

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, DECEMBER 14, 2009

7:45 PM  
Room 222

Chairman's Note: Chairman Coletti would like to remind Committee members that the City's independent auditors will be joining the Committee at 7:45 pm for a status report on the June 30, 2009 financial audit and management letter.

**ITEMS SCHEDULED FOR DISCUSSION:**

#269-09      COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report.  
[09/01/09 @ 4:45 PM]  
**HELD 6-0 (Schnipper not voting) on 10-14-09**

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]

#370-09      ALD. BAKER AND SWISTON and Newton residents of the NewTV Board of  
Directors seek Board approval of a resolution to support the passing of the  
Community Access Preservation (CAP), H.R. Bill 3745, as written and  
respectfully request that our state and federal legislators support the CAP Act as  
well and that a copy of this resolution be forwarded to each of their offices  
accordingly. [10/27/09 @ 1:08 PM]

**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 APPROVED AS AMENDED 4-0  
on 12-10-09**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #70-09(9) HIS HONOR THE MAYOR requesting an amendment to the FY10 Water revenue budget to three million one hundred sixty thousand dollars (\$3,160,000) from Water Reserve to offset the reduction in anticipated Water Revenue. [11/10/09 @ 5:57 PM]  
**PUBLIC FACILITIES APPROVED 5-0-1 (Lappin abstaining) on 11-18-09 HELD 8-0 on 11-23-09**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #399-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars (\$500,000) from sewer bonded indebtedness for the purpose of sewer improvements: \$125,000 each for Oakdale and Farina, \$135,000 for Irving Street; \$115,000 for Old Farm Road sewer improvement engineering/design. [12/01/09 @ 4:57 PM]  
**PUBLIC FACILITIES APPROVED 8-0 on 12-09-09**
- #398-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three thousand six hundred ninety one dollars (\$3,691) from Budget Reserve for the purpose of increasing the salary budget in the Public Buildings Department. [12/01/09 @ 4:56 PM]

**REFERRED TO COMMITTEE ON COMMUNITY PRESERVATION AND FINANCE COMMITTEES**

- #375-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that fifteen thousand two hundred fifty dollars (\$15,250) be appropriated and expended from the FY10 Community Preservation Fund's historic and general reserves for changes and additions required by the Newton Fire Department during the historic rehabilitation of Brigham House. [10/27/09 @ 9:10 AM]  
**COMMITTEE ON COMMUNITY PRESERVATION APPROVED 5-1 on 11/24/09**
- #206-09(3) HIS HONOR THE MAYOR requesting the creation of a Stabilization Fund for future maintenance and improvements to the City's capital infrastructure that will help the city in addressing the long deferred infrastructure maintenance needs it faces. [12/01/09 @ 4:56 PM]

**It is the Chairman's intention to entertain motions to vote No Action Necessary or to refer the following items to the 2010-2011 Board:**

**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]  
**PUBLIC FACILITIES NO ACTION NECESSARY 8-0 on 12-09-09**

**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**

- #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 & SERVICES NO ACTION NECESSARY 5-0 on 12-09-09**

**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 & SERVICES NO ACTION NECESSARY 5-0 on 12-09-09**

**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]  
**HELD 8-0 on 09-08-08**  
**PUBLIC SAFETY & TRANSPORTATION NO ACTION NECESSARY 6-0 (Ald. Vance not voting) on 12-09-09**

**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 NO ACTION NECESSARY 5-0 on 12-09-09**

**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.  
**PROGRAM & SERVICES APPROVED 2-0-2 on 12-09-09**  
**PUBLIC FACILITIES REFERRED TO 2010-2011 BOARD 8-0 on 12-09-09**

**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**  
**PUBLIC FACILITIES REFERRED TO 2010-2011 BOARD 8-0 on 12-09-09**

**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]  
**PROG. & SERVICES REFERRED TO 2010-2011 BOARD 5-0 on 12-09-09**  
**PUBLIC FACILITIES REFERRED TO 2010-2011 BOARD 8-0 on 12-09-09**

**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**  
**HELD 8-0 on 11-09-09**  
**PUBLIC FACILITIES REFERRED TO 2010-2011 BOARD 8-0 on 12-09-09**

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

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

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]  
**PUBLIC FACILITIES HELD 3-0 (Mansfield not voting) on 07-08-09**  
**PUBLIC SAFETY & TRANS. REFERRED TO 2010-2011 BOARD**  
**PUBLIC FACILITIES REFERRED TO 2010-2011 BOARD 8-0 on 12-09-09**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #376-09 HIS HONOR THE MAYOR submitting the FY11-15 Capital Improvement Program, totaling \$140,377,285 and the FY10 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next five years.  
**PUBLIC FACILITIES REFERRED TO 2010-2011 BOARD 8-0 on 12-09-09**

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

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

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

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

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

- #360-09(2) PROGRAM & SERVICES COMMITTEE requesting a discussion to explore possible sources of revenue to fund an off leash dog park system in the City. [11/06/09 @ 10:44 AM]

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

- #358-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend fifty five thousand dollars (\$55,000) from tax revenue from the local option meals tax to restore funding to the Senior Transportation Program. [10/09/09 @ 5:25 PM]

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

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

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

- #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 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**

- #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**

**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 PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

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

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

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.  
**PROGRAM & SERVICES HELD 8-0 on 11-05-08**

**REFERRED TO 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 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.

Respectfully Submitted,

Paul E. Coletti, Chairman

# \_\_\_\_\_

BOARD OF ALDERMEN  
CITY OF NEWTON  
DOCKET REQUEST FORM

09 SEP - 1 PM 5:45  
CITY CLERK  
NEWTON, MA. 02459

**DEADLINE NOTICE:** Aldermanic Rules require items to be docketed with the Clerk of the Board **NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING** in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen

Date: 08/31/2009

From (Docketer): COMPTROLLER

Address/phone/email: \_\_\_\_\_

Additional sponsors: \_\_\_\_\_

1. Please docket the following item (edit if necessary):

Substantial FY 2009 Budgetary BASIS Annual  
FINANCIAL REPORT

2. The purpose and intended outcome of this item is:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Fact-finding & discussion                                      | <input type="checkbox"/> Ordinance change         |
| <input type="checkbox"/> Appropriation, transfer, expenditure, or bond authorization               | <input type="checkbox"/> Resolution               |
| <input type="checkbox"/> Special permit, site plan approval, zone change (public hearing required) | <input type="checkbox"/> License or renewal       |
|  | <input type="checkbox"/> Appointment confirmation |
|  | <input type="checkbox"/> Other                    |

3. I recommend that this item be assigned to the following committees:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Programs & Services                 | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning                   | <input type="checkbox"/> Public Safety      | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities                   | <input type="checkbox"/> Land Use           | <input type="checkbox"/> No Opinion        |
| <input type="checkbox"/> Post Audit & Oversight              |   |  |
| <input type="checkbox"/> Committee on Community Preservation |   |  |

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency: \_\_\_\_\_
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE



5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting
- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

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

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

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion \*:

*Copy of Report*

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

8. I \_\_\_ have or \_\_\_ intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

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

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

Please check the following:

- 9. \_\_\_ I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you

Signature of person docketing the item

[Please retain a copy for your own records]

CITY OF NEWTON, MASSACHUSETTS

MANAGEMENT LETTER

JUNE 30, 2009

Draft 12/08/09

Draft 12/08/09

To the Honorable Board of Aldermen and Mayor  
City of Newton, Massachusetts

In planning and performing our audit of the financial statements of the City of Newton, Massachusetts (City) as of and for the year ended June 30, 2009, in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, we considered the City's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

A control deficiency exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency, or a combination of control deficiencies, that adversely affects the entity's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the entity's financial statements that is more than inconsequential will not be prevented or detected by the entity's internal control.

A material weakness is a significant deficiency, or a combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected by the entity's internal control. We believe that the condition identified in our *Report on Internal Control Over Financial Reporting and on Compliance and Other Matters*, dated OPEN, represents a material weakness.

During our audit we also became aware of several matters that are opportunities for strengthening internal controls and operating efficiency. Our comments and recommendations concerning those matters are summarized in the memorandum that accompanies this letter. This letter does not affect our report dated OPEN, on the financial statements of the City.

The City's written responses to the matters identified in our audit have not been subjected to the audit procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

This communication is intended solely for the information and use of management, the Audit Committee, Board of Aldermen, Mayor, and federal awarding agencies and pass-through entities and is not intended to be and should not be used by anyone other than these specified parties.

OPEN

Draft 12/08/09

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CITY OF NEWTON, MASSACHUSETTS

MANAGEMENT LETTER

JUNE 30, 2009

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TABLE OF CONTENTS

	Page
Comments and Recommendations.....	1
Water and Sewer Billings.....	1
Accounts Receivable Reconciliations.....	3
Inspectional Services - Permitting Database.....	4
Accounting for the Newton Community Development Authority.....	5
Capital Asset Accounting.....	6
Documentation of Department Control Activities.....	7
Treasurer's Office - Retirement System Disbursement Bank Account.....	8
Treasurer's Office -Unauthorized Bank Accounts and Authorized Signatory.....	9
Position Control.....	10
Parking Meters.....	11
Student Activity Funds.....	12
Old Outstanding Checks.....	13
Collective Bargaining Agreements.....	14
Disaster Recovery Plan.....	15
Financial Policies and Procedures Manual.....	16
Risk Assessment and Monitoring.....	17
New Accounting and Financial Reporting Requirements for Fund Balances.....	18

## Comments and Recommendations

### Water and Sewer Billings

#### Comment

We identified the following deficiencies related to the City's water and sewer billing system:

1. Many water and sewer bills are based on estimates. We identified that some accounts had as many as 25 consecutive estimates.
2. Many water and sewer bills were based on "false reads", resulting from a faltering metering system.

During fiscal year 2009, the Water and Sewer Department made a concerted effort to obtain actual readings on accounts that were based on estimates (beginning with accounts with the largest number of consecutive estimates) and accounts where readings appeared abnormal. As a result, the Water and Sewer Department issued approximately \$8,600,000 in abatements during fiscal year 2009. The cause of a substantial amount of these abatements is as follows:

1. Overestimates (approximately \$4,200,000)
2. False readings (approximately \$4,100,000)

It is important to note that the majority of these abatements were made prior to the taxpayer physically paying the bill. Actual cash outflows (i.e., refunds) totaled approximately \$540,000 during the fiscal year.

At June 30, 2009, the Water and Sewer Department had obtained actual readings of a significant portion (81%) of the accounts that had between 10 and 25 consecutive estimates. In addition and as part of our subsequent audit work, we identified that abatements totaling approximately \$860,000 had been granted for July, August and September 2009 billings, which is significantly less than the abated amount for the same period of the previous fiscal year (approximately \$4,200,000). It is imperative that accurate actual readings occur on all accounts at all times to properly bill customers for water and sewer use, which, under the current system, will require Water and Sewer personnel to manually obtain. The current billing system is ineffective and inefficient.

#### Recommendation

The City is currently in the process of replacing all of the City's meters and implementing a new metering process that will allow the City to remotely obtain a reading from City Hall at any point in time. The implementation of this new system should significantly reduce the need for substantial abatements (once the system is fully operational) since estimates will no longer be required and the ability to identify false readings will be enhanced. We recommend that the new metering system be implemented as soon as possible.

Management's Response

Draft 12/08/09



## Accounts Receivable Reconciliations

### Comment

Consistent with prior years, procedures are not in place to reconcile the Collector's detailed accounts receivable balances to the general ledger timely. Effective internal controls require the timely reconciliation of detailed accounts receivable balances to the general ledger. Failure to perform these tasks timely inhibits the safeguarding of assets and does not provide for accurate and timely financial reporting.

Although the City performed procedures to resolve some of the variances between the accounts receivables records of the Comptroller and the Treasurer/Collector that were identified in the prior year; the following variances still remain at June 30, 2009:

Receivable Type	Comptroller	Treasurer	Variance
Real Estate Taxes - 2009..... \$	2,860,685	\$ 2,842,558	\$ 18,127
Sewer Liens Added to Taxes - 2007.....	37,633	37,650	(17)
Sewer Liens Added to Taxes - 2008.....	47,052	60,736	(13,684)
Sewer Liens Added to Taxes - 2009.....	200,374	206,595	(6,221)
Water Liens Added to Taxes - 2007.....	25,685	26,205	(520)
Water Liens Added to Taxes - 2008.....	36,897	44,328	(7,431)
Water Liens Added to Taxes - 2009.....	143,886	144,413	(527)
Stormwater Management Fees.....	164,498	122,363	42,135
Sewer User Charges.....	3,927,673	3,756,198	171,475
Sewer Renewal.....	36,984	6,175	30,809
Water User Charges.....	2,089,453	2,212,652	(123,199)
Water Maintenance Charges.....	29,939	12,183	17,756
Water Renewal.....	24,748	494	24,254

### Recommendation

We recommend that formal procedures be implemented to reconcile the Collector's detailed accounts receivable balances to the general ledger no later than 30 days after the end of the previous month. We also recommend that the Treasurer/Collector and Comptroller approve (e.g., sign off) each accounts receivable reconciliation.

We recommend that the Comptroller and Treasurer/Collector investigate and resolve the variances identified above.

### Management's Response

**Inspectional Services - Permitting Database**

Comment

The Inspectional Services Department maintains a database that, among other things, identifies the type of permit issued, the permit number and related amount. We identified that the total dollar amount of permits issued (as reported by the database) are not reconciled to the general ledger. As a result, we identified variances between amounts recorded on the general ledger and the amounts reported in the database. Lack of performing this procedure does not provide assurance that all permits have been entered into the permitting database or turned over and reported to the Treasurer/Collector and Comptroller.

In addition, since the permitting database is used to identify properties that may require a supplemental tax bill, the City could be at risk of not billing all properties that are subject to such a bill if all permits have not been entered into the database.

Recommendation

We recommend that procedures be implemented to reconcile the dollar amount of permits issued per the permitting database to the general ledger monthly. Implementation of this procedure will provide assurance that all permits have been properly entered into the database and reported to the Treasurer/Collector and Comptroller.

Management's Response

Draft 12/18/09

**Accounting for the Newton Community Development Authority**

Comment

The Newton Community Development Authority (NCDA) was established to develop housing programs for low and moderate income families, the elderly and handicapped residents of the City. The NCDA is governed solely by the City's Director of Planning and Development and is funded primarily by federal grants passed through the City and is subject to the same laws and regulations the City is.

The NCDA's financial activity is currently accounted for independently from the City's accounting system. Annually, the Comptroller records a journal entry to include the summary activity of the NCDA in the City's accounting system so the NCDA's activity can be included in the City's annual financial reports.

We believe the maintenance of an independent accounting system places an unnecessary burden on the Office of Housing and Community Development's staff. In addition, because of the separate accounting system, activity of the NCDA is not subject to the automated internal controls inherent in the City's accounting information system.

Recommendation

We recommend that the NCDA's activity be accounted for through the City's accounting system and recommend that the current independent accounting system be discontinued.

Management's Response

Draft 12/08/09

## Capital Asset Accounting

### Comment

The City maintains its capital asset activity and balances using spreadsheet software (Microsoft Excel). While Excel is an automated software program, it is not the most effective and efficient program for capital asset accounting. A relational database program is more effective and efficient to manage and account for capital asset inventory. The benefits of a relational database are as follows:

- Databases are designed to link tables of related data together, such as classes, additions, disposals, functions, departments. Storing related data together in a single table or spreadsheet can be unwieldy and invite error.
- Databases are safer. Excel, for example, does everything in memory, so unsaved data may be lost if your system crashes. Databases write data to the hard drive immediately.
- Databases can handle more data.

Because the City segregates capital assets by activity and function for governmental activities and each individual enterprise activity, many spreadsheets are maintained to accomplish financial reporting objectives and requirements. As a result, the complexity of the spreadsheets increases annually and is very susceptible to human error. The current process is inefficient and limits reporting capabilities.

