

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, JUNE 19, 2013

Following Special Full Board Meeting at 7 PM
Room 209

ITEMS SCHEDULED FOR DISCUSSION:

Public hearing assigned for June 19, 2013

#224-13 COMCAST OF NEW ENGLAND petitioning for a grant of location to install 204' ± of conduit in WALNUT STREET from existing Pole # V2 437/23 to 823-833 Washington Street. (Ward 2) [05/22/13 @ 2:57 PM]

Public hearing assigned for June 19, 2013:

#225-13 CHRIS UTANO, 295 Upland Avenue, Newton Highlands, petitioning for a main drain extension in NOD HILL ROAD to a proposed manhole at the intersection of Upland Avenue 220' ± in a northeasterly direction to a proposed manhole in Nod Hill Road. (Ward 8) [05/28/13 @ 2:05 PM]
PETITIONER TO PAY ENTIRE COST

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#227-13 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Wellesley detailing Wellesley's obligation to fund half of the construction contract costs associated with structural repairs to the jointly owned Wales Street Bridge. [06/10/13 @ 6:54 PM]

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

#202-13 ALD. JOHNSON requesting an update from the Department of Public Works on the education and marketing campaign of recycling in the City of Newton. [05/20/13 @ 11:04 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#163-12 ALD. CROSSLEY AND SALVUCCI requesting discussion with the Department of Public Works to review prioritization of snow and brush storage sites across the city and to remove the Nahanton Park site from the list in order to facilitate location of the temporary fire station while Station #10 (Dedham Street) is under construction. [04/25/13 @ 4:30 PM]

#152-13 ALD. ALBRIGHT requesting a discussion with the Department of Public Works regarding the new LED streetlight pilot. [04/01/13 @ 8:53 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#41-13 ALD. CROSSLEY, FULLER AND SALVUCCI requesting a discussion with the administration to review how the city inventories, plans for, budgets and accounts for needed smaller capital expenditures (currently set at under \$75,000), which are excluded from the Capital Improvement Plan (CIP); how to make these non-CIP capital maintenance items visible, and how to integrate them with the overall planning, CIP, and budgeting processes. [01/14/13 @ 5:02 PM]

#153-13 PUBLIC FACILITIES COMMITTEE requesting periodic updates on the progress of the citywide storm water system assessment needed to define the scope of repairs to the system, as well as methods of financing the assessment and an accounting of the storm water enterprise fund. [04/02/13 @ 11:02 AM]

REFERRED TO PUB. FACIL., PROG. & SERV. AND FINANCE COMMITTEES

#138-13 HIS HONOR THE MAYOR requesting authorization to appropriate an amount that is yet to be determined from bonded indebtedness for the purpose of funding the Carr School renovation project. [03/25/13 @ 3:58 PM]

#131-13 ALD. CROSSLEY, FULLER, SALVUCCI, JOHNSON, CICCONE requesting periodic updates and discussion, at the discretion of the members of the Public Facilities Committee or the Commissioner of Public Works, on the condition functioning, operations and management of all elements of the City sewer water and storm water systems including the following:

- Water meters
- Implementation of the ten project area strategic plan to remove infiltration in the City sewer system
- Implementation of the long range strategic plan to repair and replace City water mains, especially to correct for fire flow
- Status of the City's Private Inflow Removal Program to resolve and disconnect illegal storm water connections to the City sewer system
- Current billing practices
- Rates analyses needed to facilitate an informed comparison of billing options to include the following options either alone or in combination: seasonal rates, second meters, tiered rates, frequency of billing, low income credits. [03/23/13 @ 11:13 AM]

#112-13 VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole # 78/4 on WILLIAMS STREET northerly 65'± from its current location in order to relocate service to a customer. (Ward 3) [02/27/13 @ 9:35 PM]

#11-13 ALD. YATES requesting that His Honor the Mayor apply to the United States Environmental Protection Agency for designation as a Green Power Partner in addition to its designation by the Massachusetts Office of Energy Resource as a Green Power Community. [12/14/12 @ 3:03 PM]

#301-12(2) PUBLIC FACILITIES COMMITTEE requesting updates on the progress of the Carr School Renovation Project.

