



## Public Safety & Transportation Committee Agenda

### City of Newton In City Council

Wednesday, November 8, 2017

7:00 PM  
Room 205

#### Items Scheduled for Discussion:

#### Referred to Public Safety & Transportation and Finance Committees

- #354-17**      **Bond authorization for \$106,000 to upgrade computer equipment in police vehicles**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred six thousand dollars (\$106,000) from bonded indebtedness for the purpose of upgrading the Toughbooks equipment in the Police Department's first line response vehicles. [10/30/17 @ 2:14 PM]

#### Referred to Public Safety & Transportation and Finance Committees

- #355-17**      **Bond authorization for \$1.2 million to replace Fire Ladder Truck #2**  
HIS HONOR THE MAYOR requesting authorization to appropriate and expend one million two hundred thousand dollars (\$1,200,000) from bonded indebtedness to replace the Fire Department's Ladder Truck #2. [10/30/17 @ 2:17 PM]
- #209-17**      **Appeal of Traffic Council Decision #12-17 Fairway Drive**  
WILLIAM DILWORTH, 34 Fairway Drive, West Newton appealing the denial of Traffic Council petition TC12-17 on June 22, 2017 for a four-way stop sign at the intersection of Fairway Drive and Bunker Lane in West Newton. (Ward 3) [06/29/17 @ 11:40 AM]
- #71-17**      **Amendment relative to docketing Traffic Council petitions**  
PUBLIC SAFETY & TRANSPORTATION COMMITTEE, proposing to amend **Sec. 19-29. Docketing of petitions; determination of eligibility for hearing.** by deleting section (c) (3). [03/10/17 @ 4:54 PM]  
**Public Safety & Transportation Held 4-0 on 04/05/17, Councilor Harney not voting**

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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](mailto: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.

- #338-17** **Proposed Ordinance amendment to Chapter 19 Section 190 Overtime Parking**  
DAVID KOSES, TRANSPORTATION COORDINATOR, requesting revision to **Sec. 19-190. Overtime parking.** To be clearer and more enforceable. [10/23/17 @ 3:50 PM]
- #339-17** **Proposed Ordinance amendment to Chapter 19 Section 196. Enforcement**  
DAVID KOSES, TRANSPORTATION COORDINATOR, requesting to modify **Sec. 19-196. Enforcement.**, for the Melrose Avenue parking area, so to be consistent with Traffic and Parking Regulations **Sec. TPR-194. Time limits in municipal off-street parking areas.**, which indicates that the parking meters are in effect Monday through Saturday from 8:00 a.m. to 6:00 p.m. [10/23/17 @ 3:50 PM]

**Items Not Scheduled for Discussion at this meeting:**

**Referred to Public Facilities and Public Safety & Transportation Committees**

- #281-17** **Updates on the Washington Street Design**  
COUNCILORS CROSSLEY AND CICCONE, requesting updates from the Planning Department and DPW to the Public Facilities and Public Safety & Transportation Committees on the progress and design of the Washington Street corridor. [08/28/2017 @ 3:13 PM]

**Item Recommended by the City Council to Public Safety & Transportation Committee on July 10, 2017**

**Referred to Public Safety & Transportation and Finance Committees**

- #175-17** **Appropriate \$150,000 from Cable Fees for video cameras for 30 traffic signals**  
HIS HONOR THE MAYOR, requesting authorization to appropriate and expend eighty thousand four hundred seventy-seven dollars (\$80,477) from Cable TV Capital Franchise Fees and sixty-nine thousand five hundred twenty-three dollars (\$69,523) from Cable TV Operating Franchise Fees for the installation of video cameras on approximately 30 traffic signals in Newton. [05/30/17 @ 2:38 PM]
- #119-17** COUNCILORS NORTON, ALBRIGHT AND COTE, requesting a discussion regarding the MBTA's plans to redesign the Auburndale commuter rail stop and concerns about resulting reduction in service. [04/24/17 @ 6:33 AM]

**Referred to Programs & Services and Public Safety & Transportation Committees**

- #46-17** **Discussion regarding how community policing works**  
COUNCILOR ALBRIGHT, requesting a discussion with the Chief of Police and/or members of his department to explain to the City Council how "community policing" works in Newton, how it differs from traditional policing, how staffing differs from traditional departments, and how it benefits Newton. [02/20/17 @ 3:21 PM]

**Item referred by the City Council to the Programs & Services Committee on October 2, 2017**  
**Item referred by the City Council to the PS&T and Finance Committees on September 18, 2017**

**Referred to Zoning and Planning Committee**

- #140-14 (2) Amend ordinances to add licensing requirements and criteria for lodging houses**  
**ZONING & PLANNING COMMITTEE requesting to amend Chapter 17, City of Newton**  
**Ordinances, to establish licensing requirements and criteria for lodging houses.**  
**Programs & Services Held 5-0 on 10/18/17, Councilor Sangiolo not voting**  
**Public Safety & Transportation Held 6-0 on 10/18/17, Councilors Fuller and Norton not**  
**voting on 10/18/17**

**Respectfully submitted,**

**Allan Ciccone, Jr. Chair**

#354-17



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

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

TDD  
(617) 796-1089

E-mail  
swarren@newtonma.gov

October 30, 2017

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

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the appropriation of the sum of \$106,000 and authorize a general obligation borrowing of an equal amount to upgrade the Toughbooks in the City's olice Department first line response vehicles.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Setti D. Warren".

Setti D. Warren  
Mayor

RECEIVED  
Newton City Clerk  
2017 OCT 30 PH 2: 14  
David A. Olson, CMC  
Newton, MA 02459

**CITY OF NEWTON  
PURCHASING DEPARTMENT**

***CONTRACT FOR NEWTON POLICE DEPARTMENT***

**PROJECT MANUAL:**

**SUPPLY, DELIVER & INSTALL MOBILE DATA TERMINALS  
FOR POLICE CRUISERS**

***INVITATION FOR BID #171013***

**Bid Opening Date: November 1 2017 at 10:00a.m.**

**NOVEMBER 2013**

**Setti D. Warren, Mayor**

**PURCHASING DEPARTMENT**  
**INVITATION FOR BID #171013**

The City of Newton invites sealed bids from Contractors to:

**SUPPLY, DELIVER & INSTALL MOBILE DATA TERMINALS FOR POLICE CRUISERS**

**Bids will be received until: 10:00 a.m., November 30 2017**  
at the Purchasing Department, Room 204, Newton City Hall, 1000 Commonwealth Ave., Newton, MA 02459. Immediately following the deadline for bids, all bids received within the time specified will be publicly opened and read aloud.

Work under this contract requires a contractor to supply, deliver and install 30 Mobile Data Terminal (MDT) computers in Police Department cruisers. The contract will be awarded to the responsive and responsible bidder offering the lowest total contract price for all items.

**Work is expected to begin immediately upon receipt of our purchase order and shall be completed no later than December 31 2017.**

**This will be a one-time purchase by purchase order.** The dollar value of the contract may not be increased by an amount more than twenty five percent (25%) of the contract total. If for any part thereof during the term of this Agreement, funds for the discharge of the City's obligations under this Agreement are not appropriated and authorized, or funds so appropriated and authorized are reduced or withdrawn, then this Agreement shall terminate.

Contract Documents will be available online at [www.newtonma.gov/bids](http://www.newtonma.gov/bids) or pickup at Newton City Hall, Purchasing, Room 204, 1000 Commonwealth Avenue, Newton Centre, MA 02459 after 10:00 a.m. on July 18, 2013.

Bid Surety is not required for this bid.

All bids are subject to the provisions of M.G.L. Chapter 30B.

**All bids must be submitted with one ORIGINAL and one COPY.** All prices shall be FOB Delivered Newton, MA.

Bidders attention is directed to the requirements of the City of Newton Supplemental Equal Employment Opportunity, Anti-Discrimination and Affirmative Action Program and also to the Minority/Women Business Enterprise Plan, December 1999, which is available on the Purchasing Department's website page.

All City of Newton bids are available on the City's web site, [www.newtonma.gov/bids](http://www.newtonma.gov/bids). It is the sole responsibility of the contractor downloading these bids to ensure they have received any and all addenda prior to the bid opening. Addenda's will be available online within the original bid document as well as a separate file. If you download bids from the internet site and would like to make it known that your company has done so, email [purchasing@newtonma.gov](mailto:purchasing@newtonma.gov) or fax Purchasing at 617-796-1227 with your NAME, ADDRESS, PHONE, FAX AND INVITATION FOR BID #14-03.

The City will reject any and all bids in accordance with the above referenced General Laws. In addition, the City reserves the right to waive any informalities in any or all bids, or to reject any or all bids (in whole or in part) if it be in the public interest to do so.

CITY OF NEWTON  
Nicholas Read  
*Chief Procurement Officer*  
July 18, 2013

## DEPARTMENT OF PURCHASING

## INSTRUCTIONS TO BIDDERS

## ARTICLE 1 - BIDDER'S REPRESENTATION

- 1.1 Each General Bidder (hereinafter called the "Bidder") by making a bid (hereinafter called "bid") represents that:
1. The Bidder has read and understands the Bidding Documents, Contract Forms, Conditions of the Contract, General Requirements and Project Specifications (collectively referred to as the "Contract Documents") and the bid is made in accordance therewith.
  2. If applicable, the Bidder has visited the work site and is familiar with the local conditions under which the work has to be performed.
- 1.2 Failure to so examine the Contract Documents and work site will not relieve any Bidder from any obligation under the bid as submitted.

## ARTICLE 2 - REQUEST FOR INTERPRETATION

- 2.1 Bidders shall promptly notify the City of any ambiguity, inconsistency, or error which they may discover upon examination of the Contract Documents, the site, and local conditions.
- 2.2 Bidders requiring clarification or interpretation of the Contract Documents shall make a written request to the Chief Procurement Officer, at [purchasing@newtonma.gov](mailto:purchasing@newtonma.gov) or via facsimile (617) 796-1227. The City will only answer such requests if received by Friday, July 26, 2013 at 12:00 noon.
- 2.3 Interpretation, correction, or change in the Contract Documents will be made by addendum which will become part of the Contract Documents. The City will not be held accountable for any oral communication.
- 2.4 Addenda will be emailed to every individual or firm on record as having taken a set of Contract Documents.
- 2.5 Copies of addenda will be made available for inspection at the location listed in the Invitation for Bids where Contract Documents are on file, in addition to being available online at [www.newtonma.gov/bids](http://www.newtonma.gov/bids).
- 2.6 Bidders or proposers contacting ANY CITY EMPLOYEE outside of the Purchasing Department regarding an Invitation for Bid (IFB) or a Request for Proposal (RFP), once an IFB or RFP has been released, may be disqualified from the procurement process.
- 2.7 Bidders downloading information off the internet web site are solely responsible for obtaining any addenda prior to the bid opening. If the bidder makes itself known to the Purchasing Department, at [purchasing@newtonma.gov](mailto:purchasing@newtonma.gov) or via facsimile (617) 796-1227, it shall be placed on the bidder's list. Bidders must provide the Purchasing Department with their company's name, street address, city, state, zip, phone, fax, email address and **INVITATION FOR BID #14-03**.

## ARTICLE 3 - MBE PARTICIPATION

- 3.1 Notice is hereby given that the Mayor's Affirmative Action Plan for the City of Newton in effect at the time of this solicitation is applicable to all construction contracts in excess of \$10,000.00.
- 3.2 Notice is hereby given that the City of Newton Minority/Women Business Enterprise Plan and the Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action Program in effect at the time of this solicitation are applicable to all City contracts for goods and services in excess of \$50,000.00.
- 3.3 Copies of the Plans and Program referred to in Sections 3.1 and 3.2 are available at: [www.newtonma.gov/purchasing](http://www.newtonma.gov/purchasing).