### Recommendation

We recommend the City use relational database software to maintain and account for its capital asset inventory. There are several inexpensive (under \$200) capital asset programs available that would satisfy the City's financial reporting requirements.

Implementation of this recommendation will strengthen internal controls over capital asset accounting and provide efficiencies in the perpetual maintenance of capital assets.

We would be pleased to assist the City with this process.

**Documentation of Department Control Activities**

Comment

City Departments have read only access to the accounting information system (Finance Plus) to view/print reports (i.e., appropriation status reports) of their respective department's activities. City Departments have the responsibility to monitor the activities that are posted to the general ledger and report any discrepancies in posted transactions to the Comptroller.

Although the current system appears to be adequately functioning, there is no evidence of the control procedures performed by the City Departments. For example, appropriation reports are not printed and signed to indicate that the activity posted to the general ledger is appropriate and consistent with the respective Department's expectations and remaining budgets are sufficient to cover future operating costs.

Recommendation

We recommend that procedures be implemented to document the control procedures performed at the Department level regarding the appropriateness of posted transactions and the sufficiency of remaining budgets to cover future operating costs. For example, Departments could print monthly appropriation reports and be required to submit a signed copy of the report to the Comptroller indicating that the activity posted is correct and the remaining budget is sufficient to cover future operating costs. If the Department Head does not agree with the activity, they would be required to submit documentation of the errors and request journal entries to correct such amounts.

Management's Response

Draft 12/28/09

**Treasurer's Office - Retirement System Disbursement Bank Account**

Comment

The Treasurer (as custodian of the Retirement System's funds) is responsible for preparing the monthly bank reconciliation of the Retirement System's disbursement bank account. We identified that these reconciliations are not being prepared on a timely basis. Proper internal controls require the timely reconciliation of all bank accounts.

Recommendation

We recommend that monthly bank reconciliations be prepared no later than 30 days after month-end.

Management's Response

Draft 12/08/09

**Treasurer's Office -Unauthorized Bank Accounts and Authorized Signatory**

Comment

*Unauthorized Bank Accounts*

We identified six (6) bank accounts that are using the City's tax identification number that are not authorized by the Treasurer. Usually these accounts represent quasi-governmental organizations, such as parent teacher organizations, booster clubs, etc. However, since these accounts are maintained under the City's tax identification number, the City is potentially at risk if fraudulent activities were to occur in any of these accounts. The City is also potentially at risk if the bank account is unknowingly controlled by a City department, whereby activity would occur outside the City's internal controls and circumvent municipal finance laws.

In addition, the Treasurer should have signature authority on all bank accounts maintained under City's tax identification number and the activity related to the bank accounts should be recorded on the general ledger.

*Authorized Signatory*

We identified six (6) bank accounts where the previous Treasurer/Collector is an authorized signer. This is a weakness in internal control.

Recommendation

We have provided a list of the unauthorized bank accounts to the Treasurer/Collector. We recommend that the Treasurer/Collector contact the related banks to begin the process of closing all of the unauthorized bank accounts.

We have provided a list of the bank accounts where the previous Treasurer/Collector is still an authorized signor to the current Treasurer/Collector. We recommend that the Treasurer/Collector remove the former Treasurer/Collector as an authorized signor on the identified bank accounts. We also recommend the Treasurer/Collector become the authorized signor on the identified bank accounts.

Management's Response

**Position Control**

Comment

Our prior year management letter identified that the City has purchased, but does not utilize, the position control module of the Finance Plus accounting information system. The position control module is designed to define, track, and control available employee positions and, when utilized appropriately, can be an invaluable budget tool.

Recommendation

We recommend that management evaluate and consider the use of the position control module.

Management's Response

Draft 12/08/09



**Parking Meters**

Comment

Our prior years' management letters identified that parking meter collections (coins) were unsecured from the time the meter was opened until the time the collections were delivered to the Treasurer/Collector's office.

During fiscal year 2009, the City purchased closed system collection containers and new collection carts that are intended to secure collections from the time the meter is opened to delivery to the Treasurer/Collector's office. However, this new process has not been fully implemented.

In addition, due to the weight of the containers, we identified that the Treasurer/Collector is responsible for processing the coins for deposit. This is not an effective or efficient use of the Treasurer/Collector's time.

Recommendation

We recommend that the new parking meter system be fully implemented during fiscal year 2010.

We recommend that management redesign the process of preparing parking meter collection deposits in a manner that requires limited (if any) time from the Treasurer/Collector.

Management's Response

Draft 12/29/09

**Student Activity Funds**

Comment

The City maintains student activity funds for several of its schools. Massachusetts General Laws (MGL) Chapter 71, Section 47, which establishes various guidelines related to student activity funds, states the following:

“There shall be an annual audit of the student activity funds which shall be conducted in accordance with procedures as agreed upon between the school committee and the auditor based upon guidelines issued by the department of education.”

An annual audit or agreed upon procedures is not being performed on the City's student activity funds. Based upon the MGL requirement and the inherent risks associated with student activity funds, we believe that the performance of an audit or agreed-upon procedures on the City's student activity funds would be prudent.

Recommendation

We recommend the City comply with the requirements of MGL Chapter 71, Section 47 by having an audit or agreed-upon procedures performed on their student activity funds.

Management's Response

Draft 12/08/09

**Old Outstanding Checks**

Comment

The vendor and payroll outstanding checklists maintained by the Treasurer include many checks greater than three (3) months old totaling approximately \$698,000. Typically, checks greater than three (3) months old reflect checks that have been void, lost, misplaced or stolen. There is currently no process/procedure in place to investigate and resolve the status of these checks.

Recommendation

We recommend that the Treasurer/Collector's office implement monthly procedures to investigate and resolve outstanding checks greater than three (3) months old. Implementation of this recommendation will strengthen internal controls over cash disbursements.

Management's Response

Draft 12/08/09

## Collective Bargaining Agreements

### Comment

In prior years' management letters, we reported that when the City renegotiates a collective bargaining agreement (CBA), a fully updated and complete CBA is not executed. Instead, Memorandums of Agreement are written that details the changes from the original CBA.

Over the past several years, improvements have been made in this area as several CBA's were updated/re-written to reflect the current CBA. However, this process has not occurred for all existing CBA's. It should also be noted that completed CBA's have been posted on the Human Resources web page of the City's website since 2006.

### Recommendation

We recommend that the City continue its progress towards executing a full and complete CBA each time a negotiated contract is settled. The CBA's should be maintained in electronic format (word) so when a re-negotiation occurs, the electronic file can simply be updated for any changes. As a result, a full and complete CBA will be maintained in one document at all times.

### Management's Response

Draft 12/08/09

**Disaster Recovery Plan**

Comment

In prior years' management letters, we identified that the City's disaster recovery plan did not address the hardware required to access financial data or the location to operate the hardware. To address this issue, the City has purchased an additional server and selected a separate location to maintain financial operations in case a disaster occurs.

The additional server will have the capability of operating Finance Plus, which includes the City's general ledger, payroll and human resource functions. However, the server will not have the capability of operating the MUNIS accounting information system, which maintains all of the detailed activity (i.e., commitments, payments, refunds, etc.) of the City's accounts receivable (i.e., real estate, personal property, water, sewer, etc.).

Recommendation

We recommend that management include the hardware required to access financial data from the MUNIS accounting information system in the current disaster recovery plan.

Management's Response

Draft 12/08/09

## Financial Policies and Procedures Manual

### Comment

Although the City adopted top level financial policies during fiscal year 2008, we believe that preparation of a formal policy and procedures manual would improve and standardize the City's financial policies and procedures. Without formalized written policies and procedures, the City is inherently subject to everyday inconsistencies in its operations. It is also difficult to measure performance and efficiencies without a baseline. The number of such inconsistencies can be minimized by the written codification of policies and procedures and insistence on adherence to them.

Such a manual should include policies and procedures relative to all financial functions and processes, including, but not limited to, the following:

- Cash receipts
- Purchase orders
- Cash disbursements
  - Payroll
  - Vendor
- Administration of grants
- Administration of student activity funds
- Personnel (i.e., hiring, payroll and related changes, etc.)
- Month-end and year-end closing procedures

The manual should also clearly define the objectives, responsibilities and authorizations for all employees/job positions.

The use of written policies, procedures, and job descriptions in conjunction with specific assignment of responsibilities would increase supervisory personnel's effectiveness. Such written documents would decrease the time spent on supervision of clerical personnel and in attempts to define job responsibilities on each occasion of employee turnover.

### Recommendation

We recommend that the City develop and implement a financial policies and procedures manual.

### Management's Response

## Risk Assessment and Monitoring

### Comment

When internal controls are *initially* implemented, they are usually designed to adequately safeguard assets. However, over time, these controls can become ineffective due to changes in technology, operations, etc. In addition, changes in personnel and structure, as well as the addition of new programs and services, can add risks that previously did not exist. As a result, all municipalities must periodically perform a risk assessment to anticipate, identify, analyze and manage the risk of asset misappropriation. Risk assessment (which includes fraud risk assessment), is one element of internal control.

The risk assessment should be performed by management-level employees who have extensive knowledge of the City's operations. Ordinarily, the management-level employees would conduct interviews or lead group discussions with personnel who have knowledge of the City's operations, its environment, and its processes. The risk assessment process should consider the City's vulnerability to misappropriation of assets. It should also address operations that involve heightened levels of risk. When conducting the assessment, the following questions should be considered:

- What assets are susceptible to misappropriation?
- What departments receive cash receipts?
- What departments have movable inventory?
- What operations are the most complex?
- How could assets be stolen?
- Are there any known internal control weaknesses that would allow misappropriation of assets to occur and remain undetected?
- How could potential misappropriation of assets be concealed?
- What prior internal control issues could still continue to be problematic?

Once the areas vulnerable to risks have been identified, a review of the City's systems, procedures, and existing controls related to these areas should be conducted. The City should consider what additional controls (if any) need to be implemented to reduce risk.

After risk has been assessed, periodic monitoring of the identified risk areas must be performed in order to evaluate the controls that have been implemented to mitigate the risks. Since control-related policies and procedures tend to deteriorate over time, the monitoring process ensures that controls are fully operational and effective.

### Recommendation

We recommend that management develop and implement a risk assessment program to periodically anticipate, identify, analyze, and manage the risk of asset misappropriation. The risk assessment program should be formally documented and become part of the City's financial policies and procedures manual.

We recommend that management develop and implement a monitoring program to periodically evaluate the operational effectiveness of internal controls. The monitoring process should be documented in order to facilitate the evaluation of controls and to identify improvements that need to be made.

### Management's Response

## New Accounting and Financial Reporting Requirements for Fund Balances

### Comment

The Governmental Accounting Standards Board (GASB) has issued Statement No. 54, Fund Balance Reporting and Governmental Fund Type Definitions. The objective of this Statement is to enhance the usefulness of fund balance information by providing clearer fund balance classifications that can be more consistently applied and to clarify the existing governmental fund type definitions. This Statement establishes fund balance classifications that comprise a hierarchy based primarily on the extent to which a government is bound to observe constraints imposed upon the use of the resources reported in governmental funds.

The initial distinction that will be made in reporting fund balance information is identifying amounts that are considered *nonspendable*, such as fund balance associated with loans receivable. This Statement also provides for additional classification as restricted, committed, assigned, and unassigned based on the relative strength of the constraints that control how specific amounts can be spent.

Governments will also be required to classify and report amounts in the appropriate fund balance classifications by applying their accounting policies that determine whether restricted, committed, assigned, and unassigned amounts are considered to have been spent. Disclosure of the policies in the notes to the financial statements will be required.

This Statement also provides guidance for classifying stabilization funds on the face of the balance sheet and requires disclosure of certain information about stabilization funds in the notes to the financial statements.

The definitions of the general fund, special revenue fund type, capital projects fund type, debt service fund type, and permanent fund type are clarified by the provisions in this Statement. Interpretations of certain terms within the definition of the special revenue fund type have been provided and, for some governments, those interpretations may affect the activities they choose to report in those funds. The capital projects fund type definition also was clarified for better alignment with the needs of preparers and users. Definitions of other governmental fund types also have been modified for clarity and consistency.

Implementation of this statement will improve financial reporting by:

- Providing fund balance categories and classifications that will be more easily understood
- Eliminating the *reserved* component of fund balance in favor of a *restricted* classification to enhance the consistency between information reported in the government-wide statements and information reported in the governmental funds financial statements
- Requiring governments to classify amounts consistently, regardless of the fund type or column in which they are reported
- Providing disclosures to give users information necessary to understand the processes under which constraints are imposed upon the use of resources and how those constraints may be modified or eliminated
- Reducing uncertainty about which resources can or should be reported in the respective governmental fund types

Given the significance of fund balance amounts (both quantitatively and qualitatively), the fund balance reporting under the new standard will have a significant impact on the City's financial statements.

The City's required implementation date of GASB Statement No. 54 is fiscal year 2011.



Recommendation

We recommend that management familiarize itself with GASB Statement No. 54 to prepare for its implementation. We would be pleased to assist the City with its preparation for implementing the new standards.

Management's Response

Draft 12/08/09



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

# 285-09 ✓  
#285-09  
Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113  
TDD  
(617) 796-1089  
E-mail  
dcohen@newtonma.gov

July 23, 2009

09 SEP -8 AM 9:20  
CITY CLERK  
NEWTON, MA. 02159

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

Ladies and Gentlemen:

I am pleased to submit Mr. Edward Gourdeau of 81 Dalby Street in Newton for re-appointment as a Constable for the City of Newton for a term of office expiring November 1, 2012.

Thank you for your attention to this matter.

Very truly yours,

David B. Cohen  
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

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



DEDICATED TO COMMUNITY EXCELLENCE

# City of Newton



## Application for Constable Appointment

PLEASE PRINT OR TYPE

Name: EDWARD W GOURDEAU JR

Home Address: 94 Clearwater Rd

Village: L.F. Zip: 02462

Home Phone: 617-630-9689 Work phone (617) 552-2285

Cell Phone: ( ) \_\_\_\_\_ E Mail Address: FEPACC@COMCAST.NET

Work Position: CONSTABLE

Type of Business: A

Education (with dates): VT

Date of original appointment as a Constable in Newton: A

List your community activities, offices held or other committee appointments:  
\_\_\_\_\_  
\_\_\_\_\_ A

PRINT the NAME of 3 references with ADDRESS and PHONE NUMBER  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Your signature: [Signature] Date: 7-21-09

#285-09  
#285-0994 CLEARWATER RD • NEWTON, MA. 02462  
PHONE 617-630-9689 • FAX 617-332-0016 • E-MAIL fepacc@comcast.net**EDWARD W GOURDEAU JR****OBJECTIVE**

To be re-appointment as a Constable for the City of Newton Ma .

**EDUCATION**

1985	General Equivalency Diploma	Newton, Ma
2002	Hazardous Material Technician Training 160 hour Federal Hazardous material training	Newton, Ma
2009	The Municipal Police Training Committee Basic Reserve Intermittent Program	Reading, Ma

**WORK EXPERIENCE**

1993-Present	Fast Eddies Problem Animal Control <i>Owner</i>	Newton, Ma
	<ul style="list-style-type: none"> <li>State Animal Control Officer, ridding homes, businesses and institutions of problem animals i.e. skunks, squirrels, raccoons, bats, foxes as well as other problem animals.</li> </ul>	
1985-Present	The Newton Fire Department <i>Firefighter</i>	Newton, Ma
	<ul style="list-style-type: none"> <li>Fire suppression and rescue. Respond to all medical calls and render aid. Respond to all calls for assistance including, but not limited to, flooding, lockouts, alarms, motor vehicle crashes, suspicious packages and all hazardous material incidents.</li> </ul>	
1983-2005	Belli Construction <i>Laborer</i>	Newton, Ma
	<ul style="list-style-type: none"> <li>Supervise worksites, set curbing, lay out driveways as well as operate construction equipment.</li> </ul>	
1998-Present	The City of Newton <i>Constable</i>	Newton, Ma
	<ul style="list-style-type: none"> <li>Serve civil process such as Subpoenas and Summonses as well as make warrant arrests.</li> </ul>	

**PROFESSIONAL MEMBERSHIPS**

E.S.F 17- Emergency Support Function 17 of The City Of Newton Emergency Management Plan pertaining to animal care and sheltering

**ACCREDITATIONS AND LICENSES**

License to carry Firearms, Class A, all lawful purposes, License # 1010442A

State Licensed Animal Control officer # 147PAC09

Massachusetts Office of Emergency Medical Services, Emergency

#285-09  
#285-09

Technician Certification # 844344 Defibrillator Certified

Massachusetts Certified Hazardous Material Technician.

