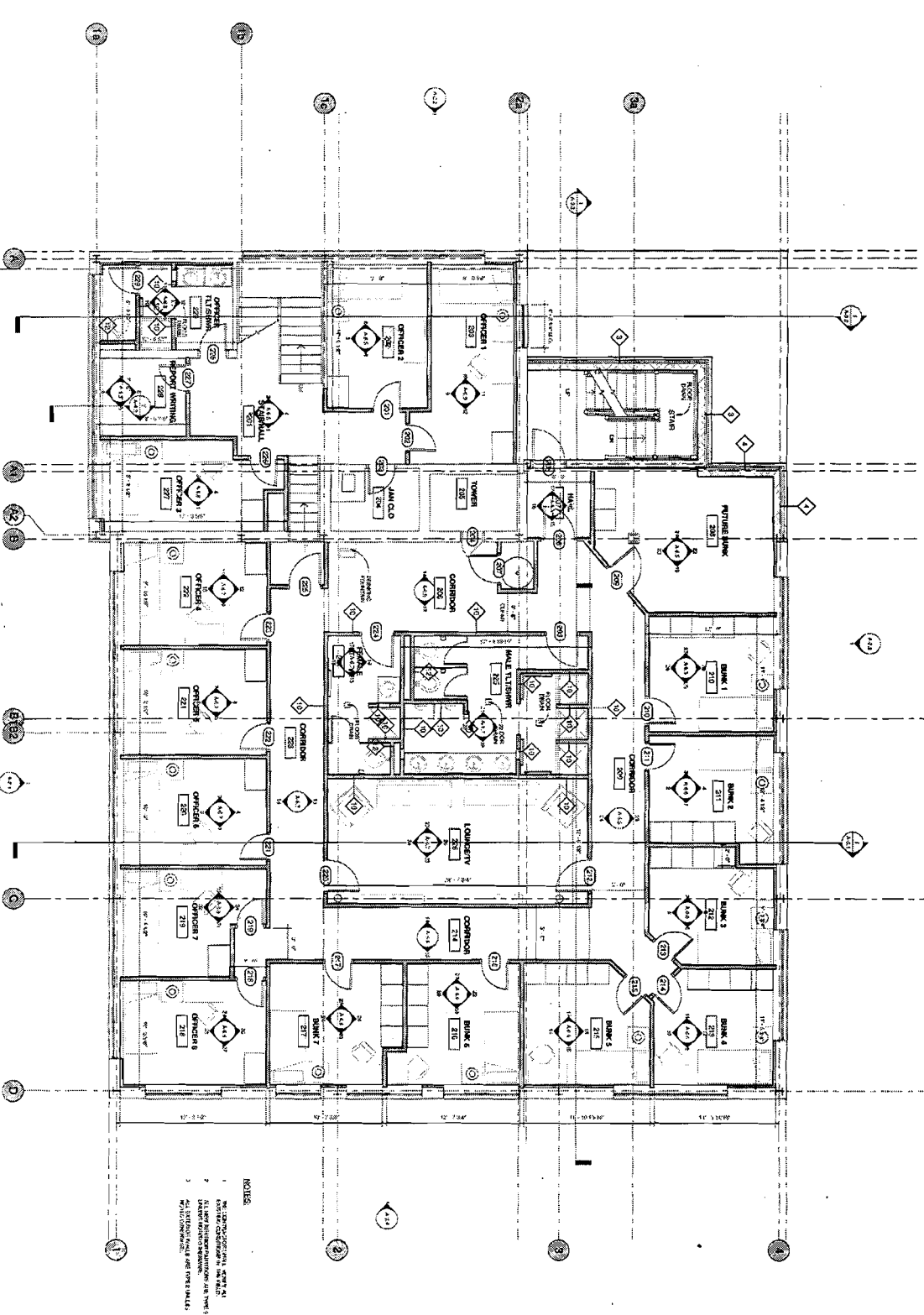
PROJECT NO.	A-1.1
DATE	08/11/2011
DESIGNER	JAMES M. DUNN
CHECKER	DAVID J. COOPER
DATE	08/11/2011
PROJECT	FIRE STATION NO. 7
LOCATION	144 ELLIOT STREET, NEWTON, MASSACHUSETTS
OWNER	TOWN OF NEWTON
ARCHITECT	DURLAND • VAN VOORHIS

<b>Fire Station No. 7</b>		DESIGN DEVELOPMENT		DURLAND • VAN VOORHIS	
144 Elliot Street Newton, Massachusetts				617-552-2222 www.dvva.com 1440 Massachusetts Avenue, Suite 200 Cambridge, MA 02142 617-552-2222 www.dvva.com	

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



A-1.2  
SECOND FLOOR PLAN

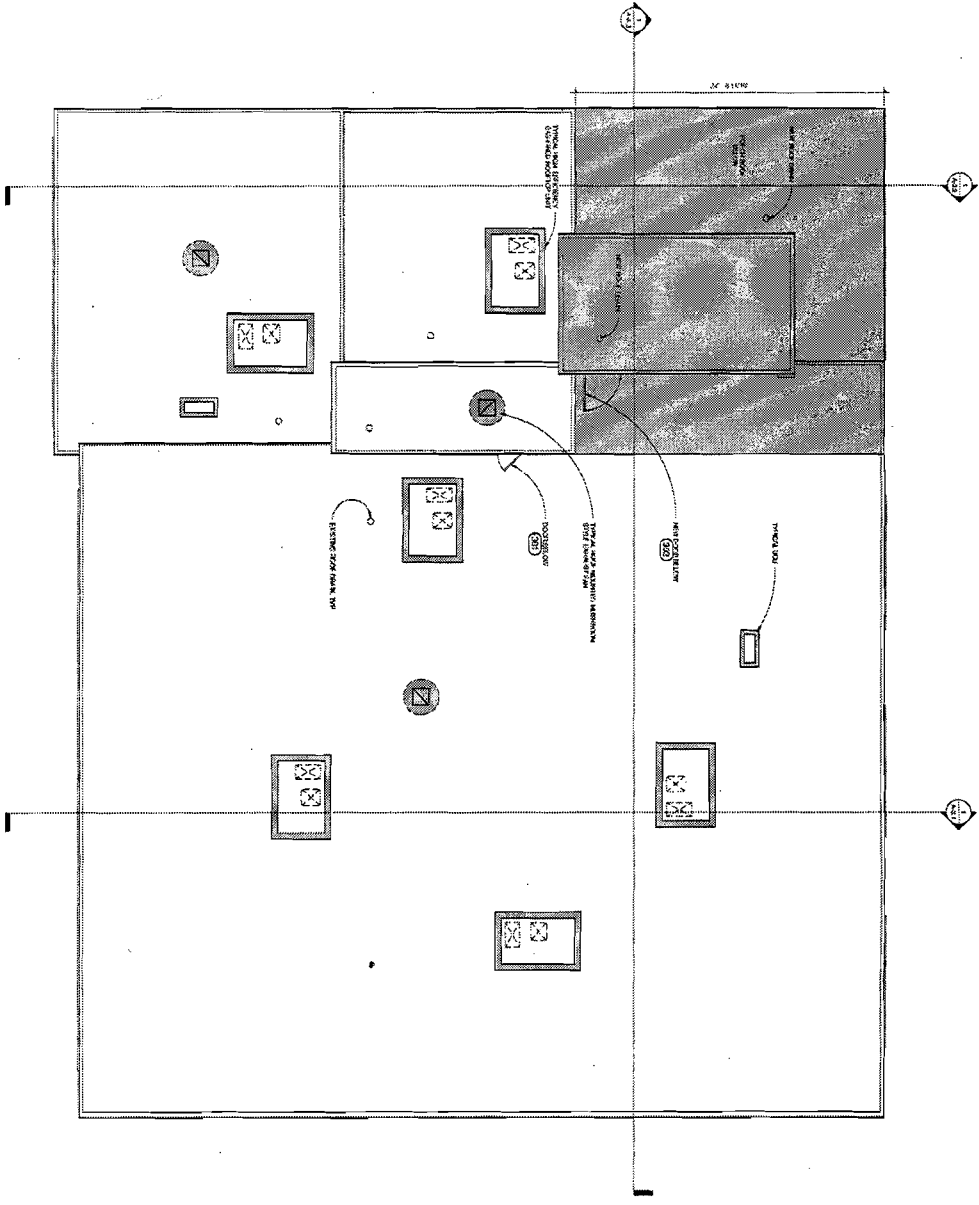


- NOTES
1. ALL ROOMS TO BE FINISHED WITH 1/2" GYP BOARD.
  2. ALL WALLS TO BE FINISHED WITH 1/2" GYP BOARD.
  3. ALL FLOORS TO BE FINISHED WITH 1/2" GYP BOARD.
  4. ALL CEILING TO BE FINISHED WITH 1/2" GYP BOARD.
  5. ALL LIGHT FIXTURES TO BE INSTALLED AS SHOWN.
  6. ALL DOORS TO BE FINISHED WITH 1/2" GYP BOARD.
  7. ALL WINDOWS TO BE FINISHED WITH 1/2" GYP BOARD.
  8. ALL STAIRS TO BE FINISHED WITH 1/2" GYP BOARD.
  9. ALL ELEVATORS TO BE FINISHED WITH 1/2" GYP BOARD.
  10. ALL MECHANICAL ROOMS TO BE FINISHED WITH 1/2" GYP BOARD.

<b>Fire Station No. 7</b>		DESIGN DEVELOPMENT	DURLAND + VAN VOORHIS
144 Elliot Street Newton, Massachusetts			
			<small>DATE: 08/14/07          DRAWN BY: J. VAN VOORHIS          CHECKED BY: J. VAN VOORHIS          PROJECT NO.: 07-001-01          SHEET NO.: 01</small>



