

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, OCTOBER 26, 2009

Present: Ald. Coletti (Chair), Salvucci, Parker, Gentile, Lennon, Johnson, Schnipper and Freedman

City Staff: Susan Burstein (Chief Budget Officer), Arthur Cabral (Budget & Project Specialist Public Buildings Department), Josh Morse (HVAC Technician Public Buildings Department), Daniel Funk (City Solicitor), Mike Kruse (Director Planning and Development Department) and Tom O'Rourke (President of the Newton-Needham Chamber of Commerce)

#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]

ACTION: **APPROVED 5-0 (Ald. Lennon, Schnipper and Freedman not voting)**

NOTE: Daniel Funk, City Solicitor joined the Committee for discussion on this item.

Mr. Funk indicated this claim stems from an unfortunate incident on May 15, 22007 when a fire truck struck Firefighter Richard Geary. On April 9, 2008, Mrs. Geary and two minor children made a claim for loss of consortium in connection with Firefighter Geary's injuries and his inability to engage in a myriad of activities with his family. Mrs. Geary and the children were seeking \$300,000, the maximum recovery available under the Massachusetts Tort Claims Act (\$100,000 per claimant).

The City maintains and the investigative reports appear to confirm that there was operator error in the operation of the fire truck at the time of the incident. Under these circumstances, liability would fall upon the City. After a year, the parties arrived at a negotiated compromise of \$150,000. Mr. Funk stated there are no other outstanding claims on this case, this is a full and final settlement with no future obligations to the City.

Committee members did not go into Executive Session for this discussion. Ald. Gentile made the motion to approve this item and the Committee voted in favor by a vote of 5-0 Ald. Lennon, Schnipper and Freedman not voting.

#357-09 HIS HONOR THE MAYOR requesting to appropriate and expend \$89,750 from tax revenue from the local option meals tax for the purpose of creating an economic development planner position and providing funds for related work broken down as follows: salaries \$29,500, benefits \$7,000, expenses \$33,250 and grants \$20,000. [10/13/09 @ 5:25 PM]

ACTION: **APPROVED AS AMENDED 5-3 @ \$72,250 (Ald. Lennon, Coletti and Johnson opposed)**

NOTE: Mike Kruse, Director of Planning and Development Department and Tom O'Rourke, President of the Newton Needham Chamber of Commerce joined the Committee for discussion on this item.

Mr. Kruse stated he would be excited at the opportunity to have an economic development planner position re-filled in the Planning Department. Mr. Kruse reviewed with Committee members the job description and is requesting a six-month salary of \$29,500 which he is anticipating a start date of January 1, 2010.

A breakdown of the recommended budget is as follows:

Salary	\$29,500 (six-month salary)
Total Fringe Benefits	\$ 7,000
Consultant expense	\$15,000
Printing expense	\$ 7,500
Advertising & Marketing expense	\$10,000
Dues and Subscriptions	\$10,000
Econ. Develop. Mini-Grants expense	\$20,000
Totaling	\$89,750

Committee members reviewed the position with Mr. Kruse and Mr. O'Rourke and expressed their concerns about whether this position should be funded with a commitment in the first complete year at a salary of approximately \$140,000. Other Committee members thought this salary was excessive and this position would be eliminated in next year's budget.

The Recommended Budget provided to Committee Members from the Executive Department dated October 13, 2009 and the Senior Economic Development Planner Primary Responsibilities from Sandy Pooler, Chief Admin. Officer dated October 9, 2009 are attached to this report.

Ald. Coletti expects this item will be placed on second call at the Board of Aldermen meeting on November 2, 2009 where he will provide a more detailed report.

A motion was made to decrease the budget by \$17,500 from \$89,750 to \$72,250. The Consultant Fee would be decreased from \$15,000 to \$7,500. The Economic Development Mini-Grant would be decreased from \$20,000 to \$10,000. Ald. Lennon, Coletti and Johnson were opposed and Freedman abstained on decreasing these expenses.

A motion was made to amend this amount to \$72,250 and the Committee voted in favor 5-3 Ald. Lennon, Coletti and Johnson opposed.

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 APPROVED 7-0-1 (Gentile abstaining) on 10-21-09

ACTION: APPROVED 8-0

NOTE: Arthur Cabral, Budget & Project Specialist Public Buildings Department and Josh Morse, HVAC Technician Public Buildings Department joined the Committee for discussion on this item.

Ald. Coletti stated these costs are related to energy savings improvements as outlined by Noresco in their Phase II Energy Audits Report at the following municipal and school facilities: Bigelow, Brown and Oak Hill Middle Schools, Education Center, City Hall, Police Headquarters, Police Annex, and the Police Garage as part of Phase II of the work being performed by Noresco.

Committee members reviewed the Executive Summary prepared by Noresco (attached to this report) a package of energy conservation measures that are designed to meet the City's needs.

This package delivers a wide range of important energy conservation and infrastructure improvements that are funded entirely from the utility cost savings while delivering substantial positive cash flow over the contract term. The package includes the following:

- Comprehensive energy management system improvements
- New lighting system for Brown and Oak Hill Middle School auditoriums
- Weatherization of exterior doors and roof penetrations
- Attic insulation
- Thermostatic radiator valves in City Hall, Education Center and Brown Middle School
- Comprehensive lighting improvements and occupancy sensors
- Low-flow plumbing retrofits to reduce water and sewer costs

The annual savings will be approximately \$365,000. Approximately \$116,000 in utility rebates. The total savings to the City of Newton over fifteen years will be approximately 6.7 million dollars. It is understood by the Executive Department that the cash flow table will allow for the bond payments on this project to be made by the energy savings each year, no out of pocket expenses associated with these retrofits by the City who will

accrue substantial savings over fifteen years. This Bond is not to exceed fifteen years in duration.

Committee members voted to approve this item and voted in favor by a vote of 8-0.

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 NORESCO to perform energy audits on the remaining municipal and school buildings that have not been audited. [09/29/09 @ 4:57 PM]
PUBLIC FACILITIES APPROVED 6-0-2 (Gentile and Lennon Abstaining on 10-21-09)

ACTION: APPROVED 8-0

NOTE: Arthur Cabral, Budget & Project Specialist Public Buildings Department and Josh Morse, HVAC Technician Public Buildings Department once again joined the Committee for discussion on this item.

Committee members reviewed the proposal for the work to be completed on Phase II studying the additional Phase II audit work to be performed on other buildings. The original estimate for the balance of the buildings was \$167,400 but since the City agrees to do the work under the previous audit, the cost funds are rebated to the City. Therefore, the original \$89,000 audit money has been refunded and will be added in to the balance of \$85,400 in order to total an entire cost of \$167,400 for the remaining energy audits at the buildings.