MPTC Firearms Training, Newton police Qualification Course, Tactical Movement Drill. Score 96

MPTC Module 8-Handcuffing Techniques

MPTC Oleoresin Capsicum Training

MPTC Basic Baton Training

Middlesex Deputy Sherriff

Chief Matthew Cummings  
Newton Police Dept  
1321 Washington St  
Newton, Ma 02465  
617-796-2101

Sgt Frank Eldridge  
Newton Police Dept  
Commander Firearms Training Unit  
1321 Washington St  
Newton, Ma. 02465

James Pelligrine and John O'Connell  
Newton Police Animal Control Officer  
25 Chestnut St  
Newton, Ma  
617-594-9529

Newton Fire Department  
1164 Centre St  
Newton, Ma  
617-796-2221

CNA

§IX§

#285-09

# Western Surety Company

## CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 66669153 briefly described as CONSTABLE CITY OF NEWTON

for EDWARD W. GOURDEAU, JR.

\_\_\_\_\_, as Principal, in the sum of \$ FIVE THOUSAND AND NO/100 Dollars, for the term beginning November 26, 2009, and ending November 24, 2012, subject to all the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 02 day of December, 2009



WESTERN SURETY COMPANY

By Paul T. Bruzat  
Paul T. Bruzat, Senior Vice President

**THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.**

BOARD OF ALDERMEN

CITY OF NEWTON

DOCKET REQUEST FORM

09 OCT 27 PM 1:08

CITY CLERK

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be assigned to Committee(s) and voted for inclusion that evening.

To: Clerk of the Board of Aldermen

Date: October 27, 2009

From (Docketer): Ald. Swiston

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Additional sponsors:

Ald Baker, Tom Concannon, Brooke Lipsitt, and Charlie Shapiro

1. Please docket the following item (it will be edited for length if necessary):

Alderman Baker and Swiston, and Newton residents, Tom Concannon, Brooke Lipsitt and Charlie Shapiro of the NewTV Board of Directors seek Board approval of a resolution to support the passing of the Community Access Preservation (CAP), H.R. Bill 3745, as written and respectfully request that our state and federal legislators support the CAP Act as well and that a copy of this resolution be forwarded to each of their offices accordingly.

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer,
- Expenditure, or bond authorization
- Special permit, site plan approval,
- Zone change (public hearing required).
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other: \_\_\_\_\_

3. I recommend that this item be assigned to the following committees:

- Programs & Services
- Zoning & Planning
- Public Facilities
- Post Audit & Oversight
- Finance
- Public Safety
- Land Use
- Committee on Community Preservation
- Real Property
- Special Committee
- No Opinion

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:

\_\_\_\_\_

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting
- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

\_\_\_\_\_

Tom Concannon, cell: 617-680-7840 H: 617-969-1979

\_\_\_\_\_

Brooke Lipsitt, (617) 965-0107

\_\_\_\_\_

Charlie Shapiro, 617-964-1098

\_\_\_\_\_

\_\_\_\_\_

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion\*:

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide all additional materials to the Clerk's office by Noon on Friday before the Committee meeting where it will be discussed. The materials must be provided in both electronic form and hard copy. This will give Aldermen a chance to review all relevant materials before discussion. Materials not submitted 48 hours in advance of a meeting will require a vote to suspend the rules the night of the Committee's discussion in order to allow the material to be presented.)

Please check the following:

- 9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is: \_\_\_\_\_
- 11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Greer Tan Swiston  
Signature of person docketing the item

[Please retain a copy for your records]



**CAP Act (Introduced in House)**

HR 3745 IH

111th CONGRESS  
1st Session  
**H. R. 3745**

To amend the Communications Act of 1934 to provide for carriage and display of public, educational, and government channels in a manner consistent with commercial channels, and for other purposes.

**IN THE HOUSE OF REPRESENTATIVES**

**October 7, 2009**

Ms. BALDWIN introduced the following bill; which was referred to the Committee on Energy and Commerce

---

**A BILL**

To amend the Communications Act of 1934 to provide for carriage and display of public, educational, and government channels in a manner consistent with commercial channels, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'Community Access Preservation Act' or the 'CAP Act'.

**SEC. 2. AMENDMENTS.**

(a) In General- Section 611 of the Communications Act of 1934 (47 U.S.C. 531) is amended--

- (1) by redesignating subsection (f) as subsection (h); and
- (2) by inserting after subsection (e) the following new subsections:

(f) Equivalence-

(1) IN GENERAL- In the case of any franchise under which channel capacity is designated under subsection (b), such channel capacity shall be--

(A) at least equivalent in quality, accessibility, functionality, and placement to--



`(A) pay to any political subdivision in which the operator provides service the greater of--

`(i) the historical support that the operator, or its predecessor, provided for public, educational, or governmental use of the cable system in such subdivision in accordance with this subsection; or

`(ii) the amount of any cash payment that the operator is required to pay to such subdivision under such State legislation affecting cable system franchising requirements;

`(B) carry signals for public, educational, or governmental use from the point of origin of such signals to subscribers and provide facilities adequate to fulfill such requirements in accordance with subsection (f)(2); and

`(C) provide at least the number of channels for public, educational, or governmental use that it was providing as of May 31, 2005.

`(3) CALCULATION OF HISTORICAL SUPPORT- Historical support includes the value of all support provided for public, educational, or governmental use, including in-kind support and free services. The cable operator shall pay support equal to the greater of--

`(A) the value of the support provided in the most recent calendar year prior to the effective date of such State legislation affecting cable system franchising requirements; or

`(B) the value of the annual average support provided over the term of the franchise pursuant to which it operated prior to such effective date, taking into account the time value of money.

`(4) PAYMENTS- The amounts owed to the political subdivision under paragraph (2)(A) shall be paid annually, in quarterly installments, with the first payment being due 30 days after the date of enactment of the Community Access Preservation Act.

`(5) USES; DISPUTES-

`(A) USES- Support provided to any State or local political subdivision under this subsection shall be dedicated to public, educational, or governmental use of channel capacity.

`(B) DISPUTES- If there is a dispute as to amounts owed under this subsection, undisputed amounts shall be paid, and the Commission shall determine on an expedited basis what, if any, additional amounts are owed.'

(b) Franchise Fee Definition- Section 622(g)(2) of such Act (47 U.S.C. 542(g)(2)) is amended--

(1) in subparagraph (B), by striking 'in the case of any franchise in effect on the date of the enactment of this title,';

(2) by striking subparagraph (C); and

(3) by redesignating subparagraphs (D) and (E) as subparagraphs (C) and (D), respectively.

(c) Cable Service Definition- Section 602(6) of such Act (47 U.S.C. 522(6)) is amended by striking `means' and inserting `means, regardless of the technology or transmission protocol used in the provision of service'.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

---

RESOLUTION

May 1, 1995

WHEREAS: the City of Newton, Massachusetts has an agreement with its local cable company, CONTINENTAL CABLEVISION, to provide, among other services, the funding of a public, educational and governmental access channel on its cable system in Newton, and

WHEREAS: the NEWTON CABLE ACCESS CORPORATION (NCAC) was established as a private, independent, non-profit corporation to provide equal access to local television programming for all residents, business operators, churches, synagogues, temples and community organizations in newton as well as for all government entities and public schools using funds provided by the local cable company, and

WHEREAS: the NCAC now provides new telecasts each week of important City business, through its carriage of the meetings of the Board of Aldermen, School Committee, the Mayor's Report, At the Library, Police Blotter, and the Many Worlds of Parks and Recreation, and

WHEREAS: the NCAC now provides new telecasts each week of important school programs such as High School Weekly Review, Tiger Magazine, Newton After School, High School Game of the Week, and Homework Helper, and

WHEREAS: the NCAC affords ordinary citizens the opportunity to produce their own television programs such as a senior citizen show called Insight, a cooking show called Healthy Cooking, a religious program called Kabbalah, a program about housing for the disabled called Searching for Home, and many others.

NOW, THEREFORE, BE IT RESOLVED that the HIS HONOR THE MAYOR and the HONORABLE BOARD OF ALDERMEN, representing the citizens of this CITY OF NEWTON, strongly urge our elected representatives in CONGRESS, and especially those members who serve the SENATE TELECOMMUNICATIONS COMMITTEE, to protect PEG Access TV centers nationwide, and

(CONTINUED NEXT PAGE)

BE IT FURTHER RESOLVED that the CITY OF NEWTON seeks assurance that any entity seeking to provide local multi-channel video service in a community be compelled to provide Public, Educational and Governmental cable access channel space and to support local citizens use of access facilities.

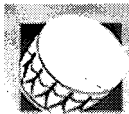
RESOLUTION Offered by  
Newton Cable Access Corp./NEW TV 13

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas, 0 nays, 2 absent  
(Parker, MacLeish)

EXECUTIVE DEPARTMENT  
Approved May 3, 1995

(SGD) EDWARD G. ENGLISH  
City Clerk

(SGD) THOMAS B. CONCANNON, JR.  
Mayor



**The Alliance for Community Media**  
Building Community Through Media

[Donate](#) | [About](#) | [Join](#) | [Contact](#)

Alliance Applauds Community Access Preservation Act

## Alliance Applauds Community Access Preservation Act

The Alliance for Community Media applauds Wisconsin Congresswoman Tammy Baldwin for introducing the Community Access Preservation (CAP) Act of 2009 (PDF) to address the challenges faced by public, education, and government (PEG) TV channels and community access television stations.

Nationwide, many community access television stations have been forced to shut down or severely limit their operations as a result of a combination of state law changes and FCC decisions, which cable television operators are claiming permit them to eliminate funding and important in-kind support they have traditionally provided to local community access television channels.

In addition, several video providers have begun to carry PEG channels differently than commercial channels, broadcasting them in reduced resolution and in a way that makes it impossible for subscribers to select or record them like other channels. In some cases, customers must now pay extra fees in order to receive PEG channels, which were intended by Congress to be available to everyone in the community. In other cases, operators are refusing to pass through PEG closed captioning unless a special request is made.

This treatment undervalues PEG channels and their viewers. "Local access channels bring unique voices, perspectives, and programming to television," said Congresswoman Baldwin. "The nature of television programming is changing, as are the methods in which that programming is delivered. These changes should not come at the expense of the diversity and vibrancy of local voices," Baldwin said. "Our office has asked the FCC to address some of these issues immediately. However, while we continue to urge the FCC to act, the FCC cannot address all the immediate problems, and it is important for Congress to do so."

PEG channels connect residents with their local government in much the same way C-SPAN connects people to activities in Congress. Local school districts operate channels to reach the community with school board meetings and forums, interviews, lectures, and sporting events not otherwise seen on television. Additionally, community public access stations provide a place where residents can learn video production, check out equipment, and create their own programs. According to a survey conducted by the National Association of Telecommunications Officers and Advisors, religious programming represents 20-40% of the content appearing on local PEG channels.

While the mistreatment of PEG is being challenged in the courts and the FCC, many communities and PEG stations are not in a position to protect their interests effectively.

The Community Access Preservation (CAP) Act addresses four immediate issues facing PEG (summary). The CAP Act would:

- Allow PEG fees to be used for any PEG-related purpose
- Require PEG channels to be carried in the same manner as local broadcast channels
- Require the FCC to study the effect state video franchise laws have had on PEG, and require operators in the states that adopted statewide franchising to make ongoing PEG support payments equal to the greater of the cash payment required under State law, or the value of the PEG support it historically provided, and
- Make cable television-related laws and regulations applicable to all headline video providers.

"Decisions at the state and federal level have combined to create a crisis for PEG. With the CAP Act, Rep. Baldwin effectively addresses the most immediate problems and opens the door to the future by preserving support for PEG while the FCC conducts its study. This bill is critical to us. Wisconsin's rich community access heritage is on the line," said Mary Cardona, Executive Director of the Wisconsin Association of PEG Channels.

"Community Media has a four decade history of connecting communities with their governments, schools, churches, friends and neighbors. The future existence of community media is being threatened against the intent of Congress for localism and diversity of voices in media. With the CAP Act, Rep. Baldwin addresses immediate needs to preserve and protect the important role PEG channels play in advancing democratic ideals through community uses of media," said Matt Schuster, Chair, Alliance for Community Media.

Baldwin's legislation is supported by the Alliance for Community Media (public policy platform) and the National Association of Telecommunication Officers and Advisors.

Contact:  
Helen Soule, Executive Director, Alliance for Community Media  
202-393-2650

About the Alliance  
###

Tagged: Public Policy

[Login or register to post comments](#)



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## Community Access Preservation Act

Wisconsin Congresswoman Tammy Baldwin has introduced the Community Access Preservation Act to the House of Representatives to preserve and protect public access television channels nationwide.

Here is a press release from the Alliance for Community Media: the membership organization for public access operators.