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

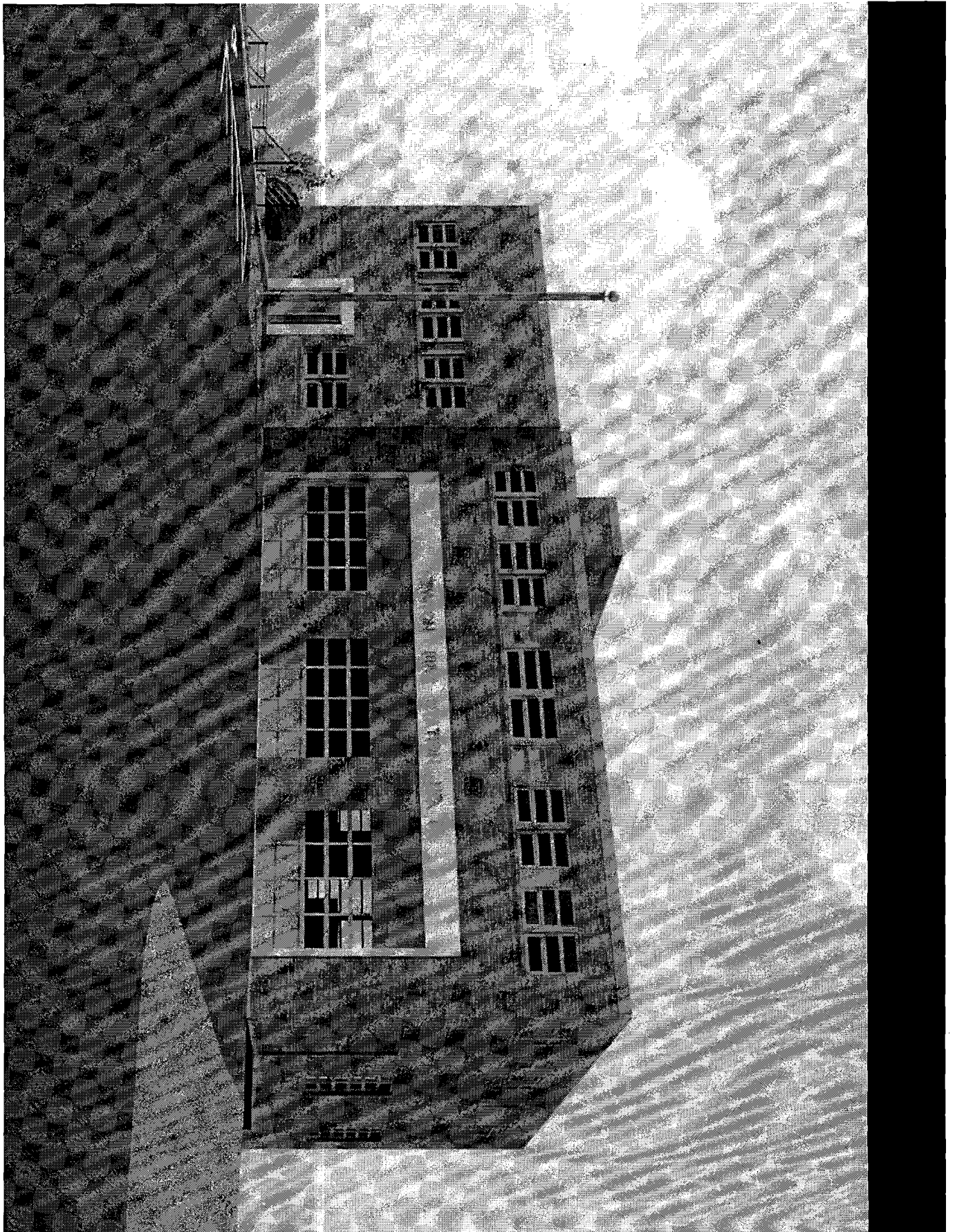


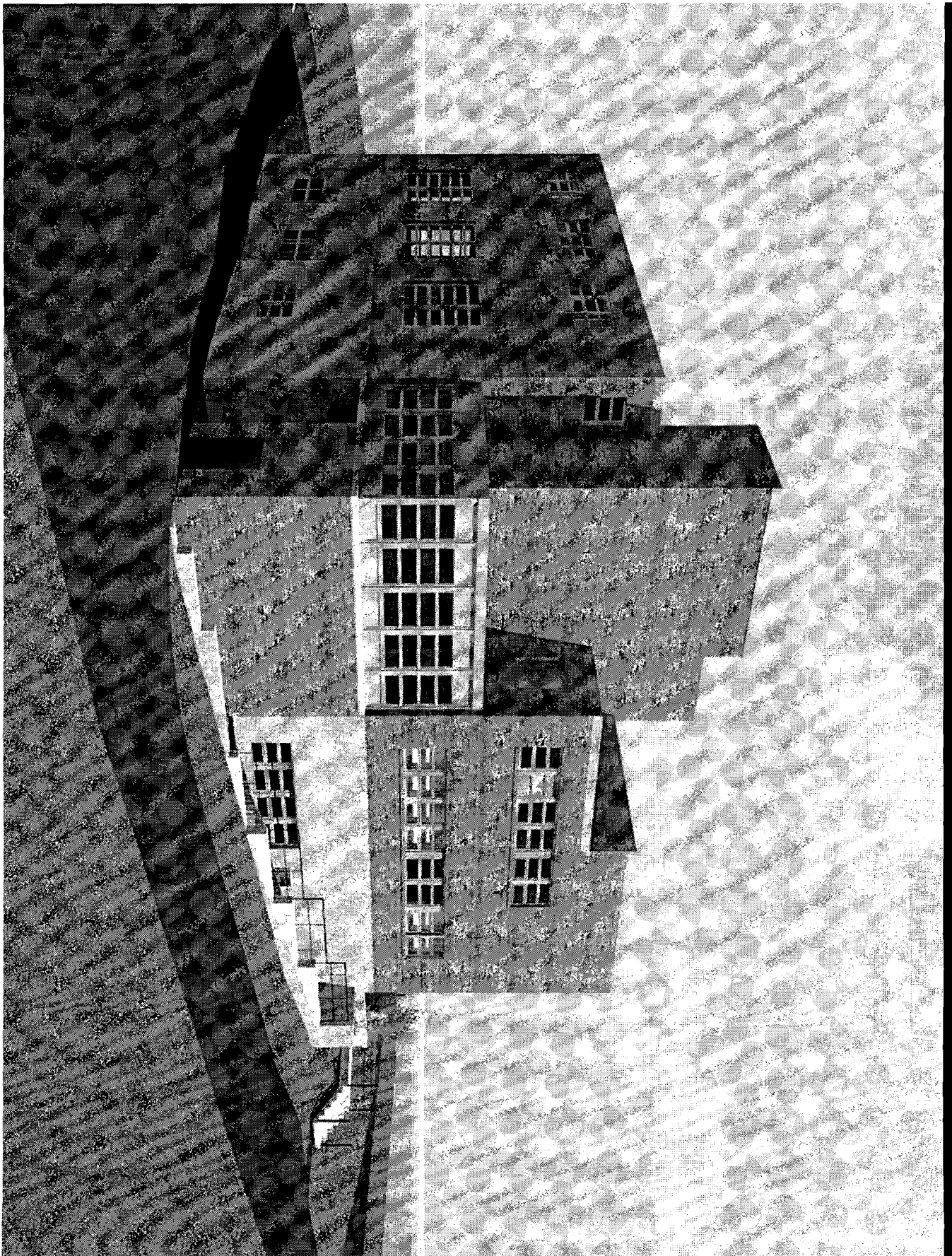
A-1.3	
ROOF PLAN	
DATE: 08/11/09	
PROJECT: 144 ELLIOT ST.	
SHEET: 01 OF 02	
DRAWN BY: [unintelligible]	
CHECKED BY: [unintelligible]	
APPROVED BY: [unintelligible]	

**Fire Station No. 7**  
144 Elliot Street Newton, Massachusetts

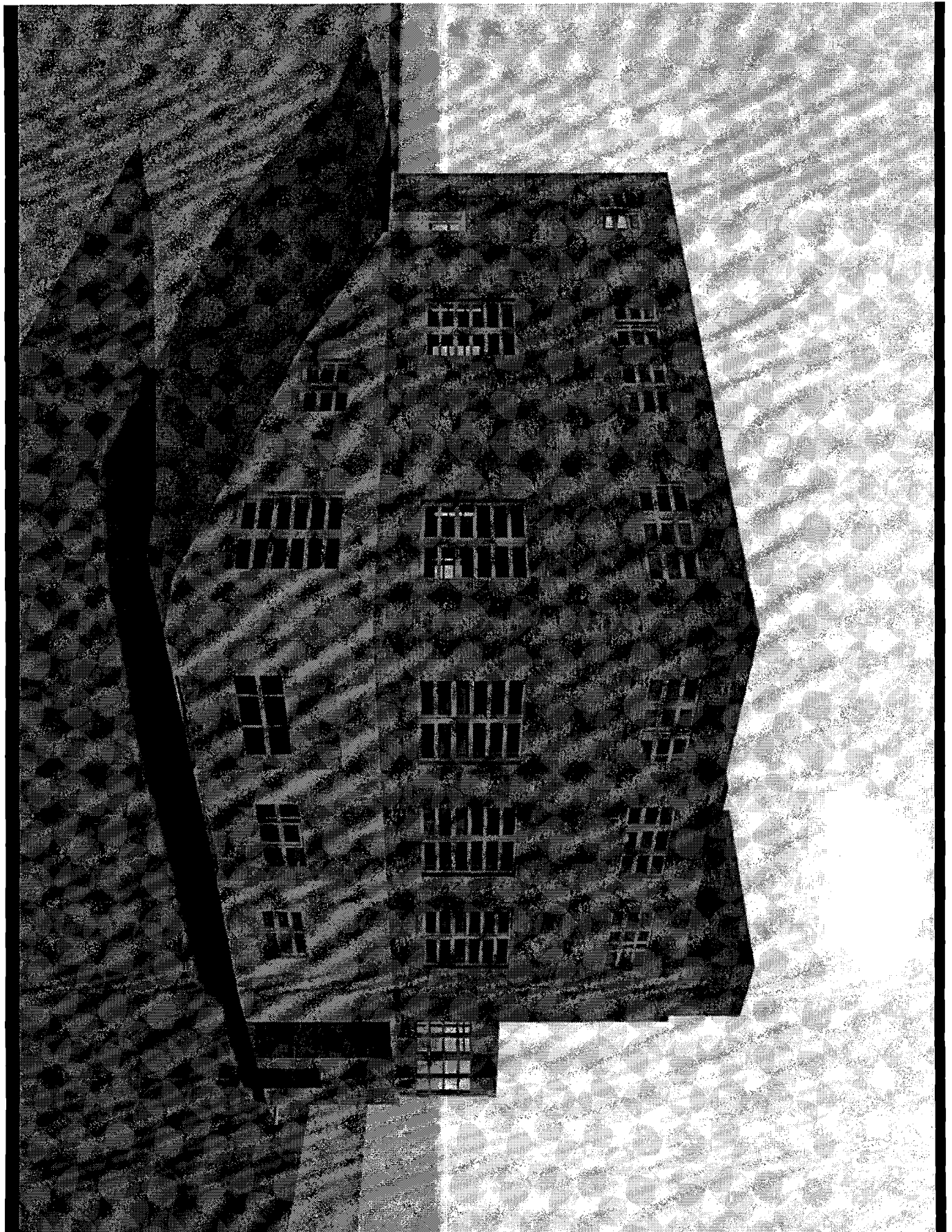
DESIGN DEVELOPMENT

**DURLAND • VAN VOORHIS**  
475 BRIMLEY ST.  
NEWTON, MASSACHUSETTS 02459  
TEL: 617.552.4500  
WWW.DVARCHITECTS.COM













## PROBABLE PROJECT COST

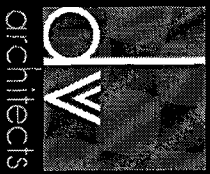
Fire Station No. 7 - Newton, Massachusetts  
Design Development - July 29, 2009

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

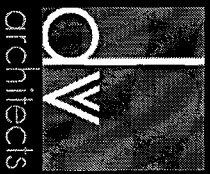
Construction Cost Estimate	\$3,317,599
Repair bay specialties (lift, equip. & shvs)	48,000
Plymovent	30,000
Construction contingency 5%	<u>169,780</u>
Construction subtotal	3,565,379
A&E Fees	225,000
Bidding costs (additional printing)	6,500
Clerk of the Works/PM	60,000
Commissioning	11,000
Fixtures 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 subtotal	617,400
Project total	\$4,182,779

Probable Project Cost \$4,182,799

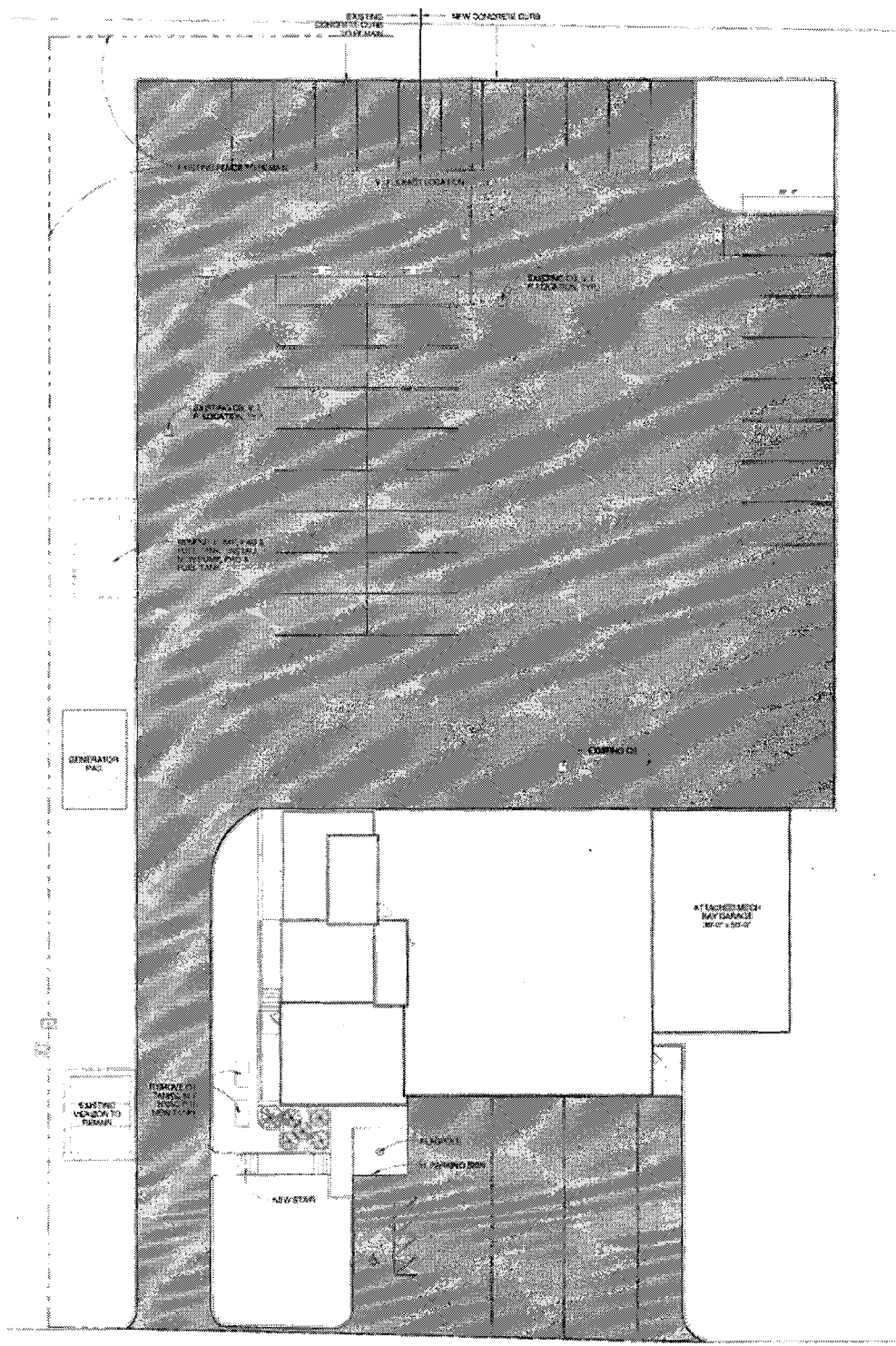
If Design Contingency increased to 5%  
\$4,269,885