Committee members reviewed the list of forty-one additional buildings. The list included most elementary schools, fire headquarters, fire station #3, some libraries, Elliott Street Garage, Craft Street Garage, Health Department, and many of the recreation field houses throughout the City.

The Committee agreed to move forward with Phase II of the additional building audits. This Bond is not to exceed fifteen years in duration.

Committee members voted to approve this item and voted in favor by a vote of 8-0.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#360-09 ALD. SANGIOLO AND JOHNSON requesting establishment of a revolving account to accept and expend up to \$50,000 in donations for the purpose of fencing or other improvements to off leash dog areas. [10/01/09 @ 4:13 PM]
PROGRAM & SERVICES APPROVED 7-0 (Parker not voting) on 10-21-09

ACTION: APPROVED 7-0-1 (Ald. Gentile abstaining)

NOTE: Ald. Coletti stated Committee members questioned whether this item is to accept these funds. He stated the authorization to expend \$50,000 would have to be requested by the Mayor. At this time, Committee members are considering the request to establish a revolving account to accept up to \$50,000 in donations for the purpose of installing fencing and other improvements to off leash dog areas.

The Executive Department will inform the Finance Committee on whether the mayor will authorize the expenditure of these funds. If not, there will be a revolving fund set up to accept these funds.

A motion was made to approve this item and voted in favor by a vote of 7-0-1 Ald. Gentile abstaining.

#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]

ACTION: MOTION TO APPROVE FAILED TO CARRY 1-3-1 (Ald. Parker in favor; Ald. Johnson, Salvucci and Gentile opposed; Ald. Coletti abstaining; Ald. Lennon, Schnipper and Freedman not voting)

NOTE: Ald. Parker stated he docketed this item to establish a fund for the purposes of accumulating resources of anticipated annual revenue collected from the local meal and hotel/motel occupancy taxes. He indicated this fund could be used for funding future maintenance projects and improvements to the City's capital infrastructure. Resources accumulated in this fund shall be subject to appropriation by the Mayor and Board of Aldermen for specific projects.

David Wilkinson, Comptroller prepared a draft board order (attached to this report) indicating that up to 25% of the meals tax revenue of .75% and up to 25% of the additional 2% hotel/motel tax revenue could be placed into this account. This account would be established as a Capital Maintenance Account specifically to hold these receipts to be appropriated out for proposed projects.

Ald. Parker made the motion to approve this item by adding to the draft border 25% of the anticipated tax revenue collected from the local option meal and hotel/motel room occupancy taxes to be used to fund future maintenance and improvement to the City's capital infrastructure.

Ald. Coletti expects this item to be placed on second call at the Board of Aldermen meeting on November 2, 2009.

Motion to approve this item failed to carry by a vote of 1-3-1 Ald. Parker in favor; Ald. Johnson, Salvucci and Gentile opposed; Ald. Coletti abstaining; Ald. Lennon, Schnipper and Freedman not voting.

#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]

ACTION: APPROVED 4-0 (Ald. Lennon, Schnipper, Freedman and Parker not voting)

NOTE: Daniel Funk, City Solicitor and Ted Tye joined the Committee for discussion on this item.

Mr. Funk indicated the Deed of Gifts states how the contributions would be used for the purpose of maintenance, refurbishment and replacement of the fields currently under construction at the Newton South High School. He stated two City soccer leagues have donated these funds without asking for naming rights. These soccer leagues will be treated the same as other athletes who use the fields.

Committee members reviewed with Mr. Funk the Deed of Gift Summary which explains the terms of the Gift, the Newton Girls Soccer, Inc. Secretary's Certificate, the Newton Youth Soccer, Inc. Secretary's Certificate and the Permit Policy indicating their acceptance of this item. These four documents are attached to this report.

Ald. Gentile made the motion to approve these contributions as a gift to the City and the Committee voted in favor 4-0 Ald. Lennon, Schnipper, Freedman and Parker not voting.

Chairman's Note: The following four items were taken up on First Call according to the recommendations made by Comptroller, David Wilkinson in his First Call Report, dated October 22, 2009, attached to this report. Without debate, these four items were approved 8-0.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#361-09 HIS HONOR THE MAYOR requesting to appropriate and expend one million eight hundred thirty-six thousand dollars (\$1,836,000) for funding inflow and infiltration projects in the City Sewer system. The sources of funding will be a loan of \$1,009,800 and a grant of \$826,200. [10/13/09 @ 5:24 PM]

PUBLIC FACILITIES APPROVED 6-0-1 (Lennon abstaining; Mansfield not voting) on 10-21-09

ACTION: APPROVED 8-0

#356-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$16,171.45 from receipts reserved to the Health Department for the purpose of expenses related to the flu clinics and other wellness related activities and that this item be declared an *emergency measure* necessary to protect the health and safety of the people and property of the City of Newton in accordance with Section 2-9 of the Newton City Charter, which requires a separate 2/3 vote of the Board of Aldermen. [10/13/09 @ 5:24 PM]

ACTION: APPROVED 8-0

#266-09(3) HIS HONOR THE MAYOR requesting authorization to increase from \$50,000 to \$70,000 the revolving fund approved on September 21, 2009 to provide for additional funds anticipated from the Centers for Disease Control for control and prevention directed specifically toward the H1N1 virus. [10/13/09 @ 5:24 PM]

ACTION: APPROVED 8-0

#70-09(5) HIS HONOR THE MAYOR requesting that Board Order #70-09(3), the FY10 Budget, be amended by changing the funding source for \$65,528.08 from Capital Stabilization to Receipts Reserved for Debt Service – Newton South High School in accordance with Department of Revenue guidelines that require funds be reserved for payment of debt costs for the remaining life of bonds for a project. Final reimbursement (\$881,707) for NSHS was received in August 2009. [10/13/09 @ 5:25 PM]

ACTION: APPROVED 8-0

At approximately, 9:30 pm Ald. Coletti moved for adjournment, which was approved 8-0.

Respectfully Submitted,

Paul E. Coletti, Chairman



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#357-09

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October 13, 2009

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

09 OCT 13 PM 5:25
CITY CLERK
NEWTON, MA 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$89,750 from tax revenue from the local option meals tax for the purpose of creating an economic development planner position and providing funds for related work. This position will work with the business community to promote economic development in Newton. Funding for this full time position is based on a January 1, 2010 start date. The funds would be allocated in the Planning Department according to the following table.