OCTOBER 9, 2009  
FOR IMMEDIATE RELEASE  
CONTACT: HELEN SOULE

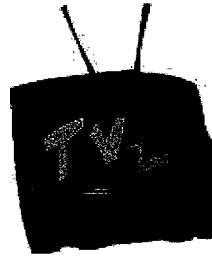
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### Media Ownership

[Community Access Preservation Act](#)

[Low-Power Radio Emerges from the House](#)

[Media Moguls Vow To Fight New Argentine Media Law](#)

[Mark Lloyd: The Next Progressive African-American Under Fire in DC](#)

[DOJ Opens Review of Telecom Industry](#)

[BAVC Gets City of San Francisco Contract to Run Public Access Facility](#)

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###

Alliance Blog

**Media News Television**

**Landmark Finnish Law  
Makes Broadband  
Access a Legal Right**

**NY Post Fires Editor  
Critical of Racist Obama  
Cartoon**

**Basta Dobbs Campaign**

**Raising Our Voices**

**MORE**

# Public Safety & Transportation Committee

Wednesday, April 15, 2009  
(HELD)

Thursday, December 10, 2009

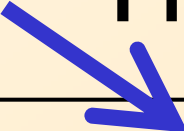
# Parking Meter Days/Hours of Enforcement

# 134-08

# Parking Meter Rate Structure, Enforcement Hours & New Meters Citywide

# 174-08(2)

# The docket items propose:



## 134-08

1. Change enforcement hours  
Existing
  - Monday thru Saturday
  - 8:00 a.m. to 6:00 p.m.Proposed
  - Monday thru Saturday
  - 8:00 a.m. to 8:00 p.m.
2. Eliminate **free** Saturdays
  - Austin St lot (155 spaces)
  - Melrose Ave lot (38 spaces)

## 174-08(2)

- ~~1.~~ Change enforcement hours
2. Change parking meter **rate structure**  
Existing
  - \$0.25/hr for long-term
  - \$0.50/hr for short-term
3. Install **new** parking meters
  - Discussion only
  - Traffic Council action required

# What's on the table tonight

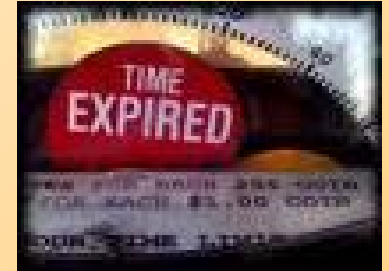
- Extending enforcement hours from 6:00pm to 8:00pm Monday through Saturday
- Elimination of free Saturdays at Melrose Ave (Auburndale), Austin St (Newtonville) municipal lots
- Increase in parking meter rates by 25 cents/hour

# What's **NOT** on the table tonight

- Adding new parking meters in a particular location
  - Removing parking meters in a particular location
  - Increasing revenue for next year's (FY11) budget
- 
- New meter locations are a discussion item only in the context of citywide parking meter revenue
  - Site-specific changes must go thru Traffic Council

# Parking Meter Revenue= \$2+ million

- FY 09 Revenue: \$1.2 million
  - Average ~ \$100,000/month
- FY 09 Cost: \$200,000
  - 3 Salaries, vehicle, parts, coin processing
- Revenue increase from FY 06: \$250,000 (29%)
- Calendar 2008 Parking Meter Tickets= \$920,000\*
  - \* Amount paid, does not include late fines
- % of Revenue (meter \$ only) to Expenses: ~15%\*
- \$1.2 million / \$1000 x 50 lbs = 60,000 lbs per yr



# Parking Meters Pros

- # 1: Encourage “turnover” where most needed
  - Setting rates highest in most convenient spots
  - Differentiating short-term and long-term time limits
  - Enables police to make one trip to facilitate enforcement
  - Not meant to fix a parking “problem”
- Provides revenue source to maintain infrastructure
  - General fund (\$1 million each fiscal year)
  - Electricity, parts, vehicles, maintenance contracts for streetlights & signals (\$650k)
  - Salaries & expenses for 5.5 FTE City employees (\$350k)
  - Special appropriations (trucks, new meters, signals, etc.)
- User fee that is one element of promoting alternative modes of travel



# Parking Meters Cons

- “You must pay for something that used to be free”
- “Parking meters will hurt businesses”
- “Coins are inconvenient, especially for daily long-term parking”
- “Parking meters are ugly”
- “Parking meters will displace cars to residential streets where parking is free”

# Recommendation...#2

## ● Increase Parking Revenue

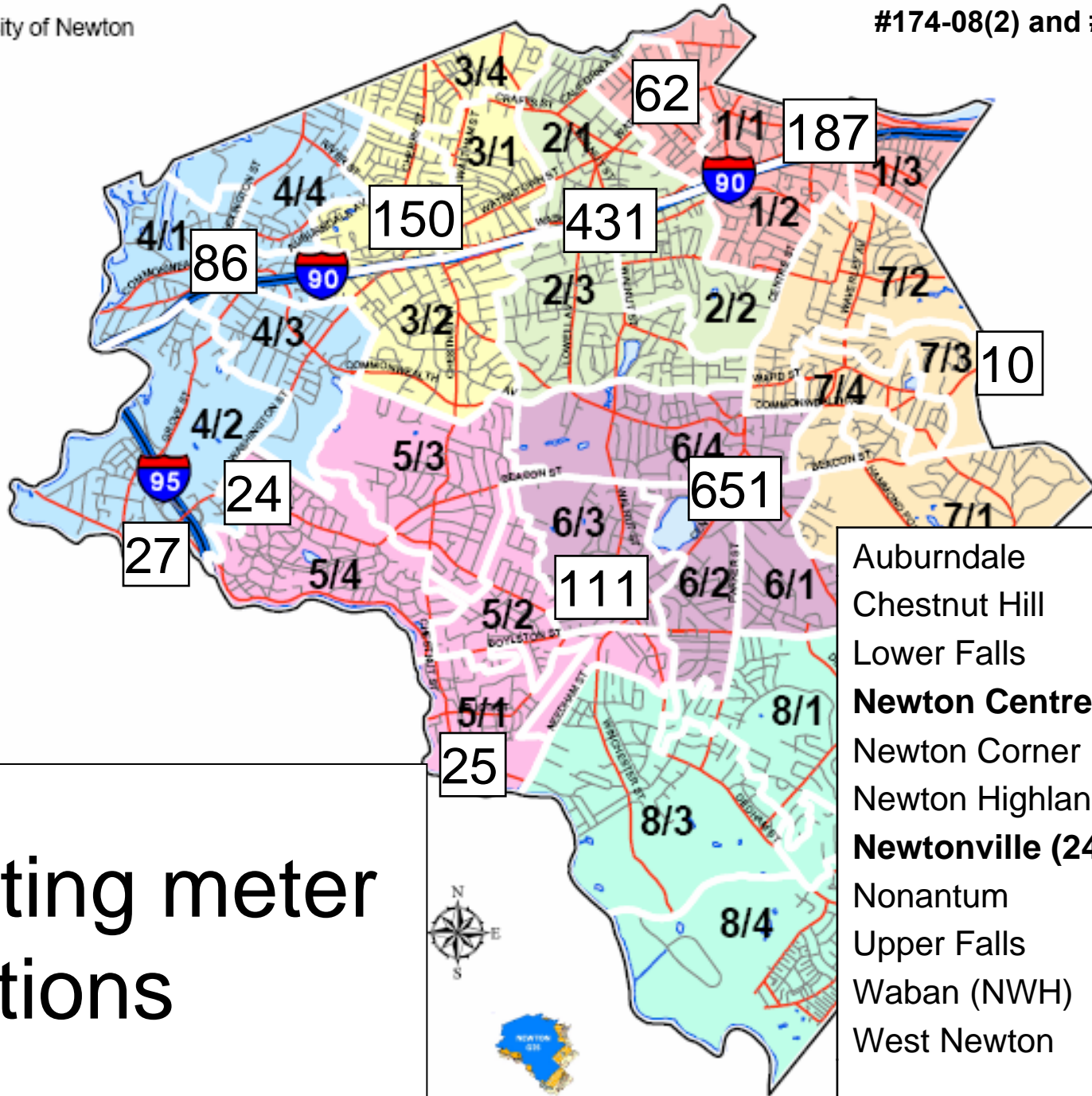
- Up to \$1 mm annual revenue impact
- ➔ • Increase meter rates by \$0.25 per hour
- ➔ • Install 20 - 25% more meters (300 -400 new locations)
- ➔ • Lengthen hours of operation
  - Implement “pay on foot” automation
  - Increase \$25 max fine by home rule petition
  - Increase overnight fines from \$5 to cover costs
  - Adjust employee & commuter parking pricing

Source: Newton Citizen's Advisory Group Revenue Report Presentation Slide # 10, 11/20/08

# Wards and Precincts

City of Newton

#174-08(2) and #134-08

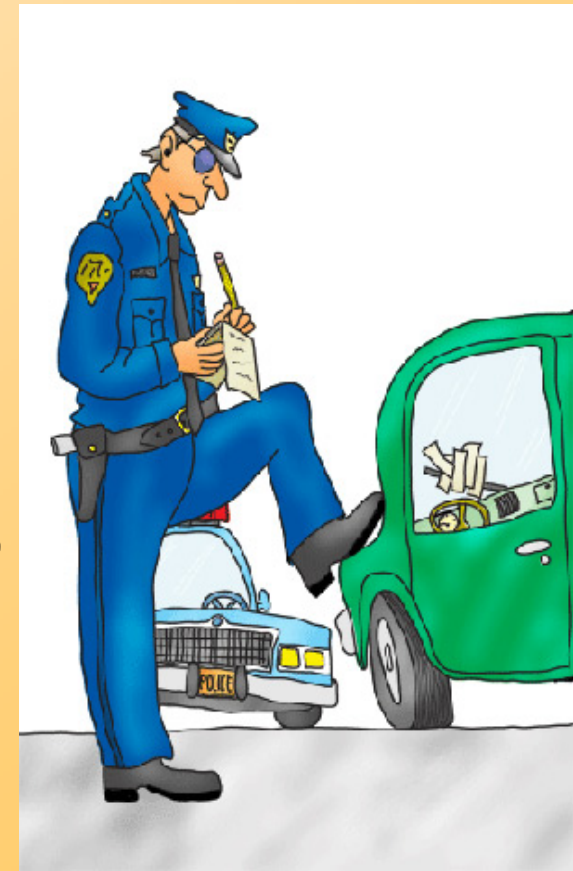


Existing meter locations

Auburndale	86
Chestnut Hill	10
Lower Falls	27
<b>Newton Centre (37%)</b>	<b>651</b>
Newton Corner	187
Newton Highlands	111
<b>Newtonville (24%)</b>	<b>431</b>
Nonantum	62
Upper Falls	25
Waban (NWH)	24
West Newton	<u>150</u>
<b>Total</b>	<b>1,764</b>

# Notes on Enforcement Hours

- Area municipalities all stop enforcing at 6:00pm (Brookline, 3 W's, Needham)
  - Boston: 80% of meters enforced until 8:00pm, some others become “resident permit only” at 6:00pm
- Cars parked between 6:00 p.m. and 8:00 p.m. are primarily:
  - Employees still at work
  - Bar/restaurant employees
  - Bar/restaurant patrons
- Parking counts Thurs, 2/12 & 2/26
  - 62% & 68% occupancy citywide (6:00pm-8:00pm)
  - More parking in areas near restaurants



# Enforcement Hours Revenue <sup>#174-08(2) and #134-08</sup> Estimate

- Annual cost
  - One time cost to change rate plates (8am-8pm)
  - 3 officers x \$30/hr x 2 hours/day x 300 days/year =  
**\$ 54,000**
  - Does not include vehicle costs
- Annual revenue for 1,764 spaces
  - 1,000 cars/day x \$0.40/hour\* x 1 hour x 300 days/year =  
**\$ 120,000**
- Net revenue = **\$ 66,000**

\*Assumes current rate structure, ticket \$ not included

# Saturday Revenue Estimate

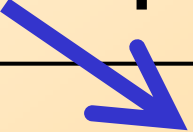
- Austin Street Lot
  - \$50,000 annual revenue/250 days ~ \$ 200/day
  - If Saturdays= 50% of a weekday = \$ 100/day
  - 52 Saturdays x \$100/day= **\$ 5,200\***
- Melrose Ave Lot
  - \$10,000 annual revenue/250 days ~ \$ 40/day
  - If Saturdays= 50% of a weekday = \$ 20/day
  - 52 Saturdays x \$ 20/day= **\$ 1,000\***

\*Assumes current rate structure

# The docket items propose:

## 134-08

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## 174-08(2)

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Existing
  - \$0.25/hr for long-term
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3. Install **new** parking meters
  - Discussion only
  - Traffic Council action required

# Area Parking Meter Rates

- Boston: \$1.00/hour
- Cambridge: \$1.00/hour
- Somerville: \$1.00/hour (July 2009)
  
- Brookline: 75 cents/hr short-term, 50 cents/hr long
- Newton: 50 cents/hr short-term, 25/cents/hr long
  
- Watertown: 25 cents/hour
- Waltham: 25 cents/hour
- Wellesley: 25 cents/hour



# Comparative Costs

- Newton long-term parking meter (using coins)
  - \$40/month (\$2.00/day)
- Newton commercial parking permit
  - \$80/month **ON SALE NOW!!**
- Somerville commercial parking permit
  - \$80/month
- Brookline commercial parking permit
  - \$78/month + one-time \$25 admin fee
- MBTA (+ \$2/day 11/15/08)
  - \$110 to \$120/month (\$5.50 to \$6.00/day)
- Downtown Boston
  - \$400/month (~\$20/day)



# Parking Meter Rate History

- Prior to July 1, 2006 (lot vs. on-street):
  - 25 cents/hour in lots
  - 50 cents/hour on street
- July 1, 2006 (long term vs. short-term limit):
  - 25 cents/hour for long-term meters, generally furthest from commercial centers
  - 50 cents/hour for short-term meters, generally closest to commercial centers
- Fall 2008 CAG recommendation
  - 50 cents/hour for long-term meters
  - 75 cents/hour for short-term meters

# Rate Change Revenue Estimate <sup>#174-08(2) and #134-08</sup>

- Annual costs
  - One time cost to reprogram meters
- Revenue (1,764 spaces)
  - Rates increase by factor of 2.0 for long-term (27% of spaces)
  - Rates increase by factor of 1.33 for short-term (73% of spaces)
  - Aggressive weighted increase = 1.5
  - 50% increase in existing \$1.5 million = \$600,000
  - Conservative weighted increase = 1.30
  - 30% increase in existing \$1.2 million = \$ 360,000\*

# Criteria for Potential Meter Locations

- 20% more meters= ~ 350+ spaces
- Locations with high occupancy rates and turnover is needed
- Locations where proximity to existing meters discourages use
- Locations where free all-day commuter parking occurs
- Locations where land abutting meters is non-residential
- Commercial permits may be preferred alternative

# Traffic Council Recommended Meter Locations (~140 spaces)

- Approved by Traffic Council + Board:
  - Waban Square= 80 spaces (short-term) (no funding)
  - N Centre/Centre Street= 12 spaces (long-term)= 2009
  - N Centre/ Lyman Street= 8 spaces (long-term) = 2009
- Approved by Traffic Council, but denied by Board:
  - Newton Centre/ Bowen Street= 9 spaces (long-term)
  - Newton Centre/ Braeland Ave= 29 spaces (long-term)

# Potential Meter Locations (~366 spaces)

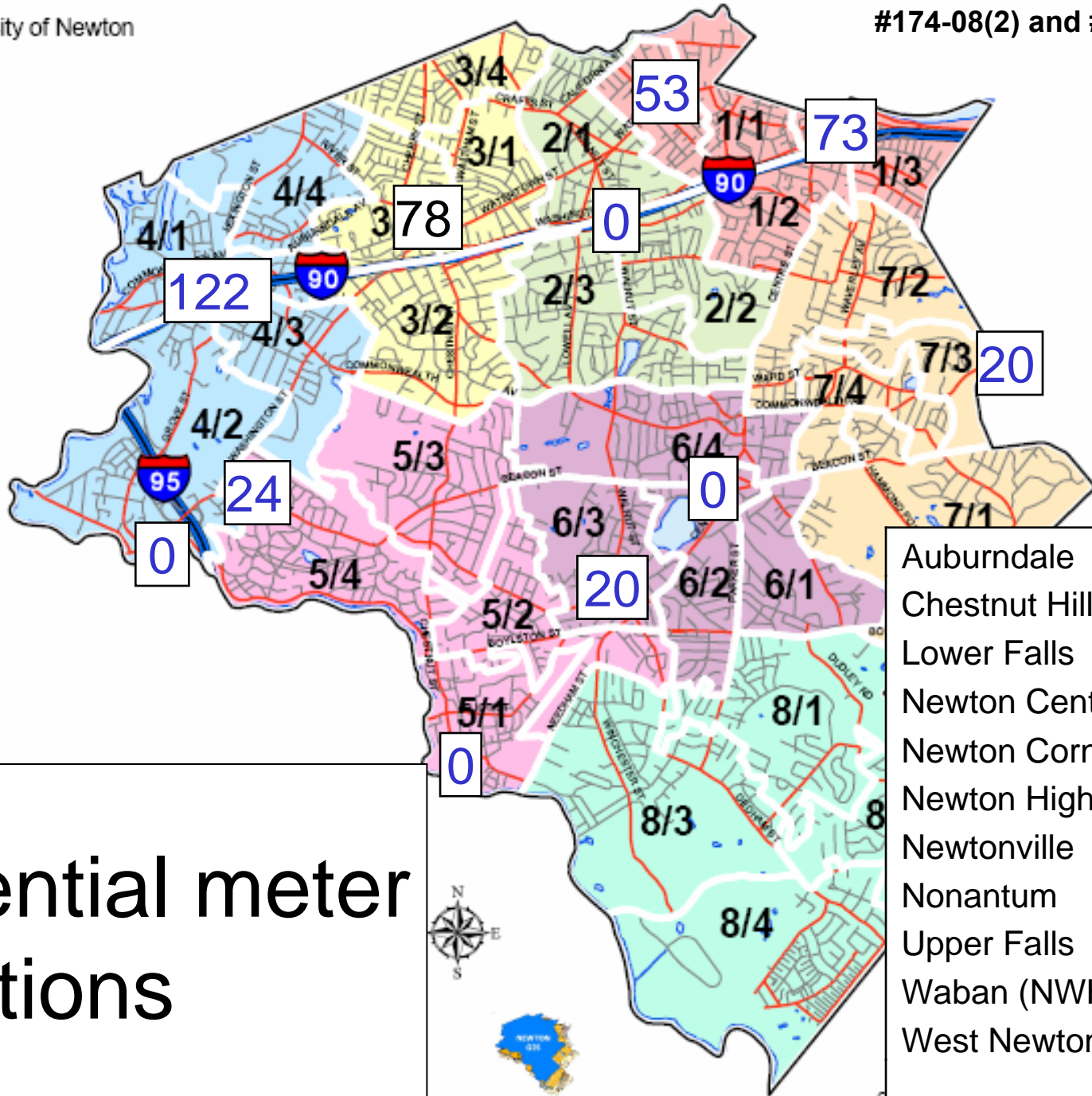
- Auburndale Sq/ Auburn St = 26 spaces (short)
- Auburndale Sq/ Auburn St = 32 spaces (long)
- Auburndale Sq/ Central St = 64 spaces (long)
- Chestnut Hill/ Hammond St @ TL= 20 spaces (long)
- N Corner/Centre St @ Pearl = 3 spaces (short)
- N Corner/Washington St: Crafts St to Hovey St (70 spaces)
- N Highlands/ Lincoln St @ Hyde = 20 spaces (long)
- Nonantum/Adams St lot = 29 spaces (mix)
- Nonantum/Chapel St lot = 24 spaces (mix)
- W Newton/ Wash St west of Elm = 25 spaces (long)
- W Newton/Wash St east of Chestnut = 28 spaces (short)
- West Newton/Watertown St to Davis = 25 spaces (short)



