



Public Facilities Committee Agenda

City of Newton In City Council

Wednesday, October 23, 2019

7:00 PM
Room 204

Items Scheduled for Discussion:

Public Hearing Opened

- #307-19 Eversource petition for a grant of location in Woodward Street**
EVERSOURCE petitioning for a grant of location to install and maintain 693'± of conduit in WOODWARD STREET from the existing manhole #MH21030 in front of #991 Boylston Street in a northwesterly direction to a new proposed manhole in front of 38 Woodward Street, continuing on Woodward Street to a second proposed manhole at the intersection of Lincoln Street and Woodward Street thence turning and installing 182± of conduit on LINCOLN STREET in a northeasterly direction to utility pole #257/19 in front of #163 Lincoln Street. This work is necessary to perform system upgrades.
Public Facilities Held 7-0 on 09/18/19

Public Hearing

- #338-19 Eversource petition for a Grant of Location on Chandler Street**
EVERSOURCE petitioning for a grant of location to relocate one pole (JO Pole 447/222) to the southerly side of Chandler Street 70'± east of Adams Street (in front of house #32).

Public Hearing

- #339-19 Verizon petition for a Grant of Location on Temple and Putnam Street**
VERZION petitioning for a grant of location to install and maintain 140'± of conduit from existing Manhole #17/116 on Temple Street (approximately 110' northwest of Putnam Street) thence turning to a westerly direction crossing Putnam Street for approximately 30' to proposed handhole located in the sidewalk area on the westerly side of Putnam Street near #71. This work is necessary to provide new services on Putnam Street.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Public Hearing

#340-19 Verizon petition for a Grant of Location on Walnut Street

VERZION petitioning for a grant of location to install and maintain 213'± of conduit from existing Manhole #16/182 on the easterly side of Walnut Street crossing the street approximately 45' thence turning to a southerly direction for 155'± along Walnut street in the gutter and then in a westerly direction for 13'± to private property near #227 Walnut Street. This work is necessary to provide new service.

Public Hearing

#341-19 National Grid petition for a Grant of Location Walnut St/Washington St and Terr

National Grid petitioning for a grant of location to install 300'± of gas main in Walnut Street from the existing gas main in Washington Street northerly to end of #245 Walnut Street/#845 Washington Street, and to install and maintain 39'± of 6" gas main in Washington Street from the existing 24" gas main at building #885 northerly to Washington Terrace, which is a private way. This work is necessary to provide gas service to #245 Walnut Street/#845 Washington Street.

Public Hearing

#342-19 Eversource petition for Grant of Location in Beacon Street

EVERSOURCE ENERGY petitioning for a grant of location to install 122.9'± of conduit in a southerly directly from existing pole 125/19 across Beacon Street, thence turning and continuing in an easterly direction to a point 80± west of Tudor Road.

Referred to Public Facilities and Finance Committees

#346-19 Accepting Green Communities Program grants funds

HER HONOR THE MAYOR requesting to accept Green Communities Program grant funds of one hundred eleven thousand two hundred and seventeen dollars (\$111,217) from the Massachusetts Department of Energy Resources. The grant will be used for lighting at the Newton South High School tennis court and field house. The Public Buildings Department requesting authorization to spend \$24,406 out of the Energy Stabilization Fund to supplement the state grant funds and complete this lighting

Referred to Public Facilities and Finance Committees

#347-19 Appropriate \$1,160,066 for the Day Middle School Boiler Replacement Project

HER HONOR THE MAYOR requesting authorization to appropriate and expend one million one hundred sixty thousand and sixty six dollars (\$1,160,066) for the Day Middle School Boiler Replacement Project, of which approximately three hundred sixty thousand seven hundred and fifty-three dollars (\$360,753) will be funded by a grant from the Massachusetts School Building Authority's Accelerated Repair Program and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes to the costs of the project and to reduce the amount authorized to be borrowed for the project by like amount.

#250-19 Inflow and Infiltration Mitigation Ordinance

CITY ENGINEER requesting amendments to Chapter 29 of the City of Newton Ordinances to create an Infiltration and Inflow Mitigation Ordinance that would codify mitigation requirements for development projects over a certain size, potential for fees in lieu of mitigation and waiver of fees by the City Council.

Action: Public Facilities Held 5-0 (Councilors Lappin and Laredo not voting)

Respectfully submitted,

Deborah Crossley, Chair

RECEIVED
City Clerk
2019 SEP 18 AM 9:02

CITY OF NEWTON
MASSACHUSETTS

PETITION for GRANT OF LOCATION

Thomas A. Blodgett, City Engineer
Newton, MA 02459

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the City Council before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the City Council. Upon filing with the City Council, the petition will be scheduled for a public hearing before the Public Facilities Committee of the City Council. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the City Council
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the City Council
4. City Council schedules petition for a public hearing before the Public Facilities Committee of the City Council
5. Public Facilities Committee recommendations are forwarded to the City Council for a final decision

Questions may be directed to:

Lou Taverna, City Engineer, 617-796-1020
City Council Office, 617-796-1210

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name Eversource Energy

Address 200 Calvary Street

Waltham, MA 02453

Phone Number 781-314-5053 Fax Number 781-314-5165

Contact Person Maureen Carroll Title Right of Way Agent

Signature *Maureen Carroll* Date 9-18-2019
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

SEP 18 19 10:23

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

Eversource to relocate pole #76/4 on Chandler Street, Newton

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:
 Title of Plan Chandler Street, Newton Date of plan June 27 2019

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department Sept 18 2019

Check One:

Minor Project

Major Project

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

DATE AND COMMENTS:

RECOMMENDATIONS:

The relocated pole must have a minimum of 36" clearance for ADA compliance	need sidewalk Crossing Permit
any curb & sidewalk damage must be replaced in kind	
in kind John Dwyer	Associate City Engineer Sept 23, 2019

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

Commissioner, Public Works

Date

9/23/19



200 Calvary Street
Waltham, Ma 02453

September 16, 2019

City Council
City of Newton
1000 Commonwealth Avenue
Newton MA, 02459

RE: Chandler Street
Newton, MA
W.O. #2331373

Dear Members of the Council:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY d/b/a EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to relocate one (1) pole on Chandler Street.

This work is being done to accommodate a new driveway for 32 Chandler Street.

Your immediate attention to this matter is appreciated. If you have any questions, please call Maureen Carroll at (781) 314-5053.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard M. Schifone".

Richard M. Schifone, Supervisor
Rights & Permits

RMS/kj
Attachments

PETITION OF NSTAR ELECTRIC DBA EVERSOURCE ENERGY AND OTHER COMPANIES FOR JOINT OR IDENTICAL LOCATIONS FOR EXISTING POLES

To the City Council of the City of Newton, Massachusetts

RESPECTFULLY represent NSTAR ELECTRIC COMPANY DBA EVERSOURCE ENERGY and VERIZON NEW ENGLAND INC. companies subject to Chapter 166 of the General Laws (Ter. Ed.), that they heretofore received a grant of joint or identical location for, and have erected or constructed, a line, consisting of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line, upon along and across the public way or ways hereinafter specified, and that it is desirable that the location of certain said poles be altered.

WHEREFORE, your petitioners pray that after due notice and hearing as provided by law the COUNCIL may by Order grant your petitioners alteration in the location of said existing poles so that hereafter said poles, together with such other fixtures as may be necessary to sustain or protect the wires of the line, shall be located, substantially as shown on the plan by A. DeBenedictis dated June 27, 2019 and filed herewith, upon, along and across the following public way or ways of said City:

Chandler Street - Southerly side approximately 70 feet east of Adams Street

**Install one (1) joint owned pole #76/4
Remove one (1) joint owned pole #76/4**

W/O #2331373

Your petitioners agree to reserve space for one crossarm at a suitable point upon each of said poles for the telephone, fire and police signal wires owned by the City and used for municipal purposes.

**NSTAR ELECTRIC COMPANY DBA
EVERSOURCE ENERGY**



By _____
Richard M. Schifone, Supervisor
Rights and Permits

VERIZON NEW ENGLAND, INC.

By Karen Levesque

Dated this 16th day of September 2019

City of Newton, Massachusetts.

Received and filed _____, 2019

City Clerk

**ORDER FOR ALTERATION OF JOINT OR IDENTICAL LOCATIONS
FOR EXISTING POLES 338-19
To the City Council of the City of Newton, Massachusetts**

WHEREAS, **NSTAR ELECTRIC COMPANY DBA EVERSOURCE ENERGY and VERIZON NEW ENGLAND INC.**, have heretofore been granted a joint or identical location for, and have erected or constructed, a line of wires, poles and such other fixtures as may be necessary to sustain or protect the wires of the line upon, along and across the public way or ways hereinafter specified, and have petitioned for an alteration in the location of certain said poles.

It is DIRECTED that the location heretofore granted for said poles be altered so that hereafter said poles shall be located, substantially as shown on the plan on file with said petition for alteration in the location, upon, along and across the following public way or ways of said city:

Chandler Street - Southerly side approximately 70 feet east of Adams Street

**Install one (1) joint owned pole #76/4
Remove one (1) joint owned pole #76/4**

W/O #2331373

All construction work under this Order shall be in accordance with the following conditions:
A true record.

Poles shall be of sound timber and located as shown on a plan made by **A. DeBenedictis** dated **June 27, 2019** on file with said petition. There may be attached to said poles by said **NSTAR ELECTRIC COMPANY DBA EVERSOURCE ENERGY** and by said **VERIZON NEW ENGLAND INC.** wires and cables necessary for the conduct of their business. All such wires and cables shall be placed at a height of not less than twenty feet from the ground.

Attest: _____
City Clerk

Approved: _____ 2019

Mayor

CERTIFICATE

We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter.Ed.), and any additions thereto or amendments thereof, to wit: -after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the City Clerk to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held at **City Council** in said City on _____ day of _____, 2019 at P.M.

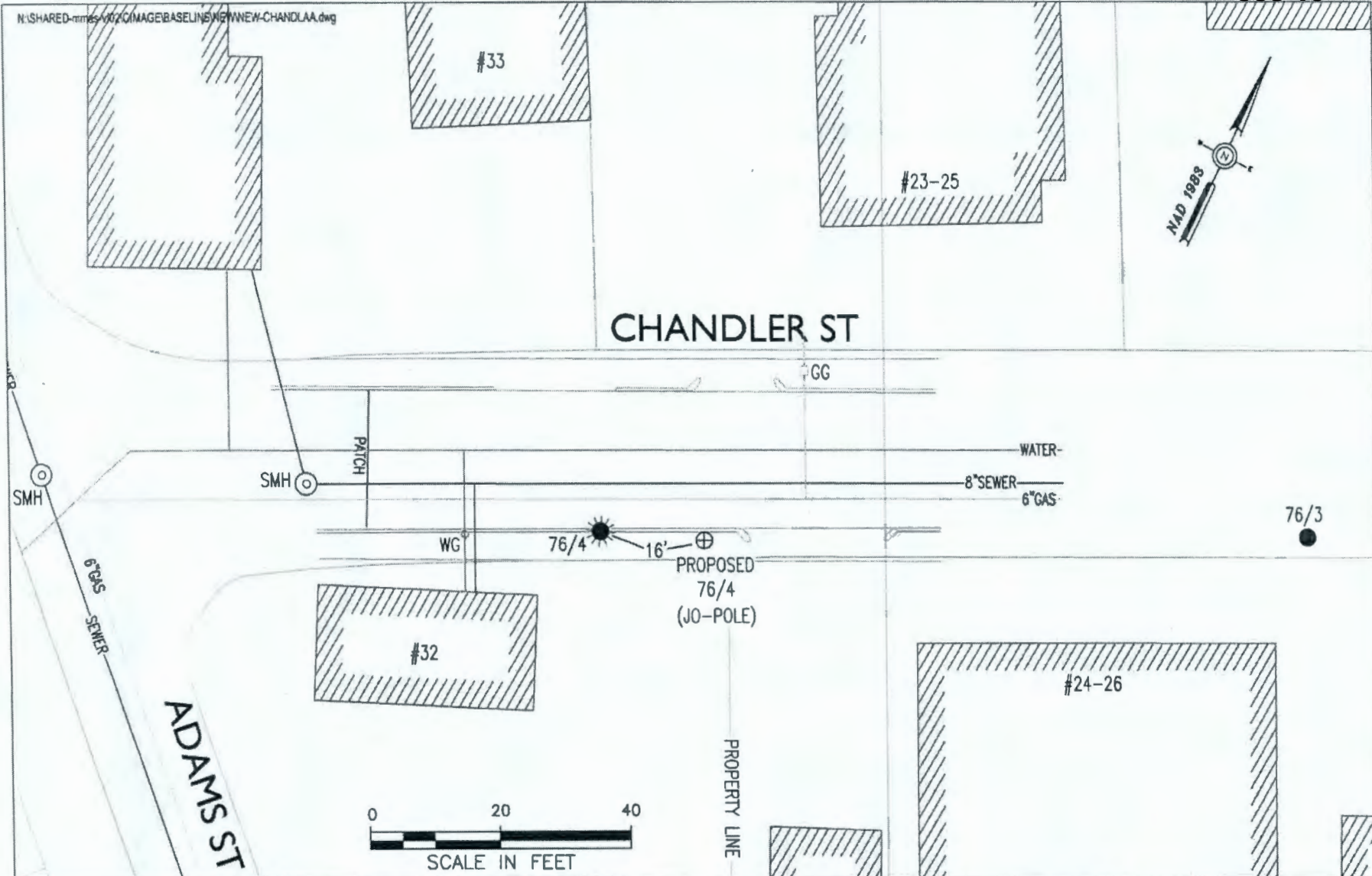
City Clerk

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the City Council of the City of **Newton,** Massachusetts, duly adopted on the _____ day of _____ 2019, and recorded with the records of location Orders of said City, Book _____ Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the City of **Newton,** Massachusetts

N:\SHARED-rooms\702\IMAGE\BASELINE\NEW\NEW-CHANDLAA.dwg



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION, OR IN RELIANCE UPON IT, TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSURED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

Proposed pole locations shown thus	⊕	C#	
Pole locations to be abandoned, shown thus	○	Ward #	
Proposed Anchor Guy shown thus	T	Work Order #	2331373
Proposed Hip Guy shown thus	TL	Surveyed by:	NITSCH
Proposed Underground location shown thus	—	Research by:	NITSCH
Proposed Push Brace shown thus	⊕	Plotted by:	NITSCH
Existing Pole location shown thus	●	Proposed Structures:	TL
		Approved:	A DEBENEDICTIS
		P#	
		Scale	1"=20'
		Date	JUNE 27, 2019
		SHEET	1 of 1

NSTAR EVERSOURCE
 ELECTRIC
 d/b/a
 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125

Plan of CHANDLER STREET
 NEWTON
 Showing PROPOSED POLE LOCATION

RECEIVED
Newton City Clerk

CITY OF NEWTON
MASSACHUSETTS

2019 SEP 18 AM 9:02

PETITION for GRANT OF LOCATION

Frank A. Blaz, City Engineer
Newton, MA 02459

To the Petitioner:

City of Newton Ordinance Section 23-5 requires that each petition for grant of location be submitted to the City Council before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the City Council. Upon filing with the City Council, the petition will be scheduled for a public hearing before the Public Facilities Committee of the City Council. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the City Council
2. Public Works Department conducts preliminary review and gives written comments to the applicant
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5. Public Facilities Committee recommendations are forwarded to the City Council for a final decision

Questions may be directed to:

Lou Taverna, City Engineer, 617-796-1020
City Council Office, 617-796-1210

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name Verizon New England Inc.