Salaries	\$29,500
Benefits	\$7,000
Expenses	\$33,250
Grants	\$20,000
Total	\$89,750

I am presenting this now so that, in the event that your Honorable Board chooses to adopt the local option meals tax, this can be included in the FY10 budget from this source of funds.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen

David B. Cohen
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

Recommended Budget

New Senior Economic Development Planner with a start date of January 1, 2010

0111401 Planning	Recommended
Personal Services	
511001 – Full Time salaries (<i>Grade S09, step 5</i>)	\$29,500
Total Fringe Benefits	\$7,000
Expenses	
5301 – Consultants	\$15,000
5342 – Printing	\$7,500
5343 – Advertising and Marketing	\$10,000
5730 – Dues and Subscriptions	\$750
Economic Development Mini-grants	\$20,000
TOTAL	\$89,750

CITY CLERK
NEWTON, MA. 02159

09 OCT 13 PM 5:25



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#357-09

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Memorandum

To: Board of Aldermen
From: Sandy Pooler, Chief Administrative Officer and *SP*
Susan Burstein, Chief Budget Officer *SRB*
Date: October 9, 2009
Re: Economic Development Position and Capital Plan

09 OCT - 9 PM 4: 59
CITY CLERK
NEWTON, MA. 02159

Mayor Cohen asked us to forward to your Honorable Board a copy of a job description for a new economic development position in the Planning Department. This description was drafted by Planning Director Mike Kruse in consultation with Tom O'Rourke from the Newton-Needham Chamber of Commerce and Mayor Cohen. At the next docketing deadline, next Tuesday, October 13, 2009, the Mayor will docket a request to amend the Planning Department budget in FY10 to include this position and fund it with anticipated revenue from the meals tax, so that we can fully fund the position starting January 1, 2010, if the Board votes in favor of the meals tax.

City of Newton
Department of Planning and Development

CITY CLERK
NEWTON, MA. 02159

09 OCT -9 PM 4: 59

Position Title: Senior Economic Development Planner – 37.5 hours per week

Reports to: Chief Planner

Primary Responsibilities:

- Serve as the City's business liaison and first point of contact for both existing business owners as well as owners of businesses who wish to locate in Newton. One phone call to the Senior Economic Development Planner should be all any business person would need to demystified the City's permitting process for tenant build-outs, special permits and signs.
- Update the "Doing Business in Newton – A Resource Guide" -- last updated in Dec.2004.
- Work with the Executive Department, Planning Director and Chief Planner to formulate the City's economic development strategy and to implement priority initiatives, projects and programs.
- Work with the Newton-Needham Chamber of Commerce and Newton businesses to organize and promote a **Shop Newton First – Buy Local** program, modeled after other successful programs, with a mission of building a vibrant Newton community and a strong local economy.
- Organize and promote **Restaurant Week Newton**. Each spring participating area restaurants would design special 3-course prix fixe menu for dinner to celebrate the end of winter; event to be dovetailed with "Spring Seasonings!"
- Organize and promote the "Main Street" four-point approach, modeled on the revitalization program designed by the National Trust for Historic Preservation. Select one smaller village center and to begin to build the foundation for local initiatives to revitalize this district.
- Advise Mayor, Chief Administrative Officer and Planning Director on complex, often confidential, economic development plans or policy issues.
- Prepare cost-benefit analysis of any large proposed economic development projects so that the Mayor and Board of Aldermen better understand the pros and cons of any such proposal. The analysis would primarily focus on job creation and expansion of the City's economic base, real estate and sales tax benefits, and expected reliance on city services.
- Direct and facilitate the work of the Economic Development Commission.
- Serve as the City's liaison with the Newton-Needham Chamber of Commerce.
- Participate in village centered planning process working with local Aldermen, appointed officials, business owners and residents to develop area plans that articulate a shared vision for those neighborhood centers.
- Represent City of Newton at various governmental levels (regional, state, national) to assist in formulation of economic development policies and legislation.
- Identify and monitor economic development trends, developments, legislation, regulatory actions and advise appropriate staff, leaders, or officials.

EXECUTIVE SUMMARY

NORESKO is pleased to have been selected as the City of Newton's partner to audit, engineer, design, and construct energy savings projects throughout its City and School buildings. The following Detailed Energy Audit (DEA) encompasses the second phase of buildings proposed to be completed as part of the NORESKO-City of Newton Initiative to reduce energy use, operating costs, and greenhouse gas emissions.

NORESKO and City of Newton personnel have worked together in a collaborative, thorough and detailed project development process to review and prioritize the energy conservation measures (ECMs) included in the following Detailed Energy Audit (DEA) scope of work. We would especially like to recognize and thank Carol Chafetz, David Tannozzini, and Josh Morse for their commitment to accommodate the scheduling requirements of our engineering analysis of each building, and all the meetings and discussions that were necessary to develop this comprehensive project.

Based on our audit findings and input provided during project development meetings, NORESKO has developed this portfolio of energy, water and cost savings measures that will improve the facility infrastructure, reduce greenhouse gas emissions, and generate significant guaranteed energy and water cost savings that are sufficient to cover the project finance costs. The \$3.6 Million package of energy conservation measures (ECMs) summarized within the tables on the following pages is fully described in the following DEA Report.

We have developed a package of energy conservation measures that are designed to meet the City's needs. This package delivers a wide range of important energy conservation and infrastructure improvements that are funded entirely from the utility cost savings while delivering substantial positive cash flow over the contract term. This package includes:

- **Comprehensive energy management system improvements** to provide for new web-based control of the HVAC systems. In addition to substantially reducing energy consumption, these improvements will provide City of Newton staff with the ability to remotely monitor HVAC systems, provide tighter control of temperature and HVAC devices, and improve occupant comfort;
- **New lighting systems for the Brown and Oak Hill Middle School auditoriums**, which will greatly improve lighting levels in these spaces. With these lighting improvements, the auditoriums will be much brighter, more attractive venues for events such as theatrical and musical performances;
- **Weatherization of exterior doors and roof penetrations** to reduce infiltration and drafts;
- **Attic insulation** to reduce lost heat and provide for a tighter envelope;
- **Thermostatic radiator valves** in City Hall, the Education Center, and the Brown Middle School which will provide better control of the heating systems, saving energy and improving occupant comfort by reducing unnecessary overheating;
- **Comprehensive lighting improvements and occupancy sensors** which will reduce lighting energy use; and
- **Low-flow plumbing retrofits** to reduce water and sewer costs and provide modern plumbing fixtures.