ALTERNATE DESIGN  
ADDITIONAL MECHANICS BAY



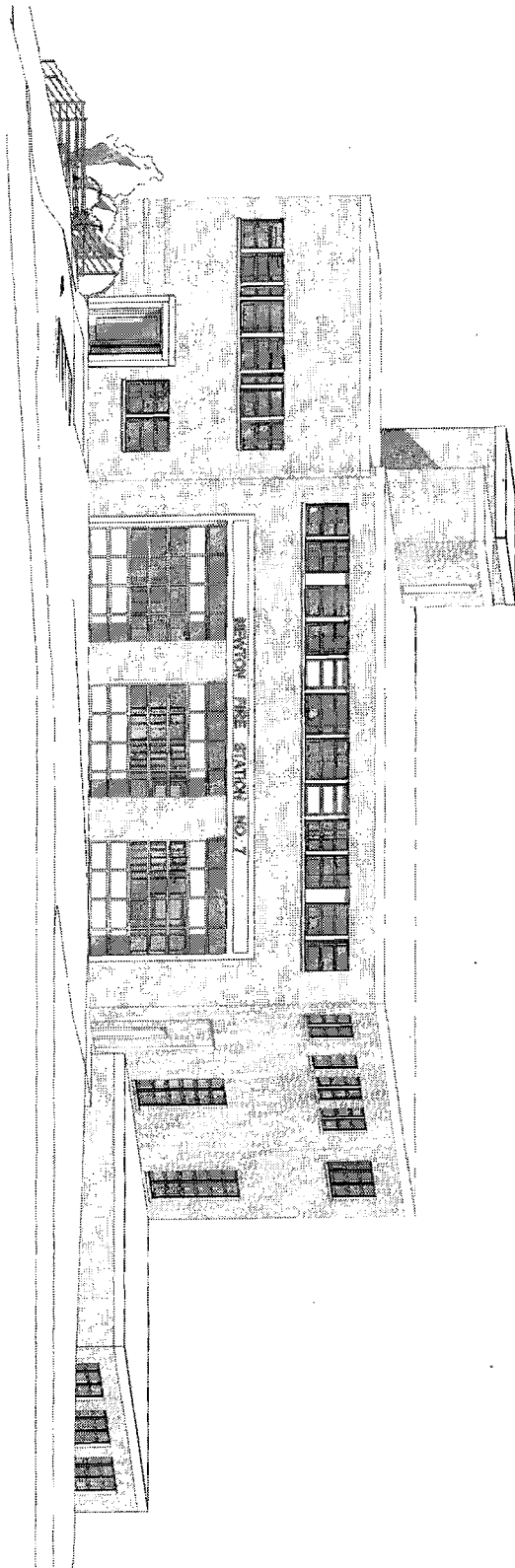


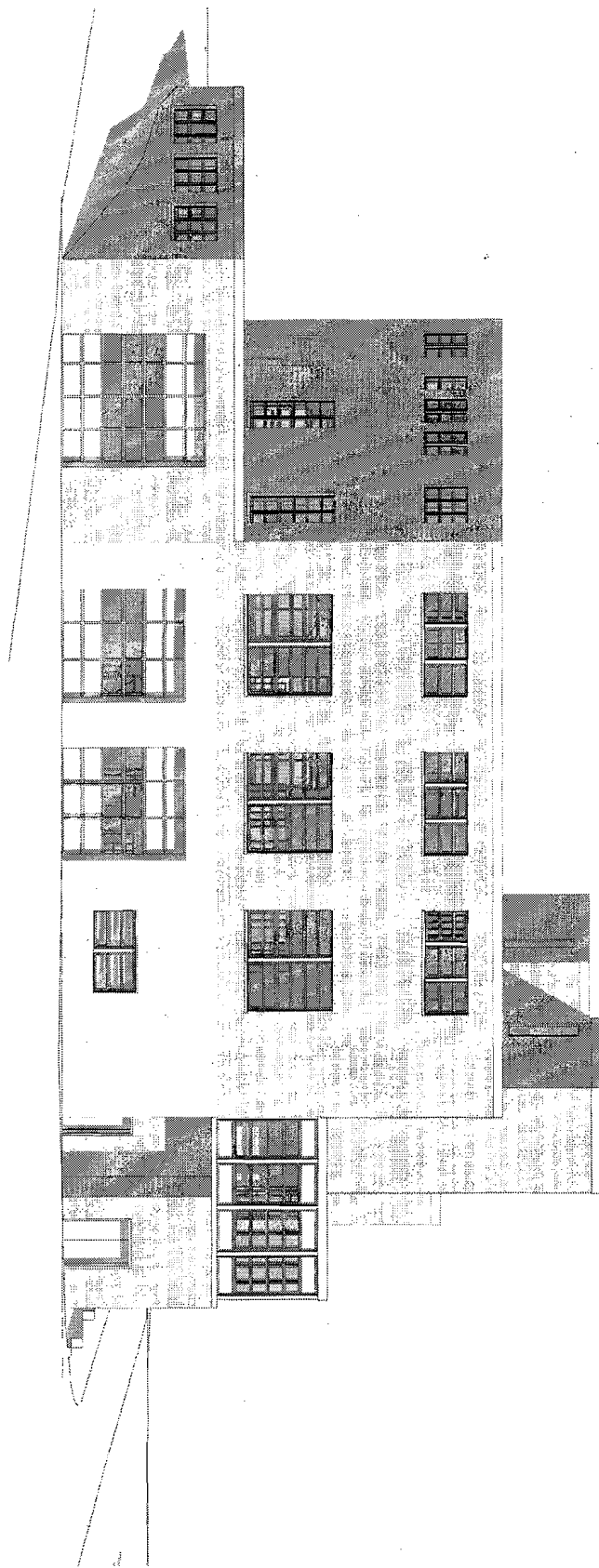


L-1-1	SITE PLAN OPTION 2	DATE	11/11/04
		SCALE	AS SHOWN
		PROJECT NO.	04-001
		CLIENT	NEWTON FIRE DEPARTMENT
		DESIGNED BY	DURAND + VAN KOOBIS
		CHECKED BY	
		DATE	11/11/04

**Fire Station No. 7**  
144 Elliot Street Newton, Massachusetts

GENERAL NOTES	
<p>1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC WORKS CONSTRUCTION SPECIFICATIONS.</p>	





**MECHANICS BAY ADDITION**

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



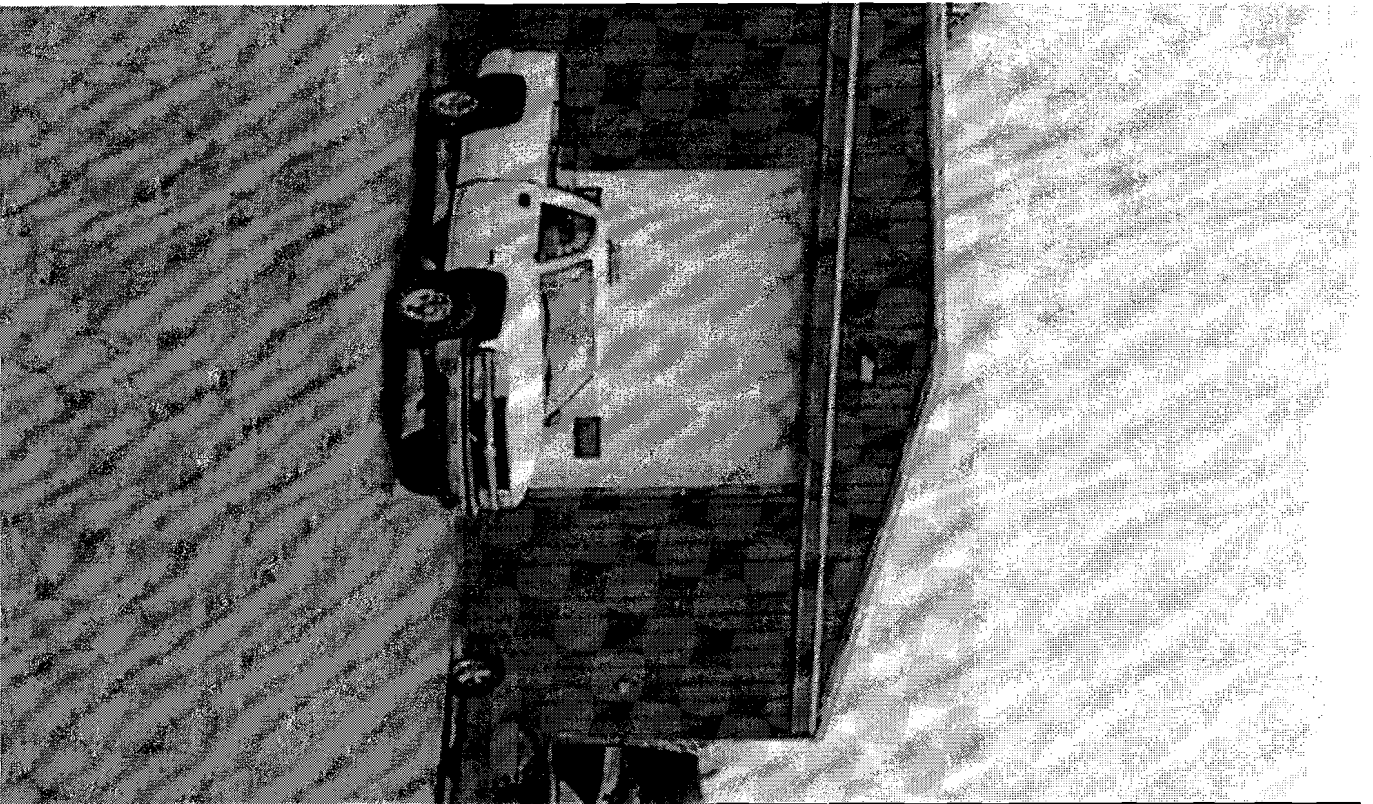
- B. The Contractor shall ensure that all equipment, accessories and installation materials comply with the specification and that adequate provision is made in the tank design and fabrication for mounting the specified system equipment and accessories.
- C. The Contractor is solely responsible for construction means, methods, techniques, sequences and procedures and for safety precautions and programs.
- D. All electrical work shall conform to the National Electric Code NFPA 70, 1993.
- E. The contractor shall provide all labor, equipment and material required to provide a complete and functional system.
- F. To avoid delays in construction, the Contractor shall ensure that all components of the system are available at the time of installation.
- G. The Contractor shall coordinate his work with other work being performed at the construction site and to minimize interference with the Owner's normal activities which may continue during construction.
- H. The Contractor shall obtain necessary permits, arrange for inspections and obtain approval of the appropriate authority having jurisdiction over the work described.
- I. The Contractor shall take appropriate measures to control erosion in disturbed areas, including means to control discharge of sediment into catch basins at the site for the duration of the project.