Address 385 Myles Standish Blvd

Taunton, MA 02780

Phone Number 774-409-3170 Fax Number _____

Contact Person Karen Levesque Title ROW Manager

Signature Karen Levesque Date 9/18/19
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

SEP 18 19 10:23

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

placing 140' of new conduit and one new Handhole on Temple and Putnam St

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan Petition Plan Newton 1A3U6RW Date of plan 9/17/19

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department _____

Check One:

Minor Project Major Project Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan Stamped Plans

DATE AND COMMENTS:

RECOMMENDATIONS:

<i>Trenches shall be backfilled with Control Density Fill</i>	<i>Trenches + Street opening Permits required</i>
<i>CDF Type I-E Excavatable</i>	<i>Temple St was placed</i>
<i>Trench Repair per Street Opening Permit</i>	<i>in 2014 this portion of work will require mill + overlay 25' of</i>
<i>John Daghlian Associate City Engineer</i>	<i>each side of the trench</i>

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:


Commissioner, Public Works

9/23/19
Date

Karen Levesque
Right of Way Manager



385 Myles Standish Blvd
Taunton, MA 02780

Office 774-409-3170
Mobile 774-504-1279
Karen.levesque@one.verizon.com

September 18, 2019

Newton City Council
Newton City Hall, Room 105
1000 Commonwealth Avenue
Newton, MA 02459

**RE: Petition for Verizon job #1A3U6RW
Putnam and Temple Street, Newton, MA**

Dear Honorable City council:

Enclosed find the following items in support of the above-referenced project:

1. Petition;
2. Petition Plan;
3. Order;
4. Abutters.

A Public Hearing and notice to abutters is required. A Verizon representative will attend the Public Hearing. Should any questions or comments arise concerning this matter prior to the hearing, please contact me at 774-409-3170. Your assistance is greatly appreciated.

Sincerely,

Karen Levesque
Right of Way Manager

Enc

PETITION FOR CONDUIT LOCATION

To the **City Council**

of **NEWTON**, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Putnam and Temple Street:

Place one new four- inch (4") conduit approximately 140'. From existing manhole 17/116 on Temple Street, heading northwesterly 110' along Putnam Street, thence turning to a westerly direction crossing Putnam Street for approximately 30' to proposed handhole located in sidewalk area on the westerly side of Putnam Street near #71.

This petition is necessary to place new services along Putnam Street.

Also for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked-VZ N.E. Inc. No. **1A3U6RW** dated **September 17, 2109** showing location of conduit to be constructed is filed herewith.

VERIZON NEW ENGLAND INC.

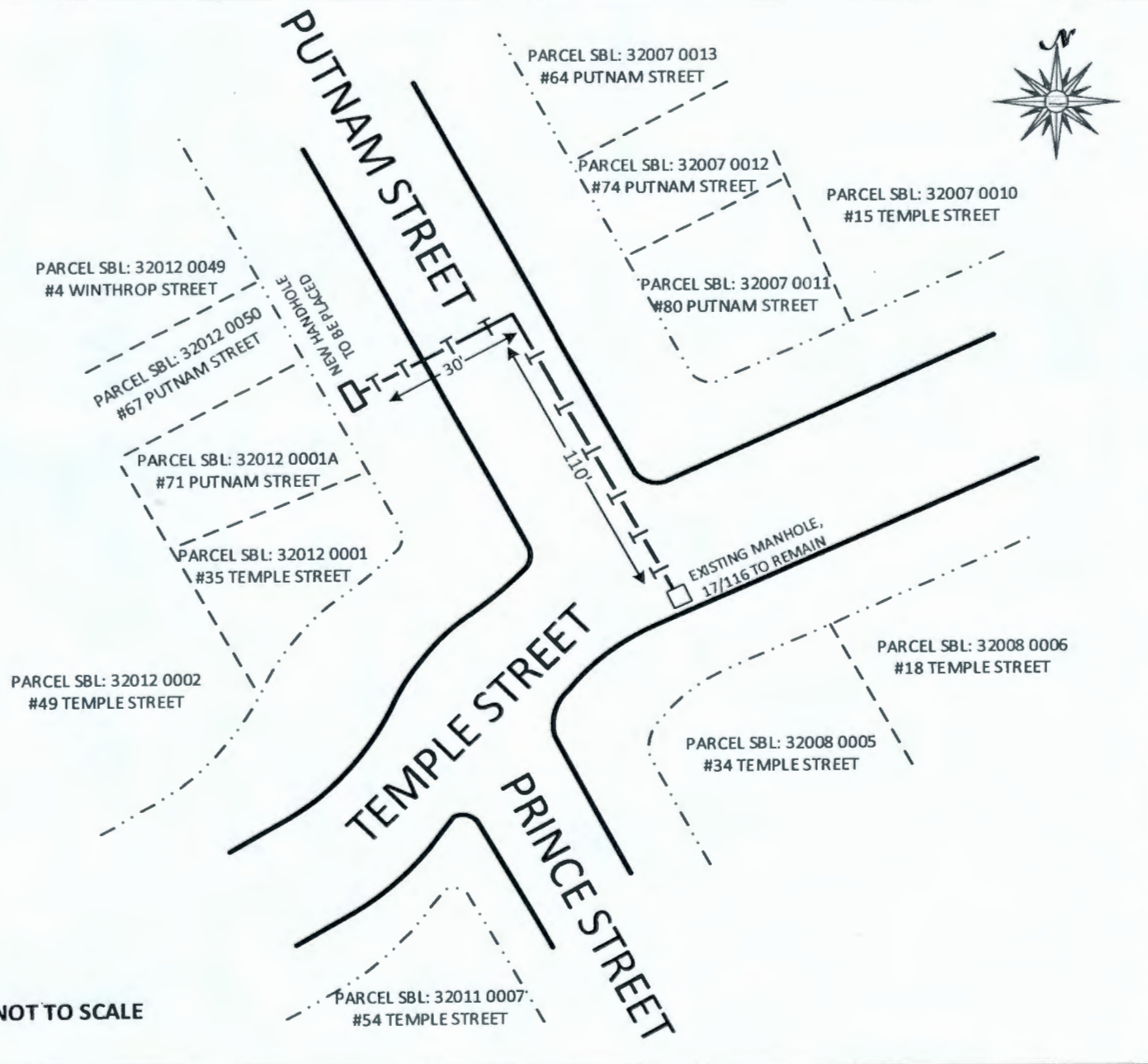
By *Karen Levesque*
 Karen Levesque
 Manager - Rights of Way

Dated this 18th day of September, 2019.

MUNICIPALITY NEWTON VZ N.E. Inc. No. 1A3U6RW

VERIZON NEW ENGLAND, INC DATE: SEPTEMBER 17, 2019

SHOWING PROPOSED INSTALLATION OF CONDUIT ON TEMPLE AND PUTNAM STREET



LEGEND

- EDGE OF PAVEMENT
- EDGE OF ROADWAY
- PROPERTY LINE
- EXISTING MANHOLE TO REMAIN
- PROPOSED CONDUIT TO BE PLACED
- PROPOSED HANDHOLE TO BE PLACED

ORDER FOR CONDUIT LOCATION

By the City Council of the City of NEWTON, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
It is HEREBY ORDERED:

That permission be and hereby is granted VERIZON NEW ENGLAND INC. to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated the 17th day of September, 2019.

Putnam and Temple Street:

Place one new four- inch (4") conduit approximately 140'. From existing manhole 17/116 on Temple Street, heading northwesterly 110' along Putnam Street, thence turning to a westerly direction crossing Putnam Street for approximately 30' to proposed handhole located in sidewalk area on the westerly side of Putnam Street near #71.

This petition is necessary to place new services along Putnam Street.

Substantially as shown on plan marked- VZ N.E. Inc. No. 1A3U6RW dated September 17, 2019 - filed with said petition. Also, that permission be and hereby is granted said VERIZON NEW ENGLAND INC. to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such material and construction and all work done in such manner as to be satisfactory to such municipal officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the City when the work is completed.
2. In every underground main line conduit constructed by said Company hereunder one duct not less than three inches in diameter shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.
3. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
4. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of Ten Thousand Dollars (\$10,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of its duties under this permit.
5. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of NEWTON, Massachusetts, held on the _____ day of _____ 2019.

City Clerk

ORDER FOR CONDUIT LOCATION

We hereby certify that on _____ 2019, at _____ o'clock _____ M. at _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. for permission to lay and maintain underground conduits, manholes and connection, with the wires and cables to be placed therein, described in the order herewith recorded, and that we mail at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the lines of said Company under said order. And that thereupon said order was duly adopted.

City Council of the City of NEWTON, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of location order, and certificate of hearing with notice adopted by the City Council of the City of NEWTON, Massachusetts, on the _____ day of _____ 2019, and recorded with the records of location orders of said City, Book _____ Page _____. This certified copy is made under the provisions of Chapter 166 General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk

ABUTTERS LIST

PROPERTY SBL: 32007 0013
64 Putnam Street

GURVIS ERIC S & LAURA K
64 Putnam St
Newton, MA 02465

PROPERTY SBL: 32007 0012
74 Putnam Street

GOLDSTEIN JENNIFER TR
74 PUTNAM ST TRUST
74 Putnam Street
Newton, MA 02465

PROPERTY SBL: 32007 0011
80 Putnam Street

HART CHARLOTTE C TR
THE CCH NOMINEE TRUST
80 Putnam Street
Newton, MA 02465

PROPERTY SBL: 63033 0021
50 Middlesex Road

BRIMMER & MAY SCHOOL
69 Middlesex Road
Chestnut Hill, MA 02467

PROPERTY SBL: 32007 0010
15 Temple Street

KIM NANCY S
PARK EDWARD Y
15 Temple Street
Newton, MA 02465

PROPERTY SBL: 32008 0006
18 Temple Street

MACLEAN TODD & LAURA
18 Temple Street
Newton, MA 02460

PROPERTY SBL: 32008 0005
34 Temple Street

SLACK SHAWNA
34 Temple Street
Newton, MA 02465

ABUTTERS LIST

PROPERTY SBL: 32011 0007
54 Temple Street

KANE THOMAS J
GRAY KAREN G
54 Temple Street
Newton, MA 02465

PROPERTY SBL: 32012 0002
49 Temple Street

CHAMBERLAIN MICEAL JR & SHELBY M
49 Temple Street
West Newton, MA 02465

PROPERTY SBL: 32012 0001
35 Temple Street

ASHISH CHHABRA
PRACHI SAMUDRA TRS
35 Temple Street
Newton, MA 02465

PROPERTY SBL: 32012 0001A
71 Putnam Street

AKTAS HUSEYIN
AKTAS SUKRIYE
71 Putnam Street
Newton, MA 02465

PROPERTY SBL: 32012 0050
67 Putnam Street

DALTON JOSEPH G
BURNS SUSAN E
67 Putnam Street
West Newton, MA 02465

PROPERTY SBL: 32012 0049
4 Winthrop Street

BOND JEREMY P
BOND SARAH G
4 Winthrop Street
Newton, MA 02465

PERMIT #14664

340-19

CITY OF NEWTON
MASSACHUSETTS

RECEIVED
Newton City Clerk

2019 SEP 19 AM 11:19

PETITION for GRANT OF LOCATION
Newton, MA 02459

To the Petitioner:

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Questions may be directed to:

Lou Taverna, City Engineer, 617-796-1020
City Council Office, 617-796-1210

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name Verizon New England Inc.

Address 385 Myles Standish Blvd

Taunton, MA 02780

Phone Number 774-409-3170 Fax Number _____

Contact Person Karen Levesque Title ROW Manager

Signature Karen Levesque Date 9/18/19
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

SEP 23 19 8:52

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

placing 213' of new conduit on Walnut St

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan Petition Plan Newton 1A2JW5T Date of plan 9/18/19

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department 9/23/19

Check One:

Minor Project

Major Project

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

DATE AND COMMENTS:

RECOMMENDATIONS:

Trench shall be backfilled with Central Density Fill CDF Type I-E excavatable.	requirements, Need Newton Police Details
Trench restoration per Street Opening Permit	John Duglin Associate City Engineer Sept 24, 2019

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

Commissioner, Public Works

Date

9/24/19

Karen Levesque
Right of Way Manager



385 Myles Standish Blvd
Taunton, MA 02780

Office 774-409-3170
Mobile 774-504-1279
Karen.levesque@one.verizon.com

September 19, 2019

Newton City Council
Newton City Hall, Room 105
1000 Commonwealth Avenue
Newton, MA 02459

**RE: Petition for Verizon job #1A2JW5T
Walnut Street, Newton, MA**

Dear Honorable City council:

Enclosed find the following items in support of the above-referenced project:

1. Petition;
2. Petition Plan;
3. Order;
4. Abutters.

A Public Hearing and notice to abutters is required. A Verizon representative will attend the Public Hearing. Should any questions or comments arise concerning this matter prior to the hearing, please contact me at 774-409-3170. Your assistance is greatly appreciated.