The following table presents a financial summary of the project for the City's consideration:

Financial Summary

	Value
Total Investment	\$ 3,647,456
Annual Savings	\$ 364,602
Utility Rebates	\$ 116,650
Total Bond Payments	\$ 4,778,168
Total Service Payments	\$ 754,505
Total Savings	\$ 6,781,205
Total Net Cash Flow	\$ 1,248,532
Contract Term	15 Years

SUMMARY OF ENERGY CONSERVATION MEASURES

	ECM	Price	Savings	Simple Payback	Estimated Rebates
1a	Lighting Improvements	\$ 584,458	\$ 71,234	8.2 Yrs	\$ 41,124
1b	Lighting Controls	\$ 268,931	\$ 32,265	8.3 Yrs	\$ 22,120
1c	New Lighting in Bigelow & Brown Auditoriums	\$ 124,562	\$ (1,209)	-103 Yrs	\$ -
2	Water Conservation	\$ 218,209	\$ 42,392	5.1 Yrs	\$ -
3	Steam Trap Improvements	\$ 232,368	\$ 55,410	4.2 Yrs	\$ 7,500
4	Thermostatic Radiator Valves	\$ 191,121	\$ 10,347	18.5 Yrs	\$ -
5a	Weatherization	\$ 173,331	\$ 23,131	7.5 Yrs	\$ -
5b	Attic Insulation	\$ 104,354	\$ 7,895	13.2 Yrs	\$ 17,244
-	Control Systems				
6	Energy Management System Improvements (Opt 1)	\$ 1,600,350	\$ 69,259	23.1 Yrs	\$ 22,062
6	Computer Power Management	\$ 86,666	\$ 49,364	1.8 Yrs	\$ -
7	VFDs & PE Motors	\$ 63,106	\$ 4,514	14.0 Yrs	\$ 6,600
TOTALS		\$ 3,647,456	\$ 364,602	10.0 Yrs	\$ 116,650

CASH FLOW TABLE

Year	Bond Payments	M&V Service Payments	O&M Service Payments	Software Maintenance Fee	Total Expected Savings	Guaranteed Savings	Net Cashflow	Utility Rebates	Cashflow after Rebates
0	\$0				\$0	\$0	\$0		\$0
1	\$386,630	\$12,480	\$0	\$8,320	\$364,602	\$364,602	(\$42,828)	\$62,441	\$19,613
2	\$376,904	\$12,886	\$0	\$8,590	\$375,540	\$375,540	(\$22,840)	\$22,940	\$100
3	\$367,177	\$13,304	\$22,922	\$8,870	\$386,806	\$386,806	(\$25,467)	\$25,567	\$100
4	\$357,451	\$13,737	\$23,667	\$9,158	\$398,410	\$398,410	(\$5,602)	\$5,702	\$100
5	\$347,724	\$14,183	\$24,436	\$9,455	\$410,363	\$410,363	\$14,564		\$14,564
6	\$337,998	\$14,644	\$25,230	\$9,763	\$422,674	\$422,674	\$35,039		\$35,039
7	\$328,271	\$15,120	\$26,050	\$10,080	\$435,354	\$435,354	\$55,833		\$55,833
8	\$318,545	\$15,611	\$26,897	\$10,408	\$448,414	\$448,414	\$76,953		\$76,953
9	\$308,818	\$16,119	\$27,771	\$10,746	\$461,867	\$461,867	\$98,413		\$98,413
10	\$299,091	\$16,643	\$28,674	\$11,095	\$475,723	\$475,723	\$120,220		\$120,220
11	\$289,365	\$17,184	\$29,606	\$11,456	\$489,995	\$489,995	\$142,385		\$142,385
12	\$279,638	\$17,742	\$30,568	\$11,828	\$504,694	\$504,694	\$164,918		\$164,918
13	\$269,912	\$18,319	\$31,561	\$12,212	\$519,835	\$519,835	\$187,831		\$187,831
14	\$260,185	\$18,914	\$32,587	\$12,609	\$535,430	\$535,430	\$211,135		\$211,135
15	\$250,459	\$19,529	\$33,646	\$13,019	\$551,493	\$551,493	\$234,841		\$234,841
	\$4,778,168	\$236,413	\$363,615	\$157,610	\$6,781,200	\$6,781,200	\$1,245,395	\$116,650	\$1,362,045

Notes


1. NORESKO is committed to working on City's behalf to obtain utility rebates, incentives and other subsidies that can reduce the project's net cost, and deliver added value to the City. The current utility rebates are estimated based on NSTAR electric and NGRID natural gas rebate programs, and are subject to utility approval. Utility rebates will be paid directly to the City.
2. "Bond Payments" include interest and principal and assume a bond coupon of 4.0%, which is estimated based on rates obtained by the City on recent projects.
3. "M&V Service Payments" are associated with NORESKO's annual savings measurement and verification activities.
4. "O&M Service Payments" are associated with NORESKO's annual Steam Trap Service & Maintenance Program which commences in year 3.
5. "Software Maintenance Fees" are for computer power management software annual license renewals. These fees are paid by the City directly to the software company.
6. "O&M Savings" include maintenance savings associated with the Lighting Improvements. Under the Lighting Improvements, NORESKO will install new energy efficient lighting systems, which will deliver maintenance cost savings due to reduced lamp and ballast replacement costs.
7. Assumes an average energy escalation rate of 3.0% per year starting year one after completion of the project's construction.
8. Project pricing presented in this DEA is valid through October 31.


Environmental Impact of Proposed Energy Conservation Measures

NORESCO is a proud member of the U.S. Green Building Council, Clinton Climate Initiative, and a long-time EnergyStar Business Partner. In addition to the direct positive economic benefit this project will have to the City, perhaps even more importantly, this project will provide significant environmental benefits to the City and the surrounding community. Quantified in the table below is the greenhouse gas emission reductions that will occur as a result of new higher efficiency equipment replacing the existing old, less efficient systems; as well as new controls that will limit the equipment's use to when only needed by the building occupants.

Energy Savings		
Energy Source	Energy Units	Value
Electricity	kWh	1,020,778
Natural Gas	Therms	91,147
Water & Sewer	Kgal	1,834

Emissions Reductions		
Emission Type	Emissions Units	Value
CO ₂	Lbs	2,419,039
NO _x	Lbs	5,678
SO _x	Lbs	3,541

Equivalent Number of Acres of Trees Planted		362 Acres
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Equivalent Number of Cars Removed from the Roads		292 Cars
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Other Measures Considered

NORESKO considered several additional energy conservation opportunities. However, in general these measures are not included in the project because these ECMs have long paybacks and the overall program cash flow does not support the costs of these improvements.