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

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

#256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing and ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

#246-12 RECODIFICATION COMMITTEE recommending Sec. 25-1, which requires a permit to create a trench, be reviewed to determine if a new section relative to excavation should be established to regulate unsafe excavation beyond the regulation of trenches, as the City Engineer has advised that all trenches are excavations, but not all excavations are trenches, which amendment would replace **Sec. 20-53. Excavations; protection; erection of barriers.**, which was deleted as part of recodification because it conflicted with Sec. 25-1.

#245-12 RECODIFICATION COMMITTEE recommending that Chapter 11, RECYCLING AND TRASH as most recently amended by Ordinance Z-68 and Z-87, dated 6/21/10 and 5/16/11, respectively, be reviewed and be amended as necessary.

#99-12 ALD. LAREDO, ALBRIGHT, CROSSLEY & KALIS requesting a discussion with His Honor the Mayor regarding the creation of a long-range master plan (20-25 years) regarding the means, methods, timing, and coordination to address the City's complete infrastructure needs, including but not limited to school buildings, fire stations, other municipal buildings, streets, sidewalks, trees, playgrounds and other recreational facilities, water, stormwater, and sewer systems, and all other facilities and infrastructure identified in the city's recent capital assessment. The master plan should be comprised of specific plans from

individual departments and at a minimum, the master plan should (a) identify those infrastructure needs and (b) present a phased plan, with identifiable funding sources for meeting those needs. [04-04-12 @ 10:30 PM]

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

#36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.

A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;

B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.

[01/24/12 @ 8:07 AM]

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @ 11:07 AM]

#138-11 ALD. CROSSLEY AND SCHNIPPER requesting a report from the Department of Public Works regarding the energy use and maintenance costs for the City's streetlights and gaslights and costs/payback associated with recommended energy efficiency measures. [04-21-11 9:08 AM]

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE

#41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#245-10 ALD. SCHNIPPER AND SANGIOLO requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

#223-10 ALD. YATES & ALBRIGHT requesting updates on the status of the reconstruction of the Needham/Newton Street corridor, which include details on the reconstruction funding, plans for the revitalization of the area, and plans for the implementation of transportation improvements. [07/15/10 @ 1:02 PM]

#367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]

#253-07 ALD. LINSKY ALBRIGHT, JOHNSON, HARNEY, SANGIOLO, SALVUCCI, MANSFIELD, BURG, SCHNIPPER requesting (1) a review as to how provisions of applicable ordinances, specifically 5-58, were implemented during the course of the Newton North project, and (2) consider proposed revisions of 5-58 including, but not limited to:

- (a) timely provision of documentation by the public building department to the Board of Aldermen and Design Review Committee;
- (b) establishment of liaison committees to facilitate communications and input from neighborhoods affected by projects subject to this ordinance;
- (c) approval of final design plans by the Board of Aldermen of projects subject to this ordinance;
- (d) oversight during the construction phase of projects subject to this ordinance by appropriate Board committee(s) both in respect to approval of change orders as well as design changes; and
- (e) generation of a required record detailing the entire construction process by the public building department to guide present and future oversight of projects subject to this ordinance. [08/07/07 @ 3:12 PM]
- (f) establishment of a committee to provide oversight for public building construction and renovation during all phases of planning, design and construction.

Respectfully submitted,

Anthony J. Salvucci, Chairman

CITY OF NEWTON
MASSACHUSETTS

PETITION for GRANT OF LOCATION

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.

RECEIVED
CITY OF NEWTON
MAY 22 PM 2:57
DEPT. OF PUBLIC WORKS
1401459

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 may 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 COMCAST OF NEW ENGLAND

Address 85 East Belcher Road, Foxboro, MA 02035

Phone Number 508 543 9022 EXT 37805 Fax Number 508 543 5769

Contact Person Manuel C Furtado Title Construction Engineer

Signature Manuel C Furtado Date 5-22-13
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.