Sincerely,

Karen Levesque
Right of Way Manager

Enc

PETITION FOR CONDUIT LOCATION

To the **City Council**

of **NEWTON**, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways:

Walnut Street:

Place two new four- inch (4") conduits of approximately 213'. Starting from existing manhole 16/182 located on the easterly side of Walnut Street crossing the street approximately 45', then turning to a southerly direction for approximately 155' along Walnut Street in the gutter, and then turning in a westerly direction for approximately 13' to private property by #227 Walnut Street.

This petition is necessary to provide new services to new construction.

Also for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked-VZ N.E. Inc. No. **1A2JW5T** dated **September 18, 2109** showing location of conduit to be constructed is filed herewith.

VERIZON NEW ENGLAND INC.

By *Karen Levesque*
 Karen Levesque
 Manager - Rights of Way

Dated this 19th day of September, 2019.

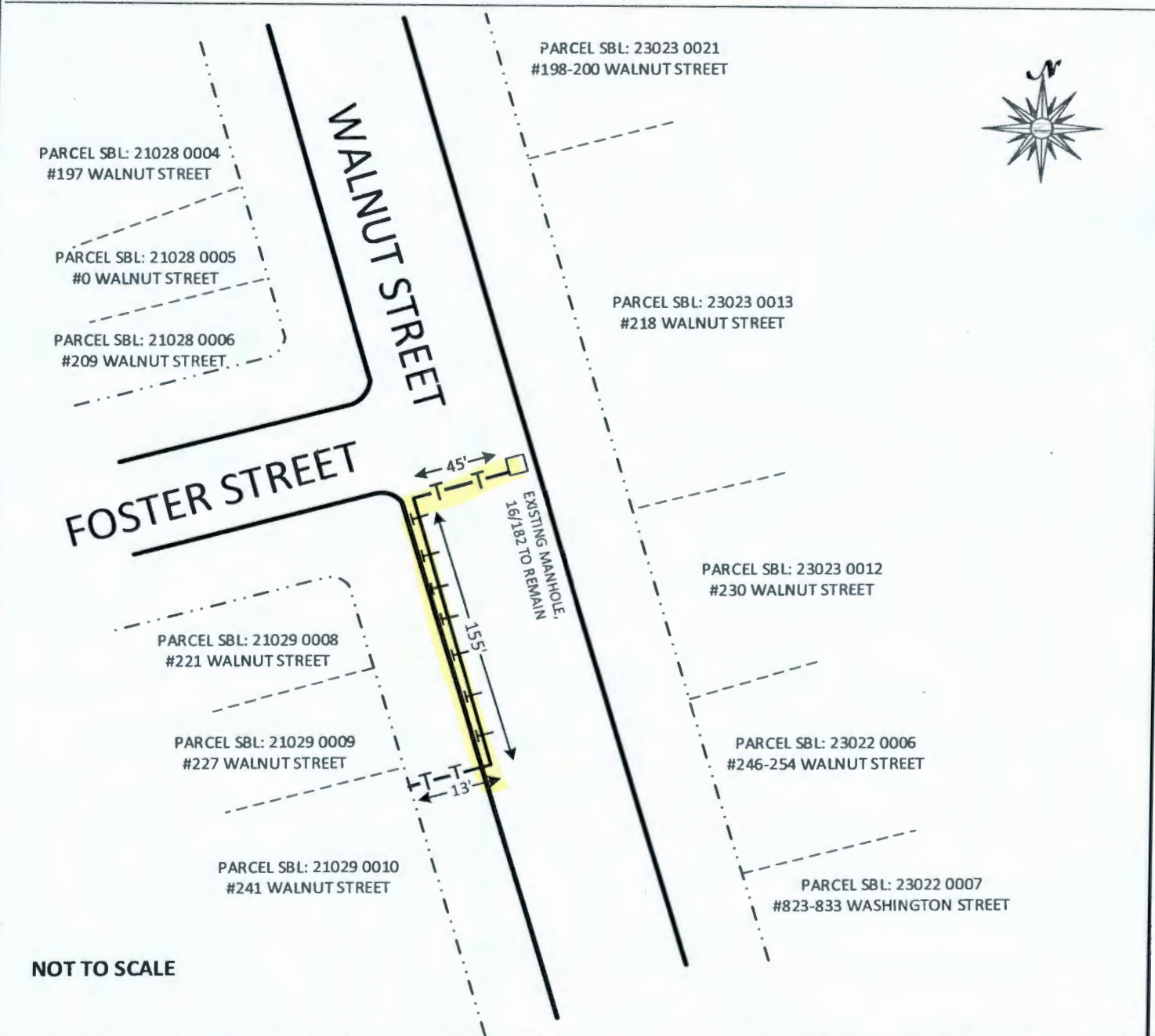


PETITION PLAN

MUNICIPALITY NEWTON VZ N.E. Inc. No. 1A2JW5T

VERIZON NEW ENGLAND, INC DATE: SEPTEMBER 18, 2019

SHOWING PROPOSED INSTALLATION OF CONDUIT ON WALNUT STREET



NOT TO SCALE

LEGEND

- EDGE OF PAVEMENT
- EDGE OF ROADWAY
- PROPERTY LINE
- EXISTING MANHOLE TO REMAIN
- PROPOSED CONDUIT TO BE PLACED

ORDER FOR CONDUIT LOCATION

By the City Council of the City of NEWTON, Massachusetts.

Notice having been given and a public hearing held, as provided by law,
It is HEREBY ORDERED:

That permission be and hereby is granted VERIZON NEW ENGLAND INC. to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated the 18th day of September, 2019.

Walnut Street:

Place two new four- inch (4") conduits of approximately 213'. Starting from existing manhole 16/182 located on the easterly side of Walnut Street crossing the street approximately 45', then turning to a southerly direction for approximately 155' along Walnut Street in the gutter, and then turning in a westerly direction for approximately 13' to private property by #227 Walnut Street.

This petition is necessary to provide new services to new construction.

Substantially as shown on plan marked- VZ N.E. Inc. No. 1A2JW5T dated September 18, 2019 - filed with said petition. Also, that permission be and hereby is granted said VERIZON NEW ENGLAND INC. to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such material and construction and all work done in such manner as to be satisfactory to such municipal officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the City when the work is completed.
2. In every underground main line conduit constructed by said Company hereunder one duct not less than three inches in diameter shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.
3. Said Company shall indemnify and save the City harmless against all damages, costs and expense whatsoever to which the City may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the City.
4. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of Ten Thousand Dollars (\$10,000) (reference being had to the bond already on file with said City) conditioned for the faithful performance of it duties under this permit.
5. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the City Council of the City of NEWTON, Massachusetts, held on the _____ day of _____ 2019.

City Clerk

ORDER FOR CONDUIT LOCATION

We hereby certify that on _____ 2019, at _____ o'clock _____ M. at _____ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. for permission to lay and maintain underground conduits, manholes and connection, with the wires and cables to be placed therein, described in the order herewith recorded, and that we mail at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the lines of said Company under said order. And that thereupon said order was duly adopted.

City Council of the City of NEWTON, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of location order, and certificate of hearing with notice adopted by the City Council of the City of NEWTON, Massachusetts, on the _____ day of _____ 2019, and recorded with the records of location orders of said City, Book _____ Page _____. This certified copy is made under the provisions of Chapter 166 General Laws and any additions thereto or amendments thereof.

Attest:

City Clerk

ABUTTERS LIST

PROPERTY SBL: 23023 0021
198-200 Walnut Street

MILLER DONALD C TR
RAY MILLER TRUST
3 Exmoor Rd
Newton Centre, MA 02459

PROPERTY SBL: 23023 0013
218 Walnut Street

BOSTON CHINESE EVANGELICAL CHURCH
249 Harrison Ave
Boston, MA 02111

PROPERTY SBL: 23023 0012
230 Walnut Street

WALNUT TERR LLC
1200 Soldiers Field Rd
Suite 102
Boston, MA 02134

PROPERTY SBL: 23022 0006
246-254 Walnut Street

HANLON PATRICIA A TR
WALNUT STREET REALTY TRUST
1200 Soldiers Field Rd
Suite 102
Boston, MA 02134

PROPERTY SBL: 23022 0007
823-833 Washington Street

HANDLER NEWTONVILLE LLC
248 Newbury Street
Boston, MA 02116

PROPERTY SBL: 21029 0010
241 Walnut Street

WASHINGTON PL OWNER LLC
57 River Street STE 106
Wellesley, MA 02481

ABUTTERS LIST

PROPERTY SBL: 21029 0009
227 Walnut Street

SLATTERY PATRICK J
143 Bridge Street
Newton, MA 02458

PROPERTY SBL: 21029 0008
221 Walnut Street

SLATTERY PATRICK J TR
P&K REALTY TRUST II
143 Bridge Street
Newton, MA 02458

PROPERTY SBL: 21028 0006
209 Walnut Street

LEWIS ADAM MARC
209 Walnut Street
Newton, MA 02460

PROPERTY SBL: 21028 0005
203-205 Walnut Street

JASPER MICHAEL S
203 Walnut Street
Newton, MA 02460

PROPERTY SBL: 21028 0004
197 Walnut Street

DEUTSCH SARAH
31 Channing Street
Newton, MA 02458

RECEIVED

CITY OF NEWTON
MASSACHUSETTS

2019 SEP 23 AM 11:20

PETITION for GRANT OF LOCATION

NEWTON A. STICKNEY
NEWTON, MA 02459

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Board of Aldermen before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the Board of Aldermen
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the Board of Aldermen
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions my be directed to:

Lou Taverna, City Engineer, 617-796-1020
Shawna Sullivan, Clerk of the Board of Aldermen, 617-796-1213

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name National Grid

Address 40 Sylvan Rd.
Waltham, Ma 02451

Phone Number 617-293-0480 Fax Number _____

Contact Person Barbara Kelleher Title Permit Representative

Signature Barbara H. Kelleher Date 9-23-19
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

To install and maintain approximately 300 feet of 6 inch gas main in Walnut St., Newton from the existing 24 inch gas main in Washington St. northerly to the end of the proposed building called #245 Walnut St. aka 845 Washington St. in order to provide a new gas service to the rear of that building. And approximately 39 feet more or less of 6 inch gas main in Washington St., from the existing 24 inch gas main at building #885 northerly to Washington Terr., which is a private way. In order to provide a gas service to the left side of the proposed building called #245 Walnut St. aka 845 Washington St. in order to provide a new gas service to that building.

Title of Plan 849 Washington St., Newton Date of plan 8-15-19

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department 9/24/19

Check One:

Minor Project Major Project Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan Stamped Plans

DATE AND COMMENTS:

RECOMMENDATIONS:

This portion of Washington St has cement concrete road base which shall be replaced in	8 in permits may be required Trench shall be compacted to 95% Proctor & restoration
kind with 2-way reinforcement	per street opening permit.
Additionally mura water mains transverse the intersection	John Daghlian Associate City Engineer 9/25/19

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:


Commissioner, Public Works

9/27/19
Date

PETITION OF NATIONAL GRID FOR GAS MAIN LOCATIONS

City of Newton / City Council:

The Nationalgrid hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 300 feet of 6 inch gas main in Walnut St., Newton from the existing 24 inch gas main in Washington St. northerly to the end of the proposed building called #245 Walnut St. aka 845 Washington St. in order to provide a new gas service to the rear of that building. And approximately 39 feet more or less of 6 inch gas main in Washington St., from the existing 24 inch gas main at building #885 northerly to Washington Terr., which is a private way. In order to provide a gas service to the left side of the proposed building called #245 Walnut St. aka 845 Washington St. in order to provide a new gas service to that building.

Date: September 17, 2019

By: Barbara H. Kelleher
Barbara H. Kelleher
Permit Representative

City of Newton / City Council:

IT IS HEREBY ORDERED that the locations of the mains of the Nationalgrid for the transmission and distribution of gas in and under the public streets, lanes, highways and places of the **City of Newton** substantially as described in the petition date September 17, 2019 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Nationalgrid shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Date this _____ day of _____, 20____.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____, 20____.

By: _____

Title

ABUTTERS LIST**WASHINGTON ST**

Owner Name	Address	City State	ZIP Code
793 WASHINGTON DEV LLC	793 WASHINGTON ST	NEWTON MA	02460-1625
HANDLER NEWTONVILLE LLC	823 WASHINGTON ST	NEWTON MA	02460-1625
WASHINGTON PLACE OWNER	845 WASHINGTON ST	NEWTON MA	02460-1548
WASHINGTON PLACE OWNER	857 WASHINGTON ST	NEWTON MA	02460-1547
WASHINGTON PLACE OWNER	861 WASHINGTON ST	NEWTON MA	02460-1547
WASHINGTON PLACE OWNER	867 WASHINGTON ST	NEWTON MA	02460-1547
WASHINGTON PLACE OWNER	869 WASHINGTON ST	NEWTON MA	02460-1547
WASHINGTON PLACE OWNER	875 WASHINGTON ST	NEWTON MA	02460-1547
MARK NEWTONVILLE 2 LLC	885 WASHINGTON ST	NEWTON MA	02460-1546
MARK KEMPTON LLC	891 WASHINGTON ST	NEWTON MA	02460-1546
MOON & ZEN LLC	899 WASHINGTON ST	NEWTON MA	02460-1546

WASHINGTON TER

Owner Name	Address	City State	ZIP Code
MARK NEWTONVILLE LLC	6 WASHINGTON TER	NEWTON MA	02460-1541
MARK NEWTONVILLE LLC	10 WASHINGTON TER	NEWTON MA	02460-1541
MARK NEWTONVILLE LLC	16 WASHINGTON TER	NEWTON MA	02460-1541
COLETTI DANIEL A	17 WASHINGTON TER	NEWTON MA	02460-1522
MARK NEWTONVILLE 2 LLC	21 WASHINGTON TER	NEWTON MA	02460-1522
MARK NEWTONVILLE LLC	22 WASHINGTON TER	NEWTON MA	02460-1541

WALNUT ST

Owner Name	Address	City State	ZIP Code
P & K RT 2 /TRUST	221 WALNUT ST	NEWTON MA	02460-1609
SLATTERY PATRICK J	227 WALNUT ST	NEWTON MA	02460-1609
WALNUT TER LLC	230 WALNUT ST	NEWTON MA	02460-1619
MARK NEWTONVILLE LLC	241 WALNUT ST	NEWTON MA	02460-1609
WASHINGTON PLACE OWNER	245 WALNUT ST	NEWTON MA	02460-1609
WALNUT ST RT /TRUST	246 WALNUT ST STE 254	NEWTON MA	02460-1639

RECEIVED
City Clerk

CITY OF NEWTON
MASSACHUSETTS

2019 SEP 30 AM 11:05

PETITION for GRANT OF LOCATION

James A. Deane, CND
Newton, MA 02459

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the City Council before it is sent to the Public Works Department for a preliminary review. The comments of the Public Works Commissioner will be part of the record submitted to the City Council. Upon filing with the City Council, the petition will be scheduled for a public hearing before the Public Facilities Committee of the City Council. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans and the Department of Public Works Permit Processing brochure.