ARTICLE 4 - PREPARATION AND SUBMISSION OF BIDS

- 4.1 Bids shall be submitted on the "Bid Form" as appropriate, furnished by the City.
- 4.2 All entries on the Bid Form shall be made by typewriter or in ink.
- 4.3 Where so indicated on the Bid Form, sums shall be expressed in both words and figures. Where there is a discrepancy between the bid sum expressed in words and the bid sum expressed in figures, the words shall control.
- 4.4 No bid despoit is required for this bid.
- 4.5 The Bid shall be enclosed in a sealed envelope with the following plainly marked on the outside:
  - \* GENERAL BID FOR: #171013
  - \* NAME OF PROJECT: **Supply, Deliver and MDT for Police Cruisers**
  - \* BIDDER'S NAME, BUSINESS ADDRESS, AND PHONE NUMBER
- 4.6 Date and time for receipt of bids is set forth in this Invitation for Bids (IFB).
- 4.7 Timely delivery of a bid at the location designated shall be the full responsibility of the Bidder. In the event that Newton City Hall is closed on the date or at the time that bids are due, the date and time for receipt of bids shall be on the next business day following that the Newton City Hall is open.
- 4.8 Bids shall be submitted with one original and one copy.
- 4.9 Be advised that a new Massachusetts law has been enacted that required all employees who work on Massachusetts public works construction sites must have no less than 10 hours of OSHA-approved safety and health training. See Chapter 306 of the Acts of 2004, which became effective July 1, 2006.
  - 1. This requirement will apply to any general bid or sub bid submitted.
  - 2. This law directs the Massachusetts Attorney General to restrain the award of construction contracts to any contractor who is in violation to this requirement and to restrain the performance of these contracts by non-complying contractors.
  - 3. The contractor and all subcontractors on this project will be required to provide certification of compliance with this requirement. Non-compliance with this law will disqualify you from bidding on public contracts.

ARTICLE 5 - ALTERNATES

- 5.1 Each Bidder shall acknowledge alternates (if any) in Section C on the Bid Form.
- 5.2 In the event an alternate does not involve a change in the amount of the base bid, the Bidder shall so indicated by writing "No Change", or "N/C" or "0" in the space provided for that alternate.
- 5.3 Bidders shall enter on the Bid Form a single amount for each alternate which shall consist of the amount for work performed by the Contractor.
- 5.4 The low Bidder will be determined on the basis of the sum of the base bid and the accepted alternates.

ARTICLE 6 - WITHDRAWAL OF BIDS

- 6.1 Any bid may be withdrawn prior to the time designated for receipt of bids on written or telegraphic request. Telegraphic withdrawal of bids must be confirmed over the Bidder's signature by written notice postmarked on or before the date and time set for receipt of bids.



- 6.2 Withdrawn bids may be resubmitted up to the time designated for the receipt of bids.
- 6.3 No bids may be withdrawn within sixty (60) days, Saturdays, Sundays and legal holidays excluded, after the opening of the bids.

ARTICLE 7 - CONTRACT AWARD

- 7.1.1 The City will award the contract to the lowest responsive and responsible Bidder within sixty (60) days, Saturdays, Sundays, and legal holidays excluded, after the opening of bids.
- 7.2 The City reserves the right to waive any informalities in or to reject any or all Bids if it be in the public interest to do so.
- 7.3 The City reserves the right to reject any bidder who has failed to pay any local taxes, fees, assessments, betterments, or any other municipal charge, unless the bidder has a pending abatement application or has entered into a payment agreement with the collector-treasurer.
- 7.4 As used herein, the term "lowest responsible and responsive Bidder" shall mean the Bidder (1) whose bid is the lowest of those bidders possessing the skill, ability and integrity necessary for the faithful performance of the work; (2) who has met all the requirements of the invitation for bids; (3) who shall certify that he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work; (4) who, where the provisions of section eight B of chapter twenty-nine apply, shall have been determined to be qualified thereunder.
- 7.5 Subsequent to the award and within five (5) days, Saturday, Sundays and legal holidays excluded, after the prescribed forms are presented for signature, the successful Bidder shall execute and deliver to the City a contract in the form included in the Contract Documents in such number of counterparts as the City may require.
- 7.6 In the event that the City receives low bids in identical amount from two or more responsive and responsible Bidders, the City shall select the successful Bidder by a blind selection process such as flipping a coin or drawing names from a hat. The low Bidders who are under consideration will be invited to attend and observe the selection process.

ARTICLE 8 - TAXES

- 8.1 The Bidder shall not include in this bid any tax imposed upon the sale or rental of tangible personal property in this Commonwealth, such as any and all building materials, supplies, services and equipment required to complete the work.
- 8.2 The City is exempt from payment of the Massachusetts Sales Tax, and the Bidder shall not include any sales tax on its bid. The City's exemption Number is E-046-001-404.

END OF SECTION

CITY OF NEWTON

DEPARTMENT OF PURCHASING

BID FORM #171013

A. The undersigned proposes to supply and deliver the materials and/or equipment and/or supplies specified below in full accordance with the Contract Documents and Project Manual supplied by the City of Newton entitled:

Supply, Deliver MDT'S for Police Cruisers

for the contract price(s) specified below, subject to additions and deduction according to the terms of the specifications.

B. This bid includes addenda number(s) \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,

C. The Bidder proposes to supply and deliver the materials specified at the following price(s):

36 VEHICLE MOBILE COMPUTER SOLUTIONS WHICH ARE TO INCLUDE A SEMI-RUGGED CONVERTIBLE TABLET COMPUTER THAT IS MIL SPEC 810-G RATED, ALL WIRING NECESSARY FOR INSTALLATION, OPTIONS FOR MOUNTING TO INCLUDE MOUNTING SOLUTIONS FOR ANY STYLE POLICE VEHICLE WHICH HAVE A LOCKING MECHANISM TO SECURE THE CONVERTIBLE TABLET. BID TO INCLUDE CERTIFIED PROFESSIONAL INSTALLATION OF ALL AFOREMENTIONED EQUIPMENT.

The proposed contract price is:

\_\_\_\_\_
DOLLARS (\$ \_\_\_\_\_)

COMPANY: \_\_\_\_\_

D. Prompt Payment Discounts. Bidders are encouraged to offer discounts in exchange for an expedited payment. Payments may be issued earlier than the general goal of within 30 days of receipt of the invoice only when in exchange for discounted prices. Discounts will not be considered in determining the lowest responsible bidder.

Prompt Payment Discount \_\_\_\_\_ % \_\_\_\_\_ Days
Prompt Payment Discount \_\_\_\_\_ % \_\_\_\_\_ Days
Prompt Payment Discount \_\_\_\_\_ % \_\_\_\_\_ Days

E. The undersigned has completed and submits herewith the following documents:

- o Bidder's Qualifications and References Form, 2 pages
o Original bid and one COPY, 2 pages
o Certificate of Non-Collusion, 1 page
o Debarment Letter, 1 page
o IRS Form W-9, 1 page

F. The undersigned agrees that, if selected as contractor, s/he will within five days, Saturdays, Sundays and legal holidays excluded, after presentation thereof by the City of Newton, execute a contract in accordance with the terms of this bid. The undersigned hereby certifies that s/he is able to furnish labor that can work in harmony with all other elements of labor employed or to be employed on the work and that's/he will comply fully with all laws and regulations applicable to awards made subject to M.G.L. Chapter 30B.

The undersigned further certifies under the penalties of perjury that this bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this section the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club or other organization, entity, or group of individuals. The undersigned further certifies under penalty of perjury that the said undersigned is not presently debarred from public contracting or subcontracting in the Commonwealth under the provisions of M.G.L. Chapter 29, Section 29F or any other applicable debarment provisions of any other chapter of the General Laws or any rule or regulation promulgated thereunder.

Date \_\_\_\_\_

\_\_\_\_\_  
(Name of Bidder)

BY: \_\_\_\_\_

\_\_\_\_\_  
(Printed Name and Title of Signatory)

\_\_\_\_\_  
(Business Address)

\_\_\_\_\_  
(City, State Zip)

\_\_\_\_\_  
(Telephone & FAX)

\_\_\_\_\_  
(E-mail address)

**NOTE:** If the bidder is a corporation, indicate state of incorporation under signature, and affix corporate seal; if a partnership, give full names and residential addresses of all partners; if an individual, give residential address if different from business address; and, if operating as a d/b/a give full legal identity. Attach additional pages as necessary.

**END OF SECTION**

CITY OF NEWTON

BIDDER'S QUALIFICATIONS AND REFERENCES FORM

All questions must be answered, and the data given must be clear and comprehensive. Please type or print legibly. If necessary, add additional sheet for starred items. This information will be utilized by the City of Newton for purposes of determining bidder responsiveness and responsibility with regard to the requirements and specifications of the Contract.

1. FIRM NAME: \_\_\_\_\_

2. WHEN ORGANIZED: \_\_\_\_\_

3. INCORPORATED? \_\_\_\_ YES \_\_\_\_ NO DATE AND STATE OF INCORPORATION: \_\_\_\_\_

4. IS YOUR BUSINESS A MBE? \_\_\_\_ YES \_\_\_\_ NO WBE? \_\_\_\_ YES \_\_\_\_ NO or MWBE? \_\_\_\_ YES \_\_\_\_ NO

\* 5. LIST ALL CONTRACTS CURRENTLY ON HAND, SHOWING CONTRACT AMOUNT AND ANTICIPATED DATE OF COMPLETION:

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

\* 6. HAVE YOU EVER FAILED TO COMPLETE A CONTRACT AWARDED TO YOU?

\_\_\_\_ YES \_\_\_\_ NO

IF YES, WHERE AND WHY?

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

\* 7. HAVE YOU EVER DEFAULTED ON A CONTRACT? \_\_\_\_ YES \_\_\_\_ NO

IF YES, PROVIDE DETAILS.

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

\* 8. LIST YOUR VEHICLES/EQUIPMENT AVAILABLE FOR THIS CONTRACT:

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

\* 9. IN THE SPACES FOLLOWING, PROVIDE INFORMATION REGARDING CONTRACTS COMPLETED BY YOUR FIRM SIMILAR IN NATURE TO THE PROJECT BEING BID. A MINIMUM OF FOUR (4) CONTRACTS SHALL BE LISTED. PUBLICLY BID CONTRACTS ARE PREFERRED, BUT NOT MANDATORY.

PROJECT NAME: \_\_\_\_\_

OWNER: \_\_\_\_\_

CITY/STATE: \_\_\_\_\_

DOLLAR AMOUNT: \$ \_\_\_\_\_ DATE COMPLETED: \_\_\_\_\_  
 PUBLICLY BID? \_\_\_\_\_ YES \_\_\_\_\_ NO  
 TYPE OF WORK?: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
 CONTACT PERSON'S RELATION TO PROJECT?: \_\_\_\_\_  
 (i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: \_\_\_\_\_  
 OWNER: \_\_\_\_\_  
 CITY/STATE: \_\_\_\_\_  
 DOLLAR AMOUNT: \$ \_\_\_\_\_ DATE COMPLETED: \_\_\_\_\_  
 PUBLICLY BID? \_\_\_\_\_ YES \_\_\_\_\_ NO  
 TYPE OF WORK?: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
 CONTACT PERSON'S RELATION TO PROJECT?: \_\_\_\_\_  
 (i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: \_\_\_\_\_  
 OWNER: \_\_\_\_\_  
 CITY/STATE: \_\_\_\_\_  
 DOLLAR AMOUNT: \$ \_\_\_\_\_ DATE COMPLETED: \_\_\_\_\_  
 PUBLICLY BID? \_\_\_\_\_ YES \_\_\_\_\_ NO  
 TYPE OF WORK?: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
 CONTACT PERSON'S RELATION TO PROJECT?: \_\_\_\_\_  
 (i.e., contract manager, purchasing agent, etc.)