- Plug Load Controllers
- New Windows at the Police Annex
- Electric Heat Alternatives at Oak Hill Middle School
- Exhaust Fan Repairs at City Hall
- Solar Domestic Hot Water Systems

Summary

Now that the time intensive process of accurately developing the project scope has been completed, we look forward to completing the steps that will result in another successful project. NORESKO is confident that, with the continued commitment of the City, the project will be very successful and meet your highest expectations.

NORESKO offers the strength of a New England based national energy services company (ESCO) that specializes in and has implemented more performance contracts than any other ESCO in the Northeast for more than 20 years. NORESKO's strong local roots, experience with the Commonwealth of Massachusetts ESCO program, and product-neutral national reputation combine to offer the City of Newton an outstanding resource to meet its performance-based energy improvement goals. We look forward to a continued partnership with the City.

09 OCT - 1 AM 11:14
CITY CLERK
NEWTON, MA. 02159

DEED OF GIFT

This Deed of Gift dated 7/27, 2009 summarizes the basis on which Newton Girls Soccer ("NGS") and Newton Youth Soccer ("NYS") have agreed to provide the City Of Newton ("City") with contributions totaling \$200,000 to be used by the City in connection with planned multi-purpose fields to be constructed at Newton South High School.

Background

1. Consistent with their missions, NGS and NYS desire to increase the opportunities for youth in the City to participate in recreational soccer activities.
2. The City has recognized the shortage of safe and sufficient playing fields to accommodate the City's school and youth programs including NGS and NYS.
3. The Board of Aldermen has approved funding of a new field project ("Project") at Newton South High School to include two synthetic turf multi-purpose fields, a grass multi-purpose field, a grass baseball field and a new track in addition to other improvements.
4. NGS and NYS have actively supported the Project and made commitments to assist in the funding of the Project. This commitment was considered in the City's approval of the Project.
5. The Board of Aldermen has appropriated \$500,000 to a special account for the maintenance of the Project. This special account is under the jurisdiction and control of the Parks and Recreation Department/Commissioner.
6. The money to be donated by NGS and NYS shall be placed in a different special account which will also be under the jurisdiction and control of the Parks and Recreation Department/Commissioner. Any and all interest earned on this account shall be considered City funds, shall be a part of the special account and shall be used in accordance with the terms of this Deed of Gift.
7. The City intends to start construction of the Project in 2009.
8. NGS and NYS desire to ensure that their youth soccer programs, and other youth programs, will receive fair and adequate use of the Project in the future.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, NGS, NYS and the City agree on the following:

1. NGS and NYS will each contribute \$100,000 to the City to be used in accordance with the terms of this Deed of Gift.

2. Funds will be paid fifty percent (50%) within thirty (30) days of the start of construction of the Project and fifty percent (50%) upon completion of the Project as evidenced by a Certificate of Substantial Completion from the engineer of record. The Project scope shall be consistent with the plan approved by the Board of Aldermen (so-called "2+2 Plan") that includes two synthetic and ~~one~~ ^{two} grass multi-purpose fields that can be used for soccer and other sports.
 4.4 LMS
3. The monies contributed by NGS and NYS shall be placed in a fund established by the City to be used for the maintenance and replacement of the fields. In the event the City abandons the Project prior to its completion, the City shall promptly refund to NGS and NYS, if they so request, all sums contributed to the Project pursuant to Paragraph 2 above.
4. When completed, the scheduling and administration of the Project shall be the responsibility of the City through its Parks and Recreation Department (for fields and uses under the jurisdiction and control of the Parks and Recreation Department) and its School Department (for fields and uses under the jurisdiction and control of the School Department). In allocating time for use of the Project, the City shall be guided by the principle that the fields shall be a shared recreational resource designed to be used for school activities, inter-scholastic sports, youth sports and community recreational uses. It is acknowledged that pursuant to the Newton Parks & Recreation Commission Playing Field and Related Facility Permit Policy (the Policy), a copy of which is attached hereto and made a part hereof, both NGS and NYS are considered Tier 2 Priority users. As a practical and historic matter, the Newton School Department has authorized the Newton Parks and Recreation Department to schedule uses of its fields for those dates and times when the School Department does not need to use them. To that extent, the Policy applies to School Department controlled fields as well.
5. While it is recognized that the City shall make the ultimate decisions on scheduling of the fields within the Project, the City shall continue its procedure of meeting with organizations (including NGS & NYS) in a timely fashion to allocate field space based upon the order of priority as established by the Policy.
6. Newton Public Schools shall have priority use of fields within the Project that are on land within the control of the School Department; Parks and Recreation programs and activities shall have priority use of the fields within the Project on land within the control of the Newton Parks and Recreation Department. Use of the fields by all eligible Newton youth sports groups, including NGS and NYS, shall be scheduled in accordance with the Policy. Historic use patterns shall be one factor considered in such scheduling.
7. Newton youth sports groups, including NGS and NYS, shall follow permit procedures as established by the Policy. During designated sports seasons, times of permitted use by Newton youth sports groups shall typically be weekdays in the late afternoon/early evening and weekends during daylight hours provided that such use does not conflict with uses of either Newton Public Schools Department or Newton Parks and Recreation Department.

- 8. The 2 synthetic fields within the Project shall be lined as full sized soccer fields for their useful lives along with other athletic field linings as designated by the City.
- 9. It is acknowledged that at the present time there are no user fees charged to Tier 2 users. However, in the event that in the future such fees are to be implemented for use of fields within the Project for Newton youth sports groups, such fees shall be deemed as prepaid by NGS and NYS by virtue of their respective contributions as set forth in this Agreement. This understanding shall be limited to a term of 12 years from the date of this Agreement and shall be limited to a cap of \$200,000 (\$100,000 for NGS and \$100,000 for NYS) in fees that would otherwise have been charged NGS and NYS during that time frame. However, NGS and NYS may be charged for any additional services required including but not limited to security, special lining, trash pickup and portable toilets for special events.
- 10. The City's acceptance of the terms of this Deed of Gift is subject to the approval of the Mayor and the Board of Aldermen.

IN WITNESS WHEREOF, the City, NGS and NYS have executed this Agreement as of the day and year first above written.