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to the City Council
2. Public Works Department conducts preliminary review and gives written comments to the applicant
3. Engineering Division files Petition Form with comments with the Clerk of the City Council
4. City Council schedules petition for a public hearing before the Public Facilities Committee of the City Council
5. Public Facilities Committee recommendations are forwarded to the City Council for a final decision

Questions my be directed to:

Lou Taverna, City Engineer, 617-796-1020
City Council Office, 617-796-1210

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name Eversource Energy

Address 200 Calvary Street
Waltham, MA 02453

Phone Number 781-314-5053 Fax Number 781-314-5165

Contact Person Maureen Carroll Title Right of Way Agent

Signature Maureen Carroll Date 9-30-19
Person filing application

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

II. DESCRIPTION OF PROJECT: to be completed by petitioner

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

Eversource to install approximately 122.9 feet of conduit in Beacon Street, Newton

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan Beacon Street, Newton Date of plan September 19, 2019

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department

Spt 30 2019

Check One:

Minor Project

Major Project

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

DATE AND COMMENTS:

RECOMMENDATIONS:

Any curb + sidewalk damaged shall be replaced in kind to City Standards. Backfill shall be with Central Density Fill CDF Type F-E Excavatable.	Trench Restoration per street opening permit Standard Trench Restoration John Dugher Associate City Engineer Oct 1 2019
Will need @ least 2 police Dept. Details.	

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

Shawna Sullivan
Commissioner, Public Works

10/1/19
Date

September 30, 2019

City Council
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

RE: Beacon Street
Newton, MA
W/O #2340072

384-400 BEACON ST.

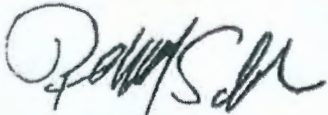
Dear Members of the Council:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba **EVERSOURCE ENERGY** for the purpose of obtaining a Grant of Location to install approximately 122.9 feet of conduit in Beacon Street.

The reason for this work is to install underground electric service (AKA 400 Beacon Street.)

If you have any further questions, contact Maureen Carroll at (781) 314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,



Richard M. Schifone, Supervisor
Rights and Permits

RMS/kj
Attachments

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY FOR
LOCATION FOR CONDUITS AND MANHOLES**

To the City Council of the City of Newton Massachusetts

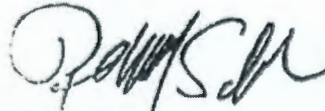
Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Council may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located substantially as shown on the plan made by A. DeBenedictis dated September 19, 2019 and filed herewith, under the following public way or ways of said City.

Beacon Street - **Southerly from pole 125/19, thence turning easterly, approximately 80 feet west of Tudor Road, a distance of 122.9 ± feet - conduit**

W/O # 2340072

NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY



By: _____

Richard M. Schifone, Supervisor
Rights and Permits

Dated this 30th day of September, 2019

City of Newton, Massachusetts

Received and filed _____, 2019

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES

342-19

City of Newton Massachusetts, _____, 2019

In City Council

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating, or power under the public way or ways of the City hereinafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said City:

Beacon Street - Southerly from pole 125/19, thence turning easterly, approximately 80 feet west of Tudor Road, a distance of 122.9 ± feet – conduit

W/O # 2340072

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on plan made by A. DeBenedictis dated September 19, 2019
2. Said Company shall comply with the requirements of existing ordinances and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. All work shall be done to satisfaction of the City Council or such officer or officers as it may appoint to supervise the work.

A True Record. Attest: _____

City Clerk

Approved _____ 2019

Mayor

CERTIFICATE

I hereby certify that the foregoing Order was adopted after due notice and public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.) and any additions thereto or amendments thereof, to wit:--after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the City Clerk to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation and a public hearing held on the ___ day of _____ 2019, at City Council in the said City

City Clerk

CERTIFICATE

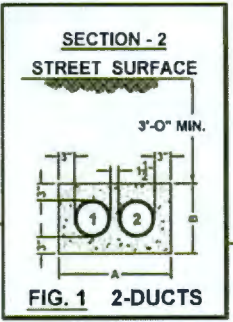
I hereby certify that the foregoing are true copies of the Order of the City Council of the City of NEWTON Massachusetts duly adopted on the _____ day of _____, 2019 and recorded with the records of location Orders of said City, Book _____ Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, as the same appear of record.

Attest:

Clerk of City of NEWTON, Massachusetts

N:\SHARED-mmas-vf02\CIMAGE\BASELINS\NEW\NEW-BEACONAG.dwg

NOTES:
 THE LOCATION OF UNDERGROUND STRUCTURES ARE FROM PLANS AND RECORDS AND ARE APPROXIMATE ONLY. IN ADDITION, SURFACE FEATURES OF UTILITIES AND SERVICES LOCATED BY FIELD SURVEY ARE TIED-IN TO THEIR NEAREST MAIN SERVICE LINE IF NO RECORDS WERE AVAILABLE TO CONFIRM ITS UNDERGROUND EXISTENCE.
 ANY UNDERGROUND STRUCTURES NOT EVIDENT WERE REQUESTED, YET UNAVAILABLE AT THIS PRESENT TIME.



122.9± INSTALL 2 - 4" PVC PIPES TYPE EB IN CONCRETE SECTION 2 FIG. 2



FIG	4" Ducts				6" Ducts			
	A	B	A	B	A	B	A	B
1A	10"	10"	11"	11"	12"	12"		
1	16 1/2"	10 1/2"	18 1/2"	11 1/2"	21"	12 1/2"		
2	22 1/2"	10 1/2"	25 1/2"	11 1/2"	29"	12 1/2"		
3	26 1/2"	10 1/2"	32 1/2"	11 1/2"	37"	12 1/2"		
4	16 1/2"	16 1/2"	18 1/2"	18 1/2"	21"	21"		
5	22 1/2"	16 1/2"	25 1/2"	18 1/2"	29"	21"		
6	16 1/2"	23 1/2"	18 1/2"	32 1/2"	21"	29"		
7	16 1/2"	28 1/2"	18 1/2"	32 1/2"	21"	37"		
8	28 1/2"	16 1/2"	32 1/2"	18 1/2"	37"	21"		
9	22 1/2"	22 1/2"	25 1/2"	25 1/2"	29"	29"		
10	24 1/2"	16 1/2"	28 1/2"	18 1/2"	45"	21"		
11	18 1/2"	34 1/2"	18 1/2"	30 1/2"	21"	45"		
12	22 1/2"	28 1/2"	25 1/2"	32 1/2"	29"	27"		
13	28 1/2"	22 1/2"	32 1/2"	25 1/2"	37"	29"		
14	40 1/2"	16 1/2"	46 1/2"	16 1/2"	53 1/2"	21"		
15	16 1/2"	40 1/2"	18 1/2"	46 1/2"	21"	53 1/2"		
16	18 1/2"	46 1/2"	18 1/2"	53 1/2"	21"	81"		

APPROX. PT. OF PICKUP



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR HARMFUL CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT TO THE MAXIMUM EXTENT ALLOWED BY LAW. YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR INJURY.
 THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSURED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

MASS. LAW
 REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C#	
Ward #	
Work Order # 2340072	
Surveyed by: PG/JC	Plan of BEACON STREET
Research by: PG	NEWTON
Plotted by: PG	Showing PROPOSED CONDUIT LOCATION
Proposed Structures: JF	
Approved: A DEBENEDICTIS	Scale 1" = 20' Date SEPTEMBER 19, 2019
P#	SHEET 1 of 1





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

346-19

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

September 25, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I write to request that this Honorable Council vote to accept Green Communities Program grant funds of \$111,217 from the Massachusetts Department of Energy Resources. This grant will be used for LED lighting at the Newton South High School tennis court and field house. The Office of the Comptroller will set up a separate account for this grant.

In the attached letter, the Public Buildings Department respectfully requests authorization to spend \$24,406 out of the Energy Stabilization Fund, account #7907T104-481200, to supplement the state grant funds and complete this lighting project at Newton South High School.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller, Mayor

Cc: Liam Hurley, Assistant Superintendent of Schools

PROCESSED
Newton City Clerk
2019 SEP 26 PM 4:39
Daniel A. Garcia, Clerk
Newton, MA 02459



CITY OF NEWTON, MASSACHUSETTS
PUBLIC BUILDINGS DEPARTMENT
 52 ELLIOT STREET, NEWTON HIGHLANDS, MA 02461

Ruthanne Fuller, Mayor
 Josh Morse
 Building Commissioner

Telephone (617) 796-1600
 Facsimile (617) 796-1601
 TDD/tty # (617) 796-1608

September 20, 2019

Ruthanne Fuller, Mayor
 Newton City Hall
 1000 Commonwealth Avenue
 Newton Centre, MA 02459

RE: Funding to replace lights at NSHS Tennis Courts and Field House & Authorization to Accept Grant

Dear Mayor Fuller:

The Public Buildings Department respectfully requests the authorization to accept the Green Communities Grant in the amount of \$111,217 from the Massachusetts Department of Energy Resources. This grant will be used for LED lighting at the Newton South High School tennis court and field house.

The Public Buildings Department respectfully requests authorization to spend \$24,406 out of the Energy Stabilization Fund to complete these lighting projects at Newton South High School.

Sincerely,

Josh Morse
 Public Buildings Commissioner

cc: Jonathan Yeo, Chief Operating Officer
 Maureen Lemieux, Chief Financial Officer
 James Mcgonagle, Commissioner of Public Works
 Alex Valcarce, Deputy Buildings Commissioner
 David Stickney, Director of Facilities



I.COMMONWEALTH OF MASSACHUSETTS ~ STANDARD CONTRACT FORM

346-19



This form is jointly issued and published by the Executive Office for Administration and Finance (ANF), the Office of the Comptroller (CTR) and the Operational Services Division (OSD) as the default contract for all Commonwealth Departments when another form is not prescribed by regulation or policy.

CONTRACTOR LEGAL NAME: City of Newton
COMMONWEALTH DEPARTMENT NAME: Department of Energy Resources
Legal Address: (W-9, W-4,T&C): 1000 Commonwealth Avenue, Newton, MA 02459
Business Mailing Address: 100 Cambridge Street, Suite 1020, Boston, MA 02114
Contract Manager: Ruthanne Fuller
Billing Address (if different):
E-Mail: rf Fuller@newtonma.gov
Contract Manager: Jane Pfister
Phone: 978-465-4413 Fax: 978-465-4452
E-Mail: jane.pfister@mass.gov
Contractor Vendor Code: VC6000192120
Phone: 617-626-1194 Fax: 617-727-0030
Vendor Code Address ID (e.g. "AD001"): AD001
MMARS Doc ID(s):
RFR/Procurement or Other ID Number: PON-ENE-2019-004

X NEW CONTRACT
PROCUREMENT OR EXCEPTION TYPE: (Check one option only)
Statewide Contract (OSD or an OSD-designated Department)
Collective Purchase (Attach OSD approval, scope, budget)
X Department Procurement (Includes State or Federal grants 815 CMR 2.00)
Emergency Contract (Attach justification for emergency, scope, budget)
Contract Employee (Attach Employment Status Form, scope, budget)
Legislative/Legal or Other: (Attach authorizing language/justification, scope and budget)
CONTRACT AMENDMENT
Enter Current Contract End Date Prior to Amendment: ____, 20__
Enter Amendment Amount: \$ ____, (or "no change")
AMENDMENT TYPE: (Check one option only. Attach details of Amendment changes.)
Amendment to Scope or Budget (Attach updated scope and budget)
Interim Contract (Attach justification for Interim Contract and updated scope/budget)
Contract Employee (Attach any updates to scope or budget)
Legislative/Legal or Other: (Attach authorizing language/justification and updated scope and budget)

The following COMMONWEALTH TERMS AND CONDITIONS (T&C) has been executed, filed with CTR and is incorporated by reference into this Contract.
X Commonwealth Terms and Conditions
Commonwealth Terms and Conditions For Human and Social Services

COMPENSATION: (Check ONE option): The Department certifies that payments for authorized performance accepted in accordance with the terms of this Contract will be supported in the state accounting system by sufficient appropriations or other non-appropriated funds, subject to intercept for Commonwealth owed debts under 815 CMR 9.00.
Rate Contract (No Maximum Obligation. Attach details of all rates, units, calculations, conditions or terms and any changes if rates or terms are being amended.)
X Maximum Obligation Contract Enter Total Maximum Obligation for total duration of this Contract (or new Total if Contract is being amended). \$111,217.00

PROMPT PAYMENT DISCOUNTS (PPD): Commonwealth payments are issued through EFT 45 days from invoice receipt. Contractors requesting accelerated payments must identify a PPD as follows: Payment issued within 10 days __% PPD; Payment issued within 15 days __% PPD; Payment issued within 20 days __% PPD; Payment issued within 30 days __% PPD. If PPD percentages are left blank, identify reason: X agree to standard 45 day cycle statutory/legal or Ready Payments (G.L. c. 29, § 23A); __ only initial payment (subsequent payments scheduled to support standard EFT 45 day payment cycle. See Prompt Pay Discounts Policy.)