PROJECT NAME: \_\_\_\_\_  
 OWNER: \_\_\_\_\_  
 CITY/STATE: \_\_\_\_\_  
 DOLLAR AMOUNT: \$ \_\_\_\_\_ DATE COMPLETED: \_\_\_\_\_  
 PUBLICLY BID? \_\_\_\_\_ YES \_\_\_\_\_ NO  
 TYPE OF WORK?: \_\_\_\_\_  
 CONTACT PERSON: \_\_\_\_\_ TELEPHONE #: (\_\_\_\_) \_\_\_\_\_  
 CONTACT PERSON'S RELATION TO PROJECT?: \_\_\_\_\_  
 (i.e., contract manager, purchasing agent, etc.)

10. The undersigned certifies that the information contained herein is complete and accurate and hereby authorizes and requests any person, firm, or corporation to furnish any information requested by the City of Newton in verification of the recitals comprising this statement of Bidder's qualifications and experience.

DATE: \_\_\_\_\_ BIDDER: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_ TITLE: \_\_\_\_\_

END OF SECTION



### CERTIFICATE OF NON-COLLUSION

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee club, or other organization, entity, or group or individuals.

\_\_\_\_\_  
(Signature of individual)

\_\_\_\_\_  
Name of Business

City of Newton



Mayor  
Setti D. Warren

Purchasing Department

Nicholas Read @ *Chief Procurement Officer*

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449  
purchasing@newtonma.gov

Telephone  
(617) 796-1220  
Fax:  
(617) 796-1227  
TDD/TTY  
(617) 796-1089

Date

Vendor

Re: Debarment Letter for Invitation For Bid # \_\_\_\_\_

As a potential vendor on the above contract, the City requires that you provide a debarment/suspension certification indicating that you are in compliance with the below Federal Executive Order. Certification can be done by completing and signing this form.

**Debarment:**

**Federal Executive Order (E.O.) 12549 "Debarment and Suspension" requires that all contractors receiving individual awards, using federal funds, and all sub-recipients certify that the organization and its principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal department or agency from doing business with the Federal Government.**

I hereby certify under pains and penalties of perjury that neither I nor any principal(s) of the Company identified below is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
EMAIL \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
Signature  
Date

If you have questions, please contact Nicholas Read, Chief Procurement Officer at (617) 796-1220.



Form **W-9**  
(Rev. October 2007)  
Department of the Treasury  
Internal Revenue Service

**Request for Taxpayer  
Identification Number and Certification**

Give form to the  
requester. Do not  
send to the IRS.

Print or type  
See Specific Instructions on page 2.

Name (as shown on your income tax return)

Business name, if different from above

Check appropriate box:  Individual/Sole proprietor  Corporation  Partnership  
 Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ .....  Exempt payee  
 Other (see instructions) ▶

Address (number, street, and apt. or suite no.)

City, state, and ZIP code

List account number(s) here (optional)

Requester's name and address (optional)

**Part I Taxpayer Identification Number (TIN)**

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

Note. If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
or
Employer identification number

**Part II Certification**

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶	Name

**General Instructions**

Section references are to the Internal Revenue Code unless otherwise noted.

**Purpose of Form**

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

- Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
- Certify that you are not subject to backup withholding, or
- Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,

**CITY OF NEWTON, MASSACHUSETTS  
PURCHASING DEPARTMENT  
GENERAL TERMS AND CONDITIONS**

1. The right is reserved to reject any and all bids, to waive informalities, and to make award as may be determined to be in the best interest of the City of Newton.
2. Prices quoted must include delivery to the City, as specified on the Work Order.
3. No charges will be allowed for packing, crating, freight, Express or cartage unless specifically stated and included in the bid.
4. The award to the successful bidder may be canceled if successful bidder shall fail to prosecute the work with promptness and diligence.
5. Time in connection with discount offered will be computed from the date of delivery to the City, as specified on purchase order, or from date correct invoice is received by the City, if the latter date is later than the date of delivery.
6. The successful bidder shall replace, repair or make good, without cost to the City, any defects or faults arising within one (1) year after date of acceptance of articles furnished hereunder (acceptance not to be unreasonably delayed) resulting from imperfect or defective work done or materials furnished by the Sellor.
7. The Sellor shall indemnify and save harmless the City and all persons acting for on behalf of it from all suits and claims against them, or any of them, arising from or occasioned by the use of any material, equipment or apparatus, or any part thereof, which infringes or is alleged to infringe on any patent rights. In case such material, equipment or apparatus, or any part thereof, in any such suit is held to constitute infringement, the Seller, within a reasonable time, will at it's expense, and as the City may elect, replace such material, equipment or apparatus with non-infringing material, equipment or apparatus, or remove the material, equipment or apparatus, and refund the sums paid therefor.
8. The successful bidder shall comply with all applicable Federal State and Local laws and regulations.
9. Purchases made by the City are exempt from Federal excise taxes and bid prices must exclude any such taxes. Tax exemption certificates will be furnished upon request.
10. If so stated in the INVITATION FOR BID, the successful bidder will be required to furnish a performance and/or a labor and material payment bond, in an amount, in a form and with a surety satisfactory to the City. The bidder shall be responsible for the cost of the bond(s).
11. If the Invitation for Bids requires bid surety, this surety shall be in the form of a cash, bid bond, cashier's check, treasurer's check, or certified check on a responsible bank, payable to the City of Newton, and must be filed with the original bid in the Office of the Purchasing Agent. Failure to do so will lead to rejection of bid. The bid surety will be returned to the successful bidder within seven (7) days execution of awarded, and approval by the City of performance and/or payment bond(s). In case of default, the bid surety shall be forfeited to the City.
12. Verbal orders are not binding on the City and deliveries made or work done without formal Purchase Order or Contract are at the risk of the Sellor or Contractor and may result in an unenforceable claim.
13. The Sellor shall agree to indemnify, defend and hold the City harmless from any and all claims arising out of the performance of this contract.
14. "Equality - An item equal to that named or described in the specifications of the contract may be furnished by the Vendor and the naming of any commercial name, trademark or other identification shall not be construed to exclude any item or manufacturer not mentioned by name or as limiting competition but shall establish a standard of equality only. An item shall be considered equal to the item so named or described if (1) it is at least equal in quality, durability, appearance, strength and design; (2) it will perform at least equally the function imposed by the general design for the work being contracted for or the material being purchased; and (3) it conforms substantially, even with deviations, to the detailed requirements for the item in the specifications. The name and identification of all materials other than the one specifically named shall be submitted to the City in writing for approval, prior to purchase, use or fabrication of such items. Subject to the provisions of M.G.L., Ch. 30, Sec. 39J, approval shall be at the sole discretion of the City, shall be in writing to be effective, and the decision of the City shall be final. The City may require tests of all materials so submitted to establish quality standards at the Vendor's expense.

All directions, specifications and recommendations by manufacturers for installation, handling, storing, adjustment, operation of their equipment shall be complied with; responsibility for proper performance shall continue to rest with the Vendor. For the use of material other than the one specified, the Vendor shall assume the cost of and responsibility for satisfactorily accomplishing all changes in the work as shown. If no manufacturer is named, the Vendor shall submit the product he intends to use for approval of the City. Except as otherwise provided for by the provisions of M.G.L., Ch. 30, Sec. 39J, the Vendor shall not have any right of appeal from the decision of the City condemning any materials furnished if the Vendor fails to obtain the approval for substitution under this clause. If any substitution is more costly, the Vendor shall pay for such costs. Notice is hereby given that the City of Newton Minority/Women Business Enterprise Plan dated December 1999 is applicable to all City of Newton contracts for materials supplies. A copy of this plan may be obtained from the Purchasing Department.

15. Notice is hereby given that the City of Newton Minority Business Enterprise Plan and the Supplemental Equal Employment Opportunity Anti-Discrimination and Affirmative Action is applicable to all City of Newton contracts in excess of \$50,000.00. A copy of these plans may be obtained from the Purchasing Department.

16. Right To Know:  
Any vendor who receives an order or orders resulting from this invitation agrees to submit a Material Safety Data Sheet (MSDS) for each toxic or hazardous substance or mixture containing such substance, pursuant to M.G.L., Ch. 111F, SS8, 9 and 10 and the regulations contained in 441 CMR SS 21.06 when deliveries are made. The vendor agrees to deliver all containers properly labeled pursuant to M.G.L. Ch. 111F, SS 7 and the regulations contained in 441 CMR SS 21.05. Failure to submit an MSDS and/or label on each container will place the vendor in noncompliance with the purchase order. Failure to furnish MSDSs and/or labels on each container may result in civil or criminal penalties, including bid debarment and action to prevent the vendor from selling said substances or mixtures containing said substances within the Commonwealth. All vendors furnishing substances or mixtures subject to Chapter 111F of the M.G.L. are cautioned to obtain and read the law and rules and regulations referred to above. Copies can be obtained from the State House Book Store, Secretary of State, State House, Room 117, Boston, MA 02133, (617-727-2834) for \$2.00 plus \$.65 postage.

17. INSURANCE REQUIREMENTS

The Contractor shall provide insurance coverage as listed below. This insurance shall be provided at the Contractor's expense and shall be in full force and effect during the full term of this Contract.

WORKER'S COMPENSATION

Worker's Compensation: Per M.G.L. c. 149, s. 34 and c. 152 as amended.

COMMERCIAL GENERAL LIABILITY

Personal Injury \$500,000 each occurrence  
\$1,000,000 aggregate  
Property Damage \$500,000 each occurrence  
\$1,000,000 aggregate

VEHICLE LIABILITY

Personal Injury \$500,000 each person  
\$1,000,000 aggregate  
Property Damage \$300,000

The City shall be named as additional insured on the Contractor's Liability Policies.

The Contractor shall not commence the work until proof of compliance with this has been furnished to the City by submitting one copy of a properly endorsed insurance certificate issued by a company authorized to write insurance in the Commonwealth. This certificate shall indicate that the contractual liability coverage is in force.

The Contractor shall file the original and one certified copy of all policies with the City within ten (10) days after contract award. If the City is damaged by the Contractor's failure to maintain such insurance and to so notify the City, then the Contractor shall be responsible for all reasonable costs attributable thereto.

Cancellation of any insurance required by this contract, whether by the insurer or the insured, shall not be valid unless written notice thereof is given by the party proposing cancellation to the other party and City at least thirty days prior to the effective date thereof, which shall be expressed in said notice.

**FAILURE TO COMPLY WITH THESE TERMS AND CONDITIONS COULD RESULT IN THE CANCELLATION OF YOUR CONTRACT.**

### CERTIFICATION OF TAX COMPLIANCE

Pursuant to M.G.L. c.62C, §49A and requirements of the City, the undersigned acting on behalf of the Contractor certifies under the penalties of perjury that the Contractor is in compliance with all laws of the Commonwealth relating to taxes including payment of all local taxes, fees, assessments, betterments and any other local or municipal charges (unless the Contractor has a pending abatement application or has entered into a payment agreement with the entity to which such charges were owed), reporting of employees and contractors, and withholding and remitting child support.\*

\_\_\_\_\_  
\*\*Signature of Individual  
or Corporate Contractor (Mandatory)

\_\_\_\_\_  
\*\*\* Contractor's Social Security Number  
(Voluntary) or Federal Identification Number

Print Name: \_\_\_\_\_

By: \_\_\_\_\_  
Corporate Officer  
(Mandatory, if applicable)

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

Print Name: \_\_\_\_\_

\* The provision in this Certification relating to child support applies only when the Contractor is an individual.