## 1.2 STANDARDS

A. Work shall be performed in accordance with applicable federal, state and local fire protection, environmental and safety codes and regulations and the latest version of the following industry standards:

1. Tanks shall comply with National Fire Protection Association NFPA 30 Flammable and Combustible Liquids Code. The tank's secondary containment must be tested for tightness in the factory and in the field before commissioning. Tank shall be supplied with emergency venting for the primary and the secondary containment tanks (emergency venting by "form of construction" will NOT be permitted). Inner and Outer Tank shall be manufactured in accordance with UL 142 Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids and labeled for Underwriters Laboratories UL 2085 Standard for Insulated Secondary Containment Aboveground Tank for Flammable Liquids. The tank design shall be UL 2085 listed as both "Protected" and "Fire-Resistant" and tested for Ballistics, Impact, Hose Stream, and Pool Fire UL-2085 performance standards compliance. Tank shall be manufactured and labeled in strict accordance with Steel Tank Institute (STI) Fireguard® Thermally Insulated, Double Wall Steel Aboveground Storage Tank standards as applied by a licensee of the STI. Tank shall be subject to the STI's Quality Assurance program and shall be backed by the STI 30 year limited warranty.

2. Tank shall be fabricated per UL-142 and UL-2085 Codes, of mild carbon steel with shell seams of continuous lap weld construction. Tank shall be of double wall construction and provide complete secondary containment of the primary storage tank's contents by an impervious steel outer wall. A minimum of 3" of porous, lightweight monolithic thermal insulation material shall be installed at the factory within the interstitial space between the inner and outer walls. Thermal insulating material:•



**BUTLER TYPE BUILDING**

**1,500 SF**

**PROBABLE ADDITIONAL COST  
\$275,000 TO \$300,000**

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(2)

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.

#11-09(2)  
DRAFT

CITY OF NEWTON, MASSACHUSETTS  
IN BOARD OF ALDERMEN

ORDERED:

That for the purpose of paying costs of remodeling, reconstructing and making extraordinary repairs to Fire Station #7 and for the payment of any and all other costs associated therewith, there be and hereby is appropriated and authorized to be borrowed under and pursuant to Chapter 44, Section 7(3A) of the General Laws, as amended and supplemented, or pursuant to any other enabling authority, the sum of Four Million Four Hundred Twenty-Six Thousand Dollars (\$4,426,000).

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

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

#349-08  
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 .....

#349-08      ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office.

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



PUBLIC BUILDINGS DEPARTMENT

#179-09

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

October 9, 2009

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

RE: Docket Item #179-09 Crafts Street DPW Yard UST Replacement

Dear Aldermen Schnipper and Coletti:

In response to several concerns regarding the placement of the proposed new above ground storage tanks, the Public Buildings Department would like to offer the following information on their installation:

1. The tanks will be located adjacent to the wash bay, in the location of the existing underground tanks.
2. These tanks will be between 100' and 220' from the property lines of the site. The closest residential property would be 180'.
3. The tanks shall comply with UL-2085, UL-142, NFPA30 and 30A rules and regulations that state the tanks will be fire rated, double-wall.
4. The tanks will have bollards installed to prevent vehicle impact to the tanks.

A photo of the installed tanks at the Elliot Street Yard is enclosed to present an idea of approximately what the installation at Crafts Street would look like.

In addition, we have attached a copy of the draft specification for their installation as well as the tank requirements to meet the UL-2085 standard. We will proceed with the removal portion of the project as soon as funds are available, with the new tank installation to occur during the early spring.

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

Sincerely,

A. Nicholas Parnell, AIA  
Commissioner of Public Buildings

ANP:dla  
Enclosures

CC: Mayor David B. Cohen  
David Olson, Clerk of the Board  
Sandy Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
Tom Daley, Commissioner of Public Works

09 OCT -9 PM 4:03  
CITY CLERK  
NEWTON, MA. 02159

## TECHNICAL SPECIFICATIONS

### Summary

The City of Newton will replace its current underground storage tanks at the Crafts Street DPW garage facility with two, 10,000 gallon, above ground, double walled, steel tanks. The tanks will store gasoline and diesel for dispensing into various City vehicles. The tanks will be located in the center of the yard as shown on the drawings at 110 Crafts Street, Newton, Massachusetts.

This installation shall meet all applicable requirements of 527 CMR 9.00, NFPA 30, and all other applicable federal, state and local codes. The tanks shall meet the requirements of UL-142 and/or UL 2085 for storage of Flammable and Combustible Liquids.

Also under this contract, two existing 10,000 gallon underground, double wall steel tanks and appurtenances will be removed. These tanks were installed in 1989. Existing petroleum contamination, if encountered, is to be removed at the direction of the Engineer. This contamination is associated with older tanks removed prior to 1989.

Removal of existing facilities is to be completed prior to the installation of new AST's.

Provisions will be made for vapor recovery at the gasoline dispenser and the fuel off-loading area consistent with applicable Stage II Vapor Recovery regulations in 310 CMR 7.0. The Contractor will at his own expense, test the system after installation as specified in 310 CMR 7.24(c) and provide the City with the appropriate certification form as described in 310 CMR 7.24.

### Part 1 New Fueling System Installation

#### 1.0 SCOPE OF SECTION

A. This section describes requirements for providing the equipment, labor and materials necessary to furnish and install petroleum storage tank system(s) utilizing two 10,000 gallon, cylindrical, fire-rated, double-wall aboveground tanks meeting the specifications of UL 2085.

B. Requirements include furnishing and installing all equipment and accessories necessary to construct complete and operating systems for the storage and dispensing of gasoline and diesel fuel including all excavation, backfilling, electrical, startup, restoration and all work required for a complete working system as specified.

#### 1.1 GENERAL REQUIREMENTS

A. Unless otherwise specified, equipment furnished under this section shall be fabricated and installed in compliance with the instructions of the manufacturer.

shall be in accordance with American Society of Testing Materials (ASTM) Standards C-332 and C-495. • shall allow liquid to migrate through it to the monitoring point. • shall not be exposed to weathering and shall be protected by the steel secondary containment outer wall (an exterior concrete wall or vault exposed to the elements will NOT be permitted).

Lifting lugs shall be provided at balancing points to facilitate handling and installation. Tanks will be supplied with galvanized steel access steps and platforms, complete with hand rails, etc. which met all application OSHA regulations for the application.

3. Flammable and Combustible Liquid Code, NFPA/30, Automotive and Marine Service Station Code, NFPA/30A, National Electrical Code, NFPA/70, and Underground Leakage of Flammable and Combustible Liquids, NFPA/329, National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9904.

4. Article 79-Flammable and Combustible Liquids, Uniform Fire Code, 1997 Edition, International Fire Code Institute, 5360 Workman Mill Rd, Whittier, CA 90601, (310) 699-0124.

5. Hazardous Waste Operations and Emergency Response and Excavating, OSHA/29 CFR 1910.120 & 29 CFR 1926 Subpart P., Occupational Safety and Health Administration, U.S. Department of Labor, Region V, 230 S. Dearborn Street, Room 3244, Chicago, IL 60604.

6. Occupational Safety and Health Standards, Flammable and Combustible Liquids, 29CFR 1910.106, Personal Protective Equipment 29CFR 1910 Subpart I, Excavations 29CFR 1926.650 Subpart P, U. S. Department of Labor, Occupational Safety and Health Administration (OSHA), Washington, D.C.

7. Control of External Corrosion of Metallic Buried, Partially Buried, and Submerged Liquid Storage Systems, NACE Recommended Practice RP0285; Control of External Corrosion on Submerged Metallic Piping Systems, NACE Recommended Practice RP0169; National Association of Corrosion Engineers, P.O. Box 218340, Houston, TX 77213.

B. Where differences exist between standards, the Contractor shall use the most conservative. If in doubt, describe differences in writing to the Owner for his approval before performing the work.

C. The codes and standards listed are the latest as of this publication. Codes and standards are continuously updated. The Contractor shall confirm the construction standard edition enforced by the authority having jurisdiction



### 1.3 SUBMITTALS

A. The Contractor shall provide three (3) sets of shop drawings of the following system components for approval before commencing construction.

1. Shop drawings of the tank(s) by the tank manufacturer.
2. Assembly and installation drawings, including steel access steps and platforms size and dimensions as recommended by the tank manufacturer.
3. Dispensers, accessories and vapor assist unit.
4. Fuel Key Management System.
5. Submersible pumping system.
6. Remote Fueling Ports
7. Tank gauging and Monitoring system.
8. Tank Probes.
9. Overfill, clock, shutoff and emergency valves.
10. Tank Vent units.
11. Interstitial leak sensors.
12. Emergency shut-off, warning horn and acknowledgement switch.
13. Health and Safety Plan Certification
14. List of Proposed Subcontractors
15. OSHA 40 hour HAZ-WOPER and annual refresher training certificates
16. Manufacture's Product Specification Information
17. Dig-safe Clearance

B. The Contractor shall provide product data sheets and descriptive material for major components to be provided including:

1. Tank(s), anchors, manways, access steps and platforms, lighting fixtures.
2. Pumps, valves and fittings,
3. Piping, leak detection equipment, and overfill prevention equipment.
4. Fuel management key system, in-tank fuel level equipment and software, sump and interstitial probes.

C. Submittals shall be delivered to the Engineer within [10 days] of notice to proceed. The Engineer shall review the drawings and return them to the Contractor approved, or with appropriate comments, within [14 days] of receipt.

#### 1.4 DOCUMENTATION

A. The Contractor shall provide three (3) sets of the following installation instructions with the submittal of shop drawings.

1. Tank(s)
2. Pumps, valves, pipe and fittings
3. Monitoring systems
4. Vapor recovery components
5. Fuel access (key) system
6. Dispensers

#### END OF SECTION

### PART 2 - PRODUCTS

#### 2.0 ABOVEGROUND STORAGE TANK(S)

##### **"Fireguard" fire-rated aboveground tanks and appurtenances –**

Supply and install complete, two 10,000 gallon, cylindrical, fire-rated, double-wall aboveground tanks meeting the specifications of UL 2085.

(exact dimensions vary between manufacturers; verify dimensions with manufacturer):

##### **Tank 1**

(1) 10,000 gallon capacity (nominal) tank for gasoline storage. Total tank dimensions to be (diameter, length): 96 in., 27'-0 in.

Approximate weight shall be 30,000 (lb.). The tank shall be designed for aboveground storage of flammable and combustible liquids at atmospheric pressure. Tank shall include integral steel secondary containment and thermal insulation that provides a minimum two-hour fire rating. Each tank shall be delivered as a complete UL-listed assembly with two factory supplied, welded-on saddles. Size and location of saddles shall be as required by the manufacturer. Saddles to be set level on a solid foundation.

Tank shall be designed for possible relocation at a future date (heavy, concrete-encased designs will NOT be permitted). Tank shall comply with National Fire Protection Association NFPA 30 Flammable and Combustible Liquids Code. The tank's secondary containment must be tested for tightness in the factory and in the field before commissioning. Tank shall be supplied with emergency venting for the

primary and the secondary containment tanks (emergency venting by "form of construction" will NOT be permitted). Inner and Outer Tank shall be manufactured in accordance with UL 142 Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids and labeled for Underwriters Laboratories UL 2085 Standard for Insulated Secondary Containment Aboveground Tank for Flammable Liquids. The tank design shall be UL 2085 listed as both "Protected" and "Fire-Resistant" and tested for Ballistics, Impact, Hose Stream, and Pool Fire UL-2085 performance standards compliance. Tank shall be manufactured and labeled in strict accordance with Steel Tank Institute (STI) Fireguard® Thermally Insulated, Double Wall Steel Aboveground Storage Tank standards as applied by a licensee of the STI. Tank shall be subject to the STI's Quality Assurance program and shall be backed by the STI 30 year limited warranty. The tank system shall also meet or exceed the requirements of: • National Fire Protection Association NFPA 30A Automobile And Marine Service Station Code. • 2000 International Fire Code (IFC) • California Air Resources Board (CARB) testing requirements for air emissions. • Southern Building Code Congress International (SBCCI) Standard Fire Prevention Code. • 1993 Building Officials and Code Administrators (BOCA) National Fire Prevention Code.