See Attached Form: Trench 204' in Public way Walnut street as viewed in Attached form from pole # VZ 437/23 to Property line of 833 Washington street using Standard Construction Practices

B. Include or attach a sketch to provide a visual description of the project. If plans are attached, provide: Title of Plan 833 Washington Street Date of plan 5/22/13

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:

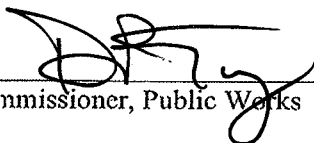
5/29/13

RECOMMENDATIONS:

1. Street opening permit required from City of Newton	3. Bituminous concrete roadway shall be replaced in kind to City of Newton Specifications
2. Notify Engineering 48 hours prior to work	4. Concrete sidewalk panels and granite curb damaged shall be replaced in kind and grade to City of Newton Specifications.
3. Police detail required.	5. Traffic shall be maintained

L. Turema 5/30/13

V. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:

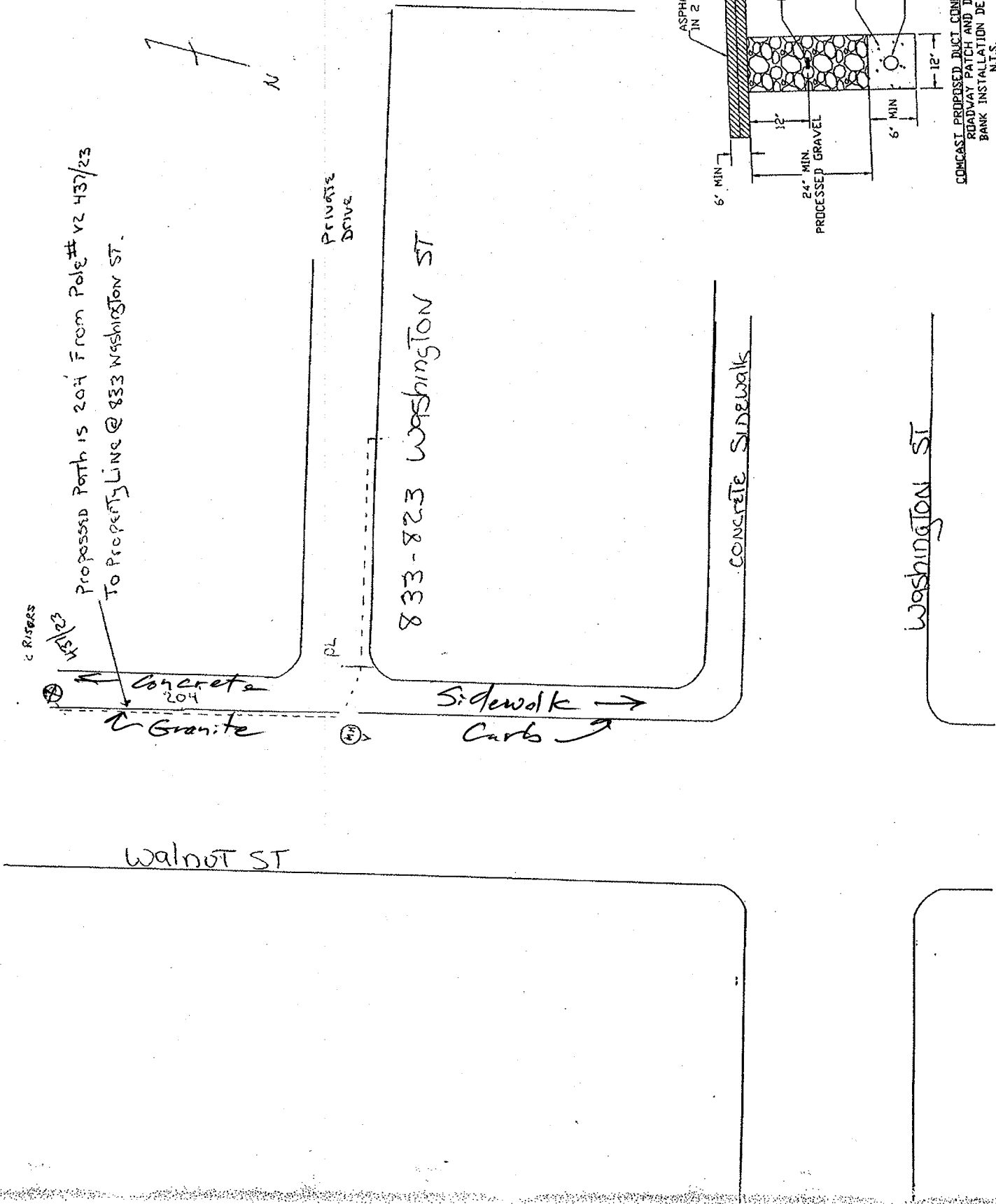


Commissioner, Public Works

5/30/13

Date

#224-13



C RISTERS

1/23/23

Proposed Path is 204' From Pole # V2 437/23 To Property Line @ 833 Washington St.

Concrete 204
Granite

PRIVATE DRIVE

833-823 WASHINGTON ST

Sidewalk
Curb

CONCRETE SIDEWALK

WASHINGTON ST

Walnut ST

COMCAST PROPOSED DUCT CONFIGURATION
ROADWAY PATCH AND DUCT
BANK INSTALLATION DETAIL
N.T.S.

Final Label Report

Upland

SBL	Owner	Number	Street	Unit
83024 0007	SALKA LISA ORLICK TR	19	DRUID HILL RD	
83025 0004	SHMULEVICH MARK & ELEONORA	8	NOD HILL RD	
83024 0008	STAVITSKY MILANA	11	NOD HILL RD	
83025 0005	GOLDEN ROBERT S	16	NOD HILL RD	
83024 0009	BERNSTEIN ADAM	21	NOD HILL RD	
83024 0010	SHEN LIN	29	NOD HILL RD	
83025 0006	OLIVER WARREN DAIN JR	30	NOD HILL RD	
83027 0030	GOLD JOSEPH & MINDY	281	UPLAND AVE	
83024 0011	KALOTKIN ABBY	284	UPLAND AVE	
83027 0031	295 UPLAND AVENUE LLC	295	UPLAND AVE	
83027 0032	HOYT EDWARD W	303	UPLAND AVE	

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Ald. Anthony Salvucci, Facilities Committee Chair.

From: John Daghlian, Associate City Engineer

Re: 295 Upland Avenue Drain Main Extension

Date: June 13, 2013