NEWTON GIRLS SOCCER

By: *G. Yudel*

Date: 8/4/09

CITY OF NEWTON

By: *[Signature]*
Parks and Recreation Commissioner

Date: 9/23/09

NEWTON YOUTH SOCCER

By: *Robert M. Bouam*

Date: 7/27/2009

APPROVED:

[Signature]
Mayor David B. Cohen

Date: 9/25/09

APPROVED:
BOARD OF ALDERMEN

By: _____

Date: _____

NEWTON YOUTH SOCCER, INC.
Secretary's Certificate

The undersigned, being the duly elected, qualified and acting Secretary/Clerk of Newton Youth Soccer, Inc. ("NYS"), does hereby certify that:

1. On or about June 10, 2009, a vote was approved by the Board of Directors of NYS at a meeting duly called and held, authorizing NYS to contribute to a reserve fund, to be used for the maintenance and replacement of the fields at the Newton South High School athletic complex as part of the so-called "2+2 Plan" previously presented to the Board and approved by the Newton Board of Alderman (the "Project"), such funding commitment not to exceed \$100,000; and that this vote has not been amended or repealed and remains in full force and effect as of the date hereof.
2. That Rob Barsamian, the President of NYS, was authorized and directed by the NYS Board of Directors to execute and deliver the "Deed of Gift" evidencing the commitment contemplated by the immediately preceding paragraph, and on June 24, 2009 did so execute the "Deed of Gift."

IN WITNESS WHEREOF, the undersigned has executed this certificate on behalf of Newton Youth Soccer, Inc. as of this 4th day of September, 2009.



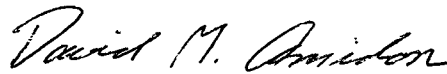
Bruce Medoff, Secretary/Clerk

*NEWTON GIRLS SOCCER, INC.
Secretary's Certificate*

The undersigned, being the duly elected, qualified and acting Secretary/Clerk of Newton Girls Soccer, Inc. ("NGS"), does hereby certify that:

1. On November 20, 2005, June 18, 2006, and June 22, 2009, resolutions were adopted by the Board of Directors of NGS at meetings duly called and held, authorizing NGS to contribute to a reserve fund, to be used for the maintenance and replacement of the fields at the Newton South High School athletic as part of the so-called "2+2 Plan" previously presented to the Board and approved by the Newton Board of Alderman (the "Project"), such funding commitment not to exceed \$100,000; and that these resolutions have not been amended or repealed and remain in full force and effect as of the date hereof.
2. That Errol Yudelman, the President of NGS, was authorized and directed by the NGS Board to execute and deliver the "Deed of Gift" evidencing the commitment contemplated by the immediately preceding paragraph, and in my presence this date did so execute five (5) counterparts of the "Deed of Gift."

IN WITNESS WHEREOF, the undersigned has executed this certificate on behalf of Newton Girls Soccer, Inc. as of this 9th day of September, 2009.



David M. Amidon, Secretary



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

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September 25, 2009

Newton Board of Aldermen
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Honorable Board of Aldermen;

In connection with the City's construction of a series of new playing fields at Newton South High School, Newton Girls Soccer (NGS) and Newton Youth Soccer (NYS) have each agreed to gift to the City \$100,000.00 contributions (total of \$200,000) for the maintenance, refurbishment and replacement of these fields.

I hereby request that the Board of Aldermen vote to authorize the acceptance of these gifts and to approve the expenditure of these funds all in accordance with the terms of the Deed of Gift attached hereto.

Very truly yours,

David B. Cohen
Mayor

09 OCT - 1 AM 11:14
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

Newton Parks & Recreation Commission
Playing Field and Related Facility Permit Policy

The City of Newton (the "City"), through authority granted to its Parks and Recreation Department ("P&R"), hereby adopts the following policy concerning the use of the City's playing fields and related facilities.

Permitted Uses of Fields:

- Organized or regular use of the City's playing fields by groups shall require a permit.
- The Department must receive completed applications no later than March 1 of each year for spring and summer reservations, and no later than August 1 for fall reservations. Reservation attempts past deadlines will be filled on an as available basis.
- No action will be taken on incomplete applications
- Given the Department priority for School/Recreation/Youth Sports. Citywide Athletics may require adult leagues to modify their seasons. The following Sports will normally be given priority during respective seasons as follows:
 - Baseball: First full week of March through the second weekend in August
 - Softball: The second Monday in March through the second weekend in August Recreation Department Sponsored Leagues which may be in playoffs.
 - Football: First Monday in September through the third weekend in November
 - Rugby: First Monday in September through the third weekend in November
 - Soccer First Monday in September through the third weekend in November
 - Soccer may be scheduled in spring on fields already allocated to Spring Soccer
 - Ultimate Frisbee: First Monday following Father's day through second weekend in August
- When two or more applicants are on an equal footing and applying for the same space, priority will be given to the traditional in season sport, outlined as follows:
 - Fall Season – Football, Field Hockey, Soccer
 - Spring Season – Baseball, Softball, and Lacrosse
 - Summer Season – Baseball, Softball, Frisbee
- Allocations will be based on availability, scheduled renovations and turf control measures implemented by Parks and Recreation). The Department will manage use of athletic facilities with consideration of impacts on field conditions and neighbors. The expectations of the department is that field users will conduct themselves in a manner appropriate to activity and the field location as well as other applicable laws and regulations.
- In addition to the tier, "which will be issued pursuant to the priority tier system and other factors as described below that a permit holder falls into. Consideration will be given to a Newton Based Sports Organization (hereinafter referred to as NBSO) that has been a permit holder at a site in past. As a general rule, a permit will be renewed provided the holder has conducted themselves in accordance with the conditions described in this policy, and have completed their application by the deadline for submission. Items that will weigh in final decisions will be the past history an organization has developed with P&R, length of time an organization has been at a particular site, how good a neighbor the NBSO has been to the surrounding neighborhood (i.e. parking, no alcohol use), condition the field is left in after user is finished for the evening (i.e. trash) and the ability of the group to conform to the rules and regulations of the Parks and Recreation Commission.
- Other than Tier 1 & 2, applicants that request a second field during a session will only be considered for a second site based on availability after the deadline for session permit issue. In general we only have space for non-tier 1 or 2 applicant to have one field per session.
- Applicant or the responsible adult who is designated on the permit for the applicant shall be present at all times a Field issued to them is in use. The Permittee must have his/her permit in their possession at all times
- Re-Allocation or subletting of fields by a permit holder is strictly prohibited. If permitted fields are going unused, the unused dates and times may not be assigned to non-permitted users and are to be turned back to P&R for allocation to other users.
- Unless specifically stated it is understood that the function/activity to be held is not a fundraiser, that no admission is to be charged, that no tickets will be sold or collections taken and that no items will be sold.
- Groups conducting a fundraising activity must participate in the fundraising/special permitting process associated with special activities of its type.
- **Any violation of such permit's terms, conditions and/or limitations shall be grounds for immediate revocation of such permit and denial of future applications for permits submitted by such team, group or organization.**

- If a permit is revoked for failure to abide strictly by its terms, conditions and/or limitations, there shall be no refund of the permit fee.
- By submitting an application, all applicants agree to conform to all City policies for playing fields and related facilities use.
- Even with a permit a group may not use a field that is too wet. P&R will maintain a “hot line” 617-796-1536 on which it will communicate whether a field has been closed because of wet or other conditions. It is the responsibility of the permit holder to determine, by calling this “hot line.” Whether the field has been closed.