# Wards and Precincts

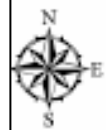
City of Newton

#174-08(2) and #134-08



Auburndale	122
Chestnut Hill	20
Lower Falls	0
Newton Centre	0
Newton Corner	73
Newton Highlands	20
Newtonville	0
Nonantum	53
Upper Falls	0
Waban (NWH)	0
West Newton	<u>78</u>
	<b>366</b>

Potential meter locations



# New Meters Revenue Estimate

- Annual costs
  - One time cost to purchase & install meter = \$ 400/space
  - Payback time is generally 6 to 12 months
- Revenue
  - 20% increase in meters = + 20% revenue?
  - Depends on time limit, village, demand
  - Aggressive estimate= 20% increase in \$1.2 million = \$ 240,000
  - Conservative estimate = \$ 150,000



# Revenue Summary



## # 134-08

- Increase enforcement hours= \$ 66,000
- Eliminate free Saturdays= \$ 6,200

## # 174-08(2)

- Increase hourly rates= \$ 360,000 to \$ 600,000
- Add 366 new meters= \$ 150,000 to \$ 240,000

**TOTAL = \$ 582,000 to \$ 912,200\***

\*Assumes current rate structure

# Funding opportunities (Mayor)

- Funding to general fund or special appropriations
- Maintain and Improve Existing Collection System
  - 2009: \$115,000 for vehicles, collection cans, counting machine & conveyor
  - Pay station in 2010
- Maintain municipal parking lots
- Safety improvements, e.g., signal/sign upgrades
- Traffic calming
- Village center improvements

# Change We Can Avoid

- Low tech
  - Commercial permits
  - MBTA commuter permits?
- High tech
  - Multi-space pay stations in municipal lots
  - Multi-space pay stations on-street
  - Meters that take plastic

# Pricing Alternatives

- Congestion pricing
  - Charge more based on time of day, or
  - Charge based on space occupancy
- Changeable time limits
- Parking promotions, validation



# Recommendation...#2

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## ● Increase Parking Revenue

- Up to \$1 mm annual revenue impact
  - Increase meter rates by \$0.25 per hour
  - Install 20 - 25% more meters (300 -400 new locations)
  - Lengthen hours of operation
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Source: Newton Citizen's Advisory Group Revenue Report Presentation Slide # 10, 11/20/08

**COMPTROLLER'S OFFICE**  
**CITY OF NEWTON, MASSACHUSETTS**  
[dwilkinson@newtonma.gov](mailto:dwilkinson@newtonma.gov)  
(617) 796-1305

December 10, 2009

TO: Finance Committee

FROM: David Wilkinson

SUBJECT: Docket item #70-09(9)

=====  
Earlier this fall the Mayor submitted several docket items to address the projected revenue short fall in the City's water and sewer funds. One of the items submitted by the Mayor and acted upon by the Board of Aldermen on Monday, December 7, 2010, (docket item #70-09(10)) transferred \$387,000 in current year debt service requirements from the sewer fund to the water fund.

In order to fund the \$387,000 in additional appropriations to the water fund it is necessary for the Board of Aldermen to approve the use of \$387,000 in water surplus as a financing source under docket item # 70-09(9). This item is before the Finance Committee on Monday night, December 14, 2009. The Mayor's Office will be submitting a formal request for this transfer.

	Sewer Fund	Water Fund
<b>Appropriations:</b>		
Water meter bond maturities	\$ (300,000)	\$ 300,000
Water meter bond interest	(87,000)	87,000
Total appropriations	(387,000)	387,000
<b>Financing:</b>		
User charge estimated revenue	(387,000)	-
Water/Sewer surplus	-	387,000
Total financing	\$ (387,000)	\$ 387,000

Thank you.



DEPARTMENT OF PUBLIC WORKS

Office of the Commissioner  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

David B. Cohen  
Mayor

To: Board of Alderman  
Through: Honorable David B. Cohen, Mayor  
Sanford Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
From: Thomas E. Daley, P.E., Commissioner  
Subject: Proposed FY10 Mid-Year Water and Sewer Rate Adjustment  
Date: November 20, 2009

09 NOV 20 PM 4:44  
CITY CLERK  
NEWTON, MA 02159

I am submitting this additional information in preparation for the Finance Committee's Monday night meeting. I have attached a copy of the presentation that was given during last Wednesday's Public Facilities Meeting. During that meeting Alderman Gentile requested that we supply the Board the budget for the water meter project and annual costs, which are also attached (see attachment "F").

Alderman Colletti raised an issue the other day regarding how Wellesley gets billed for the sewer that runs through Newton. We talked with Richard Trubiano of the MWRA who confirmed that there is a meter located in Wellesley at the closest possible point before it flows into Newton. There is also a meter where the sewer exits Newton. The flow that enters from Wellesley is billed to Wellesley and that same flow is subtracted from the Newton "gross" giving us our "net" amount.

Also based upon Public Facilities' meeting, I have attached a few scenarios if the Board does decide to increase the rates. Attachment "A" is the Mayor's recommendation. This option utilizes a combination of strategies to deal with last year's sewer deficit, this year's revenue shortfalls and an adjustment for reduced projected consumption looking at median consumption levels over the past three years for the last six months of each year. It includes reducing operational spending, reducing capital spending (not all), shifting all of the meter debt to Water and utilizing the Water Enterprise fund reserve. Attachment "A" results in a net zero increase in rates to the consumer.

Other scenario's as requested are:

Scenario 1 (see attachment "B"):

This scenario holds the operating budget, capital projects and reserves harmless. It also does not shift the water meter debt totally to the water enterprise fund from the sewer fund. This scenario results in a net 22.4% increase in rates to the consumer.

Scenario 2 (see attachment "C"):

This scenario holds the operating budget and capital projects harmless, however the projected water revenue shortfall is absorbed in the water reserve along with shifting the water meter debt totally to the water enterprise fund from the sewer fund. This scenario results in a net 14.1% increase in rates to the consumer.

Scenario 3 (see attachment "D"):

This scenario holds the capital projects harmless, but does include reducing operational spending, shifting all of the meter debt to Water and utilizing the Water Enterprise fund reserve. This scenario results in a net 3.4% increase in rates to the consumer.

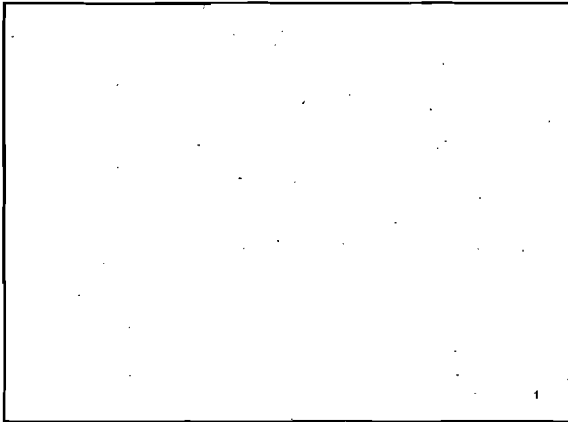
Scenario 4 (see attachment "E"):

Alderman Colletti requested that we run a fourth scenario that allows shifting the water meter debt totally to the water enterprise fund from the sewer fund along with absorbing the projected FY10 revenue shortfall in water, removes the capital projects, but does not utilize the water surplus to offset a rate increase. This scenario results in a net 11.2% increase in rates to the consumer.

I hope that this information is helpful. Please feel free to contact me if you have any questions.  
Thank you.

CC: Fred Russell, Dir. of Utilities  
David Turocy, Deputy Commissioner of Public Works  
Karen Griffey, Dir. of DPW Admin.  
Ryan Ferrara, DPW Chief of Budget and Finance





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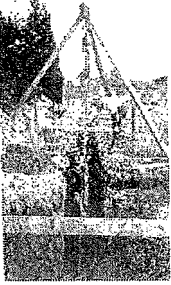
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 **City of Newton**  
**Water and Sewer Enterprise Fund**

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**MID-FISCAL YEAR 2010**  
**RATES PRESENTATION**

November 18, 2009



2

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**Why are we here tonight?**

The Water Enterprise Reserve Fund has an available surplus balance of:

**\$3,285,139**

3

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**HOWEVER!**

In June of this past year it began to rain....



4

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And rain....  
And rain....

**The sixth wettest July since 1891 !**

5

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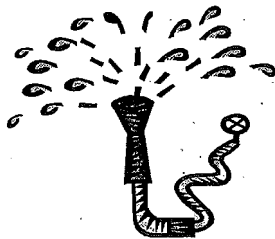
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**What doesn't happen  
when it rains?**



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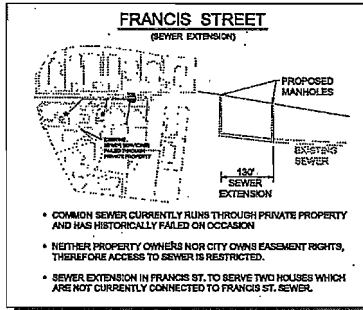
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### Projects Such As...

→ \$135K for Francis St. sewer extension



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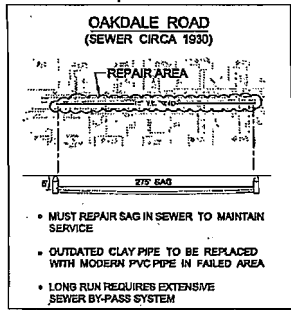
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### Projects Such As...

→ \$125K for Oakdale sewer repair



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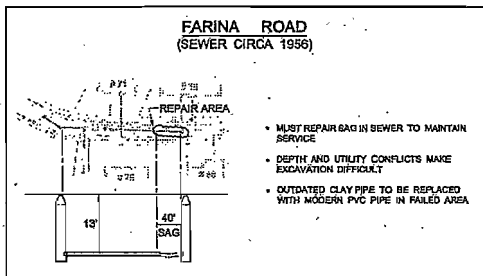
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### Projects Such As...

→ \$125K for Farina sewer repair



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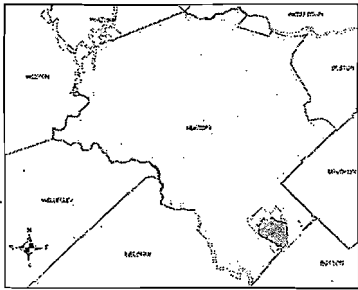
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### Projects Such As...

→\$115K for Old Farm Road design



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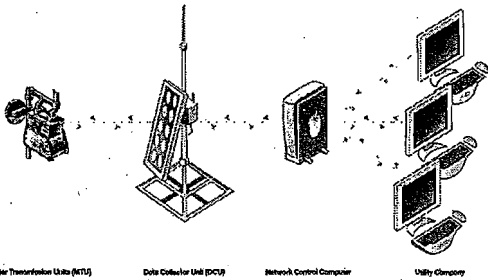
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### But We Are Still Doing....



Meter Transformer Unit (MTU)

Data Collector Unit (DCU)

Network Control Computer

Utility Company

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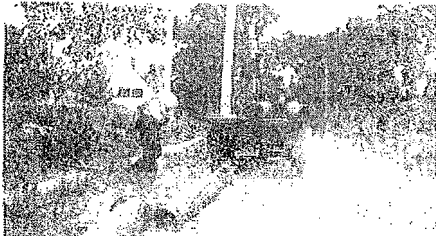
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### But We Are Still Doing....

- \$259K for FY10 MWRA water pipeline replacement program (10 year interest free loan)



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**But We Are Still Doing....**

- Rehabilitation of Waban Hill Reservoir (1890)



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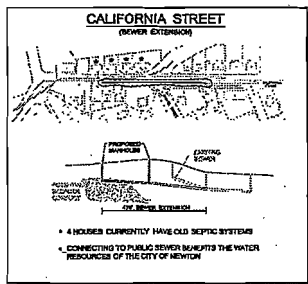
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**But We Are Still Doing....**

\$135K for California St.



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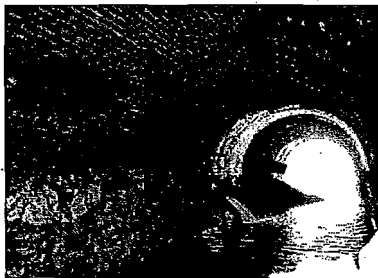
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**But We Are Still Doing....**

Sewer I/I Removal, Etc., Etc., Etc.