BRIEF DESCRIPTION OF CONTRACT PERFORMANCE or REASON FOR AMENDMENT: (Enter the Contract title, purpose, fiscal year(s) and a detailed description of the scope of performance or what is being amended for a Contract Amendment. Attach all supporting documentation and justifications.) This is a contract to award a grant to the City of Newton for fiscal year 2020-2021, under the Green Communities Competitive Grant Program in the amount of one hundred eleven thousand two hundred seventeen dollars (\$111,217.00) to fund energy conservation measures, LED lighting, in municipal facilities including South High School, to be provided for the benefit of, and subject to the direction and oversight of, the Grantee as detailed in Attachment C.

ANTICIPATED START DATE: (Complete ONE option only) The Department and Contractor certify for this Contract, or Contract Amendment, that Contract obligations:
X 1. may be incurred as of the Effective Date (latest signature date below) and no obligations have been incurred prior to the Effective Date.
2. may be incurred as of ____, 20__, a date LATER than the Effective Date below and no obligations have been incurred prior to the Effective Date.
3. were incurred as of ____, 20__, a date PRIOR to the Effective Date below, and the parties agree that payments for any obligations incurred prior to the Effective Date are authorized to be made either as settlement payments or as authorized reimbursement payments, and that the details and circumstances of all obligations under this Contract are attached and incorporated into this Contract. Acceptance of payments forever releases the Commonwealth from further claims related to these obligations.

CONTRACT END DATE: Contract performance shall terminate as of September 30, 2020, with no new obligations being incurred after this date unless the Contract is properly amended, provided that the terms of this Contract and performance expectations and obligations shall survive its termination for the purpose of resolving any claim or dispute, for completing any negotiated terms and warranties, to allow any close out or transition performance, reporting, invoicing or final payments, or during any lapse between amendments.

CERTIFICATIONS: Notwithstanding verbal or other representations by the parties, the "Effective Date" of this Contract or Amendment shall be the latest date that this Contract or Amendment has been executed by an authorized signatory of the Contractor, the Department, or a later Contract or Amendment Start Date specified above, subject to any required approvals. The Contractor makes all certifications required under the attached Contractor Certifications (incorporated by reference if not attached hereto) under the pains and penalties of perjury, agrees to provide any required documentation upon request to support compliance, and agrees that all terms governing performance of this Contract and doing business in Massachusetts are attached or incorporated by reference herein according to the following hierarchy of document precedence, the applicable Commonwealth Terms and Conditions, this Standard Contract Form including the Instructions and Contractor Certifications, the Request for Response (RFR) or other solicitation, the Contractor's Response, and additional negotiated terms, provided that additional negotiated terms will take precedence over the relevant terms in the RFR and the Contractor's Response only if made using the process outlined in 801 CMR 21.07, incorporated herein, provided that any amended RFR or Response terms result in best value, lower costs, or a more cost effective Contract.

AUTHORIZING SIGNATURE FOR THE CONTRACTOR:
X: Ruthanne Fuller Date: 9/9/19
(Print Name and Date Must Be Handwritten At Time of Signature)
Print Name: Ruthanne Fuller
Print Title: Mayor

AUTHORIZING SIGNATURE FOR THE COMMONWEALTH:
X: Max Tassinari Date: 9/17/19
(Print Name and Date Must Be Handwritten At Time of Signature)
Print Name: Max Tassinari
Print Title: Chief Financial Officer

Jonathan Yeo

From: William Ferguson
Sent: Wednesday, September 25, 2019 8:37 AM
To: Jonathan Yeo
Cc: Stephanie Tocci
Subject: FW: NEWTON—Competitive Grant Contract Documents

This is the official email announcing the grant.

From: Pfister, Jane (ENE) <jane.pfister@state.ma.us>
Sent: Tuesday, September 03, 2019 3:41 PM
To: William Ferguson <wferguson@newtonma.gov>
Cc: Ruthanne Fuller <rfuller@newtonma.gov>; Duffy, Neal (ENE) <neal.duffy@state.ma.us>
Subject: NEWTON—Competitive Grant Contract Documents

Dear Bill-

Congratulations! The Department of Energy Resources (DOER) Green Communities Division has approved a Competitive Grant award of **\$ 111,217.00** to fund:

- \$66,346, South High School—LED lighting, tennis court
- \$44,871, South High School— LED lighting, field house

Please note that, due to the competitive nature of this grant program, **the use of these funds is restricted to the specifically approved projects** listed above.

The contract associated with this grant will expire on September 30, 2020.

Please note also that there is some flexibility to shift funds between the individual approved projects, within the parameters of your overall grant award. If you anticipate the need to shift funds from one approved project to another, please contact me before proceeding. Likewise, please contact Jane if you anticipate not expending your full grant award due to project cancellation or postponement.

Newton may have provided estimated figures for incentives from your gas and/or electricity utility provider. With specific projects identified for funding, DOER asks Newton to set up a meeting with your gas and/or electricity utility representative AND your Regional Coordinator to explore available incentives and the process and timing of applications. You or your Regional Coordinator can confirm to me by email that this meeting has taken place. (Contingency #1)

The contract document is attached with one additional file (MA Standard Contract Attachments.pdf) which includes four attachments (Commonwealth Terms and Conditions, Contractor Authorized Signatory Listing, Request for Taxpayer Identification Number and Certification (W-9), and Electronic Funds Transfer Sign Up Form). Together these five documents comprise the contract between DOER and the City of Newton.

If nothing needs to change on either the W-9 or EFT forms (since a previous designation or competitive contract), please confirm that by email. It is the policy of DOER to sign only one original contract, so please send just one original of each signed document or page to me at the address below.

DOER will return a scanned signed contract to you for City records when it has been entered into the state’s system and has been assigned a Contract ID number.

Please review these documents carefully. Let me know if you have any questions or propose making changes. **Please pay particular note to the contract end date.**

I draw your attention to the following elements in these contract documents to review and consider:

I. THE STANDARD CONTRACT (page 1)

- The Anticipated Start Date or **Effective Date** is the latest signature date (this will be the **date when DOER signs** the returned contract forms). No obligations have been incurred prior to the Effective Date in order to be eligible to be paid by competitive grant funds for approved project work. Contract End Date is **September 30, 2020**.

II. ATTACHMENT C – SCOPE OF GRANT AWARD

- Please review all the contingencies carefully.
- DOER will require confirmation that the town has applied for all gas and electric rebates available for eligible energy conservation or efficiency measures. Grantee is required to have documentation from utilities regarding rebates before selection and installation of products.
- Disbursement of Funds schedule; 25%, 50%, and 25% after completion, site inspection, approval of a final grant report.

III. ATTACHMENT D – BUDGET

- **Grant funds budgeted over 2 Fiscal Years.**

Please return **one copy of all signed documents to me by mail.** That will be a minimum of 5 signed original pages; standard contract form page 1, Commonwealth Terms and Conditions, page 2, Authorized Signatory Listing, Mass version of W9, and EFT form. I would appreciate an email when they are in the mail so I can look for them.

As soon as DOER has signed the returned contract, I will email the City with the Effective Date, so obligation may be incurred, and work may begin on approved projects.

I look forward to working with you in the future. Please contact me if you have any questions or concerns.

Best Regards,
Jane

Jane Pfister, Grant Coordinator
Green Communities Division
Department of Energy Resources
100 Cambridge Street, Suite 1020
Boston, MA 02114

617-626-1194 (direct)
jane.pfister@mass.gov

Creating a Clean, Affordable, and Resilient Energy Future for the Commonwealth



Ruthanne Fuller
Mayor

City of Newton, Massachusetts

Office of the Mayor

RECEIVED
2019 SEP 27 AM 10:33

347-19

Telephone
(617) 796-1100
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089
Email
rfuller@newtonma.gov

September 26, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend \$1,160,066 for the Day Middle School Boiler Replacement Project, of which approximately \$360,753 will be funded by a grant from the Massachusetts School Building Authority's Accelerated Repair Program.

Further, I request that your Honorable Council authorize any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes be applied to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by a like amount.

The Board Order should read as follows:

That the City of Newton appropriate the amount of one million one hundred sixty thousand sixty six dollars (\$1,160,066) for the purpose of paying costs of replacing the boilers at F.A. Day, 21 Minot Place, Newtonville MA 02460, including the payment of all costs incidental or related thereto (the "Project"), which proposed replacement/repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program, and for which the City of Newton has applied for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Commissioner of Public Buildings. To meet this appropriation the Treasurer with the approval of the Mayor, is authorized to borrow said amount under M.G.L. Chapter 44, Section 7(1), or pursuant to any other enabling authority. The City of Newton acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the City of Newton incurs in excess of any grant shall be the sole responsibility of the City of Newton; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 32.47 percent {32.47%} of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City of Newton and the MSBA.

Further, any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes be applied to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by a like amount.

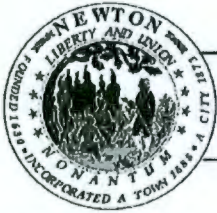
The total amount of the project must be authorized for the MSBA grant, according to the April 2019 approved Project Scope and Budget Agreement. In 2018 the Council approved #129-18, authorizing Superintendent to submit a statement of interest to the MSBA.

Thank you for your consideration of this matter.

Sincerely,



Ruthanne Fuller, Mayor



CITY OF NEWTON, MASSACHUSETTS
PUBLIC BUILDINGS DEPARTMENT

 52 ELLIOT STREET, NEWTON HIGHLANDS, MA 02461

Ruthanne Fuller, Mayor
 Josh Morse
 Building Commissioner

Telephone (617) 796-1600
 Facsimile (617) 796-1601
 TDD/tty # (617) 796-1608

August 21, 2019

Ruthanne Fuller, Mayor
 Newton City Hall
 1000 Commonwealth Avenue
 Newton Centre, MA 02459

RE: Funding for Bigelow Boiler Replacement

Dear Mayor Fuller:

The Day Middle School Boiler Replacement Project is being undertaken through a grant from the Massachusetts School Building Authority which is scheduled to vote on the Project Scope and Budget Agreement on April 10, 2019. Per MSBA requirements, the total amount of the project must be authorized.

At this time the Public Buildings Department requests the sum of \$1,160,066 to fund the project. The total project budget is estimated not to exceed that amount with an anticipated MSBA Grant of \$360,753 for an estimated local share of \$799,313.

Sincerely,

Josh Morse
 Public Buildings Commissioner

cc: Maureen Lemieux, Chief Financial Officer
 Alex Valcarce, Deputy Buildings Commissioner
 Stephanie Tocci, Business Manager

Please see attached draft council order required by the MSBA.

(Docket #)

CITY OF NEWTONIN CITY COUNCIL

(Date)

ORDERED:

That the City of Newton appropriate the amount of One Million, One Hundred Sixty Thousand, and Sixty-Six (\$1,160,066) Dollars for the purpose of paying costs of replacing the boilers at F.A. Day Middle School, 21 Minot Place, Newtonville, MA 02460, including the payment of all costs incidental or related thereto (the "Project"), which proposed repair project would materially extend the useful life of the schools and preserve assets that otherwise are capable of supporting the required educational program, and for which the City may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Commissioner of Public Buildings. To meet this appropriation the Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The City acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the City incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City; provided further that any grant that the City may receive from the MSBA for the Project shall not exceed the lesser of (1) 32.47 percent (32.47 %) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the City and the MSBA.

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

Day Middle School Boiler Replacement

4/26/2019

The Day Middle School Boiler Replacement Project is being undertaken through a grant from the Massachusetts School Building Authority which is scheduled to vote on the Project Scope and Budget Agreement on April 10, 2019.

Per MSBA requirements, the total amount of the project must be authorized.

At this time the Public Buildings Department requests the sum of \$1,160,066 to fund the project.

Funds Required

Feasibility Study	33,300.00
OPM	123,500.00
Architect & Engineering	95,000.00
Construction	897,973.00
Contingency	10,293.00
	1,160,066.00



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

April 10, 2019

The Honorable Ruthanne Fuller, Mayor
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: City of Newton, F. A. Day Middle School

Dear Mayor Fuller:

I am pleased to report that the Board of the Massachusetts School Building Authority (the "MSBA") voted to approve the Proposed Accelerated Repair Project (the "Proposed Project") for the City of Newton (the "City") for a boiler replacement project at the F. A. Day Middle School.

The City also received Project Funding Agreement authorization at the February 13, 2019 Board of Directors meeting for a boiler replacement project at the Bigelow Middle School. The two Schools received invitations to the Accelerated Repair Program at the June 27, 2018 Board of Directors Meeting.

The Board approved an Estimated Maximum Total Facilities Grant of \$346,762, which does not include any funds for potentially eligible Owner's or Construction Contingency Expenditures. In the event that the MSBA determines that any Owner's and/or Construction Contingency Expenditures are eligible for reimbursement, the Maximum Total Facilities Grant for the F. A. Day Middle School Project may increase to \$360,753. The final grant amount will be determined by the MSBA based on a review and audit of all project costs incurred by the City, in accordance with the MSBA's regulations, policies, and guidelines and the Project Funding Agreement. The final grant amount may be an amount less than \$346,762.

Pursuant to the terms of the MSBA's Accelerated Repair Program, the City has 90 days to acquire and certify local approval for an appropriation and all other necessary local votes or approvals showing acceptance of the cost, site, type, scope and timeline for the F. A. Day Middle School Project. Upon receipt of the certified votes demonstrating local approval, the MSBA and the City will execute a Project Funding Agreement, which will set forth the terms and conditions pursuant to which the City will receive its grant from the MSBA. Once the Project Funding Agreement has been executed by both parties, the City will be eligible to submit requests for reimbursement for Proposed Project costs to the MSBA.

Page 2
April 10, 2019
Newton ARP PFA Authorization Board Action Letter

We will be contacting you soon to discuss these next steps in more detail, but in the meantime, I wanted to share with you the Board's approval of the F. A. Day Middle School Project in the City of Newton for a boiler replacement project at the F. A. Day Middle School, and the Board's authorization to execute a Project Funding Agreement for this Proposed Project.