\*\* Approval of a contract or other agreement will not be granted until the City receives a signed copy of this Certification.

\*\*\* Your social security number may be furnished to the Massachusetts Department of Revenue to determine whether you have met tax filing or tax payment obligations. Providers who fail to correct their non-filing or delinquency will not have a contract or other agreement issued, renewed, or extended.

## PURCHASING DEPARTMENT

## CITY OF NEWTON

## SCOPE OF WORK

## 1. SCOPE AND CLASSIFICATION:

- 1.1 IT IS THE INTENTION OF THE CITY OF NEWTON POLICE DEPARTMENT TO PURCHASE 30 MOBILE COMPUTING SOLUTIONS THAT HAVE THE ABILITY TO MOUNT IN ANY OF THE CITY POLICE VEHICLES.

## 2. COMPUTER MINIMUM SPECIFICATIONS:

The Q Series Mobile Tablet Solution includes the following specifications:

Fujitsu Stylistic Q736 or Q737 Tablet PC

13.3", FHD; LED backlight, Anti-glare LCD with wide viewing angles, FHD, 1920 x 1080,  
Dual Digitizer (Touchscreen and Active Stylus pen input)

7th Generation Intel® Core™ i5-7200U Processor (3 MB Cache, up to 3.1 GHz) with  
Intel® Turbo Boost Technology and Fixed 8 GB DDR3 1600 MHz SDRAM memory

MIL STD 810G (refer to attached documentation)

Intel® Dual Band Wireless-AC 8260 802.11ac/a/b/g/n (2x2) and Bluetooth® wireless

13.3 FHD (1920x1080), Anti-Glare Display

Windows® 7 Pro - Windows® 10 Creators Update (MUI) 64-bit (ENERGY STAR qualified®) w/ability to  
inhibit updates

128 GB M.2 SATA SSD

micro-HDMI, 1 X USB 2.0; 1 X USB 3.0, Micro SD Slot, Docking

Front Camera: FHD Webcam and rear 5MP Webcam with Autofocus and LED Light

10/100/1000 Gigabit Ethernet LAN, Intel® Dual Band Wireless-AC 8260

802.11AC/A/B/G/N, Bluetooth® V4.0

Microsoft® Office Trial

Fingerprint Sensor

One-year International Limited Warranty

3-Year Accidental Damage Protection (ADP) (3-Year ADP + 2-Year Extension of Standard  
International Limited Warranty)

All RMA and support to be provided by Authorized Fujitsu America Reseller

Lind, Right angle cable- cable only

TPU protection case

X handstrap for easy handling

Ikey thin keyboard- backlit and fully rugged

## Solution Design

With the above criteria in mind the City of Newton PD is requiring a Fujitsu vehicle dock to adapt to an existing swing away mount. The City of Newton will reuse the existing mounting to save on time and overall costs. The Tablet mount must offer a secure lock to meet CJIS requirements. The tablet dock much also include the following:

32, Q series Vehicle Docks for swing away mount

3 USB Ports

1 Ethernet port

1 HDMI port

1 Power port for Lind power adapter

Adaptation to an existing Lund swing away mount

Conversion mount for Ikey thin keyboard tray. To convert from TG3 to Ikey thin

, Q Series Locking Clamshell style mount with thin keyboard tray

3 USB Ports

1 Ethernet port

1 HDMI port

1 Power port for Lind power adapter

Built in thin keyboard tray

Accessories

1, Power keyboard docking station- for office use

1, Performance Docking cradle- for office use

36, Solid State Drive, 128GB, M.2

1, Sabrenet M.2 SSD to 2.5-inch SATA iii Aluminum Enclosure Adapter

**END OF SECTION**





SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#355-17

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
swarren@newtonma.gov

October 30, 2017

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

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the appropriation of the sum of \$1,200,000 and authorize a general obligation borrowing of an equal amount for the replacement of Ladder 2. This item is included in the FY19-FY23 Capital Improvement Plan.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

RECEIVED  
Newton City Clerk  
2017 OCT 30 PM 2:17  
David A. Oison, CMC  
Newton, MA 02459





#355-17  
530 JOHN DIETSCH BOULEVARD  
NORTH ATTLEBORO, MA 02763-1080  
PHONE: 508.695.7138  
FAX: 508.699.6842  
PARTS: 1.800.347.3878

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October 27, 2017

Chief Bruce Proia  
City of Newton Fire Department  
1164 Center Street  
Newton, MA 02159

Chief Proia,

Thank you for the opportunity to provide you with a quote on a new E-One HM100 Ladder Truck. The truck is configured utilizing the same specifications as Ladder 1. The major changes included converting to an air ride suspension, zinc coating on the frame and torque box, lowering the dash to match E-3, and deleting the Firecom system. I kept the generator at a 10KW for now, because dropping it to 8KW was only going to save a few hundred dollars. You have to drop to the 6KW (smaller size unit) to see significant savings.

I will send you the line item specs and the drawings to review. If you would like to have another meeting to discuss, I am happy to come up and meet with you at your convenience. The cost of this unit for purchase in 2018 through the HGAC program would be \$1,025,000. This would include the same basic equipment as provided on L-1. I did include a \$25,000 allowance for equipment, tool mounting, etc.. as well as the standard items such as the flashlights, lettering, wheel chocks, ground ladders, stokes basket, etc.. as is noted in the specs. The price also includes the 5 year warranty.

Please let me know if you have any questions or would like to schedule a follow up meeting to discuss in further detail.

Best Regards,

A handwritten signature in black ink, appearing to read "MAM", written over a white background.

Mark MacDonald  
President  
Greenwood Emergency Vehicles, LLC

## City Council

2016-2017

City of Newton



### **PUBLIC SAFETY & TRANSPORTATION COMMITTEE MEETING NOTICE**

Dear Resident:

The Public Safety & Transportation Committee of the City Council will be discussing the following item, which may be of interest to you, at its meeting on Wednesday, November 8, 2017 at 7:00 p.m. in Room 205, Second Floor, City Hall. The meeting is open to the public and if you would like further information on the item, you are encouraged to attend.

**#209-17**      **Appeal of Traffic Council Decision #12-17 Fairway Drive**  
WILLIAM DILWORTH, 34 Fairway Drive, West Newton  
appealing the denial of Traffic Council petition TC12-17 on  
June 22, 2017 for a four-way stop sign at the intersection of  
Fairway Drive and Bunker Lane in West Newton. (Ward 3)  
[06/29/17 @ 11:40 AM]

If you are unable to attend this meeting but would like to offer comments in writing for consideration, please forward your comments to the Office of the City Council, 1000 Commonwealth Avenue, Newton Centre, 02459 or e-mail to Danielle Delaney at [ddelaney@newtonma.gov](mailto:ddelaney@newtonma.gov) by Thursday, November 2, 2017 reflecting docket item number #209-17.

Sincerely,

Danielle Delaney  
Committee Clerk  
Public Safety & Transportation Committee

City of Newton



## DEPARTMENT OF PUBLIC WORKS

Transportation Division  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Setti D. Warren  
Mayor

Date: November 3, 2017  
To: Public Safety and Transportation Committee  
Cc: Nicole Freedman, Transportation Department Director  
From: Stephen Simoglou P.E., Traffic Engineer  
Subject: Proposed Mutli-Way Stop Evaluation – Fairway Drive at Bunker Lane

---

The purpose of this memorandum is to review the multi-way stop proposal at the intersection of Fairway Drive at Bunker Lane.

### **Existing Conditions**

The referenced intersection above is a 4-legged intersection (Figure 1), with two-way stop control on the Bunker Lane approaches. The speed limit on both roads is 25 MPH.

The intersection is in a primarily residential area.



**Figure 1 - Intersection Overview**

### **Crash History**

Five years of crash history, provided by the Newton Police Department, was reviewed. One crash has been reported since 2012, yielding an approximate crash rate of 0.31 (C/MEV) [Crashes/Million Entering Vehicles] which below the District 6 average of 0.53 (C/MEV). See Appendix A for crash calculations.

### **Observations**

#### **Sight Lines**

Recommended stopping sight distance for Fairway Drive and Bunker Lane, in conjunction with the speed limit (25 MPH) is 155 feet. Acceptable sight lines for each approach prevail, and sight triangles were not noted to be restricted.

Speed Data

Two 48-hour vehicle speed and volume studies were conducted from (7/11/17-7/13/17) and (9/13/17-9/15/17). Please see below the results. Please note that nearby construction was observed during the July observation period which may have affected circulation and vehicle volumes at the study location; hence, a second study was conducted in September. Please see Appendix B for the raw vehicle speed and volume data.

Date	7/11/17 -7/13/17	9/13/17 - 9/15/17
Setup Location	43 Fairway Dr	72 Fairway Dr
85th Percentile Speed (MPH)	29	28
ADT (Vehicles)	848	1161
Peak AM Volume (Vehicles)	66	133
Peak PM (Vehicles)	142	123

Guidance

The MUTCD (Manual on Uniform Traffic Control Devices) is a document produced by the Federal Highway Administration. It serves a standardization resource for signage and pavement markings, as well as provides guidance for appropriate applications of traffic signals, stop signs, and other traffic control devices.

Section 2B.07 of the MUTCD outlines appropriate applications of multi-way stop control. It should be noted that if a criteria were to be met, it would provide justification for a multi-way stop, but would not automatically determine the appropriateness of installation. The MUTCD does note that engineering judgment should be used, along with the evaluated criteria, to ultimately make a determination for need. Below are the criteria to consider when evaluating the installation of a multi-way stop, with comments noted in red:

***A) Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal***

- Not Met - Although during the *observation period* vehicle volumes were noted to be relatively equal, after review of volume data it is unlikely Bunker Lane generates as much vehicle volume as Fairway Drive. Please note that an error occurred when presenting vehicle volume analysis during the Traffic Council presentation noting that Bunker Lane generated more traffic than Fairway Drive. This was presented and remarked incorrectly, and was later corrected.

***B) Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.***

- Not Met- Traffic signals not justified.

***C) Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions***

- Not Met- 1 Crash in previous 5 years.

***D/E) Vehicle volume entering the intersection from the major street approaches averages at least 300 vehicles per hour for any 8 hours of an average day; and the combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at***

***least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour***

- Not Met - Peak hour volumes for a one hour period are well below minimum thresholds and not sustained for 8 hours. The minor approach (Bunker Lane) likely does not meet minimum vehicle volumes.

The MUTCD goes on to note additional criteria which *may* be considered in the event a location requires additional review. Although the subject intersection does meet any initial multi-way stop criteria, in the interest in thoroughness the additional optional criteria have been outlined below:

***A) The need to control left-turn conflicts***

- Not Met – No need to control left turning movements.

***B) The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes***

- Not Met – Intersection is not immediately adjacent to public transit, school or village center which consistently generates high pedestrian volumes over a prolonged period of time.

***C) Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and***

- Not Met – Sight triangles are acceptable. Vehicles stopping at Bunker Lane are able to adequately judge gaps in Fairway Drive traffic because of appropriate sight distance and sight lines.

***D) An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.***

- Not Met – Operations not problematic at subject intersection; delay and queuing not excessive.

***Conclusion and Recommendation***

In reviewing crash history, intersection attributes, and MUTCD guidance; the intersection of Bunker Lane and Fairway Drive does not meet the criteria for a multi-way stop. Given the low crash history and current operations, the addition of multi-way stop control is not needed and unwarranted. Unwarranted stop signs can lead to non-compliance, increased noise, invoke a negative environmental impact, and can reduce effectiveness of stop sign compliance in general. The existing condition may worsen as drivers can become careless around stop signs which are perceived to be frivolous.