Infractions:

- First Occurrence – Will cause a letter specifically listing the Department’s concerns to be mailed to the organization/permit holder
- Additional Occurrence – May result in the loss of scheduling privileges in increasing dimension based on the number and type of occurrences, including the cancellation of remaining season games and practice times.

Tier 1 Priority Use:

- P&R-Sponsored Programs: First priority for use of any Field located on Newton Parks & Recreation Department Lands goes to P&R-sponsored leagues, camps and clinics and programs. This priority right supercedes rights under any permit previously issued by P&R, except where it may conflict with land owned by Newton Public Schools where each instance of priority will be granted on a case by case basis.
- School Department Use: First priority for use of any Field located on Newton Public School Land and/or related facility is given to City public school teams (e.g., soccer, baseball or football). This priority right supercedes rights under any permit previously issued by P&R, except where it may conflict with land owned by Parks and Recreation where each instance of priority will be granted on a case by case basis.

Tier 2 Priority Use:

- Newton-Based Sports Organizations, Newton Based Businesses, Private Schools & Groups of Residents with at least 95% residents: NBSO’s are city baseball leagues, softball leagues, youth soccer leagues, youth football leagues and adult teams that participate in City-recognized youth or adult sports organizations (“NBSO’s”).

Tier 3 Priority Use:

- NBSO’s and Newton Based Businesses, Private Schools & Groups of Residents with at least 60% residents. A team that participates in regional leagues will be considered provided that no fewer than sixty percent (60%) of the officially rostered members of such team (e.g., 6/10, 7/11, 8/12, 9/14, 10/16, 11/17, 12/18, etc...are residents of the City.

Tier 4 Use:

- NBSO’s, Newton Based Businesses or Groups over 25% Newton residents but less than 60%Newton Residents: Adult teams, groups and/or leagues will be considered provided that no fewer than twenty five percent (25%) of the officially rostered members of such team/group/league (e.g., 3/12, 4/16, 5/20, 5/14, 5/16, 5/17, 6/19, 6/21, are residents or employees of the City.

Tier 5 Use:

- Other Organizations: Newton Based Businesses, Adult teams, groups, leagues and/or businesses will be considered which are otherwise qualified but cannot meet the twenty five percent (25%) residency requirement. Such organizations will be accommodated on a case-by-case basis.

Tier 6 Use:

- Private clinics, camps, tournaments or other special uses shall not be eligible for a playing field and/or related facility use permit unless such use is sponsored by P&R, Newton Public Schools or on a case by case basis a recognized

NBSO. Any playing field and/or related facility use permit issued for such use shall be subject in all instances to the terms, conditions and limitations of the City Department or agency's sponsorship, including permit priority.

- A certificate of Insurance naming the City of Newton as an additionally insured party for (Limits to be determined on a case by case basis after conferring with Newton City Solicitor)

Application Process:

- Permit applications are available from Parks and Recreation beginning the first business Monday in February.
- Sessions: (actual session uses will co-inside with weather conditions. If it looks wet, keep off)
 1. Session 1 approximately, April 1 through Father's day
 2. Session 2 approximately, Monday following Father's day through third Friday in August
 3. Session 3 approximately, fourth Monday in August through third Sunday in November.
- The completed application, together with all required fees and supporting materials, shall be filed with P&R or its designee. **No application will be reviewed until complete, all administrative fees paid and all supporting documentation (e.g., certified rosters, team schedules and practice schedules) is submitted!** If any part of the application is incomplete or missing, P&R shall take no action on such request.
- Even with a permit a group may not use a field that is too wet. P&R will maintain a "hot line" on which it will communicate whether a field has been closed because of wet or other conditions. It is the responsibility of the permit holder to determine, by calling this "hot line." Whether the field has been closed.
- No permit will be considered unless the following conditions are met at time of application:
 - a. Application is complete and signed.
 - b. The required documentation is attached, including a verified roster (with names, addresses and telephone numbers) demonstrating compliance with the foregoing residency requirement, roster is to be duly certified by the league or sponsoring organization in which such team participates.
 - c. Or such, other evidence demonstrating such compliance satisfactory to P&R. i.e. For NBSO's with many teams, P&R may accept the certification by the league of compliance with the residency requirement in lieu of individual rosters. Permits within this category may be issued for league-play and/or practice time.
 - d. Adult Organizations may submit copies of certified league rosters or copies of driver's license for all listed participants as evidence of residency compliance.
 - e. Administration fee for field permit accompanies application
- A schedule of permit fees is listed at the end of this document.
- The Athletic Director for the subject school (NNHS, T.J. Williams 617-559-6222 – NSHS Ron Lanham 552-7540, must approve an application including use of any Newton Public School Department High School Field. Provision for these approvals are made directly on the P&R application.
- Requests for Tournaments or Clinics will be accepted beginning January 1 for the following year and will be accommodated on the basis of field availability.
- Special Application process must be met for each tournament/clinic application, contact Tom Cahill 796-1500 for special permit application.
- All completed permits received by P&R on or before the seasonal (i.e., spring, summer and fall) deadline will be considered shortly following the seasonal deadline. Permits received after the seasonal deadline will be considered only if there remains playing field availability. Following is the timetable for timely submission of playing field and related facility use applications:

	Spring Season	Summer Season	Fall Season
Application Period Opens:	February 1	February 1	February 1
Applications Due:	March 1	March 1	August 1
Permits Issued:	March 22	June 7	August 18