CC: Lou Taverna, PE City Engineer (via email)
Frank Nichols, PE Special Projects Engineer (via email)
Shawna Sullivan, Associate City Clerk (via email)

In reference to the above location, the following are my comments for a plan entitled:

295 Upland Avenue

Newton, MA

Prepared By: Chappell Engineering Associates, LLC (5 Sheets)

Dated: 3/19/2013

(Revised: 5/28/2013)

Executive Summary:

Pinecone Construction is petitioning the City for permission to extend the storm water system on Nob Hill Road (Public Way) from the last existing drain manhole to approximately 220-feet southerly to provide an overflow connection to #285 Upland Road.

There is an area near #281 Upland Road (Private Way) that has a depression in the roadway, which is holding water. If the *proposed* 12" reinforced concrete pipe is lowered 2.5 to 3-feet, it may be possible to add a new catch basin in this area that would benefit the neighborhood, and relieve future street flooding of this private way.

The overflow pipe that is a forced main needs to be verified in regards to the size of the pipe. Without having hydraulic calculations, it appears that the 6" is too large for a

residential drainage system. The engineer of record needs to submit hydraulic calculations, pump design, pump selection, pump performance curves, and headloss calculation so that they can be verified. The force main connection to the proposed drain manhole needs to be a drop connection in the manhole. To slow down the velocity of the flow from the forced main into the gravity flow portion, the diameter can be enlarged within the final 4-8 feet of pipe; then have a drop connection in the manhole.

The proposed 6-inch HDPE pipe within the alignment is not permitted; as this would cause a choke point and maintenance issue. If the concern is high flow velocity and scouring of the pipe, then a larger diameter pipe (i.e. 12" reinforced concrete pipe set a flatter slope will address this issue.

If a catch basin could be added upstream of the proposed drain manhole # 2 along the easterly gutter of the road would be an added benefit to the neighborhood.