It should also be noted that excessive vehicle speed was a resident concern highlighted at Traffic Council during the item presentation. The MUTCD is explicit in stating stop signs are not to be used for speed control. In reviewing the speed data, 85% of the vehicle speeds were shown to be within 3 to 4 MPH of the speed limit. The data quantifies the limited extent of any perceived speeding issue.

At this time the recommendation is to maintain the existing condition of two-way stop control at Fairway Drive and Bunker Lane.

## Appendix A



## Appendix B



**City of Newton - Public Works**

1000 Commonwealth Ave  
Newton, MA 02459

**(Fairway Dr - Between Bunker Ln and Watertown St)**

COMBINED

**Report for 7/11/2017 11:00:00 AM to 7/13/2017 10:00:00 AM**

**SPEED STATISTICS - 15 to 70+ by 5 MPH**

Speed in MPH	1 - 15	16 - 20	21 - 25	26 - 30	31 - 35	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	61 - 65	66 - 70	71 - 75	76 - 999
Count	151	233	562	527	124	7	0	1	0	0	0	0	0	0
Percent	9.4	14.5	35.0	32.8	7.7	0.4	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0
Over Speed	15	20	25	30	35	40	45	50	55	60	65	70	75	999
Count	1454	1221	659	132	8	1	1	0	0	0	0	0	0	0
Percent	90.6	76.1	41.1	8.2	0.5	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Percentile	5%	10%	15%	45%	50%	55%	85%	90%	95%					
Speed	13	16	18	24	24	25	29	30	32					

Average 24  
(Mean)

Pace Speed 21-30  
Number in 1089  
Pace  
Percent in 67.9  
Pace

# City of Newton - Public Works

1000 Commonwealth Ave  
Newton, MA 02459

(Fairway Dr - Between Bunker Ln and Watertown St)

COMBINED

Speed	Volume
8	4
9	6
10	7
11	22
12	27
13	37
14	31
15	17
16	22
17	41
18	45
19	51
20	74
21	88
22	88
23	128
24	142
25	116
26	121
27	133
28	115
29	82
30	76
31	45
32	32
33	23
34	13
35	11
36	3
37	0
38	2
39	0
40	2
41	0
42	0
43	0
44	0
45	0
46	0
47	1

**City of Newton - Public Works**

1000 Commonwealth Ave  
Newton, MA 02459

**(Fairway Dr - between Bunker Ln and Waltham St)**

COMBINED

**Report for 9/13/2017 4:00:00 PM to 9/15/2017 1:59:59 PM**

**SPEED STATISTICS - 15 to 70+ by 5 MPH**

Speed in MPH	1 - 15	16 - 20	21 - 25	26 - 30	31 - 35	36 - 40	41 - 45	46 - 50	51 - 55	56 - 60	61 - 65	66 - 70	71 - 75	76 - 999
Count	120	302	879	642	82	8	0	0	0	0	0	0	0	0
Percent	5.9	14.9	43.2	31.6	4.0	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Over Speed	15	20	25	30	35	40	45	50	55	60	65	70	75	999
Count	1913	1611	732	90	8	0	0	0	0	0	0	0	0	0
Percent	94.1	79.2	36.0	4.4	0.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Percentile	5%	10%	15%	45%	50%	55%	85%	90%	95%					
Speed	15	18	19	23	24	25	28	29	30					

Average 24  
(Mean)

Pace Speed 20-29  
Number in 1569  
Pace  
Percent in 77.2  
Pace

# City of Newton - Public Works

1000 Commonwealth Ave  
Newton, MA 02459

(Fairway Dr - between Bunker Ln and Waltham St)

## COMBINED

Speed	Volume
7	2
8	3
9	7
10	6
11	22
12	9
13	20
14	21
15	30
16	24
17	48
18	56
19	69
20	105
21	124
22	183
23	190
24	188
25	194
26	192
27	164
28	131
29	98
30	57
31	36
32	24
33	15
34	6
35	1
36	3
37	2
38	2
39	1

#209-17  
# 209-17

**APPEAL OF TRAFFIC COUNCIL DECISION**  
**CITY OF NEWTON TRAFFIC COUNCIL, ROOM 105**  
**1000 COMMONWEALTH AVENUE**  
**NEWTON CENTRE, MA 02459**

This form shall be completed by residents or a City Councilor who wish to appeal a Traffic Council decision. This form must be completed and filed with the City Clerk within twenty (20) calendar days of the Traffic Council vote. Requirements for signatures in the matter of appeals are described in Sec.19-33 and 19-34 of the Revised Ordinances of the City of Newton, 2007, as amended by Ordinance Z-12. The Appellant and other parties who may in the Council's judgment be substantially affected by such petition will be notified with the first date the petition will be discussed by the City Council. Note: There are additional appeal requirements for Resident Only Permit Areas; see Sec. 19-201 of the City of Newton Ordinances. If you have further questions, please call the Clerk of the City Council's Office at (617)796-1210.

Complete both sides and submit to the Clerk of the City Council's Office (PLEASE PRINT):

APPELLANT'S NAME: William B. Dilworth SIGNATURE: W.B. Dilworth  
ADDRESS: 34 Fairway Drive, Newton, MA 02465 Unit # \_\_\_\_\_  
TELEPHONE (DAY): 617-552-0026 (EVENING): 857-636-9880

PETITION #: TC - 12-17

**REASON FOR APPEAL:**

The original petition was rejected by the Traffic Council on the grounds that it did not meet the criteria for establishing four-way intersections. However, we believe it does meet the criteria based on site lines and visibility. As stated by the city engineer during the recent meeting, 250 feet of visibility is the required amount. A site visit and these photos will prove that there is less than 250 feet of visibility travelling both from the north and south of the intersection.

RECEIVED  
NEWTON CITY CLERK  
2017 JUN 29 AM 11:40  
DAVID A. OLSON, CLERK  
NEWTON, MA 02459

11/16/09  
Revised: 01/01/16

REQUIRED SIGNATURES (Please Print)

◆ Appeals for intersectional controls/regulations (traffic signals, stop signs, no turn on red, etc.) require a total of six (6) signatures (including appellant's) from owners or tenants whose building or lot of land is located within five-hundred (500) feet of the affected intersection (one signature per household or business).

◆ Appeals for parking restrictions, truck exclusions, speed limits, and all other traffic regulations must be signed by one (1) owner or tenant of at least half of the residential, commercial and/or non-profit units which abut the affected street or way, provided that in no event shall more than ten (10) signatures (including appellant's) be required (one signature per household or business).

NAME: William B. Dilworth SIGNATURE: W.B. Dilworth  
ADDRESS: 34 Fairway Dr., Newton, MA 02465 UNIT#  
TELEPHONE (DAY): 617-552-0026 (EVENING): 857-636-9880

NAME: CAROLE SMITH SIGNATURE: Carole Smith  
ADDRESS: 27 Fairway Dr., W. Newton 02465 UNIT#  
TELEPHONE (DAY): 617-965-1276 (EVENING):

NAME: Patricia McCabe SIGNATURE: Patricia McCabe  
ADDRESS: 11 Fairway Drive, Newton MA 02465 UNIT#  
TELEPHONE (DAY): 617-965-0260 (EVENING):

NAME: Amy Masee SIGNATURE: Amy Masee  
ADDRESS: 12 Fairway Drive W. Newton MA UNIT#  
TELEPHONE (DAY): 617-852-1699 (EVENING):

NAME: Arta Karasozian SIGNATURE: Arta Karasozian  
ADDRESS: 28 Fairway Dr. West Newton UNIT#  
TELEPHONE (DAY): 617-916-2028 (EVENING): 617-916-2028

NAME: Lauren Dietz SIGNATURE: Lauren Dietz  
ADDRESS: 17 Bunker Lane Newton, MA 02465 UNIT#  
TELEPHONE (DAY): 617-244-2613 (EVENING): same

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ UNIT# \_\_\_\_\_  
TELEPHONE (DAY): \_\_\_\_\_ (EVENING): \_\_\_\_\_

NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ UNIT# \_\_\_\_\_  
TELEPHONE (DAY): \_\_\_\_\_ (EVENING): \_\_\_\_\_

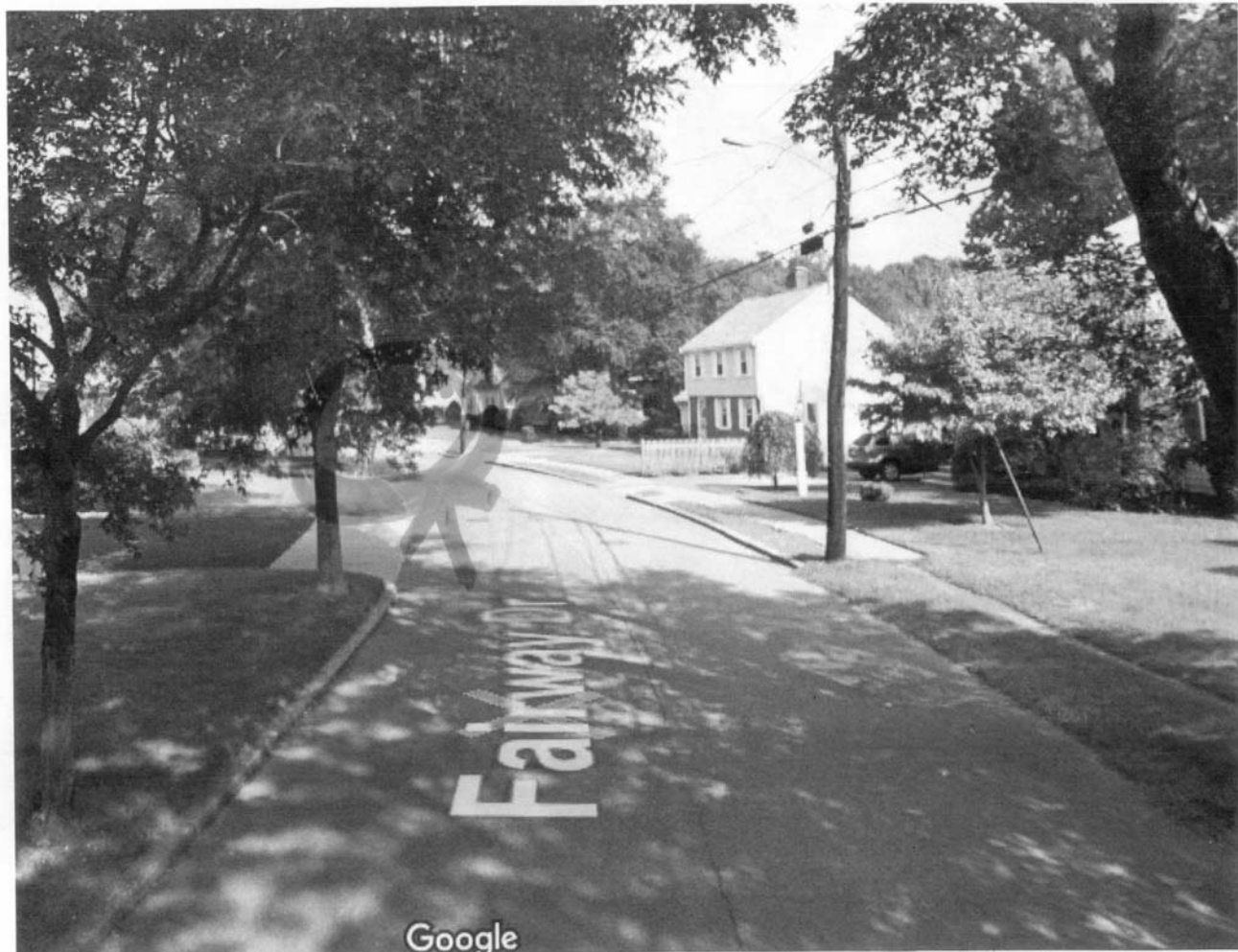
NAME: \_\_\_\_\_ SIGNATURE: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_ UNIT# \_\_\_\_\_  
TELEPHONE (DAY): \_\_\_\_\_ (EVENING): \_\_\_\_\_

#209-17  
Dilworth 6/29/17



View from 200 feet north of intersection. (Highlight indicates location of intersection, which is not visible through trees.)