- Once issued a permit, use of the playing fields and related facilities covered by such permit is strictly limited to the terms, conditions and limitations contained in such permit. Such terms and conditions shall include, without limitation, all applicable City ordinances and such further rules and regulations as may be promulgated and in effect from time to time by the City, P&R or any other agency having jurisdiction, for the use of City parks, playing fields and recreation facilities.
- **Any violation of such permit's terms, conditions and/or limitations shall be grounds for immediate revocation of such permit and denial of future applications for permits submitted by such team, group or organization.**
- If a permit is revoked for failure to abide strictly by its terms, conditions and/or limitations, there shall be no refund of the permit fee.
- The permit holder(s) must be in possession of the permit at the playing fields and/or related facility, and be prepared to produce the permit upon proper request by representatives of P&R, or its designees or field wardens, or any City official, including the police. Failure to produce a valid permit when requested is grounds for expulsion from the playing field or related facility, and such further action as P&R may determine to be appropriate under the circumstances.
- Appropriate notices will be posted and maintained by P&R at all affected playing fields and related facilities, which will read substantially as follows: "Field under renovation, please keep off" The Police Department shall enforce these use limitations.
- P&R will establish a playing fields' "hot-line" for use in communicating playing field and related facility conditions and other relevant information. Use of a field by a permit holder of a field closed because of wet or unfavorable conditions will be cause sufficient to revoke all permit use.
- Goals and other equipment ancillary to the use of City playing fields and/or related facilities may be made available. If made available,
 - (i) The permit holder may use such goals or other equipment but shall do so at its own risk,
 - (ii) The permit holder shall be responsible for using such goals and other equipment in accordance with such rules and regulations as P&R may establish from time to time, and
 - (iii) The permit holder shall be responsible for all damage or loss of such goals or other equipment resulting from its use.
 - (iv.) The permit holder is responsible to ensure that all ancillary equipment that is used, is returned to its original location on site and locked up after each use.
- In submitting an application for a permit under this policy, the applicant
 - (i) agrees that he/she/it will abide by the rules of the City, P&R and their representatives and designees;
 - (ii) Recognizing the possibility of physical injury associated with use of playing fields and related facilities, and in consideration for the City and P&R accepting his/her/its application for a playing field and related facility use permit, hereby releases, discharges and/or otherwise indemnifies the City, its several departments and agencies (including P&R), any sponsoring NBSO, and their respective officers, directors, coaches, committees, employees, attorneys and associated personnel, including the owner of playing fields, facilities and/or equipment utilized under, or in any way in connection with any field use permit which may be granted hereunder, of and from any claim, demand, action, cause of action, suit or liability arising as a result of the applicant's use of any City-owned playing field or related facility.

P&R reserves the rights:

- (i) to require evidence of adequate liability insurance (with such coverage and limits as the City may establish for this purpose from time to time) as a condition to the issuance of any playing field and/or related facility use permit,
- (ii) To have such insurance name the parties indemnified in the preceding paragraph named as additional insured and loss payees.
- (iii) Police details, where deemed necessary by P&R, may be required as a condition to any permit issued. The cost of such police detail shall be borne by the permit holder, at such rates as are in effect from time to time established by the Police Chief.
- (iv) To revoke permits issued for violation of Policy, City Ordinance or Parks and Recreation Rules and Regulations.

The amount of time scheduled and allotted for games shall be as follows:

- Baseball (90 ft. bases) 3 hours
- Baseball (60 ft. bases) 2 hours
- Slo-pitch Softball and T-Ball 1.5 hours
- Fast-pitch Softball 2 hours
- Youth Soccer 1.5 hours
- Adult Soccer 2 hours
- Rugby 1.5 hours
- Ultimate Frisbee 2 hours
- Flag Football 1.5 hours
- All other sports 1.5 hours

ACKNOWLEDGEMENT OF RECEIPT OF POLICY

The undersigned, an applicant of a playing field and/or related facilities use permit, acknowledges that the undersigned has received and read a copy of the "City of Newton Playing Field and Related Facility Permit Policy and Administration", and understands and will fully abide by the terms, conditions and provisions contained, or referred to therein.

Signature

Date

Print Name

Checklist for permit application: **N.B. No action will be taken on permit application until all aspects are complete.**

1. Completed Application with appropriate administrative fees
2. Application to use Newton North or Newton South High School Site has Athletic Director endorsement
3. Associated rosters signed by league etc... authenticating residency requirements for Tier 2 & 3 users
4. Copy of Driver's License of all participants on roster as supporting residency requirement for Tier 4 & 5 users
5. Completed and signed acknowledgement of policy statement.



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1305

dwilkinson@newtonma.gov

David Wilkinson, Comptroller

October 22, 2009

TO: Finance Committee

FROM: David Wilkinson, Comptroller

SUBJECT: October 26, 2009 Finance Committee "First Call" Report

Docket item #361-09: Public works commissioner requesting a \$1,009,800 appropriation and supporting loan authorization, and an authorization to expend \$826,200 in state grant funds, both of which are for purposes of continuing the City's multi-year sewer infiltration/inflow reduction program. Newton has participated in the Massachusetts Water Resources Authority (MWRA) sewer improvement grant/loan program for a number of years. Under the terms of this program, resources for ongoing sewer infiltration and inflow reduction efforts are provided to member communities in the form of grants (45% of project costs) and interest free loans (55% of project costs). During the fiscal year ended June 30, 2009 Newton received \$2.5 million in MWRA loan and grant resources for this purpose. This docket item is necessary to allow the City to continue the program. The loans are repaid with sewer use charge revenues.

Docket item #356-09: Public health commissioner requesting an appropriation of \$16,171.45 from anticipated fiscal year 2010 revenue (federal Medicare reimbursements) for purposes of funding employee flu clinics and other wellness related activities. Resources were not included in the original budget for this purpose.

Docket item #266-09(3): Public health commissioner requesting a \$20,000 increase in the CDC grant expenditure authorization voted on September 21, 2009. The purpose of the grant is H1N1 flu prevention planning.

Docket item #70-09(5): Mayor requesting that funding for the fiscal year 2010 General Fund budget be revised to account for the receipt of \$881,707 in Massachusetts School Building Assistance grant reimbursements that must be used exclusively for funding annual debt service requirements for the Newton South High School improvement project. During the past summer the City received the final state grant reimbursement on the South High School renovation project. Under the terms of the state's regulations for use of MSBA reimbursements after all debt has been issued for the project, this reimbursement must be reserved for future project debt service purposes between fiscal years 2010 and 2027. The amount of the reimbursement that is to be used for fiscal year 2010 purposes is \$65,528.08. The objective of this docket item is to replace \$65,528.08 in capital stabilization fund financing with \$65,528.08 in grant reimbursement funding. This action needs to be taken prior to submission of the City's fiscal year 2010 tax rate for Massachusetts Department of Revenue certification.