Tank shall be fabricated per UL-142 and UL-2085 Codes, of mild carbon steel with shell seams of continuous lap weld construction. Tank shall be of double wall construction and provide complete secondary containment of the primary storage tank's contents by an impervious steel outer wall. A minimum of 3" of porous, lightweight monolithic thermal insulation material shall be installed at the factory within the interstitial space between the inner and outer walls. Thermal insulating material: • shall be in accordance with American Society of Testing Materials (ASTM) Standards C-332 and C-495. • shall allow liquid to migrate through it to the monitoring point. • shall not be exposed to weathering and shall be protected by the steel secondary containment outer wall (an exterior concrete wall or vault exposed to the elements will NOT be permitted). Lifting lugs shall be provided at balancing points to facilitate handling and installation.

Exterior Protective Coating: • Surface Preparation: Grit blast - SSPC-SP-6 Commercial Blast. • Finish: White finish paint system 3-5 DFT on the shell and heads. Threaded fittings with thread protectors shall be supplied. Installation and testing shall be in strict accordance with Steel Tank Institute Installation and Testing Instructions for Thermally Insulated, Lightweight, Double Wall Fireguard® Aboveground Storage Tanks.

Tanks will be supplied with galvanized steel access steps and platforms, complete with hand rails, etc. which met all application OSHA regulations for the application. Tanks will be supplied complete with brackets for attaching steps and platforms, a split remote pump unit for the gasoline dispensers, and above ground piping.

## Tank 2

(1) 10,000 gallon capacity (nominal) tank for diesel storage. Total tank dimensions to be (diameter, length): 96 in., 27'-0 in.

Approximate weight shall be 30,000 (lb.). The tank shall be designed for aboveground storage of flammable and combustible liquids at atmospheric pressure. Tank shall include integral steel secondary containment and thermal insulation that provides a minimum two-hour fire rating. Each tank shall be delivered as a complete UL-listed assembly with two factory supplied, welded-on saddles. Size and location of saddles shall be as required by the manufacturer. Saddles to be set level on a solid foundation.

Tank shall be designed for possible relocation at a future date (heavy, concrete-encased designs will NOT be permitted). Tank shall comply with National Fire Protection Association NFPA 30 Flammable and Combustible Liquids Code. The tank's secondary containment must be tested for tightness in the factory and in the field before commissioning. Tank shall be supplied with emergency venting for the primary and the secondary containment tanks (emergency venting by "form of construction" will NOT be permitted). Inner and Outer Tank shall be manufactured in accordance with UL 142 Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids and labeled for Underwriters Laboratories UL 2085 Standard for Insulated Secondary Containment Aboveground Tank for Flammable Liquids. The tank design shall be UL 2085 listed as both "Protected" and "Fire-Resistant" and tested for Ballistics, Impact, Hose Stream, and Pool Fire UL-2085 performance standards compliance. Tank shall be manufactured and labeled in strict accordance with Steel Tank Institute (STI) Fireguard® Thermally Insulated, Double Wall Steel Aboveground Storage Tank standards as applied by a licensee of the STI. Tank shall be subject to the STI's Quality Assurance program and shall be backed by the STI 30 year limited warranty. The tank system shall also meet or exceed the requirements of: • National Fire Protection Association NFPA 30A Automobile And Marine Service Station Code. • 2000 International Fire Code (IFC) • California Air Resources Board (CARB) testing requirements for air emissions. • Southern Building Code Congress International (SBCCI) Standard Fire Prevention Code. • 1993 Building Officials and Code Administrators (BOCA) National Fire Prevention Code.

Tank shall be fabricated per UL-142 and UL-2085 Codes, of mild carbon steel with shell seams of continuous lap weld construction. Tank shall be of double wall construction and provide complete secondary containment of the primary storage tank's contents by an impervious steel outer wall. A minimum of 3" of porous, lightweight monolithic thermal insulation material shall be installed at the factory within the interstitial space between the inner and outer walls. Thermal insulating material: • shall be in accordance with American Society of Testing Materials (ASTM) Standards C-332 and C-495. • shall allow liquid to migrate through it to the monitoring point. • shall not be exposed to weathering and shall be protected by the steel secondary containment outer wall (an exterior concrete wall or vault exposed to the elements will NOT be permitted). Lifting lugs shall be provided at balancing points to facilitate handling and installation. Tanks will be supplied with galvanized steel access steps and platforms, complete with hand rails, etc. which met all application OSHA regulations for the application.

Exterior Protective Coating: • Surface Preparation: Grit blast - SSPC-SP-6 Commercial Blast. • Finish: White finish paint system 3-5 DFT on the shell and heads. Threaded fittings with thread protectors shall be supplied. Installation and testing shall be in strict accordance with Steel Tank Institute Installation and Testing Instructions for Thermally Insulated, Lightweight, Double Wall Fireguard® Aboveground Storage Tanks.

#### B. Tank Requirements

1. The number, sizes and locations of tank openings are shown in the drawings.
2. Provide 1/4 inch thick steel striker plates beneath all openings.
3. Number, type and placement of lifting lugs shall be determined by the manufacturer.
4. A legible placard with the UL label, installation instructions, tank weight and handling instructions shall be laminated to tank.

5. Tanks shall be compatible with ethanol and methanol fuels.

6. All fittings shall be tapped and plugged during coating.

7. Tanks will be supplied with galvanized steel access steps and platforms, complete with hand rails. Platform and ladder to be constructed of A36 materials and conform to OSHA design standards. Platform and ladder frame and railing to be welded construction and painted same as tank. Platform to have 24" wide decking of anti-skid galvanized open grating. Ladder to have 18" wide anti-skid galvanized rungs. Top of ladder opening to be 24" wide for access to top platform. Platform and ladder to have bolt-on brackets for attachment to tank on end head or side of shell.

8. Exterior Protective Coating:• Surface Preparation: Grit blast - SSPC-SP-6 Commercial Blast. • Finish: White finish paint system 3-5 DFT on the shell and heads. Threaded fittings with thread protectors shall be supplied.

9. Installation and testing shall be in strict accordance with Steel Tank Institute Installation and Testing Instructions for Thermally Insulated, Lightweight, Double Wall Fireguard® Aboveground Storage Tanks.

10. Acceptable tank manufacturers are:

Tanks shall be as manufactured by Mass Tank Sales, Middleboro, MA, Highland Tank; Stoystown, PA; Manheim, PA; Watervliet, NY; Lebanon, PA; Greensboro, NC; or Modern Welding, Owensboro, Ky, or approved equal.

The Contractor or the Owner shall register each tank and serial number with Steel Tank Institute in accordance with instructions provided by the manufacturer with the tank.

C. Tank Collars, Man-ways and Brackets

Provide one (1), 24 inch diameter integral collar with bolted covered man-way for each tank, as shown in the drawings.

1. Provide 24" bolted covers with two [2] welded, 4" diameter NPT female "bungs".
2. The 6-inch high man-way collars shall be continuously welded to the primary steel tank.
3. Provide brackets for grounding lugs, electrical junction boxes, sensors and access steps and platforms.

## 2.1 Fuel Dispensing Equipment

Supply and install complete, hardware and software, for a four-hose, automated Key System for Unattended Fleet Fuel Management with four dispensers and 100 blank keys. The [2] two gasoline dispensers will be configured for vapor recovery and plumbed for Stage II recovery regulations. Each dispenser will be supplied for single product, single hose with green, hand warmer nozzles, 10' of safety break hose, hose swivel, and hose retractors. Dispensers shall be mounted a minimum of 6" above the concrete pad on appropriate galvanized steel platforms. Platforms shall be secured to the concrete pad.

- A. Provide four [4], single-hose, single-product, gasoline/diesel dispenser(s) with Stage II vapor recovery piping (for Gasoline only) and with the following features and accessories:

The dispensers shall be as Gasboy Astra #9823K split pump and dispenser with pulsers, vapor recovery complete (for gasoline), or approved equal.

At the end of the project, Contractor will provide the Stage II Vapor Recovery Certification.

## 2.2 Pump Controls, Monitoring and Gauging System

With this system the contractor will supply and install, in-tank, inventory monitoring and interstitial probes in each tank, and audible/visual overflow alarms with acknowledgement switches, and other components required to complete the system.

Supply and install complete,

- A. Provide an integrated electronic tank gauging and monitoring system with the following features:

an in-tank monitoring system that can be configured to provide in-tank leak detection or continuous statistical leak detection (CSLD) for applications with up to four Leak Detection Probes, or Inventory Probes to support Above ground Storage Tank (AST) applications, printed documentation and remote monitoring. Features shall include back-up generator capabilities, as well as capacity to accept up to eight float-switch sensors, including interstitial leak sensors for steel and fiberglass tanks, piping sump sensors, hydrostatic sensors, and discriminating dispenser pan and containment sump sensors. The in-tank monitoring system shall be as Veeder Root #TLS300i, 3-4 tank Configurable console w/ integral printer, or approved equal. The panel will be located next to the electrical sub-panel in the northeast corner of the DPW maintenance garage.

- B. Provide magnetostrictive electronic in tank probe(s) capable of detecting a 0.1 gallon per hour leak. Provide riser with liquid tight snap mounting ring cap kit. The in-tank probes shall be as Veeder Root series #846390, Mag-plus inventory probe, or approved equal.

- C. Provide interstitial liquid sensors for detection of fluid in the interstitial space. Provide all associated conduit and wiring tied into the monitoring system located in the northeast corner of the DPW maintenance garage and liquid tight riser caps.

The interstitial leak sensors shall be as Veeder Root series #794390, or approved equal.

D. Provide an audible weather-proof alarm horn tied into the overfill monitoring system, which will be programmed to alarm as the tank contents reach a predetermined 90 % level. Alarm must be located so that the person filling the tank can hear the alarm and halt the tank filling procedure. Provide all associated conduit and wiring tied into the monitoring system located at northeast corner of the DPW maintenance garage.

1. Locate the emergency shut-off in an accessible area, at least 20 feet but not more than 100 feet from the dispenser. Confirm the final location with the Owner prior to installation.
2. Provide a palm type switch button that will shut off electrical power to the pump.
3. The emergency shut-off shall be clearly identified with signage.
4. Emergency shut-off shall have a manual reset.

Acceptable manufacturers and models are:

Veeder-root # 790091-001, audible/visual/overfill alarm – # 790095-001 acknowledgement switch, or approved equals.

E. Provide the information interface between the key fuel management control system and the dispensers and between the key fuel management system and the terminal located at the DPW yard at 70-80 Elliot St., Newton, Massachusetts.

F. Provide a [key] fuel management control system, as follows: The automated Key System for Unattended Fleet Fuel Management shall be as Gasboy Islander-Plus Series, complete with software and annual support contract, Fleetkey Report module, Key encoder, short-haul modem assembly, 100 blank keys, or approved equal.

The on-site monitoring module shall be configured to receive and interface key system data and information via modem directly as the main inventory control system and will receive data from a similar facility housed at the DPW yard at 70-80 Elliot Street. The fuel management system at the Elliot Street facility is a Gasboy Islander-Plus Series and was installed in the year 2009.

### 2.3 Primary Piping

All piping will be installed above ground and secured to the tank or to the pad as necessary with galvanized steel brackets. All above ground product piping will be schedule 40 galvanized steel. Product off-loading piping will be 3" diameter and product discharge piping from the submersible pumps and vapor return piping shall be 1.5" diameter.

All above ground piping will receive one coat of universal primer and two coats of finished paint. New piping shall receive a surface preparation of SSPC-SP3 "power tool cleaning" prior to any painting. Galvanized steel piping shall receive a finished white paint such as Sherwin Williams Galvite High Solids B 50WZ30 DFT 3.0 to 4.5 mils, or approved equal.