#209-17  
Dilworth 6/29/17



Google

View from 125 feet south of intersection. (Highlight indicates location of intersection, which is not visible around bend.)



#209-17  
TC12-17

**REQUEST FOR TRAFFIC IMPROVEMENT OR CHANGE  
CITY OF NEWTON TRAFFIC COUNCIL, ROOM 101A  
1000 COMMONWEALTH AVENUE  
NEWTON CENTRE 02459**

The Traffic Council is administered through the Clerk of the Board's Office. The Petitioner and other parties who may in the Council's judgment be substantially affected by such petition will be notified with the first date the petition will be discussed by the Traffic Council. NOTE: There are additional petition requirements for Resident Only Permit Areas; see Sec. 19-201 of the City of Newton Ordinances. If you have further questions, please call the Clerk of the Board's Office at (617) 796-1210.

Complete both sides and submit to the Clerk of the Board's Office (PLEASE TYPE or PRINT):

PETITIONER'S NAME William B. Dilworth SIGNATURE: W.B. Dilworth  
ADDRESS: 34 Fairway Dr., Newton, MA 02465 Unit # \_\_\_\_\_  
TELEPHONE (DAY): 617-552-0026 (EVENING): 617-795-1859

**1. Identify the location and briefly describe the nature of the problem:**

We are requesting a four-way stop sign at the intersection of Fairway Drive and Bunker Lane in West Newton because:

- Drivers heading southeast on Fairway Drive have proven unable to drive at safe speeds down the hill, through the intersection, and around the bend into a block of 15 houses in which 27 children between the ages of 2 and 14 live. There isn't an adult resident on this street that hasn't witnessed a child almost struck by a car that has sped down the hill and through that intersection.
- The intersection is crossed every day by dozens of children on their way to a shortcut path that leads to FA Day Middle School, Horace Mann Elementary School (both of which are just three blocks away), the sledding hill at Fessenden, the Gath Pool, and the baseball and soccer fields at Albermarle. And because many of the houses on the street do not have sidewalks, these children are forced to walk in the road and into the path of cars speeding down the hill, through the intersection and blindly around the bend (see map for context).
- The City of Newton has, on dozens of occasions, established four-way stop signs at similar intersections in similar neighborhoods throughout the city.

**2. Draw a simple diagram or attach a map in the box below that shows the subject street(s) and conditions.**

See attached

RECEIVED  
Newton City Clerk  
2013 MAY -7 PM 2:47  
David A. Olson, Clerk  
Newton, MA 02459

North ↑

**3. Obtain required signatures on reverse side of this form.**

For Clerk's use only:

Last Revised January 2, 2008

DATE FILED:

REQUIRED SIGNATURES (Please Print)

♦Petitions for intersectional controls/regulations (traffic signals, stop signs, no turn on red, etc.) require a total of six (6) signatures (including petitioner's) from owners or tenants whose building or lot of land is located within five-hundred (500) feet of the affected intersection (one signature per household or business).

♦Petitions for parking restrictions, truck exclusions, speed limits, and all other traffic regulations must be signed by one (1) owner or tenant of at least half of the residential, commercial and/or non-profit units which abut the affected street or way, provided that in no event shall more than ten (10) signatures (including petitioner's) be required (one signature per household or business).

NAME: William B. Dilworth SIGNATURE: W.B. Dilworth
ADDRESS 34 Fairway Dr., Newton, MA 02465 UNIT#
TELEPHONE (DAY) 617-552-0026 (EVENING): 617-795-1859

NAME: Michael T. Ryan SIGNATURE:
ADDRESS 28 Fairway Drive UNIT#
TELEPHONE (DAY) 617 916-2028 (EVENING): 617-645-0090

NAME: MARISA HOWE SIGNATURE:
ADDRESS 43 FAIRWAY DRIVE UNIT#
TELEPHONE (DAY) 617-964-0419 (EVENING):

NAME: ARTHUR P. MCCORMICK SIGNATURE:
ADDRESS 22 FAIRWAY DR. UNIT#
TELEPHONE (DAY) 617.630.0668 (EVENING): SAME

NAME: Beth Cronin SIGNATURE:
ADDRESS 17 Fairway Dr. UNIT#
TELEPHONE (DAY) 781-899-0954 (EVENING): same

NAME: Jacqui Mullowney SIGNATURE: Jacqui Mullowney
ADDRESS 23 Fairway Drive UNIT#
TELEPHONE (DAY) 617 796-0182 (EVENING):

NAME: SIGNATURE:
ADDRESS UNIT#
TELEPHONE (DAY) (EVENING):

NAME: SIGNATURE:
ADDRESS UNIT#
TELEPHONE (DAY) (EVENING):

NAME: SIGNATURE:
ADDRESS UNIT#
TELEPHONE (DAY) (EVENING):

RECEIVED
Newton City Clerk
2013 MAY -7 PM 2:47
David A. Olson, Clerk
Newton, MA 02450

To see all the details that are visible on the screen, use the "Print" link next to the map.

Google



↑  
North

Shortcut path used by  
Day Middle School  
Students, swimmers,  
sledgers, and  
little leaguers

Requested 4-way Stop Sign

15 houses, 27 children b/w  
2 and 14 years old.

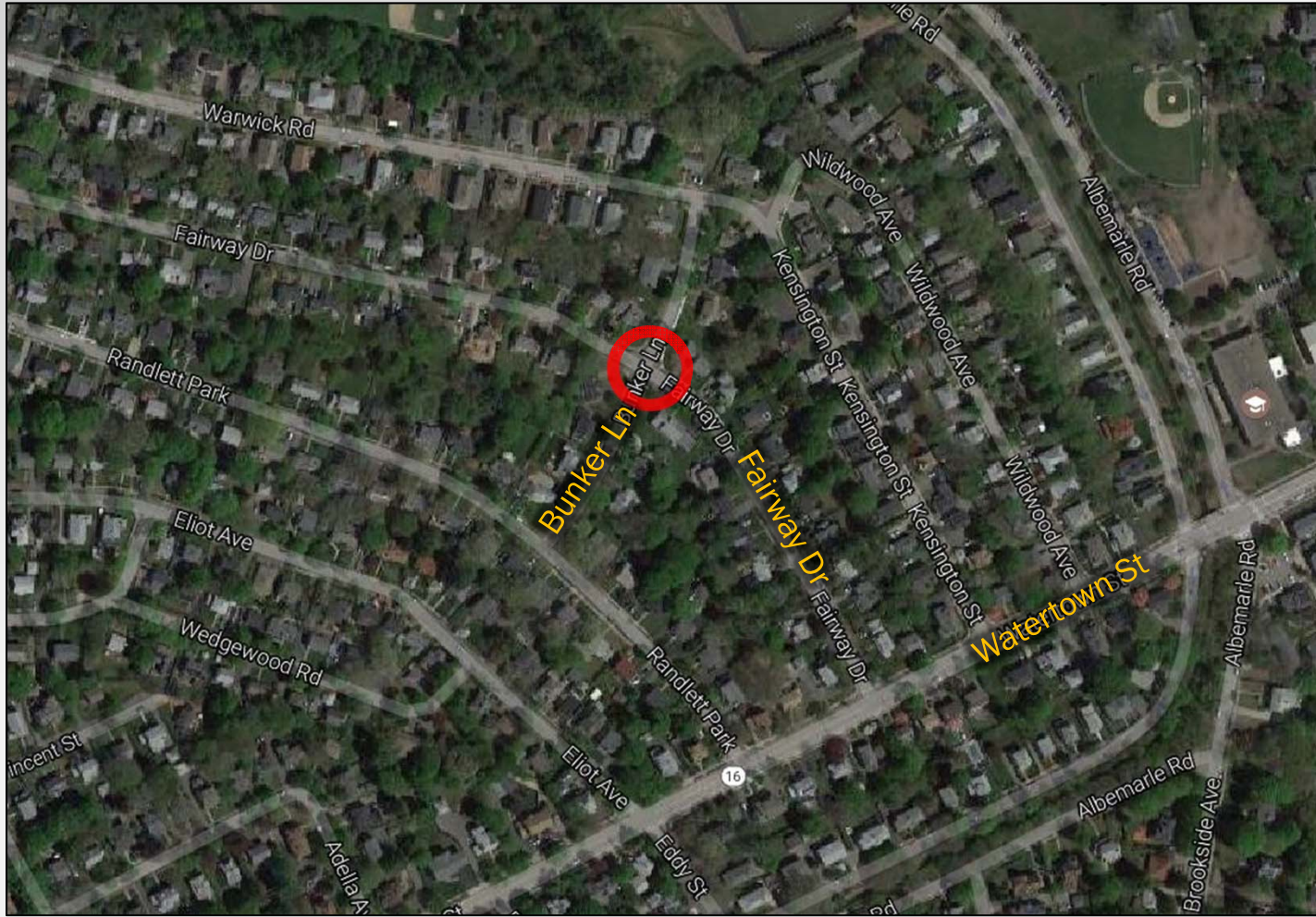
# TC12-17



Four-way stop sign at the intersection of Fairway Drive and Bunker Lane

# Location Map

TC12-17



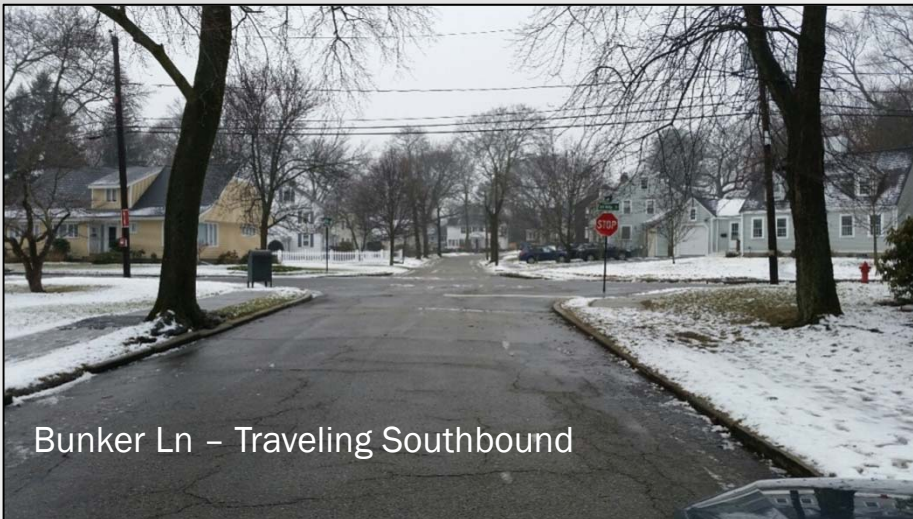


# Existing Conditions

TC12-17

Existing Conditions:

- Two-Way Stop controlled on minor approach (Bunker Ln)



# Existing Conditions

TC12-17

## Existing Conditions:

- During observation period, Bunker Lane vehicle volume < Fairway Drive
- Low overall vehicle volume



## MUTCD - Section 2B.07 Multi-Way Stop Applications (Abbreviated)

- (Criteria not met)** A) Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal
- (Criteria not met)** B) *Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.*
- (Criteria not met)** C) *Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions*
- (Criteria not met)** D/E) *Vehicle volume entering the intersection from the major street approaches averages at least 300 vehicles per hour for any 8 hours of an average day; **and** the combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour*



# Recommendation

TC12-17

Recommendation:

No Action Necessary

Intersection does not meet volumes or crash history for multi-way stop installation

CITY OF NEWTON

IN CITY COUNCIL

TRAFFIC COUNCIL REPORT

THURSDAY, JUNE 22, 2017

Present: David Koses, Traffic Council Chair; Sgt. Jay Babcock, Newton Police Department; Stephen Simoglou, Traffic Engineer and Councilor Ciccone

Absent: Alicia Wilson, Resident member

Also Present: Councilors Hess-Mahan and Harney

City Staff: Jini Fairley, ADA Coordinator

Mr. Koses and Mr. Simoglou provided a PowerPoint presentation on these items, attached to this report.