Conditions & Special Provisions:

1. The backfilling of the drain main and all connection shall be with Control Density Fill (CDF) Type I-E Excavatable type for the entire alignment.
2. If any utility service connections are disturbed by the contractor of record during construction, they shall be updated and replaced to the City's current Construction Standards.
3. During construction, all downstream catch basins shall be retrofitted with an approved type of siltation control devices. Details of this shall be submitted to the City Engineer for approval. The contractor of record shall maintain these catch basins throughout the construction process, and ensure that street and property flooding does not occur during construction.
4. The contractor of record shall contact the Newton Police Department and arrange for Police Detail to help residents navigate around the construction equipment and since the street has underground nature gas main, the Police Officer can contact emergency response personnel.
5. The Engineering Division shall witness all installation of pipe, drain manholes, etc... 48-hours prior notification shall be given prior to the inspection.
6. The applicant's contractor shall apply for a Utility Connection and Street Permit with the DPW prior to any construction.
7. The contractor of record shall obtain a Street Opening, Sidewalk Crossing Permits with the DPW prior to construction.

8. Upon final installation & inspections of the various underground construction, an As Built drawing [plan & profile] indicating manhole, hand-hole, and all conduit installation shall be submitted in digital and hard copy (Mylar) format to the City Engineer.

If you have any questions or concerns please call me at 617-796-1023.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#227-13

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

June 13, 2013

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

RECEIVED
Newton City Clerk
2013 JUN 10 PM 6:54
David A. Oison, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to enter into an Inter-Municipal Agreement with the Town of Wellesley outlining Wellesley's obligation to pay Newton for half of the construction costs for repair to the Wales Street Bridge. The Town of Wellesley managed the design phase of the project, which is now complete. The City of Newton is taking the lead on the construction phase.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor



City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue

Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

May 28, 2013

To: Mayor Setti D. Warren

From: David F. Turocy, Commissioner of Public Works

Via: Robert R. Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer

Re: Request to enter into an Inter-Municipal Agreement
With the Town of Wellesley for the Wales Street Bridge

Attached is an Inter-Municipal Agreement between the City of Newton and the Town of Wellesley, prepared by our Law Department, outlining Wellesley's obligation to pay Newton for half of the construction costs for repair to the Wales Street Bridge.

The City of Newton and Town of Wellesley jointly own the Wales Street Bridge over the Charles River. This bridge was identified as deficient for vehicular safety due to insufficient parapet walls. The Town of Wellesley managed the design phase of the repair project, which is now complete. The City of Newton is taking the lead on the construction phase and structural repairs to the bridge are proposed to be performed by contractor this summer season.

Newton will make progress payments to the contractor monthly for work performed. Newton will invoice Wellesley monthly for 50% of the contractor's invoice. Wellesley will pay Newton within 30 days of receipt of invoice. Newton will pay for construction using Chapter 90 funds. Wellesley has certified that funds (of up to \$400,000) are available to fund this agreement.

This inter-municipal agreement requires Board of Aldermen approval. Please forward to the Board of Aldermen for their consideration.

Thank you.

cc: Lou Taverna, City Engineer
R. Waddick, Law Department
D. Wilkinson, Comptroller

CITY OF NEWTON CONTRACT NO. L-5923

TOWN OF WELLESLEY CONTRACT NO. XXXXX

AGREEMENT BETWEEN THE TOWN OF WELLESLEY, MASSACHUSETTS AND
THE CITY OF NEWTON, MASSACHUSETTS

FOR

WALES STREET BRIDGE IMPROVEMENTS

This Agreement made this the ____ day of _____ 2013 pursuant to the provisions of GL Chapter 40, Section 4A, by and between the Town of Wellesley, Massachusetts, acting through its Executive Director of General Government with the approval of its Board of Selectmen and Town Meeting, hereinafter called the "Town," and the City of Newton, Massachusetts, acting by and through its Mayor hereunto duly authorized by Order of its Board of Aldermen, Order No. _____ and dated _____, but without personal liability to himself, hereinafter called the "City."