Sincerely,

A handwritten signature in black ink, appearing to read "James A. MacDonald". The signature is written in a cursive style with a large, prominent initial "J".

James A. MacDonald
Chief Executive Officer

Cc: Legislative Delegation
Marc Laredo, President, Newton City Council
Ruth Goldman, Chair, Newton School Committee
Dr. David A. Fleishman, Superintendent, Newton Public Schools
Chris Gentile, Owner's Project Manager, NETCO Construction Project Managers, Inc.
Francis J. Hoey, III, Designer, Tighe & Bond, Inc.
File: 10.2 Letters

Day Middle School Boiler Replacement

9/23/2019

The Day Middle School Boiler Replacement Project is being undertaken through a grant from the Massachusetts School Building Authority which is scheduled to vote on the Project Scope and Budget Agreement on April 10, 2019.

Per MSBA requirements, the total amount of the project must be authorized.

At this time the Public Buildings Department requests the sum of \$1,160,066 to fund the project.

Funds Required

Feasibility Study	33,300.00
OPM	123,500.00
Architect & Engineering	95,000.00
Construction	897,973.00
Contingency	10,293.00
	1,160,066.00

**EXHIBIT A
PROJECT BUDGET
CITY OF NEWTON**

**BIGELOW MIDDLE SCHOOL
F.A. DAY MIDDLE SCHOOL**

PROJECT FUNDING AGREEMENT

District of Newton
F.A. Day Middle School

4/3/2019

Total Project Budget: All costs associated with the project are subject to 963 CMR 2.16(5)	Estimated Budget	Scope Items Excluded from the Basis of Estimated Total Facilities Grant or Otherwise Ineligible	Basis of Estimated Total Facilities Grant ¹	Estimated Maximum Total Facilities Grant ¹
Feasibility Study Agreement				
<i>OPM Feasibility Study</i>	\$7,500	\$0	\$7,500	
<i>A&E Feasibility Study</i>	\$25,800	\$0	\$25,800	
<i>Env. & Site</i>	\$0	\$0	\$0	
<i>Other</i>	\$0	\$0	\$0	
Feasibility Study Agreement Subtotal	\$33,300	\$0	\$33,300	\$10,813
Administration				
Legal Fees	\$0	\$0	\$0	\$0
Owner's Project Manager				
<i>Design Development</i>	\$0	\$0	\$0	
<i>Construction Contract Documents</i>	\$15,500	\$0	\$15,500	
<i>Bidding</i>	\$5,000	\$0	\$5,000	
<i>Construction Contract Administration</i>	\$97,000	\$0	\$97,000	
<i>Closeout</i>	\$6,000	\$0	\$6,000	
<i>Extra Services</i>	\$0	\$0	\$0	
<i>Reimbursable & Other Services</i>	\$0	\$0	\$0	
<i>Cost Estimates</i>	\$0	\$0	\$0	
Advertising	\$0	\$0	\$0	
Permitting	\$0	\$0	\$0	
Owner's Insurance	\$0	\$0	\$0	
Other Administrative Costs	\$0	\$0	\$0	
Administration Subtotal	\$123,500	\$0	\$123,500	\$40,100
Architecture and Engineering				
Basic Services				
<i>Design Development</i>	\$0	\$0	\$0	
<i>Construction Contract Documents</i>	\$28,000	\$0	\$28,000	
<i>Bidding</i>	\$8,700	\$0	\$8,700	
<i>Construction Contract Administration</i>	\$35,200	\$0	\$35,200	
<i>Closeout</i>	\$5,800	\$0	\$5,800	
<i>Other Basic Services</i>	\$0	\$0	\$0	
Basic Services Subtotal	\$77,700	\$0	\$77,700	
Reimbursable Services				
<i>Construction testing</i>	\$0	\$0	\$0	
<i>Printing (over minimum)</i>	\$0	\$0	\$0	
<i>Other Reimbursable Costs</i>	\$0	\$0	\$0	
<i>Hazardous Materials</i>	\$17,300	\$0	\$17,300	
<i>Geotech & Geo-Env.</i>	\$0	\$0	\$0	
<i>Site Survey</i>	\$0	\$0	\$0	
<i>Wetlands</i>	\$0	\$0	\$0	
<i>Traffic Studies</i>	\$0	\$0	\$0	
Architectural/Engineering Subtotal	\$95,000	\$0	\$95,000	\$30,847
CM & Risk Preconstruction Services				
<i>Pre-Construction Services</i>	\$0	\$0	\$0	\$0
<i>Site Acquisition</i>				
<i>Land/Building Purchase</i>	\$0	\$0	\$0	
<i>Appraisal Fees</i>	\$0	\$0	\$0	
<i>Recording fees</i>	\$0	\$0	\$0	
Site Acquisition Subtotal	\$0	\$0	\$0	\$0
Construction Costs				
Construction Budget	\$0	\$0		
GMP Fee	\$0	\$0		
GMP Insurance	\$0	\$0		
GMP Contingency	\$0	\$0		
Division 1 - General Requirements	\$236,700	\$611		
Division 2 - Existing Conditions	\$83,280	\$0		
Division 3 - Concrete	\$11,530	\$0		
Division 4 - Masonry	\$0	\$0		
Division 5 - Metals	\$0	\$0		
Division 6 - Woods, Plastics and Composites	\$0	\$0		
Division 7 - Thermal and Moisture Protection	\$0	\$0		
Division 8 - Openings	\$0	\$0		
Division 9 - Finishes	\$0	\$0		
Division 10 - Specialties	\$0	\$0		
Division 11 - Equipment	\$0	\$0		
Division 12 - Furnishings	\$0	\$0		
Division 13 - Special Construction	\$0	\$0		
Division 14 - Conveying Systems	\$0	\$0		
Division 21 - Fire Suppression	\$0	\$0		
Division 22 - Plumbing	\$19,250	\$0		
Division 23 - HVAC	\$427,058	\$1,500		
Division 25 - Integrated Automation	\$0	\$0		
Division 26 - Electrical	\$40,440	\$0		
Division 27 - Communications	\$0	\$0		
Division 28 - Electronic Safety and Security	\$0	\$0		
Division 31 - Earthwork	\$0	\$0		
Division 32 - Exterior Improvements	\$0	\$0		
Division 33 - Utilities	\$0	\$0		
Construction Budget	\$818,258	\$2,111	\$816,147	\$265,003
Alternates				
	\$0	\$0	\$0	
	\$0	\$0	\$0	
	\$0	\$0	\$0	
Alternates Subtotal	\$0	\$0	\$0	\$0
Miscellaneous Project Costs				
<i>Utility company Fees</i>	\$0	\$0	\$0	
<i>Testing Services</i>	\$0	\$0	\$0	
<i>Swing Space/Modulars</i>	\$0	\$0	\$0	
<i>Other Project Costs (Mailing & Moving)</i>	\$0	\$0	\$0	

District of Newton
F.A. Day Middle School

4/3/2019

Total Project Budget: All costs associated with the project are subject to 963 CMR 2.16(5)	Estimated Budget	Scope Items Excluded from the Basis of Estimated Total Facilities Grant or Otherwise Ineligible	Basis of Estimated Total Facilities Grant ¹	Estimated Maximum Total Facilities Grant ¹
Misc. Project Costs Subtotal	\$0	\$0	\$0	\$0
<i>Furnishings and Equipment</i>				
<i>Furnishings</i>	\$0	\$0	\$0	
<i>Equipment</i>	\$0	\$0	\$0	
<i>Computer Equipment</i>	\$0	\$0	\$0	
FF&E Subtotal	\$0	\$0	\$0	\$0
Soft Costs that exceed 20% of Const'n Cost		\$0	\$0	
Project Budget	\$1,070,058	\$2,111	\$1,067,947	\$346,762

Board Authorization	
Project Budget	\$1,070,058
Scope Items Excluded or Otherwise Ineligible	-\$2,111
Basis of Estimated Total Facilities Grant ¹	\$1,067,947
Reimbursement Rate	32.47%
Estimated Maximum Total Facilities Grant ¹	\$346,762

Total Construction Contingency ²	\$81,826
Total Owner's Contingency ²	\$8,182
Potentially Eligible Construction Contingency ²	\$40,807
Potentially Eligible Owner's Contingency ²	\$2,281
Total Potentially Eligible Contingency ²	\$43,088
Reimbursement Rate	32.47%
Potential Additional Contingency Grant Funds ²	\$13,991
Maximum Total Facilities Grant	\$360,753
Total Project Budget	\$1,160,066

This document was prepared by the MSBA based on a preliminary review of information and estimates provided by the Owner's Project Manager of District of Newton for the F.A. Day Middle School project. Based on this preliminary review, certain budget, cost and scope items have been determined to be ineligible for reimbursement, however, this document does not contain a final, exhaustive list of all budget, cost and scope items which may be ineligible for reimbursement by the MSBA. Nor is it intended to be a final determination of which budget, cost and scope items may be eligible for reimbursement by the MSBA. All project budget, cost and scope items shall be subject to review and audit by the Authority, and the Authority shall determine, in its sole discretion whether any such budget, cost and scope items are eligible for reimbursement. The MSBA may determine that certain additional budget, cost and scope items are ineligible for reimbursement.

1. The estimated maximum facilities grant established for the Project Funding Agreement does not include any potentially eligible contingency funds and is subject to review and audit by the MSBA. At the time of PFA Bid Amendment, the Estimated Maximum Facilities Grant and the Maximum Total Facilities Grant will be adjusted to account for any budget revision requests submitted and approved by the MSBA at the time of establishing the Amendment.

2. Pursuant to Section 3.20 of the Project Funding Agreement and the applicable policies and guidelines of the Authority, any project costs associated with the reallocation or transfer of funds from either the Owner's contingency or the Construction contingency to other budget line items shall be subject to review by the Authority to determine whether any such costs are eligible for reimbursement by the Authority. All costs are subject to review and audit by the MSBA.

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Chair of School Building Committee

Date: _____

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Chief Executive Officer

Date: _____

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Superintendent of Schools

Date: _____

By signing this Total Project Budget, I hereby certify that I have read and understand the form and further certify, to the best of my knowledge and belief, that the information supplied by the District in the table above is true, accurate, and complete.

By: _____
Title: Chair of School Committee

Date: _____

District Name: City of Newton
 School Names: Bigelow Middle School and F. A. Day Middle School
 Project ID Numbers: 201802810023 and 201802070315

**FIRST AMENDMENT
 TO THE PROJECT FUNDING AGREEMENT
 BETWEEN THE CITY OF NEWTON AND THE MASSACHUSETTS SCHOOL
 BUILDING AUTHORITY**

Effective as of June 5, 2019 (“Effective Date”), this First Amendment to the Project Funding Agreement between the **City of Newton** (“District”) and the Massachusetts School Building Authority (“Authority”), including all Exhibits and other documents attached hereto and incorporated by reference herein (“Amendment”), hereby amends the Project Funding Agreement between the District and the Authority for the Project at Bigelow Middle School, which Agreement has an effective date of June 5, 2019 (hereinafter “Agreement”), as more particularly described below. This Amendment contains all of the terms and conditions agreed upon by the District and the Authority (collectively, “Parties”) as amendments to the original Agreement. No other understandings or representations, oral or otherwise, regarding amendments to the original Agreement shall be deemed to exist or bind the Parties.

The Agreement is hereby amended as follows:

1. The second recital of the original Agreement is hereby amended as follows:

WHEREAS, the District has applied for and desires to receive a Total Facilities Grant from the Authority pursuant to the provisions of Chapter 70B, Chapters 208 and 210 of the Acts of 2004, and 963 CMR 2.00 et seq. for a Project (as defined in Section 1 below) consisting of a boiler replacement project at the Bigelow Middle School located at 42 Vernon St, Newton, MA 02458 and a boiler replacement project at the F. A. Day Middle School located at 21 Minot Pl, Newtonville, MA, as it is more particularly described elsewhere in this Agreement; and

2. The following language is inserted after “February 13, 2019” in line one of the tenth recital:

“and on April 10, 2019”

3. The definition of “Project” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

District Name: City of Newton

School Names: Bigelow Middle School and F. A. Day Middle School

Project ID Numbers: 201802810023 and 201802070315

“Project” refers to, and is comprised of the two school projects, which are more particularly described in Exhibit “B” and elsewhere in this Agreement, at each of the following two school facilities:

- *A boiler replacement project at the Bigelow Middle School located at 42 Vernon St, Newton, MA 02458, and*
- *A boiler replacement project at the F. A. Day Middle School located at 21 Minot Pl, Newtonville, MA*

which are more particularly described elsewhere in this Agreement, which are (1) Capital Construction Projects, (2) Major Reconstruction Projects, or (3) School Projects, each as defined in Chapter 70B, §2.

4. The definition of “Project Site” in Section 1 of the Original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Project Site” means the specific locations of the Project at each of the two school facilities described herein and as more fully described in Exhibit “E” attached hereto.

5. The definition of “Total Facilities Grant” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Total Facilities Grant” means the Authority’s final, approved, total financial contribution to an Approved Project, which is calculated by the Authority pursuant to the provisions of Chapter 70B, Chapter 208 of the Acts of 2004, and 963 CMR 2.00 et seq., and paid to the District pursuant to a schedule established by the Authority and subject to the terms and conditions of this Project Funding Agreement. The Total Facilities Grant for this Project consists of two sums of money, one for each of the two school projects described herein, that shall not be co-mingled or considered in the aggregate for purposes of disbursing the Total Facilities Grant.

District Name: City of Newton

School Names: Bigelow Middle School and F. A. Day Middle School

Project ID Numbers: 201802810023 and 201802070315

6. The definition of “Estimated Maximum Total Facilities Grant” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Estimated Maximum Total Facilities Grant” shall mean the estimated Total Facilities Grant amount for each of the two school projects described herein, as set forth in the Total Project Budget (“Exhibit A”), which amount does not include reimbursement amounts for any potentially eligible costs within the owner’s contingency and construction contingency line items in the Total Project Budget (“Exhibit A”). The actual Total Facilities Grant for each of the two school projects described herein may be an amount less than the Estimated Maximum Total Facilities Grant pursuant to the Authority’s regulations, policies, and guidelines and the provisions of this Agreement.