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**So what's our plan?**

	Sewer	Water
Sub-total:	(\$3,248,888)	(\$1,292,469)
Anticipated Turnbacks:		
le: MWRA charges (\$260k)		
Uniforms, Salaries		
Chemicals, etc.:	\$303,660	\$390,697
Transfer Meter Debt:	\$387,000	(\$387,000)
Defer vehicles:	\$100,000	\$87,000
Defer Capital Projects:	\$500,000	
Net Totals:	(\$1,958,228)	(\$1,201,772)

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**So now adjust the rates!**

	Sewer	Water
Net Totals:	(\$1,958,228)	(\$1,201,772)
Transfer Sewer Def.:	\$1,958,228	(\$1,958,228)
Final Totals:	0	(\$3,160,000)

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**So Back to the Beginning**

The Water Enterprise Reserve Fund has an available surplus balance of:

**\$3,285,139**

Our projected new deficit is:

**\$3,160,000**

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**The Advantages of Our Rec.:**

- 1) No net increase to the consumer
- 2) Fully funds the '09 Sewer deficit
- 3) Reacts in a timely manner to this issue
- 4) Maintains core operations and capital spending

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**The Devil's in the details...**

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**Questions  
or  
Comments?**

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**Proposed FY10 Water and Sewer Mid-Year Adjustment**

**FY 2010 WATER SEWER RATES - Status Quo Jan - Jun**

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$4.35	\$6.81	\$3,642,903	\$5,703,028	\$9,345,931
21 - 70	363,421	\$5.22	\$8.17	\$1,897,058	\$2,969,150	\$4,866,207
> 70	379,222	\$6.26	\$9.80	\$2,373,930	\$3,716,376	\$6,090,305
Total	1,580,092			7,913,890	12,388,553	20,302,443

**Supplemental FY 2010 Water/Sewer Revenue Needs Jan - Jun**

	Water	Sewer	Total
FY10 Budget	7,913,890	12,388,553	20,302,443
Coverage of Projected Sewer Shortfall (1)	(1,500,000)	0	(1,500,000)
Increased Sewer Revenue (2)	0	1,500,000	1,500,000
Revised Water/Sewer Use Consumption Projection Shortfall (3)	(458,228)	458,228	0
<b>Subtotal</b>	<b>5,955,662</b>	<b>14,346,781</b>	<b>20,302,443</b>
<b>Net Total Revenue Needed</b>	<b>\$5,955,662</b>	<b>\$14,346,781</b>	<b>\$20,302,443</b>
<b>Percentage Increase from FY 2010</b>	<b>-24.7%</b>	<b>15.8%</b>	<b>0.0%</b>

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$3.27	\$7.89	2,739,296	6,606,635	9,345,931
21 - 70	363,421	\$3.93	\$9.47	1,428,245	3,441,597	4,869,841
> 70	379,222	\$4.72	\$11.36	1,789,928	4,307,962	6,097,890
	1,580,092	<b>(\$1.08)</b>	<b>\$1.08</b>	\$5,957,468	\$14,356,194	\$20,313,662
			Surplus/(Deficit)	\$1,806	\$9,413	\$11,219

(1) Includes \$700K for projected net YE sewer shortfall and \$800K for FY09 YE sewer deficit

(2) Sewer rates are being increased to cover the shortfall cited under footnote #1

(3) Based on updated Jan-Jun water use projection

A

**Scenario #1**

\$2M gross Sewer deficit; \$800K to cover FY09 Sewer deficit; No shift from water to sewer; \$1M Water deficit raised via rates; Adjust for median FY07-09 water use

**Proposed FY10 Water and Sewer Mid-Year Adjustment**

**FY 2010 WATER SEWER RATES - Status Quo Jan - Jun**

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$4.35	\$6.81	\$3,642,903	\$5,703,028	\$9,345,931
21 - 70	363,421	\$5.22	\$8.17	\$1,897,058	\$2,969,150	\$4,866,207
> 70	379,222	\$6.26	\$9.80	\$2,373,930	\$3,716,376	\$6,090,305
Total	1,580,092			7,913,890	12,388,553	20,302,443

**Supplemental FY 2010 Water/Sewer Revenue Needs Jan - Jun**

	Water	Sewer	Total
FY10 Budget	7,913,890	12,388,553	20,302,443
FY09 Sewer Deficit	0	800,000	800,000
Increased Water and Sewer Revenue	1,000,000	2,000,000	3,000,000
Revised Water/Sewer Use Consumption Projection Shortfall	292,469	458,228	750,697
<i>Subtotal</i>	9,206,359	15,646,781	24,853,140
<b>Net Total Revenue Needed</b>	<b>\$9,206,359</b>	<b>\$15,646,781</b>	<b>\$24,853,140</b>
<b>Percentage Increase from FY 2010</b>	<b>16.3%</b>	<b>26.3%</b>	<b>22.4%</b>

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$5.06	\$8.60	4,240,004	7,202,061	11,442,066
21 - 70	363,421	\$6.08	\$10.32	2,209,600	3,750,505	5,960,104
> 70	379,222	\$7.30	\$12.38	2,768,321	4,694,768	7,463,089
	1,580,092	<b>\$0.71</b>	<b>\$1.79</b>			
				\$9,217,925	\$15,647,334	\$24,865,259
			Surplus/(Deficit)	\$11,565	\$554	\$12,119

B

Scenario #2

\$1.6M Sewer deficit (includes water meter debt shift); \$800K to cover FY09 Sewer deficit; shift sewer deficits to water; \$1.3M Water deficit (includes water meter debt shift) absorbed in water reserve; Adjust for median FY07-09 water use

Proposed FY10 Water and Sewer Mid-Year Adjustment

FY 2010 WATER SEWER RATES - Status Quo Jan - Jun

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$4.35	\$6.81	\$3,642,903	\$5,703,028	\$9,345,931
21 - 70	363,421	\$5.22	\$8.17	\$1,897,058	\$2,969,150	\$4,866,207
> 70	379,222	\$6.26	\$9.80	\$2,373,930	\$3,716,376	\$6,090,305
Total	1,580,092			7,913,890	12,388,553	20,302,443

Supplemental FY 2010 Water/Sewer Revenue Needs Jan - Jun

	Water	Sewer	Total
FY10 Budget	7,913,890	12,388,553	20,302,443
FY09 Sewer Deficit	0	800,000	800,000
Increased Sewer Revenue	0	1,600,000	1,600,000
Revised Water/Sewer Use Consumption Projection Shortfall	0	458,228	458,228
<b>Subtotal</b>	<b>7,913,890</b>	<b>15,246,781</b>	<b>23,160,671</b>
<b>Net Total Revenue Needed</b>	<b>\$7,913,890</b>	<b>\$15,246,781</b>	<b>\$23,160,671</b>
<b>Percentage Increase from FY 2010</b>	<b>0.0%</b>	<b>23.1%</b>	<b>14.1%</b>

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$4.35	\$8.38	3,642,903	7,017,823	10,660,726
21 - 70	363,421	\$5.22	\$10.06	1,897,058	3,656,015	5,553,073
> 70	379,222	\$6.26	\$12.07	2,373,930	4,577,210	6,951,139
	1,580,092	\$0.00	\$1.57			
				\$7,913,890	\$15,251,047	\$23,164,938
			Surplus/(Deficit)	\$0	\$4,267	\$4,267

2.

**Scenario #3**

\$1.3M Sewer deficit, reflects projected spending but holds capital harmless; \$800K to cover FY09 Sewer deficit; shift sewer deficits to water; \$1.0M Water deficit, reflects projected spending but holds capital harmless; \$1.0 M water deficit absorbed in reserve; Adjust for median FY07-09 water use

**Proposed FY10 Water and Sewer Mid-Year Adjustment**

**FY 2010 WATER SEWER RATES - Status Quo Jan - Jun**

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$4.35	\$6.81	\$3,642,903	\$5,703,028	\$9,345,931
21 - 70	363,421	\$5.22	\$8.17	\$1,897,058	\$2,969,150	\$4,866,207
> 70	379,222	\$6.26	\$9.80	\$2,373,930	\$3,716,376	\$6,090,305
Total	1,580,092			7,913,890	12,388,553	20,302,443

**Supplemental FY 2010 Water/Sewer Revenue Needs Jan - Jun**

	Water	Sewer	Total
FY10 Budget	7,913,890	12,388,553	20,302,443
Coverage of Projected Sewer Shortfall (Hold Capital Harmless)	(1,500,000)	0	(1,500,000)
Increased Water and Sewer Revenue	0	1,500,000	1,500,000
Restore Capital	100,000	600,000	700,000
Revised Water/Sewer Use Consumption Projection Shortfall	(458,228)	458,228	0
<i>Subtotal</i>	6,055,662	14,946,781	21,002,443
<b>Net Total Revenue Needed</b>	<b>\$6,055,662</b>	<b>\$14,946,781</b>	<b>\$21,002,443</b>
<b>Percentage Increase from FY 2010</b>	<b>-23.5%</b>	<b>20.6%</b>	<b>3.4%</b>

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$3.33	\$8.21	2,789,543	6,877,550	9,667,093
21 - 70	363,421	\$4.00	\$9.86	1,453,684	3,583,331	5,037,015
> 70	379,222	\$4.80	\$11.83	1,820,266	4,486,196	6,306,462
	1,580,092	<b>(\$1.02)</b>	<b>\$1.40</b>	\$6,063,492	\$14,947,077	\$21,010,569
			Surplus/(Deficit)	\$7,830	\$296	\$8,126

D.

**Scenario #4**

Includes: 1) \$800K to cover FY09 Sewer deficit; 2) Adjust for median in FY07-09 water use; 3) Transfer \$387K in sewer debt to water budget for meters; 4) Include \$1.6 projected Sewer shortfall and subtract out \$600K in sewer capital; 5) Water projected deficit of \$1 million will be absorbed in the water reserve

**Proposed FY10 Water and Sewer Mid-Year Adjustment**

**FY 2010 WATER SEWER RATES - Status Quo Jan - Jun**

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$4.35	\$6.81	\$3,642,903	\$5,703,028	\$9,345,931
21 - 70	363,421	\$5.22	\$8.17	\$1,897,058	\$2,969,150	\$4,866,207
> 70	379,222	\$6.26	\$9.80	\$2,373,930	\$3,716,376	\$6,090,305
<b>Total</b>	<b>1,580,092</b>			<b>7,913,890</b>	<b>12,388,553</b>	<b>20,302,443</b>

**Supplemental FY 2010 Water/Sewer Revenue Needs Jan - Jun**

	Water	Sewer	Total
FY10 Budget	7,913,890	12,388,553	20,302,443
Transfer Full FY10 Meter Debt to Water Fund	(387,000)	387,000	0
Cover FY09 Sewer Fund Shortfall	0	800,000	800,000
Increased Sewer Revenue to Cover Deficit	0	1,013,000	1,013,000
Revised Water/Sewer Use Consumption Projection Shortfall	0	458,228	458,228
<b>Subtotal</b>	<b>7,526,890</b>	<b>15,046,781</b>	<b>22,573,671</b>
<b>Net Total Revenue Needed</b>	<b>\$7,526,890</b>	<b>\$15,046,781</b>	<b>\$22,573,671</b>
<b>Percentage Increase from FY 2010</b>	<b>-4.9%</b>	<b>21.5%</b>	<b>11.2%</b>

HCF	Consumption	Water Rate	Sewer Rate	Water Revenue	Sewer Revenue	Total Est. Revenue
0 - 20	837,449	\$4.14	\$8.28	3,467,039	6,934,078	10,401,117
21 - 70	363,421	\$4.97	\$9.94	1,806,202	3,612,405	5,418,607
> 70	379,222	\$5.96	\$11.93	2,260,163	4,524,118	6,784,282
	<b>1,580,092</b>	<b>(\$0.21)</b>	<b>\$1.47</b>			<b>\$1.26</b>
				<b>\$7,533,404</b>	<b>\$15,070,601</b>	<b>\$22,604,005</b>
			Surplus/(Deficit)	<b>\$6,514</b>	<b>\$23,820</b>	<b>\$30,334</b>

3.

### Newton Water Meter and AMR Replacement Budget

Description	Estimate
Purchase of Meters and Registers	\$3,127,000
Meter Reading Equipment, Including Transmitters	3,300,000
<b>Combined Meters and AMR System Subtotal</b>	<b>\$6,427,000</b>
Installation of System	3,179,000
<b>Subtotal</b>	<b>\$9,606,000</b>
Contingencies (10%)	961,000
Engineering (10%)	961,000
<b>Total</b>	<b>\$11,528,000</b>
Board of Aldermen Authorization to borrow for the meter and AMR Replacement program (118-08)	\$11,528,000
Year One Principal	600,000
Year One Interest	87,000
<b>Total debt split 50/50 between the original FY10 water and sewer budget</b>	<b>\$687,000</b>
Impact of meter debt on original FY10 budget	2.1%
FY10 impact on typical homeowner using 100 HCF annually	\$21.80
<i>*This is for the first \$6 million of issued debt (roughly half of the total)</i>	

PF/K



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

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

November 10, 2009

09 NOV 10 PM 5:57  
CITY CLERK  
NEWTON, MA 02459

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 an amendment to the FY10 Water revenue budget to \$3,160,000 from Water reserve to offset the reduction in anticipated Water revenue. This amendment is part of a plan to eliminate the anticipated revenue shortfall in the Sewer fund and works in concert with my request to amend the Water and Sewer Budgets and implement mid-year rate changes for Water and Sewer operations.

The Department of Revenue has been watching the decline in the Sewer fund for the past several years and will be looking for a plan to address this decline in revenue as part of the review and approval of the FY10 tax rate. Failure to adopt these measures could delay approval and impact the city's ability to issue timely tax bills for the third quarter.

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



David B. Cohen  
Mayor

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Office of the Mayor

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

December 1, 2009

09 DEC - 1 PM 4: 57  
CITY CLERK  
NEWTON, MA 02459

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 sewer bonded indebtedness for the purpose of sewer improvements that would otherwise be postponed until a future year. These projects were included in the original FY10 sewer budget but would require a greater rate increase than that which has been proposed if they were to proceed this year.

Oakdale sewer improvement	\$125,000
Farina sewer improvement	\$125,000
Irving St. sewer improvement	\$135,000
Old Farm Rd sewer improvement engineering/design	\$115,000

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





DEPARTMENT OF PUBLIC WORKS

Office of the Commissioner  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

David B. Cohen  
Mayor

To: Honorable David B. Cohen, Mayor

Through: Sanford Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer

From: Thomas E. Daley, P.E., Commissioner *TD*

Subject: Proposed FY10 Mid-Year Water and Sewer Rate Adjustment

Date: November 30, 2009

Based upon discussions with the Public Facilities Committee and the Finance Committee regarding the above topic I hereby suggest that an item be docketed with the Board to bond the following projects that were initially budgeted to be paid for with cash out of the current FY '10 sewer operating budget:

- 1) \$125K Oakdale sewer improvement
- 2) \$125K for Farina sewer improvement
- 3) \$135K for Irving St. sewer improvement
- 4) \$115K Old Farm Rd. sewer improvements engineering design services

Total Construction Capital:  
\$500,000

Please let me know if you have any questions.

CC: Fred Russell, Utilities  
David Turocy, Deputy Commissioner of Public Works  
Karen Griffey, Director of DPW Administration  
Ryan Ferrara, DPW Chief of Budget and Finance

09 DEC - 1 PM 4: 57  
CITY CLERK  
NEWTON, MA. 02159



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

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December 1, 2009

09 DEC - 1 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 appropriate \$3,691 from budget reserve for the purpose of increasing the salary budget in the Public Buildings Department. These funds represent the increase in cost to the department that results from a reclassification of the position held by Joshua Morse. Josh will be promoted to a new position of Facilities and Maintenance Specialist (H10).

Josh has worked for the City of Newton for two years and during that time he has assumed more and more responsibilities and duties. Josh is currently classified as an HVAC Technologist, which is graded as an H8, but his duties go far beyond that job. He has brought his extensive training and naval experience to bear on many issues beyond the technical issues involving HVAC systems. Josh regularly briefs your Honorable Board, the School Committee, and other public meetings on issues ranging from energy performance contracts to building maintenance systems. He has done excellent work to improve the City's use of the SchoolDude work order management system to provide the Public Buildings Department and my office with comprehensive analyses of the work done by the Department's craftsmen as they maintain our municipal and school buildings.

Commissioner Parnell strongly recommends this promotion in order recognize Josh's excellent work, to reward the initiative Josh has demonstrated, and to align his job description with the work Josh is doing already. I heartily concur in the Commissioner's recommendation and believe that members of your Honorable Board who know Josh's work will agree that this promotion is fully justified and will be beneficial both to Josh and to the City.

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



From: Budget Reserve  
0110498-5790 2,691  
To: David B. Cohen  
0111501-511001 3,691

## DRAFT

### JOB DESCRIPTION

**Job Title:**

Facilities and Operations Supervisor

**Department:**

Public Buildings

**General Statement of Duties:**

Under the direction of the Public Buildings Commissioner plans, directs, coordinates, tracks and implements various work orders submitted to the department for action to insure the least disruption of the building.. Updates and maintains the Maintenance Facility Software Program as it relates to all 80+ City owned facilities.