1. Containment piping shall be tested in accordance with the manufacturer's instructions and the Testing section of this Specification.
2. Installation shall be performed by individuals trained by the manufacturer. Contractor shall arrange for on-site training and provide a letter from the manufacturer listing the names of trained individuals and the dates of the training.

### 2.4 Valves, Fittings, Remote Fills and Other Equipment

A. Supply and install complete, two, secured, remote-fill/containment fill boxes for product off-loading. One unit will be configured with Stage II vapor recovery provisions for the gasoline storage system. Both units will provide for 3" quick-connect connections with integrated shut-off and check valve and a minimum of 7 gallon spill-containment. Fill boxes will be mounted on 4 foot high steel posts encased a minimum of 2 feet deep in concrete.

Rigid 3" galvanized, schedule 40, steel piping will be used to connect the fill boxes to the top of each tank and transition to the product delivery drop-pipe. Each drop pipe will be outfitted with a float-type, overfill protection device to be configured at the 95% full level.

Remote Fuel ports shall be as Simplex Tank Filling Systems - Simplex, Inc., 1139 North MacArthur Boulevard, Springfield, IL 62702-2314 or approved equal.

Overfill shutoff valve shall be as Morrison series 9095A, Morrison Bros., Dubuque, Iowa or approved equal.

B. Provide a shear section emergency valve on product pipe beneath each dispenser. The valves shall be as OPW 10 Series Emergency Shut-Off Valves or approved equal.

C. Provide each tank with a "clock type" product level gauge with visible and audible overfill alarm, emergency vents on both the primary and secondary containment.

The "clock type" product level gauge shall be as Morrison #818-0100AG, Morrison Bros., Dubuque, Iowa or approved equal.

The overfill alarm shall be as Veeder Root #790091-001 or approved equal.



The emergency vents shall be as Morrison series 244, Morrison Bros., Dubuque, Iowa or approved equal.

The pressure/vacuum vent shall be as Morrison #523V-3203, Morrison Bros., Dubuque, Iowa or approved equal.

The expansion relief valve shall be as Morrison #78DI-0100A, Morrison Bros., Dubuque, Iowa or approved equal.

D. Provide 3 -inch up-flow atmospheric (diesel) and pressure/vacuum (gasoline) vent caps. Pressure vacuum vent caps shall open with [8] ounces of pressure and [one-half] ounce of vacuum.

E. Provide overfill valves and standard drop tube assemblies for each tank fill pipe.

#### END OF SECTION

### PART 3 – Installation and Site Work

#### 3.1 Site Work and Restoration

Site work shall include installation of all materials, subsurface utilities, concrete pad, and traffic controls.

##### 1. Concrete Pad, Apron and Traffic Bollards

The concrete pad shall be constructed in the location and as in the drawings.

A. Prior to setting the tanks in place, provide a grading plan showing final elevations and proposed location of control and expansion joints as a shop drawing.

B. Contractor shall provide 8 -inch reinforced concrete pad for the tank, and an 8" reinforced concrete traffic apron as shown in the drawings. The pad shall be raised 6" above the surrounding traffic apron. The traffic apron shall be graded such that all run-off flows away from the center of the fueling facility. The surrounding area shall be graded such that run-off flows away from and around the pad as shown on the drawing and toward a catch basin as indicated on the drawings. Approved granular fill shall be used to achieve final grades. Final grades will be such to allow the City to apply a 3" bituminous paving to the disturbed areas. Fill will be placed in 9" lifts and compacted. An approved 12" layer of crushed ½"-3/4" stone shall be placed, compacted and graded to serve as the sub-base for the concrete paving.

1. Provide 12" x 12" #4 rebar reinforcement

2. Miter all corners of pad with V grooves around the perimeter to be saw cut or troweled. V grooves shall be a minimum ¾" deep and 4 ¾" by 2' on center.

C. Provide an air entrained concrete mix design which will provide 4,000 psi strength after twenty-eight days, based on Department of Transportation standards for aggregate, mixing, testing, hardness, etc. Concrete mix to be approved by the Owner prior to paving.

D. Frame out all street box openings during the general paving.

1. Cast in all street boxes separately to ensure that the lids are set 1-inch above the general finished grade to inhibit infiltration of surface water.

2. Provide dowels at joints of all street boxes.

3. Provide diagonal reinforcement around all manholes.

E. Provide 6", concrete-filled steel bollards around the perimeter of the tank field. Bollards shall be installed [4] four feet on-center along the outside of the tank pad and to a minimum depth of [3] three feet. Bollards will receive a primer coat followed by two finished coats of a hi-gloss, safety yellow enamel paint.

F. Provide compacted backfill in disturbed areas or as needed to match existing grades and surfaces.

G. Use of additives for cold weather work must be described in the mix design and subject to the approval of the Owner.

## 2. Surface Restoration

The Contractor shall return all disturbed area to their original condition. Whenever streets, lawns, sidewalks, driveways or other finished surfaces at grade within or outside of the work area have been excavated or disturbed, the Contractor shall furnish and install all materials necessary to bring finished surfaces level with the existing adjacent surfaces, and match exiting surface materials.

In areas where trenching has occurred in unpaved areas, the Contractor shall thoroughly compact the backfill and maintain the surface as the Work continues. If settlement takes place the Contractor shall deposit additional fill and restore the area to the same level as the adjacent surface.

The final surface shall be properly compacted and graded and otherwise prepared to receive bituminous paving;

### 3.2 Electrical

A. Installation of all electrical components including:

- electric supply to dispensers, pumps, lights and controls
- signal cable between sensors and monitoring module(s), alarms, switches

B. Installation shall be in accordance with manufacturers' installation instructions and shall conform to state and local electrical codes with special attention to compliance with requirements for work in classified areas.

C. Provide explosion-proof electrical junction boxes, conduit and sealoffs specified in Article 500-514 of the National Electrical Code.

- D. Provide proper grounding of each tank and appurtenances as recommended by the Manufacturer and applicable codes.

Contractor will install a sub-panel with suitable breakers for the equipment and appliances to be installed for this project. The sub-panel will be located next to the main panel in the northeast corner of the DPW maintenance garage. All electric power for the new installation shall come from this panel. Contractor will install all necessary electrical, signal cable, electrical conduit, fixtures and accessories to accommodate the new equipment as specified herein. All electrical and signal cable between the facility's buildings and the tank location shall be installed underground and in suitable schedule 80 PVC electrical conduit and properly buried a minimum of 24" below grade, and marked with electric caution tape. A minimum of [1] one foot of an approved, compacted granular backfill shall be placed above and below any subsurface electric conduit. All electric and signal cables between the tanks, dispensers and emergency shut offs will be installed above ground in steel conduit and properly fastened.

All electric installations will comply with the applicable provisions of the National Electric Code, including Section 501 pertaining to installations in Class 1, Division 1 and Division 2 areas, and Section 514 pertaining to motor fuel dispensing facilities.

- E. Provide electrical disconnection of all conductors to the pump in accordance with NFPA Codes 30, 30A and 70.

1. Locate the emergency shut-off in an accessible area, at least 20 feet but not more than 100 feet from the dispenser. Confirm the final location with the Owner prior to installation.
2. Provide a palm type switch button that will shut off electrical power to the pump.
3. The emergency shut-off shall be clearly identified with signage.
4. Emergency shut-off shall have a manual reset.

F. Provide the information interface between the key fuel management control system and the dispensers and between the key fuel management system and the terminal located at the DPW yard at 70-80 Elliot St., Newton, Massachusetts.

### ***3.3 System Testing, Certification and Prove-out***

Contractor will test all systems according to manufacturer's specifications and applicable code and demonstrate to the City's satisfaction that all components are functioning properly. In addition, the contractor will provide a total of 16 hours of instruction to City personnel in the operation and maintenance of all system components. The Contractor will assemble and provide to the City, a comprehensive operations and maintenance manual which will incorporate all aspects of the fuel system and the appropriate Manufacturer's recommendations, including owners' manuals for each major system component.

### **3.4 Signage**

Contractor will supply and affix, vinyl, self-stick, permanent NFPA 704-Haz-Mat diamond signage to each tank and remote fill port. Signs will be 10" tall and wide, with 4" lettering. One sign will be affixed to each end of each tank. In addition, a "danger gasoline (or Diesel)" sign identifying the product in each tank, and "no smoking or open flames" signs will be affixed to each tank and remote fill.

### **3.5 MAINTENANCE OF TRAFFIC**

The Contractor shall schedule implementation of his work with the City's representative and the DPW supervisor. Adequate notification (at least 1 week) shall be given to the DPW with respect to work that may impede traffic and shall be coordinated with the DPW and the Building Department. All work that may result in temporary traffic disruptions or access width reductions shall be brought to the attention of the City at least 48 hours prior to conducting the Work.

## Part 2 Decommission Former Fueling Facility and Contaminated Soil Removal

### 1.0 GENERAL

- A. This section describes requirements for providing the equipment, labor and materials necessary to remove two (2) existing 10,000-gallon petroleum storage tank system(s) and associated vapor recovery piping, manholes, wells, dispenser islands and contaminated soil.
- B. Work will be performed in accordance with:
  - The Release Abatement Measure (RAM) Plan; copy attached.
  - State Fire Protection Code at 527 CMR 9.0
  - Department of Environmental Protection Regulations at 310 CMR 40.0000
- C. Work will also be performed in accordance with the Site Site-Specific Health and Safety Plan (HASP) provided in the Contract. All Contractors' employees who are expected to be working in the exclusion zone area will have the required 40 hour OSHA "HazWoper" certification and annual refresher training. Contractor is responsible to insure that all his employees are familiar with the HASP and to provide proof of HazWoper training.
- D. The City's Engineer will provide all necessary Licensed Site Professional (LSP) services for the project.
- E. Contractor is responsible for excavation safety procedures in accordance with appropriate OSHA regulations.

### 2.0 SCOPE OF WORK

#### 2.1 Site Preparation

- A. Verify location of USTs to be removed.
- B. Notify Digsafe and mark-out all subsurface utilities in area.
- C. Notify fire department and obtain removal permits.
- D. Permanently disconnect electricity to storage system.
- E. Provide and maintain fencing and/or appropriate protective barriers and signs to keep area secure from trespassing.
- F. Protect adjacent buildings, curbs, and landscaping from damage during construction.
- G. Provide adequate erosion control measures and keep streets, walks and adjacent paved areas free of excess dirt, mud and debris created as a result of this operation.

## 2.2 Excavation of Existing Underground Storage Tank Systems

1. Remove existing dispensing equipment and dispensing pad.
2. Transfer contents of USTs including cleaning materials to appropriate vessels for off-site disposal.
3. Remove cover over USTs including asphalt and concrete and soil as needed to facilitate UST removal. Clean, remove and dispose of existing UST's, supply piping and vent lines.
4. Remove additional contaminated soil as directed by the Engineer.
5. Stockpile material as directed by Engineer.
6. Break-up and remove concrete anchor pad beneath former tanks. Stockpile concrete at a location on-site as directed by the engineer or owners representative.
7. Backfill excavation with approved clean granular fill and compact excavated area(s).
8. As necessary, designate a disposal facility acceptable to the City and City's Licensed Site Professional (LSP).
9. As necessary, obtain samples from contaminated soil stockpile for disposal purposes and submit to Engineer for lab analysis.
10. Stockpile clean fill at designated location on-site. Six mil poly-sheeting will be used under and over the contaminated stockpiles.
11. Load contaminated soil and transport to an approved disposal facility.
12. Dispose of clean excess material and removed concrete at a licensed facility.

## 2.3 Dewatering

Contractor will provide for equipment to pump, store and dispose of up to 20,000 gallons of petroleum contaminated groundwater associated with the removal of contaminated soil.

## 2.5 Bioremediation, Backfilling and Restoration

After soil removal approximately 500 gallons of groundwater will be pumped from the open excavation into a temporary AST, combined with a "bio-mix" and then reapplied to the subsurface in areas of residual contamination. Contractor will assist the Engineer in accessing the open excavation for the application. It is anticipated that one day will be required to complete the bio-mix application.