TC12-17      WILLIAM DILWORTH, 34 Fairway Drive, requesting a four-way stop sign at the intersection of Fairway Drive and Bunker Lane in West Newton. (Ward 3)  
[05/07/13 @ 2:47 PM]

**ACTION:**      **DENIED 4-0.**  
**This item may be appealed through the close of business July 12, 2017.**

**NOTE:**      William Dilworth, petitioner attended tonight's discussion.

Council members were provided with a location map, photos, existing conditions, Manual on Uniform Traffic Control Devices (MUTCD) guidance and a recommendation.

Mr. Simoglou stated that the existing conditions include a two-way stop control on the minor approach (Bunker Lane). During observation period, Fairway Drive had a greater vehicular count than Bunker Lane, and that Bunker Lane had a low overall vehicular volume.

Mr. Simoglou then said that intersection does not meet any of the required criteria included in the MUTCD guidelines. The last reported accident was in 2014. Therefore, he recommends that no action be taken. The intersection does not meet vehicle volumes or accident history to warrant a multi-way stop control.

Mr. Dilworth, the petitioner, expressed his concerns and noted that the photos provided were taken during the winter months showing visibility is not an issue. Visibility is difficult in the summer months due to overgrown bushes and trees. Visibility is limited when traveling south on Bunker Lane especially at the bends. Drivers are speeding into residential areas where there are many children. He then noted that limited visibility is a warrant in the MUTCD guidelines.

Mr. Koses opened the discussion to members of the public who were present. Residents present expressed their concerns and suggestions.

Concerns: Residents expressed their concerns with the high traffic volumes at all times of the day. Fairway Drive is used as a cut-through street. Drivers have the tendency to speed. The intersection of Fairway Drive and Bunker Lane are very dangerous. It is necessary to address safety concerns.

Suggestions: A resident suggested reviewing other MUTCD warrants that were not presented and to study the feasibility of perhaps installing a speed table. A resident suggested installing crosswalks, as it is a dangerous walking route for many students.

Residents present support the installation of a stop sign, hoping to deter speeds at this unsafe intersection and to address real-life issues which are not included in the MUTCD warrants.

Mr. Dilworth stated that there are twenty-seven locations across the City where 4-way stop signs have been installed. He requested information on the criteria met to approve these installations. Councilor Hess-Mahan agreed with the residents. He said that Bunker Lane and Fairway Drive are dangerous school travel routes. The grade and bend on Bunker Lane makes it difficult for drivers to assess. He then said that he does not know if a 4-way stop sign is appropriate at this location. Councilor Hess-Mahan suggested performing additional studies to determine the most appropriate solution for traffic calming measures.

Mr. Koses briefly explained the new process of requesting traffic calming measures and recommended adding Fairway Drive to the current list to determine speed, traffic volumes, etc. because he does not feel a stop sign is the solution at this location.

Sgt. Babcock said that the department has equipment available to perform vehicle counts per hour and their average speed. He said that the department would perform a speed study for seven days on Fairway Drive over the summer to collect data.

Mr. Koses stated that the Traffic Division would also perform these studies for 48-hours in the autumn. He then said that after data is collected for various intersections across the City; recommendations could be provided related to a traffic calming process. Councilor Hess-Mahan requested the speed studies be performed during school days when school opens and closes.

Mr. Simoglou stated that stop signs do not deter speeders or act as speed control measures. Most recently, the city established a 25 mph speed limit on all city controlled streets unless otherwise posted. When traveling at 30 mph, a driver requires 250' for stopping distance, which was not observed. Mr. Simoglou then stated that based on engineering judgment and various factors considered, a stop sign is not the appropriate solution. He suggested trimming any overgrown trees to allow for better visibility.

Without further discussion, Councilor Ciccone made the motion to deny this 4-way stop sign request. Council members agreed 4-0. Mr. Koses stated that this item may be appealed through the close of business July 12, 2017.

Mr. Koses reiterated that the Police Department and the Traffic Division would perform traffic speed studies to obtain speed data.

**ARTICLE II.  
TRAFFIC COUNCIL; TRAFFIC PETITIONS**

**Sec. 19-25. Establishment of traffic council; membership.**

(a) There shall be a traffic council which shall be made up of five members, as follows:

- (1) One appointed member who shall be a resident of the City who has expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the City Charter Section 3-3. One or more alternates, who shall also be resident(s) of the city with expertise in traffic engineering or traffic planning, shall be appointed for a term of three (3) years in accordance with the procedures of the city charter Sec 3-3. The chairman may designate an alternate resident member to attend traffic council meetings as a voting member whenever the permanent resident member is unable to attend and during any such time that there is no permanent resident member due to expiration of three-year term, resignation, or other reason
- (2) The chairman of the board of aldermen's Public Safety and Transportation Committee, or the chairman of such successor standing committee which the board of aldermen may establish to consider matters relating to parking and traffic shall serve ex-officio. Such chairman, whenever unable to attend a traffic council meeting, may designate the vice chairman of such committee to attend in the chairman's place; and in the event that the vice chairman is unavailable, the chairman may designate another member of such committee to attend in the chairman's place.
- (3) The other three members shall be employees of the city, as follows: one employee whose duties include traffic engineering and one employee whose duties include transportation planning, as designated jointly by the commissioner of public works and the director of planning and development; and one sworn police officer with a rank of sergeant or higher, whose duties include management of traffic and parking enforcement, as designated by the chief of police.

(b) The traffic council shall elect one of its members to serve as chairman for a term of one year, provided however, that the aldermanic member shall not be eligible to serve as chairman. (Ord. No. Z-12, 12-03-07; Ord. No. Z-23, 04-22-08; Ord. No. A-46, 10-06-14)

**Sec. 19-26. Authority and role of Traffic Council**

(a) ~~(a)~~ Subject to the provisions of section 19-30, the traffic council shall have sole authority to adopt, amend and repeal regulations governing operation and parking of vehicles at particular locations on streets and public grounds under the control of the city, and for such purposes, the traffic council shall constitute the rule-making body of the city under the provisions of section 18 of chapter 90 of the general laws and section 2 of chapter 85 of the general laws.

~~(a)~~(b) The traffic council shall have no authority over traffic calming measures such as bump-outs, speed bumps or other vertical deflections in the public way. Such measures shall be considered specific repairs subject to section 26-51 of these ordinances.

~~(b)~~ Nothing herein shall authorize the traffic council to adopt any regulation establishing fines for violations.

~~(d)~~ The traffic council shall be guided by all applicable statutes and such policies and standards which may be from time to time established by the board of aldermen pursuant to section 19-33(a).

~~(d)~~ Upon request, the traffic council shall advise the mayor and/or board of aldermen on matters

concerning traffic and parking issues affecting the city.

(e) The traffic council may make rules and regulations governing its procedures and filing requirements.

(f) No person shall operate or park a vehicle in violation of the traffic and parking regulations.

(g) In the construction of chapter 19, references to this chapter shall also be construed to include the traffic and parking regulations. (Ord. No. Z-12, 12-03-07; Ord. No. Z-111, 06-18-12)

**Sec. 19-27. Records and regulations of the Traffic Council; clerk.**

(a) The clerk of the board of aldermen shall serve as clerk to the traffic council and shall keep its records, including such regulations as it adopts from time to time. (Ord. No. Z-12, 12-03-07; Ord. No. Z-111, 06-18-12)

**Sec. 19-28. Procedures for filing traffic/parking petitions; petition and signature requirements.**

(a) The traffic council may not adopt, amend or repeal regulations governing operation or parking of vehicles on streets and public grounds under the control of the city unless a written petition meeting the requirements of this section has been filed.

(b) Each such petition shall clearly identify the geographic location for which traffic council review is sought. Each such petition shall be set out on the form provided by the traffic council, and filed with the clerk.

(c) Petitions for intersectional controls and regulations, including but not limited to stop signs, traffic signals, and no turn on red, must be signed by no fewer than six (6) owners or tenants of the residential, commercial and non-profit units whose building or lot of land is located within five hundred (500) feet of the affected intersection. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(d) Petitions for parking restrictions, truck exclusions, speed limits and all other traffic regulations must be signed by one owner or tenant of no fewer than one half of the residential, commercial and non-profit units which abut the affected street or way, as the clerk in his judgment shall determine, provided that in no event shall more than ten (10) signatures be required. For purposes of this subsection a "unit" shall be defined as that portion of a building or lot of land which is subject to separate ownership or lease.

(e) Petitions concerning resident restricted areas shall be governed by the signature requirements and other provisions of section 19-201.

(f) Notwithstanding the foregoing subsections d) and e), the following petitions shall be exempt from such signature requirements:

(1) petitions submitted by an alderman; and

(2) petitions submitted by the chief of police or chief of fire for safety reasons;

(3) petitions submitted by one or more members of the traffic council;

(4) petitions submitted by the clerk of the board upon his determination that there is an inconsistency

between a prior vote of the board of aldermen and the codified ordinance due to a clerical oversight; and

- (5) petitions for handicapped parking which shall be subject to the provisions of Section 19-178. (Ord. No. Z-12, 12-03-07)

**Sec. 19-29. Docketing of petitions; determination of eligibility for hearing.**

(a) Upon the receipt of a petition concerning a matter within the jurisdiction of the traffic council, the clerk of the board of aldermen shall make an initial determination whether it complies with the requirements of the foregoing section. In the event that it so complies, the clerk of the board shall promptly place the matter on the agenda of the traffic council, and simultaneously notify the board of aldermen that the matter has been docketed with the traffic council. (Ord. No. Z-12, 12-03-07)

(b) The chairman of the traffic council shall refer all docketed petitions to the department of public works for a preliminary determination of eligibility for hearing in accordance with the threshold standards provided in subsection (c) below. Any petition which the department determines does not meet the threshold standards shall not be added to the traffic council docket and shall be ineligible for further consideration for at least one year. The petitioner and the board of aldermen shall be so notified in writing by the traffic council. Petitions meeting the threshold standards shall proceed to a hearing before the traffic council in accordance with the provisions of Section 19-31.