Project coordinator for small and medium sized projects. Work with Supervisor of Craftsmen to facilitate maintenance and repair orders and small capital projects. Work includes estimating, scheduling and monitoring material procurement.

Negotiates with system vendors to reduce costs and to schedule system maintenance/upgrades with the least impact to building operations.

Responsible for the updating, maintaining and inventorying of plans and specifications, both hard copies and electronic drawings to ensure an archival system for all city-owned properties and facilities.

Responsible for the supervision and implementation of any mechanical, electrical, and/or plumbing service contracts.

Accountable for \$150,000 to \$300,000 budget line item for HVAC maintenance and repairs.

Responsible for the maintenance of all energy management and building automation systems.

**Supervision Received:**

Public Buildings Commissioner

**Supervision Exercised:**

Responsible for the supervision of service contractors and their respective employees as it pertains to municipal and school department work.

**Duties and Responsibilities:**

Tracks and implements various work orders submitted to the department for action. Updates Maintenance Facility and Capital Data Base Software Program as it relates to all 80+ City-owned facilities.

Responsible for the updating, maintaining and inventorying plans and specifications for all City owned properties and facilities, both hard copies and electronic drawings.

Assist in developing and executing the Public Building Department Capital Improvement Plan.

Department liaison to other City agencies i.e. School, Fire, Police, etc.

Constantly monitors the work order process from initial request to completion of work, and provides status reports as needed. Perform routine quality assurance assessments of the process as a whole.

Responsible for ensuring the energy management and building automation systems are functioning properly, and end checks these with the utility data as the data becomes available.

Updates and informs the Executive, Aldermanic, and School Committees as directed by the Public Buildings Commissioner, on the status of projects throughout the buildings.

Act as the point of contact for the School's Operations Department and all other Municipal Departments for all building related issues.

Facilitate the implementation of energy savings projects.

Review any mechanical, electrical, and plumbing work on new construction and renovation projects.

Coordinate the drawings that are completed by outside architectural firms for renovations and additions to various city-owned facilities to ensure that those plans are integrated with the City's existing plans to create the most up-to-date plans for all city-owned facilities.

Prepare minor specifications and suggest corrective action for various architectural type problems.

Prepare drawings as required.

Verify building dimensions, including but not limited to room size, ceiling height, building square footages and exterior and interior elevations

Photograph and/or scan pictures of each facility.

Create building plot plans as required.

Perform interior space planning and room layouts of existing and/or renovated buildings.

Prepare Power Point presentations of various facility projects and departmental budgets.

**Qualifications and Entrance Requirements:**

**Education:** Bachelor's degree in business administration, public administration, engineering or architecture or related degree and five years experience, or completion of equivalent technical educational program with 10 years experience or equivalent combination of education and experience. Training and certification on energy management and building automation systems.

**Experience:** The individual shall be experienced in facilities management and operations, be versed in reading and interpreting drawings and technical specifications, have maintained, and/or supervised the maintenance of building envelope, mechanical, electrical, and plumbing systems and all of the associated support subsystems. Specific experience is necessary in the field of energy management, building automation controls, and power management systems.

**Reports to:** Public Buildings Commissioner

BOARD OF ALDERMEN

CITY OF NEWTON

DOCKET REQUEST FORM

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen

Date: 26 October 2009

From (Docketer): Alice E. Ingerson, for Community Preservation Committee

Address/phone/email: Planning & Development Dept., Newton City Hall, aingerson@newtonma.gov,

617.796.1144

Additional sponsors:

1. Please docket the following item (edit if necessary):

The COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$15,250 be appropriated from the FY10 Community Preservation Fund's historic and general reserve for the cost of changes and additions required by the Newton Fire Department during the historic rehabilitation of Brigham House.

09 OCT 27 AM 9:10  
CITY CLERK  
NEWTON, MA 02459

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer, expenditure, or bond authorization
- Special permit, site plan approval, zone change (public hearing required)
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other

3. I recommend that this item be assigned to the following committees:

- Programs & Services
- Finance
- Real Property
- Zoning & Planning
- Public Safety
- Special Committee
- Public Facilities
- Land Use
- No Opinion
- Post Audit & Oversight
- Committee on Community Preservation

Please let me know if any additional committees would like to consider this item.

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency: \_\_\_\_\_
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE



David B. Cohen  
Mayor

## City of Newton, Massachusetts Community Preservation Committee



#375-09

DOCKET  
ITEM NO.

375-09

### FUNDING RECOMMENDATION

*DATE:* 29 October 2009

*TO:* The Honorable Board of Aldermen

*FROM:* Community Preservation Committee

*RE:* **recommended Community Preservation supplemental funding for historic rehabilitation of BRIGHAM HOUSE**

#### 1. PROJECT GOALS & ELIGIBILITY

To date, a total of \$539,700 in community preservation funds has been appropriated for the preservation and rehabilitation of Brigham Community House, as follows: \$20,000 for preservation design (CPC recommendation 28 January 2004 and Board order 132-04 15 March 2004; \$519,000 for construction plus \$700 for City of Newton legal costs, CPC recommendation 19 May 2006 and Board orders 235-06 and 235-06(2) on 19 June 2006.

This supplemental recommendation relies on key findings in those original CPC recommendations: first, that Brigham House is a significant historic resource; and second, that CP funds are being used solely for the preservation and rehabilitation of that historic resource.

After construction began at Brigham House, the Newton Fire and Inspectional Services Departments required an expanded scope of work to meet safety and building codes and federal accessibility standards. The current, supplemental request is for the cost of meeting these additional requirements.

Under the Secretary of the Interior's *Standards for the Treatment of Historic Properties*, "rehabilitation" allows for "an efficient contemporary use through alterations and additions" to a historic building, including "work done to meet accessibility requirements and health and safety code requirements" or "to improve energy efficiency," as long as such work does not "radically change, obscure, damage, or destroy character-defining historic materials or features."

#### 2. FUNDING RECOMMENDATION

Using its newly approved "supplemental requests process," on 21 October 2009 the Community Preservation Committee recommended funding this supplemental request by a vote of **6 in favor, 1 abstaining**. Abstaining member Joel Feinberg was not persuaded that the project should not have been funded from another source, or that the original proposal could not have predicted costs more accurately.

The Committee recommends that the sum of **\$15,250** be appropriated from the **historic resources and general reserves** of the Community Preservation Fund, to the spending authority of the Public Buildings Department and allocated 100% to "historic resources" as an allowable use of funds under the Community Preservation Act:

<b>Supplemental Funding Request - Brigham House</b>	
<i>For work not included in original scope/contracts:</i>	
◆ <i>Full-building fire alarm system (req'd by Newton Fire Dept)</i>	
◆ <i>Bathroom renovations on 2nd floor, 2 accessible bathrooms on 1st floor (req'd by Newton Inspectional Services &amp; fed'l standards)</i>	
Additional architectural services (design & construction mgmt)	\$13,900
Additional contractor services	\$2,444
<i>(Minus remaining balance from orig. appropriation)</i>	<i>(\$1,094)</i>
<b>TOTAL supplemental request</b>	<b>\$15,250</b>

## ADDITIONAL SOURCES & USES OF FUNDS

Hyde Community Center and Brigham Community House director John Rice estimates that private funds of at least \$100,000 have been invested in improvements to Brigham House.

### NOTE on SUPPLEMENTAL REQUESTS

Before voting on this request, the Community Preservation Committee unanimously adopted the attached "supplemental requests process."

The Committee will apply this process optionally, on a case-by-case basis, and reserves the rights: (1) not to consider specific supplemental requests, (2) not to consider full proposals that seem premature or vague, and therefore likely to require correction or completion through later supplemental requests, and (3) to apply the full, regular proposal process to any supplemental request that in the CPC's judgment significantly alters the scope, cost, or both of a previously recommended and funded project.

## 3. FUNDING CONDITIONS

The Community Preservation Committee further recommends that:

1. These funds be appropriated to the spending authority of the Public Buildings Department
2. The Public Buildings Department be required to meet the conditions in the Committee's original funding recommendations for this project, by submitting to the CPC a final, full project development cost statement for Brigham House.
3. Any portion of the Community Preservation Fund grant not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund.

## 4. SUPPORTING DOCUMENTS

### *Attached:*

- ◆ Supplemental request and documentation, submitted by the Public Buildings Department to the CPC
- ◆ Supplemental Requests Process, adopted by Community Preservation Committee on 21 October 2009

### *Online:*

Full text of original proposals, CPC funding recommendations, Board orders, and other supporting documents for this project are available from this web page:

<http://www.ci.newton.ma.us/cpa/projects/brigham/brigham.htm>



## Brigham House

*location:* 20 Hartford Street  
Newton Highlands, MA 02461

*goals:* Rehabilitate and preserve this Queen Anne style building, constructed in 1886 as the home of the Brigham family (founders of Brigham's Ice Cream); later used as Newton Highlands Branch Library; and now used by the Hyde Community Center's afterschool program for middle-school students and by other community programs.

<i>project funding:</i>	<b>\$539,700</b>	<b><i>CP funds appropriated</i></b> (historic resources) including \$700 for City of Newton legal services
	<b>\$15,250</b>	<b><i>supplemental CP funds requested</i></b> (historic resources)
	\$100,000	<i>raised by Hyde Community Center for previous renovations</i>

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**TOTAL PROJECT COST**

*contacts:* Nick Parnell, Commissioner of Public Buildings  
City of Newton  
52 Elliot Street  
Newton Upper Falls, MA 02464  
*email:* nparnell@newtonma.gov  
*phone:* 617.796.1603

John Rice  
Director, Hyde Community Center  
90 Lincoln Street / P.O. Box 610171  
Newton Highlands, MA 02461  
*email:* director@HydeCenter.org  
*phone:* 617.527.4933

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### proposal review & appropriations

October 2003	<a href="#">full proposal</a>
October 2003	full proposal, <a href="#">photos</a>
October 2003	full proposal, <a href="#">letters of support</a>

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November 2003	<a href="#">revised proposal</a> for <b>part 1: needs assessment &amp; cost estimates</b>
28 January 2004	revised proposal, <a href="#">CPC funding recommendation</a> , part 1
15 March 2004	revised proposal, <a href="#">Board order</a> , part 1 (appropriation)
10 September 2004	historic preservation <a href="#">memorandum of understanding</a>
3 April 2006	<a href="#">Newton ordinance on preservation of historic public buildings</a> with CP funds (starts on p. 3 in this copy of Newton's CPA ordinances)

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September 2005	<a href="#">updated proposal</a> for <b>part 2: final plans &amp; construction</b>
September 2005	updated proposal, part 2: <a href="#">plans &amp; photos</a>
November 2005	updated proposal, part 2 : <a href="#">letters of support</a>

17 January 2006	updated proposal, part 2: <a href="#">Housing Office recommendations for revised scope of work</a>
20 April 2006	updated proposal, part 2: <a href="#">revised scope of work</a>
19 May 2006	<a href="#">CPC funding recommendation</a> , part 2
22 May 2006	updated proposal, part 2: <a href="#">additional budget revisions</a>
19 June 2006	<a href="#">Board orders</a> , part 2 (appropriation)
<hr/>	
9 October 2009	<a href="#">supplemental request</a> for <b>part 3: changes in scope required by Inspectional Services and Fire Depts.</b>
26 October 2009	new CPC <a href="#">supplemental requests process</a>
26 October 2009	<a href="#">CPC funding recommendation</a> , part 3
2009	Board order (appropriation), part 3
<hr/>	
<b>project news</b>	
11 November 2007	<a href="#">updated cost estimates</a> for final specifications & construction
9 January 2009	<a href="#">Brigham House reopens</a> (map & press coverage, with photos)

**CONTACT:**

Alice E. Ingerson, Ph.D., Community Preservation Program Manager  
**[Newton Planning & Development Department](#)**,  
City Hall, 1000 Commonwealth Ave., Newton, MA 02459  
phone 617.796.1144, email [aingerson@newtonma.gov](mailto:aingerson@newtonma.gov), TDD / TTY 617.796.1089



**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

TO: Community Preservation Committee

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

DATE: October 9, 2009

RE: Brigham House Design Services & Construction Close Out

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The Brigham House Restoration has been completed thanks to funds generated through the CPC process. While undertaking the construction of the Brigham House there were additional requests made by both the City's Inspectional Services and Fire Departments calling for additional items. These requests triggered the need for further documentation by the Design Architects, TBA. I am requesting the sum of \$15,250 to satisfy an outstanding balance due to the designer and the General Contractor.

Please feel free to contact either Arthur Cabral or myself regarding this request.

ANP:dla



TBA ARCHITECTS, INC.  
Boston ~ San Francisco

# Statement

TO: Mr. Nicholas Parnell  
City of Newton  
Public Buildings Dept.  
52 Elliot Street  
Newton, MA 02464

DATE: 9/29/09

DATE	OPEN INVOICES	AMOUNT
12/03/08	998 Newton - Brigham House:998.1 Newton - Brigham House II- INV #11755. Due 01/02/09. Orig. Amount \$10,400.00.	10,400.00
12/03/08	998 Newton - Brigham House:998.1 Newton - Brigham House II:998.2 - Addtl Svcs - Bathroom- INV #11756. Due 01/02/09. Orig. Amount \$3,500.00.	3,500.00

**Total Due Now On This Project      \$13,900.00**

241 CRESCENT STREET, WALTHAM, MA 02453  
TEL: (781) 893-5828 FAX: (781) 893-5834  
tba@tbaarchitects.com



**TBA Architects, Inc.**

241 Crescent Street  
Waltham, Massachusetts, 02453

(781) 893-5828  
FAX (781) 893-5834

#375-09  
LETTER OF TRANSMITTAL

DATE January 8, 2009	JOB NO. 998
ATTENTION Art Cabral	
RE: Change Order #5	
Renovations and Accessibility Improvements to the Brigham House	

TO: City of Newton Public Buildings Dept  
52 Elliot Street  
Newton, MA 02461-1605

WE ARE SENDING YOU  Attached  Under separate cover via \_\_\_\_\_ The following items:  
 Shop drawings  Prints  Plans  Samples  Specifications  
 Copy of letter  Change order  \_\_\_\_\_

COPIES	DATE	NO.	DESCRIPTION
3	01/08/09		Change Order #5 which includes Upgrades to Fire Alarm required by Newton FD and credit for deletion of gutter guards (originals signed by TBA and Vareika)

THESE ARE TRANSMITTED as checked below:

<input checked="" type="checkbox"/> For Approval	<input type="checkbox"/> Approved as submitted	<input type="checkbox"/> Resubmit	_____ Copies for approval
<input type="checkbox"/> For your use	<input type="checkbox"/> Approved as Noted	<input type="checkbox"/> Submit	_____ Copies for distribution
<input type="checkbox"/> As requested	<input type="checkbox"/> Returned for corrections	<input type="checkbox"/> Return	_____ Corrected prints
<input type="checkbox"/> For review and comment			

FOR BIDS DUE \_\_\_\_\_, 20 \_\_\_\_\_  PRINTS RETURNED AFTER LOAN TO US

REMARKS:

TBA kept one copy on file, one copy sent to Vareika

COPY TO \_\_\_\_\_ SIGNED: Kari Hite-Vallone

CHANGE ORDER

AIA DOCUMENT G701

Distribution to:

- OWNER
- ARCHITECT
- CONTRACTOR
- FIELD
- OTHER

PROJECT: **Brigham House Renovation** CHANGE ORDER NUMBER: 5  
 (name, address) 20 Hartford Street  
 Newton Highlands, MA 02459 INITIATION DATE: 12/3/2008  
 TO: (Contractor): Vareika Construction ARCHITECT'S PROJECT NO: 998  
 219 Walnut Street, Suite B CONTRACT FOR: General Conditions  
 West Bridgewater, MA 02379 CONTRACT DATE:

You are directed to make the following changes in this contract:


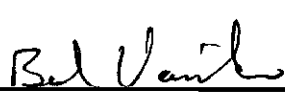
Request (PCO)#	Scope	Date	Value
n/a	Credit for Deleting Gutter Guards	12/03/08	-\$843.00
n/a	Upgrades to Fire Alarm System required by Newton Fire	01/06/09	\$3,287.00

Not valid until signed by the Owner and Architect.