7. The definition of “Maximum Total Facilities Grant” in Section 1 of the original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Maximum Total Facilities Grant” shall mean the maximum Total Facilities Grant amount, as set forth in the Total Project Budget (“Exhibit A”), which the District may be eligible to receive for each of the two school projects described herein, which amount shall not be exceeded under any circumstances. The Maximum Total Facilities Grant amount includes reimbursement amounts for any potentially eligible costs that may be expended from the owner’s contingency and the construction contingency line items in the Total Project Budget (“Exhibit A”) in accordance with the Authority’s regulations, policies, and guidelines and the provisions of this Agreement. The eligibility of any such costs for reimbursement shall be determined by the Authority within its sole discretion provided that the total amount of Project costs eligible for reimbursement, including any eligible costs expended from the owner’s contingency and construction contingency line items, shall not exceed the Maximum Total Facilities Grant amount for each of the two school projects described herein under any circumstances. The actual Total Facilities Grant for each of the two school projects described herein may be an amount less than the Maximum Total Facilities Grant pursuant to the Authority’s regulations, policies, and guidelines and the provisions of this Agreement.

District Name: City of Newton

School Names: Bigelow Middle School and F. A. Day Middle School

Project ID Numbers: 201802810023 and 201802070315

8. The definition of “Total Project Budget” in Section 1 of the Original Agreement is hereby deleted in its entirety. Inserted in place thereof is the following language:

“Total Project Budget” means a complete and full enumeration of all costs, including both hard costs and soft costs, so-called, that the District reasonably estimates, to the best of its knowledge and belief, has been or will be incurred in connection with the planning, design, construction, development, the mobilization of the operation, and the completion of each of the two school projects described in this Agreement that comprise the Project as approved by the Authority, which may be updated from time to time by mutual agreement of the Parties and which is attached hereto as Exhibit “A”. Each of the two school projects described herein shall have its own individual Total Project budget, as more particularly described in Exhibit “A.”

9. Section 2.1 of the original Agreement, is hereby deleted in its entirety. Inserted in place thereof is the following language:

2.1 As of the Effective Date and subject to the satisfaction of or compliance with, as reasonably determined by the Authority: (a) all of the terms and conditions of this Project Funding Agreement, (b) the applicable provisions of Chapter 70B, Chapters 208 and 210 of the Acts of 2004, and 963 CMR 2.00 *et seq.*, and (c) any other rule, regulation, policy, guideline, approval, or directive of the Authority, the Authority hereby approves the following Estimated Maximum Total Facilities Grant for the Project: an amount that, except as specifically provided in this Section 2.1, shall under no circumstances exceed the lesser of (i) 32.47% of the final approved, total eligible Project costs, as determined by the Authority, (“Reimbursement Rate”) or (ii) \$398,234 for the Bigelow Middle School; and \$346,762 for the F.A. Day Middle School (“Estimated Maximum Total Facilities Grants”). Notwithstanding the foregoing, the Authority may determine, in its sole discretion, and subject to the limitations set forth in Section 2.3 of this Agreement, that expenditures from the owner’s contingency and construction contingency line items of the Total Project Budget, so-called, are eligible for reimbursement, and in the event of any such determination, the Authority may adjust the above-stated Estimated Maximum Total Facilities Grant amount to account for the eligible, approved owner’s and construction contingency expenditures up to a Maximum Total Facilities Grant of \$415,795 for the Bigelow Middle School and \$360,753 for the F.A. Day Middle School. In no event shall the final, Maximum Total Facilities Grant, including any eligible owner’s and construction

District Name: City of Newton

School Names: Bigelow Middle School and F. A. Day Middle School

Project ID Numbers: 201802810023 and 201802070315

contingency amounts, exceed the amount specified for each of the two school projects described above. The Parties hereby acknowledge and agree that the Estimated Maximum Total Facilities Grant and Maximum Total Facilities Grant amounts set forth in this Section 2.1, are maximum amounts of funding that the District may receive from the Authority for the Project, and that the final amount of the Total Facilities Grant for each of the two school projects described above may equal an amount less than the amount specified for each of the two school projects described above, as determined by an audit conducted by the Authority. Any costs and expenditures that are determined by the Authority to be either in excess of the above-stated Total Facilities Grant for each of the two, individual school construction projects or ineligible for payment by the Authority shall be the sole responsibility of the District. The Parties hereby agree that costs incurred by the District in connection with the Project prior to the Effective Date may be eligible for reimbursement if the Authority determines in its sole discretion that such costs meet the Authority's eligibility requirements. For purposes of applying the Total Facilities Grant, each of the two school projects described herein shall be considered severally, and not jointly, so that any unused portion of the grant amount specified for one of the school projects cannot be applied to an overage in otherwise eligible costs that exceed the grant amount specified for any of the other school projects.

10. Inserted into Exhibit "A" of the original Agreement is the attached Total Project Budget for the F.A. Day Middle School dated 4/3/2019.

All other terms and conditions of the original Agreement, including Exhibits attached thereto or incorporated by reference therein, that are not hereby deleted or otherwise amended shall remain in full force and effect. The District warrants and represents that it has read and understands this Amendment. The District further warrants and represents that its undersigned officer or representative has full legal authority to enter into this Amendment on behalf of the District and to bind the District to its terms and conditions.

District Name: City of Newton
School Names: Bigelow Middle School and F. A. Day Middle School
Project ID Numbers: 201802810023 and 201802070315

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment in duplicate originals by their duly authorized officers or representatives as of the Effective Date written above.

MASSACHUSETTS SCHOOL BUILDING AUTHORITY

By,

John K. McCarthy
Executive Director

Signature Date

CITY OF NEWTON

By,

Signature Date

Name (Type/Print)

Title/Office (Type/Print)



Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

June 25, 2019

Via US mail (with enclosures) and email (with attachments) to:

The Honorable Ruthanne Fuller, Mayor
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Newton Project Funding Agreement
F.A. Day Middle School (MSBA Project No: 201802070315)

Dear Mayor Fuller:

On June 5, 2019, the Massachusetts School Building Authority (the "MSBA") and the City of Newton ("City") entered into a Project Funding Agreement ("PFA") for the Bigelow Middle School Project (the "Project"). After the Board authorized the Executive Director to enter into a PFA for the Bigelow Middle School, the Board, on April 10, 2019, authorized the Executive Director to enter into a PFA for one additional school in the City (F.A. Day Middle School). Therefore, the MSBA amended the PFA to include the F. A. Day Middle School.

Please return three (3) signed originals of the Amendment along with three (3) signed originals of the revised Total Project Budget (Exhibit A), within twenty-one (21) days after the date of this letter. The signed originals should be mailed to my attention at the MSBA. A fully executed original of the Amendment and Exhibit "A" will be returned to the City after it has been signed by the MSBA's Executive Director.

Please note that the Amendment must be executed by a duly authorized City officer. If a Local Governing Body must vote to authorize a City officer to execute the Amendment under local charter, ordinance, by-law, policy or other applicable law, please return a certified copy of such vote.

After all documentation has been properly completed and submitted to the MSBA, and the Amendment has been fully executed, the City must enter the amended budget for the Project into the MSBA's ProPay System. The MSBA will include instructions for entering the project budget with the transmittal of the fully executed PFA Amendment. Once the City has entered the amended PFA budget for the Project and the budget has been accepted by the MSBA, then the City can resume submitting requests for reimbursement to the MSBA. The MSBA may suspend the processing of reimbursement requests until the PFA Amendment has been fully executed, the amended budget has been entered and accepted in the MSBA's ProPay System, and all requirements have been satisfied.

City of Newton
Project Funding Agreement Amendment, F.D. Day Middle School
2 of 2

If you have any questions, please contact either Jess Deleconio or me at the MSBA.

Regards,



Brian P. Kelley
Senior Associate General Counsel

Enclosures/Attachments

cc: Legislative Delegation
 Marc Laredo, President, Newton City Council
 Ruth Goldman, Chair, Newton School Committee
 Dr. David A. Fleishman, Superintendent, Newton Public Schools
 Chris Gentile, Owner's Project Manager, NETCO Construction Project Managers, Inc.
 Francis J. Hoey, III, Designer, Tighe & Bond, Inc.
 File: 10.2 Letters

City of Newton



Ruthanne Fuller
Mayor

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

MEMORANDUM

DATE: October 18, 2019
TO: Public Facilities Committee
FROM: Louis M. Taverna, P.E., City Engineer
RE: **#250-19 Inflow and Infiltration (I/I) Mitigation Ordinance**
CITY ENGINEER proposing to amend Chapter 29 of the Revised Ordinances of the City of Newton to create an Infiltration and Inflow Mitigation ordinance that would codify mitigation requirements for certain size development projects, potential for fees in lieu of mitigation and waiver of fees by the City Council.

Current City of Newton Sewer I/I Mitigation Policy

The purpose of the City's sewer I/I mitigation policy is to decrease the burden on the City's sewer system by ensuring that sewer I/I is removed in sufficient amounts to accommodate the increased demand on the City's sewer pipes resulting from new developments.

The City's policy is consistent with and informed by permits, policies and guidance issued by the MWRA, Environmental Protection Agency (EPA), and the Massachusetts Department of Environmental Protection (MassDEP), applicable federal and state regulations, and by City Ordinances. Reducing sewer I/I is a requirement of the permits issued to Newton as well as policies and regulations enforced by the EPA, MassDEP and MWRA to which Newton is subject. In 2014, MassDEP revised 314 CMR 12.00, and in 2017 issued revised policies and guidance for sewer I/I removal. Consequently, the City's stormwater, sewer system, and I/I management policies that have been employed since the 1990s are subject to state review and enforcement.

Proposed Ordinance

The proposed ordinance mirrors the terms and substance of the City's current updated policy. The following highlights the key parts of the proposed ordinance:

1. Sewer I/I mitigation is required for all new connections to the City's sewer system and for all existing connections where the property is substantially remodeled or rehabilitated. The specific mitigation required is the removal of sewer I/I at a minimum rate of four gallons of sewer I/I removal for each gallon of wastewater that will be discharged to the sewer system. This applies to both residential and commercial development. The requirement applies to by-right development, special permits and comprehensive permits. The 4:1 ratio may be increased in certain areas where excessive infiltration/inflow exists.

Telephone: (617) 796-1020 • Fax: (617) 796-1051 • Ltaverna@newtonma.gov

2. Residential and mixed-use dwellings and buildings that include four or fewer residential dwelling units on any parcel or contiguous parcels comprising a development site are not subject to the infiltration/inflow mitigation requirement contained in this article.
3. For by-right projects, the Commissioner of Public Works, for good cause shown upon petition, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.
4. For projects subject to a special permit, the City Council, for good cause shown, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.
5. When the mitigation requirement applies, a developer may instead choose to pay a payment in lieu prior to the issuance of a building permit. The fee will be deposited in a dedicated account that funds the City's sewer system rehabilitation projects administered by the Department of Public Works.
6. The City Engineer is responsible for calculating wastewater flows and fees whenever a building permit application is submitted. The calculation of wastewater flow is based on DEP regulations, which are updated periodically. The per gallon fee is established annually on January 1 of each calendar year based on the program costs to remove I/I. The fee is calculated by the City Engineer based on a capital cost analysis report prepared by the City's consulting engineer. A copy of the most recent capital cost analysis is attached to the City's current policy. The 2019 sewer I/I mitigation fee currently in effect is \$19.77 per gallon.
7. The ordinance will apply to any project that has not yet received its building permit or special permit.



MASSACHUSETTS WATER RESOURCES AUTHORITY

Chelsea Facility
2 Griffin Way
Chelsea, Massachusetts 02150

250-19

Telephone: (617) 242-6000
Facsimile: (617) 305-5990

Frederick A. Laskey
Executive Director

CERTIFIED MAIL

January 1, 2019

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Attention: Ruthanne Fuller, Mayor

Dear Ms. Fuller:

Enclosed is your 2019 Massachusetts Water Resources Authority Municipal Permit (permit). It covers the time period from January 1, 2019, through December 31, 2019.

The permit relates to and regulates all discharges, septage disposal sites and direct connections to the Massachusetts Water Resources Authority's (MWRA) Sewerage System. Your permit consists of the following Attachments:

Attachment A: a list of the special and public sewer connections within your municipality.

Attachment B: the due dates for submittals required by your permit.

Attachment F: a list of businesses in your municipality regulated by the MWRA Group Permit for Photo Processing and Printing Operations, a list of businesses in your municipality regulated by the MWRA General Permit for Low Flow and Low Pollutant Discharges, for municipalities with septage receiving sites, and a list of haulers with active MWRA Septage Discharge Permits.

If you disagree with any of the terms and conditions of this permit, you may appeal those terms and conditions by submitting a written request within ten working days of issuance of this permit. The request shall set forth in detail the facts supporting it.

If you have any questions regarding your permit, please contact Kattia Thomas, Project Manager, Permitting, at (617) 305-5667.



10. The Municipality, in cooperation with the MWRA, shall eliminate excessive infiltration and inflow (I/I) that is tributary to the MWRA sewer system. The determination of I/I that is considered "excessive" shall be in accordance with the standards contained in:

Massachusetts Department of Environmental Protection – Guidelines for Performing Infiltration/Inflow Analyses and Sewer System Evaluation Surveys, revised, May 2017, or as may be revised by MassDEP.

The Municipality is reminded that the MWRA administers the I/I Local Financial Assistance Program to provide grants and interest-free loans to member sewer communities to assist in funding local I/I reduction and sewer system rehabilitation projects.

The Municipality is reminded that MWRA Sewer Use Regulations prohibit direct or indirect discharges of groundwater, storm water, surface water, roof or surface runoff, tidewater, or subsurface drainage, except construction site dewatering in a combined sewer area when permitted by the Authority and the Municipality. (See 360 CMR 10.023(1)).

The Municipality is reminded that, under the requirements of 314 CMR 12.04(2), it is obligated to develop and implement an ongoing plan to control infiltration and inflow (I/I).