Clean material when encountered during this work will be segregated on-site, temporarily stored and then reused for backfill with Engineer's approval. Contractor will supply suitable granular backfill material to make-up the difference and return area to grade. Granular Fill should consist of well graded sand and gravel free of organic material, trash, ice, frozen soil, and other deleterious materials. The recommended gradation for Granular Fill should satisfy the following limits.

**Table 1 - Granular Fill**

U.S. Sieve Size and Number	Percent Finer by Weight	
	Minimum	Maximum
4 inch	100	---
2 inch	65	100
No. 4	30	80
No. 20	10	65

No. 40	5	40
No. 100	0	20
No. 200	0	8

Granular Fill should be compacted/ tamped by the excavator bucket until a safe depth is achieved for suitable vibratory compaction equipment and operator, as determined by on-site and OSHA requirements.

Gradation of granular fill for the upper 12" should also meet the gradation recommendations for Dense-Graded Crushed Stone shown in Table 2.

**Table 2 - Dense-Graded Crushed Stone**

U.S. Sieve Size and Number	Percent Finer by Weight	
	Minimum	Maximum
3 inch	100	---
1-1/2 inch	70	100
3/4	50	85
No. 4	30	55
No. 50	8	24
No. 200	3	10

Contractor will submit a sample of the proposed backfill material with gradation information.

**2.6 Close-out Submittals**

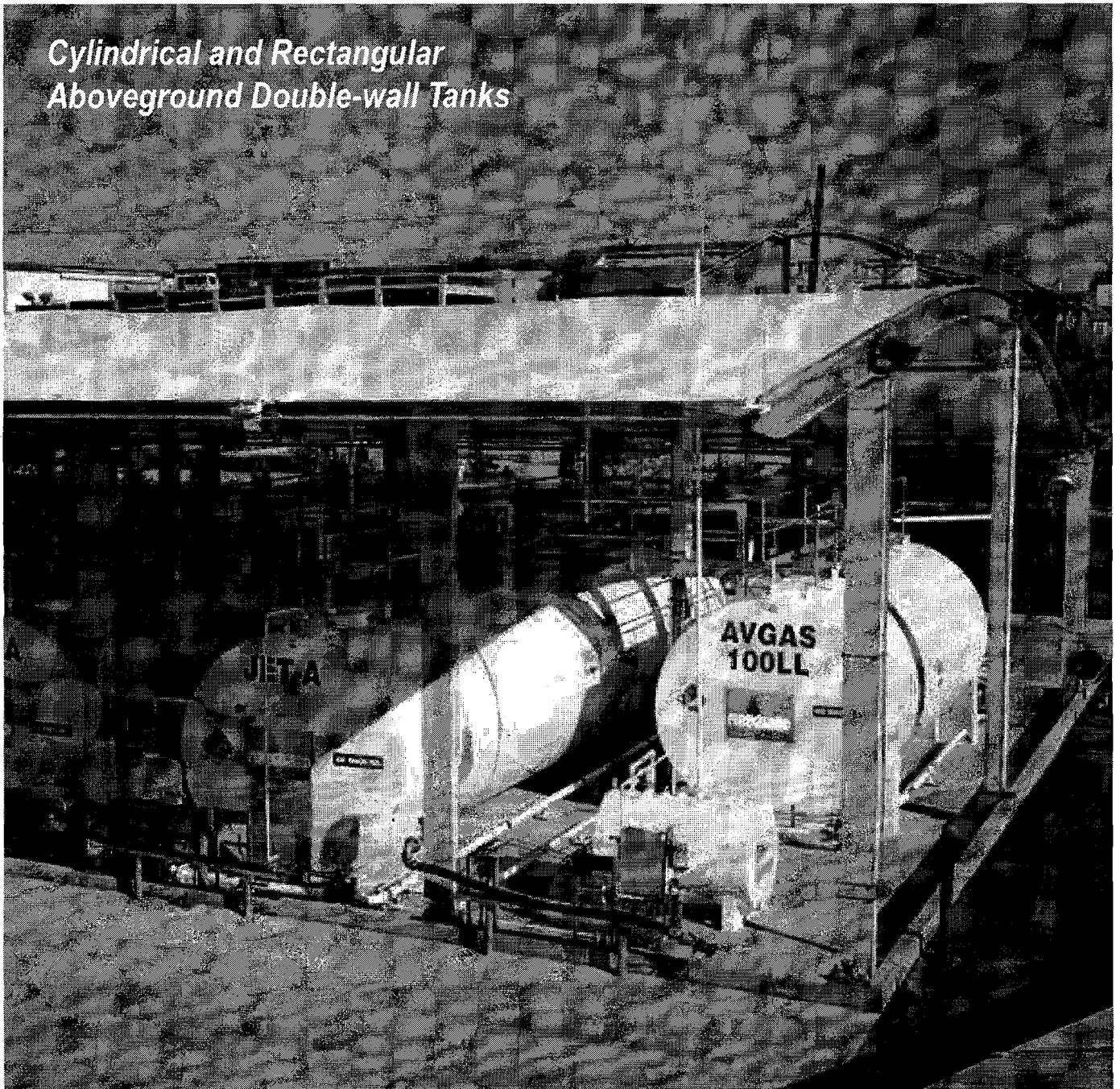
Contractor will provide disposal documentation to the City and Engineer. Documentation to include:

- Tank yard Disposal Receipts
- Completed FP-290R Tank Disposal Permits
- Completed Bill-of-Lading Receipts and Hazardous Waste Manifest Forms

# Fireguard<sup>®</sup> Thermally Protected Steel Storage Tanks



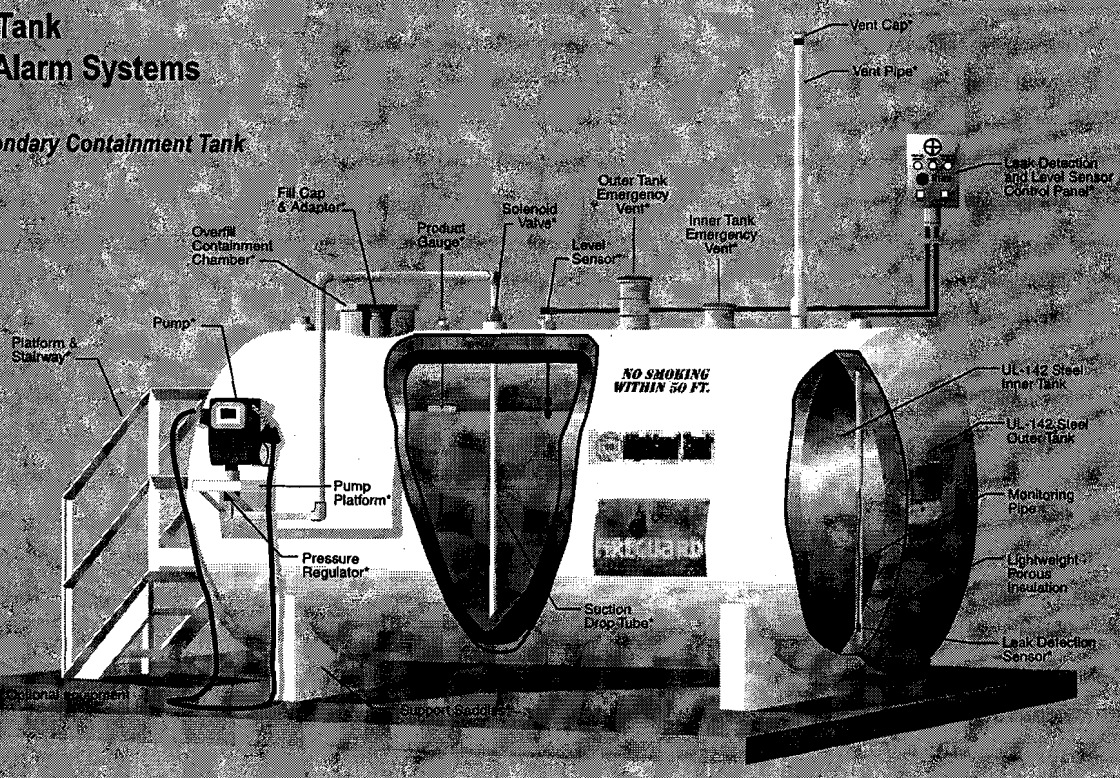
*Cylindrical and Rectangular  
Aboveground Double-wall Tanks*





## The Fireguard® Tank with Pump and Alarm Systems

- UL - 2085 Steel Secondary Containment Tank Passed
  - 2-Hour Fire Test
  - Hose Stream Test
  - Impact Test
  - Ballistics Test
- Lightweight
- Pressure Testable
- 30-Year Warranty



The Fireguard® is an attractive alternative for complying with the stringent underground tank regulations.

Fireguard® tanks are thermally protected, double-wall steel cylindrical or rectangular aboveground tanks. Fireguards® offer a smart alternative to the problem of safely storing motor fuels and other dangerous liquids aboveground. They are used where a fire-protected tank is needed because of setback limitations and/or regulatory insistence for storage of flammable and combustible liquids. These tanks are Underwriters' Laboratories UL-2085 labeled for Fire Protection, Impact Resistance, Ballistics Resistance and Secondary Containment.

Fireguard® tanks have been proven to meet the requirements outlined in UL-2085 including:

- Two-hour Full Scale fire Test
- Ballistics / Projectile Test
- Vehicle Impact test
- Hose Stream test
- 2-hour Pool Fire Test
- Interstitial Communication Test

Fireguard® is a licensed technology of the Steel Tank Institute under US Patent #s 5,695,089 & 5,809,650; Canadian Patent #s 2,141,357 & 2,263,657

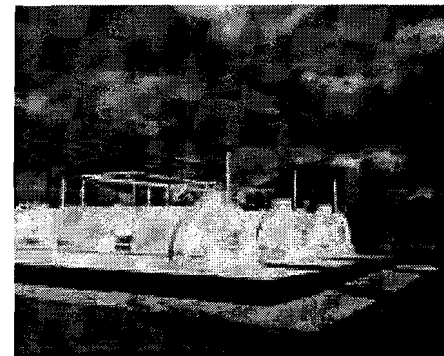
Each tank is constructed with a minimum 3" interstice around the inner tank. The interstice is completely filled with a lightweight, monolithic material. This highly efficient insulation protects the inner tank in the unlikely event of a fire or extreme heat. The porous material allows fluid migration through the interstice to the monitoring point.

The thermal insulation material is a composition of perlite, cement, water and special ingredients carefully mixed to standardized proportions. The light weight of the completed tank unit eases relocation on projects that demand additional fire protection.

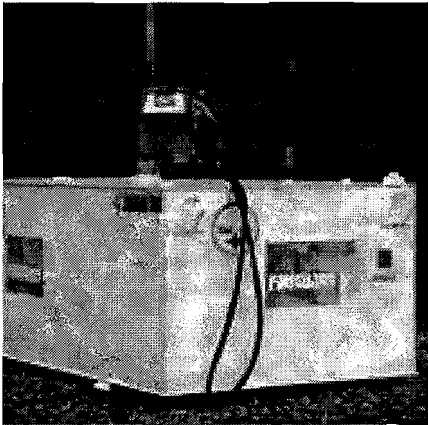
Unlike outdated concrete encased tanks, Fireguard's® steel outer wall protects the insulation, eliminating the problem of cracking and spalling concrete. And because of its unique construction, each Fireguard® is pressure-testable in the factory and at the site!