WITNESSETH:

Whereas, the Wales Street Bridge #N-12-006/W-13-002 (the "Bridge") is located over the Charles River at the Town/City line between Wellesley and Newton; and

Whereas, the Bridge links the City at Wales Street, to the Town at Walnut Street; and

Whereas, ownership and maintenance of the Bridge is shared equally between the City and the Town; and

Whereas, the Bridge is in need of rehabilitation; and

Whereas, the Town contracted with the BETA Group, Inc. for consulting engineering services for the investigation and design of repairs and rehabilitation of the Bridge, which work has been completed and paid for by the City and the Town; and

Whereas the City and the Town wish to provide for the repairs to the Bridge with the City being the lead community to award and supervise the contract for said repair;

Now therefore, for and in consideration of the promises, the mutual covenants herein recited and other good, valuable, and sufficient considerations, the parties hereto agree as follows:

1. The City shall prepare and put out invitations for bids for the repairs to the Bridge in accordance with the plans and designs of BETA Group, Inc., receive and review said bids and award the Contract for the repairs to the Bridge to a Contractor, all in accordance with G. L. c30, §39M and all other applicable provisions of law.
2. The City shall make progress payments for material and services to the Contractor awarded the contract, pursuant to the terms of the Contract.
3. The City shall maintain, and make available to the Town if so requested, accurate and comprehensive records of services performed, costs incurred, reimbursements and contributions received, and periodic financial statements for the project.
4. The City shall invoice the Town for fifty (50%) percent of the amount approved for payment to the Contractor by the City.
5. The Town shall make every effort to pay invoices within thirty (30) days of receipt from the City; however, payment by the Town to the City shall be made no later than forty-five (45) days after receipt of invoices from the City. All invoices unpaid as of the end of the fiscal year shall be paid by the Town to the City within thirty (30) days after the end of the fiscal year. With any request for payment, the City shall provide a copy of the invoice(s) from Contractor showing the total amount(s) billed to the City.
6. Within seven (7) days of receipt of invoices from the City, the Town shall have the opportunity to inspect the work and object to payments for work not completed according to the contract documents, whereupon the City and Town shall confer to agree as to what should be paid. If they do not agree, BETA Group, Inc. will determine what portion of the disputed amount will be paid and the Town shall pay the City fifty (50%) percent of that amount and the City shall pay the Contractor one hundred (100%) percent of that amount. With respect to an unpaid portion of a disputed amount which is subsequently determined to be owed to the Contractor in accordance with the Contract, the Town shall pay the City fifty (50%) percent of such amount and the City shall pay the Contractor one hundred (100%) percent of such amount.
7. Any undisputed amounts unpaid by the Town after forty-five (45) days of receipt of invoices from the City are subject to interest at the same rate the City is required to pay for funds in order to make payments to the Contractor. The Town hereby agrees to pay any interest incurred by the City due to such late payment by the Town.
8. Notwithstanding the foregoing provisions, the Town's total obligation to pay the City hereunder shall not exceed the lesser of either fifty (50%) percent of the total amount invoiced to the City pursuant to the Contract, or \$400,000.00.
9. This Agreement shall be effective upon the action of the Board of Selectmen of the Town as authorized by the Town Meeting, and action by the Mayor of the City as authorized by the Board of Aldermen.

10. It is mutually agreed and understood that this Agreement shall remain in full force until completion of the services to be performed by the Contractor pursuant to the Contract or until such time as it may be amended or replaced by a new agreement, but in any event, not to exceed a total of three (3) years.

The two parties have caused their legal corporate signatures and seals to be hereunto affixed by their proper officers, thereunto duly organized on the day of the year first above written.

THE TOWN OF WELLESLEY

THE CITY OF NEWTON

Executive Director of
General Government

David F. Turocy,
Commissioner of Public Works

Chairman

Approved as to legal form
and character:

Selectman

City Solicitor

Selectman

Contract Approved:

Selectman

Setti D. Warren,
Mayor

Selectman

Approved as to legal form
and character:

Town Counsel

I hereby certify that there are funds available in account # _____ in an amount up to \$400,000.00 to fund this Agreement.

Title
Town of Wellesley