11. The Municipality shall provide a summary report to Carl H. Leone, Senior Program Manager, Planning Department, MWRA, Charlestown Navy Yard, 100 First Avenue, Boston, MA 02129, by July 31st of all actions taken to reduce I/I during the previous fiscal year, as required under Attachment B. This report shall contain at least the following:

- List of previously completed I/I reports;
- Description of ongoing I/I reports and I/I reduction projects;
- Update on public and private source inflow reduction programs;
- Update on sewer system capital improvement program;
- Description of the Municipality's compliance during the summary period with the 4:1 I/I removal requirement to mitigate the impacts from new sewer connections and extensions to its sewer system, pursuant to 314 CMR 12.04(2)(d), and,
- Description of the Municipality's program to address the impacts from new sewer connections and extensions to the sewer system including provisions for mitigating impacts from any new connections or extensions where proposed flows exceed 15,000 gallons per day, in accordance with 314 CMR 12.04(2)(d), along with a list of such new connections or extensions and related mitigation approved by the Municipality during the summary report period.

12.03: continued

(13) Notwithstanding any other provision of 314 CMR 12.00, a POTW may accept and process organic material as defined in 310 CMR 16.02: *Definitions*, in anaerobic digesters operated at its wastewater treatment facility with prior written approval of the Department. Fish and animal material from slaughterhouses, butchering and processing facilities, pet food production facilities and supermarkets may not be accepted into anaerobic digesters operated at a wastewater treatment facility without specific written approval of such materials by the Department.

(14) The Department may require modification of a presumptively approved submission as needed to address a violation of any applicable law, regulation or permit.

(15) Where the Department determines that any discharge of pollutants or other condition in violation of the provisions of 314 CMR 3.00: *Surface Water Discharge Permit Program*, 4.00: *Massachusetts Surface Water Quality Standards*, 5.00: *Ground Water Discharge Permit Program*, 7.00: *Sewer System Extension and Connection Permit Program*, 12.00: *Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Dischargers*, or 20.00: *Reclaimed Water Permit Program and Standards* is occurring, or that inadequacies in the design or capacity of a sewer system exist, or that additional extensions or connections to, or the increased use of, a sewer system will result in violations of the provisions of the State Act or regulations promulgated thereunder or contribute to the inadequacies in the design or capacity of the sewer system, the Department may take action it deems necessary to address such conditions, including but not limited to:

(a) Order the person owning or operating the sewer system to:

1. implement a program for connections to the system that requires the removal or ensures the removal of an adequate amount of infiltration/inflow to off-set said connections at a ratio determined in the Order;
2. prohibit further connections to or extensions of the sewer system except in accordance with the terms of the Order;
3. undertake the necessary design, construction and repair work required to eliminate such discharges, violations or inadequacies; and
4. take such other actions as may be necessary.

12.04: Maintenance of Treatment Works and Sewer Systems

(1) All persons operating wastewater treatment facilities shall prepare, adopt and keep current an operation and maintenance manual. The operation and maintenance manual shall be submitted to the Department for review and approval. The manual will be presumed approved if the Department does not issue a written approval, conditional approval, denial or request for further information within 90 days after submittal. The submittal and issuance dates are the dates that the manual and the Department's approval, conditional approval, denial or information request are postmarked. The manual shall be implemented as approved. The operation and maintenance manual shall contain all information needed by the operator of the treatment works to properly operate and maintain said treatment works in accordance with the requirements of 314 CMR 12.00, and shall include at a minimum the following items:

- (a) Introduction;
- (b) Permits and Standards;
- (c) Description, Operation and Control of Wastewater Treatment Facilities;
- (d) Description, Operation and Control of Sludge Handling Facilities;
- (e) Description, Operation, Control and Testing of the Chemical Addition and Monitoring System;

- (f) Personnel;
- (g) Sampling and Laboratory Analysis;
- (h) Records and Reporting;
- (i) Maintenance;
- (j) Emergency Operating and Response Program;
- (k) Safety;
- (l) Utilities and Energy Requirements;
- (m) Infiltration and Inflow Removal;
- (n) Emergency Notification Procedures for overflows or bypasses in accordance with 314 CMR 12.03(8).

12.04: continued

(2) All sewer system authorities shall develop and implement an ongoing plan to control infiltration and inflow (I/I) to the sewer system, which shall be submitted upon request of the Department for review and approval. The plan shall describe the preventative maintenance program that identifies and mitigates infiltration/inflow entering the sewer system in order to prevent all unauthorized discharges of wastewater, including, but not limited to, sanitary sewer overflows and by-passes due to excessive infiltration/inflow. The plan shall include:

(a) An ongoing program to identify and eliminate sources of infiltration and inflow. The program shall include the necessary funding level and the source(s) of funding to implement the program.

(b) An inflow identification and control program that focuses on the disconnection and redirection of public and private sources of illegal inflow. Priority shall be given to removal of public and private inflow sources that are upstream from, and potentially contribute to, known areas of sewer system backups and/or overflows.

(c) A phased evaluation of the sewer system, consistent with the Department's *Guidelines for Performing Infiltration/Inflow Analysis and Sewer Systems Evaluation Survey*, to determine its existing condition, the presence and quantity of infiltration and inflow into the system, and locations and risks of wet weather sanitary sewer overflows or by-passes in the sewer system. The Infiltration/Inflow Analysis may assess a range of design storms, but shall specifically assess the risk of sewer system overflows for a five year, 24 hour storm event. The sewer system authority shall proceed with the evaluation in accordance with the following scope and schedule, unless otherwise required by the Department pursuant to an enforcement order:

1. On or before December 31, 2017, complete an Infiltration/Inflow Analysis of the sewer system, and submit a report to the Department for review and approval describing the work completed, the findings from the sewer metering program and Infiltration/Inflow Analysis, and a recommended plan and schedule to proceed with a Sewer System Evaluation Survey in areas of the sewer system determined to have excessive infiltration or inflow.

2. Complete and report on the Sewer System Evaluation Survey in accordance with terms and schedules set forth in the approved Infiltration/Inflow Analysis report. The results of each Sewer System Evaluation Survey shall be included in a report, submitted to the Department for review and approval, which identifies excessive infiltration and inflow, recommends actions to address excessive infiltration and inflow sources, and a schedule for such actions.

3. Where the sewer system authority has completed the plans identified in 314 CMR 12.04(2)(c)1. and 2. and is in the process of implementing the recommended actions identified in the Sewer System Evaluation Survey, those plans, along with an update as to what recommendations have been completed, and what remains to be completed, including a schedule for completion, may be submitted on or before December 31, 2017 to the Department for review and approval in lieu the requirements of 314 CMR 12.04(2)(c)1. and 2.

4. The plans identified in 314 CMR 12.04(2)(c)1., 2., and 3. will be presumed approved if the Department does not issue a written approval, conditional approval, denial or request for further information within 120 days after submittal. The submittal and issuance dates are the dates that the plans, the Department's approval, conditional approval, denial or information request are postmarked. The Department may require modification of a presumptively approved submission as needed to address violations of any applicable law, regulation or permit.

(d) For those sewer system authorities with NPDES discharge permits for combined sewer

overflows, and for all sewer systems tributary to such sewer systems, and for other sewer systems which the Department specifically determines are at risk of wet weather sanitary sewer overflows (SSOs), the infiltration and inflow plan shall also include a program to address impacts from new sewer connections and extensions to the sewer system. All sewer system authorities shall include provisions in their I/I plan for mitigating impacts from any new connections or extensions where proposed flows exceed 15,000 gallons per day. Such mitigation shall require that four gallons of infiltration and/or inflow be removed for each gallon of new flow to be generated by the new sewer connection or extension, unless otherwise approved by the Department. The sewer system authority or the Department may require a higher removal rate per gallon of new flow in sensitive areas such as where overflows have the potential to impact drinking water supplies or nitrogen sensitive areas.

10/15/19 REDLINE

ADD A NEW ARTICLE TO CHAPTER 29 AS FOLLOWS:

**ARTICLE VI.
INFILTRATION AND INFLOW MITIGATION**

Sec. 29-148. Definitions.

For purposes of this article, the meaning of the terms used shall be as follows:

Infiltration: Water other than wastewater that enters the sewer system (including sewer service connections and foundation drains) from the ground through means which include, but are not limited to, defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from, inflow.

Infiltration/Inflow: The quantity of water from both infiltration and inflow without distinguishing the source.

Inflow: Water other than sanitary flow that enters the sewer system (including sewer service connections) from sources which include, but are not limited to, roof leaders, cellar drains, yard drains, area rains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from, infiltration.

Sec. 29-149. Purpose.

Infiltration and inflow causes a range of problems including reducing the ability of wastewater treatment facilities to adequately cleanse sanitary flows, increasing operations and maintenance costs for sanitary pumping equipment, limiting capacity for sanitary flows, and creating sanitary system overflows. The city's existing sewer infrastructure is old and has limited capacity. Particularly during intense rain events, the city's public sewer system has insufficient capacity to accommodate the flows, thereby creating flooding and surcharges or overflows at manholes or into buildings, particularly into below grade plumbing fixtures. New developments substantially increase the burden on the system and detrimentally impact its capacity and capability. The purpose of the mitigation

requirement is to decrease the burden on the city's capacity-limited and overtaxed public sewer system by ensuring that infiltration/inflow is removed in sufficient amounts to accommodate the increased demand on the public sewer system resulting from new developments. Mitigation of infiltration/inflow is necessary for the protection of the infrastructure of the city and to safeguard the public health, safety, welfare and the environment.

Sec. 29-150. Mitigation Requirement.

(a) For all new residential and commercial dwelling or building connections to the public sewer and for all existing residential and commercial connections where the existing dwelling or building is demolished or substantially remodeled or rehabilitated, infiltration/inflow must be removed from the public sewer at a rate of four gallons of infiltration/inflow removal for each gallon of wastewater that will be discharged to the public sewer.

(b) A property is "substantially remodeled or rehabilitated" when: (1) a dwelling or building is renovated and/or gutted more than 50% or (2) a dwelling or structure has an addition constructed that increases the footprint by more than 1,000 square feet or increases the total square footage more than 1,000 square feet.

(c) The city engineer may require a higher removal rate per gallon of sewer flow in sensitive areas, such as where there are frequent sewer overflow events, where overflows have the potential to impact wetlands, water resources or nitrogen sensitive areas, or where the area is so burdened by infiltration/inflow as to be a hazard to public health, as confirmed by the city's department of public health and human services.

(d) The removal of infiltration/inflow and/or payment of any monetary fee assessed in accordance with this article is required prior to the issuance of a building permit for the subject property.

Sec. 29-151. Exemptions.

Residential and mixed-use dwellings and buildings that include four or fewer residential dwelling units on any parcel or contiguous parcels comprising a development site are not subject to the infiltration/inflow mitigation requirement contained in this article.

For by-right projects, the Commissioner of Public Works, for good cause shown upon petition, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.

For projects subject to a special permit, the City Council, for good cause shown, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.

Sec. 29-152. Calculation of Wastewater Flow.

In accordance with the Department of Environmental Protection regulations for the calculation of wastewater flows at 310 CMR 15.203, flow rate is based on the following:

- (a) For residential dwellings, the flow rate is based on the number of bedrooms and the flow rate of 110 gallons per day per bedroom.
- (b) For commercial buildings, the flow rate is based on the estimated generated flow for the proposed use set forth in 310 CMR 15.203.

The calculation of wastewater flow is based on the ~~gross~~ flow generated by the proposed development or the proposed building renovation, minus the wastewater flow generated by the existing building(s) without any discount for flow generated by an existing use. For the purpose of encouraging the installation of water-efficient fixtures and equipment, the city engineer shall use the low of (1) the manufacturer's specifications for such fixtures and/or equipment proposed to be installed as part of any development or (2) the estimated flow set forth in 310 CMR 15.00.

The city engineer is responsible for calculating the flows and fees for the use of any dwelling or building

or portion thereof for which a building permit application is submitted and will provide applicants with a detailed response to their application within ten (10) business days of its filing.

Sec. 29-153. Application.

Applicants required to perform the infiltration/inflow mitigation requirement pursuant to this article may elect to pay a fee based on the project's infiltration/inflow calculated requirement. The fee will be deposited into a dedicated account that funds public sewer system rehabilitation and sewer cleaning and lining projects administered by the department of public works.

The per-gallon fee shall be established annually by the commissioner of public works on the first day of each calendar year based on the program costs to remove infiltration/inflow and shall be made available to the public. This fee shall be calculated by the city engineer based on a capital cost analysis report prepared by the city's consulting engineer and retained in the files of the engineering division of the department of public works.

Alternatively, applicants have the option of implementing the public sewer system capital improvement program, subject to the approval of the commissioner of public works and in accordance with plans and calculations approved by the city engineer, and it shall be the applicant's responsibility for completing the infiltration/inflow removal project prior to connecting to the public sewer.

~~**Sec. 29-154. Waiver of Infiltration/Inflow Mitigation Fee by City Council.**~~

~~The city council, upon petition from an applicant, may waive, in whole or in part, the infiltration/inflow mitigation fee for a particular dwelling, building, or project provided that:~~

- ~~(a) the city council receives written recommendations of the requested waiver from the city engineer and the director of planning and development;~~
- ~~(b) the city council determines that the waiver will benefit the health and well-being of the public and is reasonably in the best interest of the city; and~~

~~(e) the applicant has agreed, in writing, to make a voluntary payment to the city for general development mitigation as a result of the project in an amount equal to no less than seventy-five percent (75%) of the portion of the infiltration/inflow fee being waived.~~

~~The city council, in making its determination, and the city engineer and the director of planning and development in making their written recommendation to the council as applicable, shall consider the following criteria:~~

- ~~(a) the expected impact of the development on infiltration/inflow;~~
- ~~(b) whether infiltration/inflow mitigation has previously been conducted in the general area; and~~
- ~~(c) whether a greater need has arisen for mitigation of a different nature.~~

Sec. 29-155. Effective Date.

The requirements of this Article VI shall not apply to any building permit, special permit or comprehensive permit issued prior to the effective date of this amendment of xxxxxxx 1, 2019.

Sec. 29-156. Severability.

The provisions of this article are severable. If any provision, paragraph, sentence, or clause, of this article or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this article.