### Fireguard® Meets or Exceeds These Requirements:

- UL-2085 Standard for Insulated Secondary Containment Aboveground Tanks
- Steel Tank Institute F941 Standard for Thermally Insulated Aboveground Storage Tanks
- UL-142
- 2000 International Fire Code
- NFPA 30 & 30A Codes
- CARB #G-70-162 (California Air Resources Board)
- 1993 Building Officials and Code Administrators (BOCA)
- National Fire Prevention Code
- Southern Building Code Congress International (SBCCI)
- Standard Fire Prevention Code

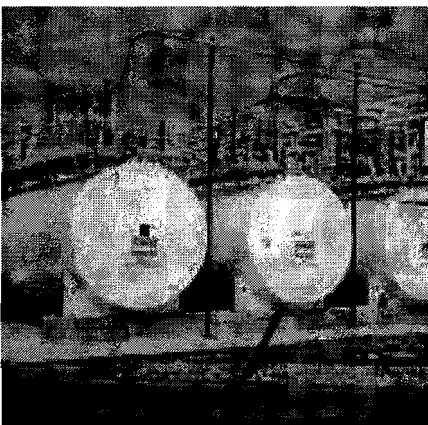


## Rectangular Design



Nominal Capacity (Gallons)	Inner Tank			Outer Tank			Thickness
	W	D	L	W	AOH*	L	
500	3'-0"	3'-0"	7'-6"	4'-0"	4'-6"	8'-6"	10 ga.
1,000	4'-8"	3'-0"	9'-8"	5'-2"	4'-1"	10'-3"	7 ga.
2,000	6'-4"	4'-0"	10'-8"	6'-10"	5'-1"	11'-4"	1/4"
3,000	5'-5"	5'-5"	13'-8"	5'-11"	6'-5"	14'-3"	1/4"
4,000	5'-5"	5'-5"	18'-2"	5'-11"	6'-5"	18'-9"	1/4"
5,000	5'-5"	5'-5"	22'-9"	5'-11"	6'-5"	23'-4"	1/4"
6,000	10'-10"	5'-5"	13'-8"	11'-4"	6'-5"	14'-3"	1/4"
6,000	5'-5"	5'-5"	27'-4"	5'-11"	6'-5"	27'-11"	1/4"
8,000	10'-10"	5'-5"	18'-2"	11'-4"	6'-5"	18'-9"	1/4"
10,000	10'-10"	5'-5"	22'-10"	11'-4"	6'-5"	23'-5"	1/4"
12,000	10'-10"	5'-5"	27'-4"	11'-4"	6'-5"	27'-11"	1/4"

## Cylindrical Design



Nominal Capacity Gallons	Inner Tank		Outer Tank			Thickness
	Dia.	L	Dia.	AOH*	L	
300	3'-2"	5'-0"	4'-2"	5'-0"	6'-0"	10 ga.
500	4'-0"	5'-5"	4'-6"	5'-4"	6'-0"	10 ga.
1,000	4'-0"	10'-9"	4'-6"	5'-4"	11'-4"	10 ga.
1,000	5'-4"	6'-0"	5'-10"	6'-8"	6'-7"	7 ga.
2,000	5'-4"	12'-0"	5'-10"	6'-8"	12'-7"	7 ga.
3,000	5'-4"	18'-0"	5'-10"	6'-8"	18'-7"	7 ga.
4,000	5'-4"	24'-0"	5'-10"	6'-8"	24'-7"	7 ga.
4,000	8'-0"	10'-8"	8'-6"	9'-4"	11'-3"	1/4"
5,000	8'-0"	13'-4"	8'-6"	9'-4"	13'-11"	1/4"
6,000	8'-0"	16'-0"	8'-6"	9'-4"	16'-7"	1/4"
8,000	8'-0"	21'-4"	8'-6"	9'-4"	21'-11"	1/4"
10,000	8'-0"	26'-8"	8'-6"	9'-4"	27'-3"	1/4"
12,000	8'-0"	32'-0"	8'-6"	9'-4"	32'-7"	1/4"
15,000	10'-0"	25'-6"	10'-6"	11'-4"	27'-1"	1/4"
20,000	10'-0"	34'-0"	10'-6"	11'-4"	34'-7"	1/4"
25,000	10'-0"	42'-7"	10'-6"	11'-4"	43'-2"	1/4"
30,000	10'-0"	51'-2"	10'-6"	11'-4"	51'-9"	1/4"
40,000	11'-6"	51'-6"	12'-0"	13'-0"	52'-1"	3/8"

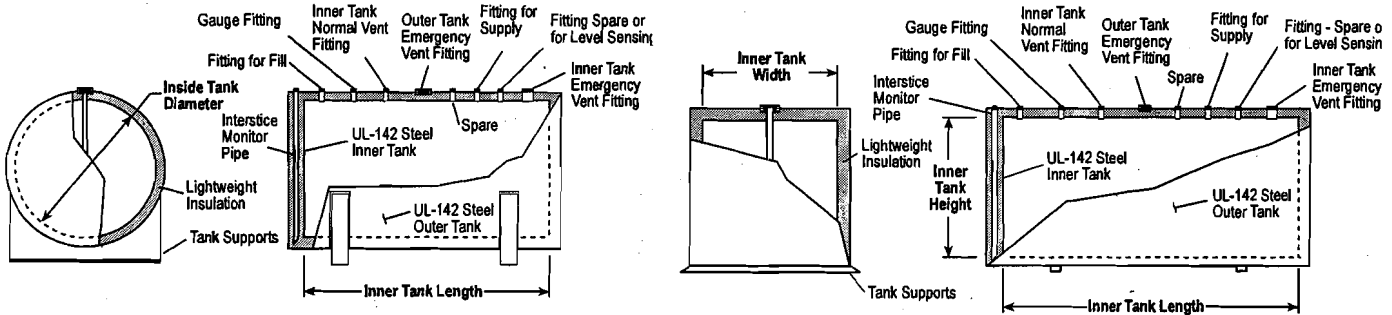
\*AOH - Approximate Overall Height; AOL - Approximate Overall Length

Highland offers a wide range of accessories and options to configure your tank for a specific application including: Diesel and Gasoline Dispensing, Emergency Diesel-Electric Generator Systems, and Waste Oil Recovery Systems. Compartmented designs, stairs, platforms, and catwalks, electronic leak and level sensing systems, special internal and external coatings, and custom designs are available.

## Weigh the Fireguard® Advantages

- Carries UL-2085 listing as Protected Insulated Secondary Containment for Flammable Liquids
- 2-hour fire rating
- Lightweight — insulation 75% lighter than concrete — costing less to ship and install, and/or relocate
- Reduces tank setback and separation distance requirements by up to 50%
- Pressure testable at site per NFPA 30 1996
- Steel outer wall protects insulation
- Available in rectangular or cylindrical design
- Wide tank capacity range of 300 to 30,000 gallons
- Available with bulkheads for split tanks
- Subject to three-tier Quality Assurance Program for licensed manufacturers
- STI 30-year limited warranty on all tanks

**General Arrangement**



**Recommended Guide Specification**

**General**

Provide and install \_\_\_\_\_ Highland Tank UL-2085 Fireguard® Thermally Insulated, Double-Wall Steel Aboveground Storage Tank. Tank storage volume shall be \_\_\_\_\_ Tank shall be \_\_\_\_\_ wide x \_\_\_\_\_ high x \_\_\_\_\_ long. Approximate weight shall be \_\_\_\_\_ (lb.).

The tank shall be designed for aboveground storage of flammable and combustible liquids at atmospheric pressure. Tank shall include integral steel secondary containment and thermal insulation that provides a minimum two-hour fire rating.

Each tank shall be delivered as a complete UL-listed assembly with two factory supplied, welded-on saddles. Size and location of saddles shall be as required by the manufacturer. Saddles to be set level on a solid foundation.

Tank shall be designed for possible relocation at a future date (heavy, concrete-encased designs will NOT be permitted).

Tank shall comply with National Fire Protection Association NFPA 30 Flammable and Combustible Liquids Code. The tank's secondary containment must be tested for tightness in the factory and in the field before commissioning. Tank shall be supplied with emergency venting for the primary and the secondary containment tanks (emergency venting by "form of construction" will NOT be permitted).

Inner and Outer Tank shall be manufactured in accordance with UL 142 Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids and labeled for Underwriters Laboratories UL 2085 Standard for Insulated Secondary Containment Aboveground Tank for Flammable Liquids. The tank design shall be UL 2085 listed as both "Protected" and "Fire-Resistant" and tested for Ballistics, Impact, Hose Stream, and Pool Fire UL-2085 performance standards compliance.

Tank shall be manufactured and labeled in strict accordance with Steel Tank Institute (STI) Fireguard® Thermally Insulated, Double Wall Steel Aboveground Storage Tank standards as applied by a licensee of the STI. Tank shall be subject to the STI's Quality Assurance program and shall be backed by the STI 30 year limited warranty.

The tank system shall also meet or exceed the requirements of:

- National Fire Protection Association NFPA 30A Automobile And Marine Service Station Code.
- 2000 International Fire Code (IFC)
- California Air Resources Board (CARB) testing requirements for air emissions.
- Southern Building Code Congress International (SBCCI) Standard Fire Prevention Code.
- 1993 Building Officials and Code Administrators (BOCA) National Fire Prevention Code.

**Construction**

Tank shall be fabricated per UL-142 and UL-2085 Codes, of mild carbon steel with shell seams of continuous lap weld construction.

Tank shall be of double wall construction and provide complete secondary containment of the primary storage tank's contents by an impervious steel outer wall.

A minimum of 3" of porous, lightweight monolithic thermal insulation material shall be installed at the factory within the interstitial space between the inner and outer walls. Thermal insulating material:

- shall be in accordance with American Society of Testing Materials (ASTM) Standards C-332 and C-495.
- shall allow liquid to migrate through it to the monitoring point.
- shall not be exposed to weathering and shall be protected by the steel secondary containment outer wall (an exterior concrete wall or vault exposed to the elements will NOT be permitted).

Lifting lugs shall be provided at balancing points to facilitate handling and installation.

**Exterior Protective Coating:**

- Surface Preparation: Grit blast - SSPC-SP-6 Commercial Blast.
- Finish: White finish paint system 3-5 DFT on the shell and heads.

Threaded fittings with thread protectors shall be supplied as follows (all fittings must be located on tank top per UL):

- One (1) 2" - Interstitial Monitoring.
- One (1) 2" - Normal Vent, Primary Tank.
- One (1) 4", 6", or 8" - Emergency Vent, Primary Tank.

- One (1) 4", 6", or 8" - Emergency Vent, Secondary Tank.
- One (1) 4", 6" - Product Fill.
- One (1) 2" - Product Pump or Supply.
- One (1) 2" - Product Return or Auxiliary.
- One (1) 2" - Liquid Level Gauge.
- One (1) 4" - Stage 1 Vapor Recovery, Electronic Level Stage 1 Gauge, or Auxiliary.
- One (1) 18" Manway (min.) for tanks greater than 4,000 gallons.
- Additional fittings available upon request.

**Optional Equipment**

- Bulkhead(s) for Split Tank.
- Manway(s) \_\_\_\_\_.
- Pump Mount(s) for Top Mount, Side Mount, or for Free Standing Pumps and Dispensers on Standard or Split Tanks.
- "Spill-mate" for remote fill.
- External Ladder.
- External Ladder Platform.
- Walkway(s) with Handrails.
- Stairs and Platforms with Handrails.
- Internal Ladder(s).
- Internal Coating with Interior Weld (500 gal. minimum).
- Monitoring Systems.
- Fuel Management System.
- Electronic Overfill Detection Sensors and Alarm Panels.
- Equipment Packages are available for:
  - Gasoline Dispensing
  - Diesel Dispensing
  - Emergency Generators
  - Waste Oil Recovery
  - Aviation Fuel (Avgas, Jet-A, or Jet A-1)
- OPTM Tank - Integral Overfill Protection construction

**Execution**

Tank shall be installed on a reinforced concrete base constructed by the owner. Installation and testing shall be in strict accordance with Steel Tank Institute Installation and Testing Instructions for Thermally Insulated, Lightweight, Double Wall Fireguard® Aboveground Storage Tanks.

Approved Manufacturer: Tank shall be manufactured by Highland Tank; Stoystown, PA; Manheim, PA; Watervliet, NY; Lebanon, PA; Greensboro, NC; or Friedens, PA.

Please visit us at [www.highlandtank.com](http://www.highlandtank.com) • Email us at [tanks@highlandtank.com](mailto:tanks@highlandtank.com)



One Highland Road Stoystown, PA 15563 814-893-5701 FAX 893-6126	4535 Elizabethtown Road Manheim, PA 17545 717-664-0600 FAX 664-0617	958 19th Street Watervliet, NY 12189 518-273-0801 FAX 273-1365	2700 Patterson Street Greensboro, NC 27407 336-218-0801 FAX 218-1292	2225 Chestnut Street Lebanon, PA 17042 717-664-0602 FAX 664-0631	1510 Stoystown Road Friedens, PA 15541 814-443-6800 FAX 444-8662
--	--	---	---	---	---