(c) Threshold standards for traffic council hearing eligibility:

(1) Petitions for stop signs, traffic signals, and all other regulatory devices shall meet the minimum standards set forth in the Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways, latest edition, with amendments, as adopted by the Commonwealth of Massachusetts; and

(2) Petitions for school zones, regulations governing the use or operation of heavy commercial vehicles, and speed limits shall meet the minimum standards established by the Massachusetts Department of Highways; and

~~(3) Petitions for traffic calming measures shall meet all of the following standards:~~

~~i. traffic volume on the street is greater than 1,000 vehicles per day;~~

~~ii. measured 85th percentile speeds are equal to or greater than 9 mph above the speed limit; and~~

~~iii. for vertical deflections, street classification shall be minor collector or local street.~~

~~iv. for raised crossing(s), the minimum criteria established by the city crosswalk policy shall be met.~~

(4) 3 — The traffic council shall hear site-specific requests, even if the above thresholds for hearing eligibility are not met, under one of the following conditions:

~~i.~~ as directed by the board of aldermen via site plan approval, special permit condition, or other board order or resolution;

~~ii. where a Community Development Block Grant or other source of public funding has been formally allocated to fully or partially fund a site specific traffic calming project.~~

(Ord. No. Z-81, 2-22-11; Ord. No. Z-111, 06-18-12)

**Sec. 19-30. Procedures for Traffic Council; effective date.**

(a) In order to promote citizen participation, the traffic council shall endeavor to hold its meetings during evening hours when the board of aldermen or its committees do not have regularly scheduled meetings.

(b) A majority of the members of the traffic council shall constitute a quorum. A vote to adopt, amend or repeal a regulation or to establish or discontinue a field trial shall require agreement among no fewer than three of the members, but while a quorum is present, any other motion may be adopted by a simple majority vote.

(c) The traffic council shall make every effort to complete its review of each item within three (3) months from the date the matter first appears on its agenda.

(d) Whenever the traffic council receives a petition concerning a matter which was the subject of a traffic council decision within the prior twelve month period, the traffic council shall immediately deny the petition on the ground that no action is deemed necessary, unless the traffic council determines that there has been a material and compelling change of conditions which merits further analysis.

(e) In rendering a final decision on a petition, the traffic council may approve, deny, or amend the petition, provided the petition as amended is effective within the same or a reduced geographic area.

(f) Subject to the provisions of section 19-33(c), regulations adopted, amended or repealed by the traffic council pursuant to section 19-26(a) shall become effective at the expiration of twenty days or at any later date specified by the traffic council.

(g) By September 30 of each year, the traffic council shall submit to the board of aldermen an annual report on the work of the council, which shall include a statistical summary of the items on the council's agenda, and the disposition or status of each item. The report shall include the date of the filing of each petition and the date of its disposition. (Ord. No. Z-12, 12-03-07)

**Sec. 19-31. Public notice of traffic council meetings.**

(a) The clerk shall send or deliver written notice of the traffic council meeting to those persons who have signed petitions which are to be heard at such meeting and to each ward alderman for the affected ward(s).

(b) In addition to such notice by the clerk, the traffic council may request the clerk to give the same notice to other parties who, in its judgment, may be substantially affected by such petition. The traffic council may also utilize other means to enhance public notice of an upcoming meeting, including but not limited to publication and/or placement of free-standing "sandwich



board" signs at or near the location which is the subject of the petition. (Ord. No. V-154, 12-1-97)

(c) The traffic council may adopt such other notification procedures as it may deem appropriate. (Ord. No. Z-12, 12-03-07)

**Sec. 19-32. Field trials**

(a) The traffic council may, from time to time for the purpose of field trial, make temporary rules regulating the operation and parking of vehicles in connection with petitions under its consideration.

(b) The committee of the board of aldermen which has jurisdiction over appeals pursuant to section 19-33 may, as part of its consideration of a pending appeal, for the purpose of field trial, make temporary rules regulating the operation or parking of vehicles.

(c) Field trials initiated pursuant to sections a) or b) above are subject to the following provisions:

- (1) Except as provided below in subsection iii, a field trial may not exceed a period of sixty (60) days, but may be discontinued at any time by the entity initiating the trial;
- (2) Any field trial shall be promptly discontinued in the event the chief of police or the commissioner of public works determines that it constitutes a public safety hazard.
- (3) The entity initiating the field trial may vote to extend the period of the field trial upon a determination that doing so would promote public safety. Thereafter, unless the initiating entity votes to discontinue the field trial for reasons of public safety, it shall then remain in effect until a final determination upon the petition or appeal is reached. (Ord. No. Z-12, 12-03-07)
- (4) In instances where a field trial will affect traffic flow, the department of public works shall provide easily visible signage, to ensure adequate notice (both prior to and for the duration of the field trial) to passing motorists within the vicinity of the field trial.
- (5) If the petition or appeal for which the field trial was implemented is denied, the street shall be returned to its original condition as soon as practicable.
- (6) The department of public works shall provide a status report to the initiating entity at the conclusion of the field trial, and if the initiating entity so requests, on a more frequent basis during the field trial.
- (7) The department of public works shall provide to the board of aldermen a report as to the status of all on-going field trials on a quarterly basis. (Ord. No. Z-46, 12-01-08)

**Sec. 19-33. Role of board of aldermen; appeals from Traffic Council.**

(a) The board of aldermen may establish policies and standards regarding traffic and parking matters for particular locations, and periodically review and revise such policies and standards, to be used as guidelines by the traffic council.

(b) Following the traffic council's adoption, amendment or repeal of a regulation pursuant to said council's authority under section 19-26(a), an appeal may be taken to the board of aldermen in accordance

with the procedures set out in section 19-34. The clerk of the board of aldermen shall send or deliver notice of hearing on appeal to all persons notified of the original traffic council hearing and to such other persons as the board of aldermen may determine.

(c) Upon the filing of an appeal relative to the traffic council's adoption, amendment or repeal of a regulation, the status quo shall be maintained pending final outcome of the appeal. Upon the receipt of such an appeal petition, the clerk of the board of aldermen shall treat the appeal as a new item for the board of aldermen and place it on the board's docket.

(d) The board of aldermen's decision of such an appeal may adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review. (Ord. No. Z-12, 12-03-07; Ord. No. Z-79, 02-22-10)

**Sec. 19-34. Procedures for filing appeals**

(a) An appeal shall be filed with the clerk of the board by filing a petition meeting the requirements of this section within twenty (20) days of the traffic council's adoption, amendment or repeal of a regulation pursuant to its authority under section 19-26(a).

(b) No appeal may be filed unless the following signature requirements are met:

- (1) In the case of an appeal from a petition filed under Sections 19-28 c), d) or e), the owner/tenant signature requirements for filing the original petition are met;
- (2) In the case of an appeal from a petition filed under Section 19-28 f), the signature of any petitioner(s), provided that members of the traffic council may not file an appeal.
- (3) In the case of an appeal from a petition filed under Section 19-28 f) where any petitioner(s) does not appeal, an appeal may be taken by (1) any alderman, or (2) by an interested party provided the same owner/tenant signature requirements to initiate a petition under Sections 19-28 c), d) or e) are met. (Ord. No. Z-12, 12-03-07)

**Secs. 19-35—19-45. Reserved.**

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**Sec. 26-51. Public way improvements constituting specific repairs.**

Major construction work on public ways that falls within one or more of the subsections below shall be deemed "specific repairs" which require approval by the board of aldermen pursuant to the provisions of G.L. c. 82, § 17:

(a) design changes which would result in a significant change of the flow of vehicular traffic, such as adding or deleting a bump-out, traffic island or changing the width of the roadway portion of a way so as to result in a deletion or addition of one or more travel or turning lane(s);

(b) Projects that include the addition, relocation, or removal of vertical deflections in a public roadway surface constructed for the primary purpose of reducing vehicle speeds. Such devices include, but are not limited to: speed humps, raised crosswalks, and raised intersections;

Prior to approval of projects under (a) and (b), the board of aldermen shall review the recommendations of the commissioner of public works associated traffic council action and its consistency with Board policies set forth in Section 19-33(a); and

(c) work that is privately funded and estimated by the city engineer to cost a sum greater than one hundred thousand dollars (\$100,000.00).

(Ord. No. U-20, 6-6-94; Ord. No. X-69, 12-15-03; Ord. No. Z-81, 2-22-11)

# 338-17 Draft for Discussion Purposes 11/3/2017

Delete the provisions of Sec. 19-190 and insert in its place the following language:

**Proposed revised language**

*Sec. 19-190 Overtime Parking*

No person shall park a vehicle within a designated metered parking space or in a parking space within a time-restricted area for a longer period than the time limit specified or beyond the hours specified. No person shall park a vehicle for a longer consecutive period than the time limit specified within an off-street municipal parking lot or on a street within the area between the nearest two street intersections.

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(b) Parking meter spaces shall be so arranged as to conform to the provisions of this chapter regarding parking at or near street intersections, crosswalks, fire hydrants, fire stations, private roads or driveways, safety zones, bus stops, taxicab stands and service zones. All meters shall bear adequate instructions regarding the maximum parking time, fees and operation of the meters. (Rev. Ords. 1973, § 13-154; Ord. No. 53, 2-18-75; Ord. No. 90, 10-6-75; Ord. No. Z-111, 06-18-12)

**Sec. 19-189. Manner of parking in parking meter spaces; unlawful parking.**

(a) Whenever any vehicle shall be parked next to a parking meter, the operator of the vehicle shall park within the area designated by the curb or street marking lines, and upon entering the parking space shall immediately deposit in the meter one or more five cent (\$0.05) or ten cent (\$0.10) coins or a twenty-five cent (\$0.25) coin. It shall be unlawful for any person to fail or neglect to deposit such coins or to fail to park within the limits designated. Such parking meter space may be used by such vehicle during the time limited according to the sum thus deposited and such vehicle shall be unlawfully parked if it shall remain in such space beyond the period of time for which the operator shall have deposited coins in the meter.

(b) It shall be unlawful for any person to cause any vehicle to be unlawfully parked as provided in paragraph (a); however, it shall not be unlawful for any person to park a vehicle in a metered parking space without depositing coins in the meter, provided the meter does not show that the time for such parking has expired and further provided that the total period of time used shall not exceed the total period of time to which such metered parking space is limited for use. (Rev. Ords. 1973, § 13-155; Ord. No. 53, 2-18-75)

**Sec. 19-190. Overtime parking.**

No person shall park a vehicle for a longer consecutive period than the limit specified and between the hours specified on any of the streets or parts of streets designated as parking meter zones in which parking meters and parking meter spaces are to be established pursuant to the traffic and parking regulations. (Rev. Ords. 1973, § 13-156; Ord. No. Z-111, 06-18-12)

**Sec. 19-191. Parking meter fees.**

The fees for parking in a parking meter space during the days and hours designated for parking meter zones shall be as follows:

(a) For parking meter zones with a time limit of four hours or less, the fee shall be five cents (\$0.05) for each four (4) minute period or part thereof; and

(b) For parking meter zones with a time limit of greater than four hours, including those parking meter zones that have no time limit, the fee shall be five cents (\$0.05) for each six (6) minute period or part thereof. (Rev. Ords. 1973, § 13-157; Ord. No. 53, 2-18-75; Ord. No. 70, 5-5-75; Ord. No. 318, 3-5-79; Ord. No. R-28, 3-16-81; Ord. No. S-29, 12-5-83; Ord. No. W-44, 5-29-01; Ord. No. X-207, 4-18-06; Ord. No. Z-58, 12-21-09)

**Sec. 19-192. Feeding meters; tampering with, injuring or destroying meters unlawful.**

It shall be unlawful for any person to deposit or cause to be deposited in a parking meter any coin for the purpose of extending the period of permissible parking as shown by such meter beyond the maximum period of parking as prescribed for such parking meter space. It shall be unlawful for any person not authorized to do so to open, tamper with, break, injure or destroy any parking meter. (Rev. Ord. 1973, § 13-158)

**Sec. 19-193. Collection, deposit of fees; inspection of meters; parking meter fund subject to appropriation.**