Signature of the Contractor indicates his agreement herewith, including any adjustment in the Contract Sum or Contract Time.

The original (Contract Sum)(~~Guaranteed Maximum Cost~~) was..... \$ 418,000.00  
 Net change by previously authorized Change Orders.....\$ 37,596.00  
 The (Contract Sum)(~~Guaranteed Maximum Cost~~) prior to this change order was.....\$ 455,596.00  
 The (Contract Sum)(~~Guaranteed Maximum Cost~~) will be (increased)(decreased)(unchanged) by  
 this Change Order.....\$ 2,444.00  
 The new (Contract Sum)(~~Guaranteed Maximum Cost~~) including this Change Order will be.....\$ 458,040.00  
 The Contract Time will be (increased)(decreased) by 37 calendar days  
 The Date of Substantial Completion as of the date of this Change Order therefore is January 9, 2009

TBA Architects, Inc. \_\_\_\_\_ Vareika Construction \_\_\_\_\_ City of Newton \_\_\_\_\_  
 ARCHITECT CONTRACTOR OWNER

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

BY M. Russel Feldman \_\_\_\_\_ BY Bob Vareika \_\_\_\_\_ BY \_\_\_\_\_

DATE January 7, 2009 \_\_\_\_\_ DATE 1-7-09 \_\_\_\_\_ DATE \_\_\_\_\_

Vareika Construction Inc.  
219 Walnut St. Suite - B  
West Bridgewater, MA 02379

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Proposal Request No.

TBA Architects, Inc.  
241 Crescent St.  
Waltham, MA 02453

1/6/2009

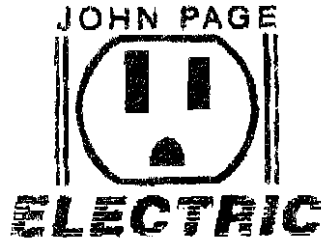
Attn: Russ Feldman  
Re: Renovations & Accessibility Improvements @ Brigham House  
Subj. Additional materials & labor for upgrades to Fire Alarm system  
as required by Newton Fire Department

Attached please find a quote from Page Electric  
Vareikas' mark up is as follows:

I. Suppliers Quote:		<u>\$2,915</u>
II. General Contractor Markup	10%	<u>\$292</u>
IV. General Contractor Bond	2.5%	<u>\$80</u>
V. Total Cost of Change		<u>\$3,287</u>
	ROUNDED TO	<u>\$3,287</u>

Bob Vareika  
Project Manager

#375-09



**Final Invoice**

DATE	INVOICE #
1/5/2009	1038

Commercial • Residential • Industrial  
 285 Montello Street, Brockton, Massachusetts 02301  
 Tel: 508-427-4480 • Fax: 508-427-4481 • Master License A14317

<b>BILL TO</b>
Vareika Construction Inc. Attention: Bob Vareika 219 Walnut St. W. Bridgewater, MA 02379

<b>PROJECT</b>
Additional to Quoted ..

Est Amt	Prior Amt	Est Qty	Est Rate	DESCRIPTION	Curr %	AMOUNT
				Additional to Quoted Fire Alarm		
				1 Full Station Replace Device Only		100.00
				3 Horn Strobes Replace Device Only @ \$105 Ea.		315.00
				10 Smoke Detectors Added to Original Quote as Per Fire Department @ \$250 Ea.		2,500.00
<i>Brigham House</i>						
<b>Total</b>						<b>\$2,915.00</b>

Balance Due Upon Receipt





**APPLICATION AND CERTIFICATE FOR PAYMENT** AIA DOCUMENT G702 (Instruction on reverse side) PAGE ONE OF 2 PAGES

TO City of Newton PROJECT: Brigham House Renovations APPLICATION NO: 6 Distribution to:  
 1000 Commonwealth Ave 20 Hartford St. [X] OWNER  
 Newton, Ma. 02159 Newton, Ma. 02159 PERIOD TO: 1/9/2008 [X] ARCHITECT  
 [X] CONTRACTOR  
 FROM: VAREIKA CONSTRUCTION, INC. VIA (ARCHITECT): TBA Architects ARCHITECT'S [ ]  
 219 Walnut St. Suite - B 241 Crescent St. PROJECT NO 998 [ ]  
 West Bridgewater, Ma. 02379 Waltham, Ma. 02453

CONTRACT FOR: Renovations & Accessibility Improvements to The Brigham House CONTRACT DATE:

**CONTRACTOR'S APPLICATION FOR PAYMENT**

CHANGE ORDER SUMMARY		ADDITIONS	DEDUCTIONS
Change Orders approved in previous months by Owner		37596	
TOTAL		37596	
Approved this month			
Number	Date Approved		
5	01/07/09	2444	
TOTALS		40040	

**Net change by Change Orders**  
 The undersigned Contractor certifies that to the best of The Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR:

By: Michael Swartz Date: 8/26/09

Application is made for Payment, as shown below, in connection with the Contract Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$418,000
2. Net change by Change Orders	\$40,040
3. CONTRACT SUM TO DATE (Line 1+/- 2)	\$458,040
4. TOTAL COMPLETED & STORED TO DATE	\$458,040
(Column G on G703)	
5. RETAINAGE:	
a. 5% of Completed Work	\$0
(Column D + E on G703)	
b. 5% of Stored Material	\$0.00
(Column F on G703)	
Total Retainage (Line 5a + 5b or Total in Column I of G703)	
6. TOTAL EARNED LESS RETAINAGE	\$0
(Line 4 less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 8 from prior Certificate)	\$432,816
8. CURRENT PAYMENT DUE	\$25,224
9. BALANCE TO FINISH, PLUS RETAINAGE	\$0
(Line 3 less Line 6)	

State: Ma. County of: Plymouth  
 Subscribed and sworn to before me this 28th day of August, 2009  
 Notary Public: Robert G. Vail  
 My Commission expires: 8/15/2014

**ARCHITECT'S CERTIFICATE FOR PAYMENT**

In accordance with the Contract Documents, based on on-site observation and the data comprising the above application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$25,224

(Attach explanation if amount certified differs from the amount applied for.)

ARCHITECT

By: Rebecca Date: 9/3/09

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein, issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

AIA document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing

APPLICATION NUMBER: 5

Contractor's signed Certification is attached.

APPLICATION DATE: 08/26/09

In tabulations below, amounts are stated to the nearest dollar.

PERIOD TO: 01/09/09

Use Column I on Contracts where variable retainage for line items may apply.

ARCHITECT'S PROJECT NO: 998

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D + E + F)		H BALANCE TO FINISH (C - G)	I RETAINAGE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD		% (G / C)			
1	BONDS & INSURANCE	15500.00	15500.00			15500.00	100.00%	0.00	0.00
2	GENERAL CONDITIONS	41200.00	41200.00			41200.00	100.00%	0.00	0.00
3	DEMO	22000.00	22000.00			22000.00	100.00%	0.00	0.00
4	SITE WORK / LANDSCAPE	12600.00	12600.00			12600.00	100.00%	0.00	0.00
5	CONCRETE WORK	9700.00	9700.00			9700.00	100.00%	0.00	0.00
6	MASONRY	9625.00	9625.00			9625.00	100.00%	0.00	0.00
7	ROUGH CARPENTRY	21500.00	21500.00			21500.00	100.00%	0.00	0.00
8	FINISH CARPENTRY	67810.00	67810.00			67810.00	100.00%	0.00	0.00
9	SIDING	65750.00	65750.00			65750.00	100.00%	0.00	0.00
10	ROOFING	6400.00	6400.00			6400.00	100.00%	0.00	0.00
11	GUTTERS	8030.00	8030.00			8030.00	100.00%	0.00	0.00
12	DOORS & WINDOWS	24185.00	24185.00			24185.00	100.00%	0.00	0.00
13	GYP SUM	16350.00	16350.00			16350.00	100.00%	0.00	0.00
14	FLOORING	25700.00	25700.00			25700.00	100.00%	0.00	0.00
15	PAINTING	23100.00	23100.00			23100.00	100.00%	0.00	0.00
16	DIVISION 10	1600.00	1600.00			1600.00	100.00%	0.00	0.00
17	MECHANICAL & PLUMBING	24300.00	24300.00			24300.00	100.00%	0.00	0.00
18	ELECTRICAL	22650.00	22650.00			22650.00	100.00%	0.00	0.00
19	Change Order # 1	11978.00	11978.00			11978.00	100.00%	0.00	0.00
20	Change Order # 2	2819.00	2819.00			2819.00	100.00%	0.00	0.00
21	Change Order # 3	16820.00	16820.00			16820.00	100.00%	0.00	0.00
22	Change Order # 4	5979.00	5979.00			5979.00	100.00%	0.00	0.00
23	Change Order # 5	2444.00		2444.00		2444.00	100.00%	0.00	0.00
		458040.00	455596.00	2444.00	0.00	458040.00	100.00%	0.00	0.00

City of Newton



David B. Cohen  
Mayor

# City of Newton, Massachusetts Community Preservation Committee



## MEMORANDUM

*DATE:* 21 October 2009

*TO:* Mayor Cohen, the Honorable Board of Aldermen,  
and future proposal sponsors

*FROM:* Community Preservation Committee

*ABOUT:* **process for considering supplemental funding requests**

At its 21 October 2009 meeting, the Committee unanimously approved the following process for considering supplemental funding - additional funds for projects previously recommended by the CPC and funded by the Board of Aldermen.

The Community Preservation Committee will apply this process optionally, on a case-by-case basis, and reserves the rights: (1) not to consider specific supplemental requests, (2) not to consider full proposals that seem premature or vague, and therefore likely to require completion or correction through later supplemental requests, and (3) to apply the full, regular proposal process to any supplemental request that in the CPC's judgment significantly alters the scope, cost, or both of a previously recommended and funded project.

1. The Community Preservation Committee will consider supplemental requests only at the beginning of each regular annual funding round, so that the Committee may evaluate the combined impact of supplemental requests on the funds available for new proposals.

*AT LEAST 3 MONTHS BEFORE THE CPC'S ANNUAL FUNDING DEADLINE*, sponsors should ask the CPC for a determination about whether the Committee will apply either this supplemental process, or the regular proposal process, to their request. This gives sponsors time to prepare and submit a full proposal, if the Committee decides to apply the regular process.

2. If the Committee agrees to apply the supplemental request process, the funding request may refer to, rather than repeat, most work done for the original full proposal, including submission of full proposal form with all required attachments, Law Dept. review of funding eligibility, sponsor presentation at formal public hearing, and CPC recommendation.
3. *BY THE CPC's ANNUAL FUNDING DEADLINE*, the sponsor of a supplemental request must submit a one-page justification for the requested funding, showing how these funds would be used for purposes allowable under the Community Preservation Act; and must then present that justification at a public working session with the CPC.
4. If the Committee votes to recommend supplemental funding, it will forward a short supplemental recommendation to the Board, referencing its original recommendation for the project as a whole.
5. These supplemental CPC recommendations will then be subject to: the regular CP appropriations process used by the Board of Aldermen, including referral to any appropriate Board committees; and to a full Board appropriations vote, as required by the Community Preservation Act.

*Supplemental requests process diagram on page 2. →*

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

# Newton Community Preservation Program User's Guide to SUPPLEMENTAL REQUESTS PROCESS

Other than proposal deadline, dates are approximate.  
With prior written approval of the Community Preservation Committee, shaded steps may be omitted for SUPPLEMENTAL REQUESTS only.

1. PROPOSAL  
PREP  
(any time  
of year)

at least 3 months before  
proposal deadline, request  
CPC determination of  
whether it will apply full or  
supplemental funding process

if supplemental process applies,  
submit a 1-page funding  
request, explaining HOW  
MUCH funding is being  
requested, and WHY

send one-pager to CPC,  
also use for ltrs of inquiry  
to other potential funders  
& in seeking community  
support

2. DRAFT  
& SUBMIT  
PROPOSAL  
(regular funding  
cycle)

June-September  
meet with CP staff,  
confirm participation &  
support of community  
orgs. & City depts.

September-October  
draft & revise proposal in  
response to comments;  
get letters of support

submit supplemental  
request to CPC by  
**PROPOSAL DEADLINE:**  
(usually in October  
of each year)

3. PROPOSAL  
REVIEW  
Community  
Preservation  
Committee

November-December  
present proposal & answer questions  
**PUBLIC HEARING for  
NEW PROPOSALS:**  
(usually in November of each year)

December-January  
CPC working  
sessions, proponents  
answer committee  
questions

January-February  
CPC VOTES on proposals  
& forwards recommended  
projects to Board of Aldermen

4. PROPOSAL  
REVIEW  
Board of  
Aldermen

February-March  
Committee on Community  
Preservation reviews &  
reports on proposal

February-March  
optional rvw & reports by  
other Board committees

March-April  
Finance Committee reviews  
& reports on proposal

5. FUNDING  
DECISION

April-May-June  
Full BOARD of ALDERMEN discusses & VOTES on recommended proposals.



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#206-09(3)

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December 1, 2009

Honorable Board of Aldermen:  
Newton City Hall  
1000 Commonwealth Ave.  
Newton, Massachusetts

Ladies and Gentlemen:

I have received Board Order #206-09(2) which the Board voted on at its most recent meeting. I want you to know that I am in support of the policy that it seeks to implement. Creating a Stabilization Fund for future maintenance and improvements to the City's capital infrastructure will help the city in addressing the long deferred infrastructure maintenance needs it faces. Trying to provide a reliable source of money for the Fund is also a policy that makes sense.

I am advised by the Law Department that the Board Order as acted upon by your Honorable Board has several significant but correctable flaws. I am attaching a proposed order for your consideration, which creates a Stabilization Fund and addresses the three issues the Law Department raises.

1 - The Law Department advised that a Board Order can not bind future Mayors and Boards of Aldermen into appropriating money. Much as I think it would be a good idea if my successor and future Boards of Aldermen allocated a significant portion of the hotel/motel tax to this important purpose, those decisions must be made on an annual basis by the then sitting Mayor and the Board of Aldermen.

2 - The Law Department also advised that to the extent this Board Order seeks to designate current or future appropriations to this particular fund, the Mayor must request such appropriations. We've already appropriated the FY 2010 hotel/motel revenues. It will fall to Mayor Warren to recommend an

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CITY CLERK  
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

appropriation for the expenditure of 2011 hotel/motel revenues. That recommendation will then be considered by the incoming Board of Aldermen.

3 – Finally, the Law Department advised that pursuant to GL c. 40 §5B, a  $\frac{2}{3}$  vote is required to create a stabilization fund. This vote was a majority vote but not a  $\frac{2}{3}$  vote.

Although this particular Board Order fails, the proposed Board Order that I enclose with this letter does carry out our shared intent to the greatest extent possible and I hope that the Board will adopt it.

Very Truly Yours,



David B. Cohen  
Mayor

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CITY CLERK  
NEWTON, MA 02159

#206-09(3) Draft

CITY OF NEWTON  
IN BOARD OF ALDERMEN

December , 2009

ORDERED:

That in accordance with the recommendation of the Finance Committee, through its Chairman Paul E. Coletti, the City of Newton hereby authorizes the establishment of a Stabilization Fund, pursuant to MGL Chapter 40, Section 5B, to be used for funding future maintenance and improvements to the City's capital infrastructure. Resources accumulated in this Capital Maintenance Stabilization Fund shall be subject to appropriation by the Mayor and Board of Aldermen for specific capital maintenance and improvement projects.

Under Suspension of Rules  
Readings Waived

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

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

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee

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