



# Finance Committee Report

## City of Newton In City Council

**Monday, April 12, 2021**

Present: Councilors Grossman (Chair), Malakie, Humphrey, Kalis, Oliver, Norton and Noel

Also Present: Councilors Albright and Lipof

Absent: Councilor Gentile

City staff present: Chief Financial Officer Maureen Lemieux, Comptroller Sue Dzikowski, Human Resources Director Michelle Pizzi O'Brien, CPA Program Manager Lara Kritzer, Director of Transportation Nicole Freedman and Commissioner of Public Buildings Josh Morse

**#98-21**      **Resolution in Support of HD.1440 which authorizes 5% charge for streaming providers**  
PRESIDENT ALBRIGHT AND VICE PRESIDENT LIPOF requesting Council support for a resolution to the Massachusetts legislature for HD 1440 which will help cable providers survive through the trending movement away from cable providers to streaming video providers. The streaming video providers use the same public way as cable providers but do not pay for it. This act will authorize a 5% charge for the use of the public way. Through HD.1440 the Commonwealth will join a majority of states which now authorize such payments.

**Action:**      **Finance Approved 7-0**

**Note:**      President Albright explained that she and Vice President Lipof have been working with NewTV for over a year regarding putting cameras in the meeting rooms. Through this work it was discussed that many people are leaving their cable providers for streaming services. She noted that the Legislature has been working on HD. 1440 (attached), which was improved this past year to help deal with the impacts of people leaving their cable providers. This will involve charging streaming services the same kind of fee that cable providers pay because their wires go over the same public ways that cable providers use. The Committee was joined by Bob Kelly of NewTV to discuss this item. His summary is attached.

Maureen Lemieux, Chief Financial Officer noted that the Mayor is committed to the continuation of NewTV.

Councilors asked the following questions:

Q: Will the 1% of the 5% tax on cable providers still go to the City and the other 4% go to NewTV?

A: Mr. Kelly explained that currently this is how it is set up. He noted that the state allows cities and towns to negotiate these amounts with their Public, Educational and Government access television (PEG) provider. The 5% does need to be used for PEG services.

Q: Are there projections to see if the proposed new revenue from streaming services will offset the revenues lost by residents switching to streaming services?

A: Mr. Kelly explained that he is unsure of this yet. He explained that Verizon and RCN have reclassified some of their subscribers as “broadband subscribers” and that is why it is shown that these companies are losing a larger percentage of subscribers. Mr. Kelly explained that it is unknown if the “broadband subscribers” will be labeled under streaming services.

Q: Will companies be able to avoid the streaming tax by calling it broadband?

A: Mr. Kelly explained that he does not believe that this will be the case. These terms could be used interchangeably.

Q: What is the relationship between the cable providers and the streaming services?

A: It was noted that the streaming providers rent space from the cable companies within their wires.

Q: Why isn't the proposed bill going after the cable providers instead of the streaming services?

A: The cable providers are already paying for having the wires in the public way.

Q: Does this mean that there will be a double tax on those who use cable and streaming services?

A: Mr. Kelly explained that this could just be another line item on a bill. It is unknown at this time if the streaming services will pass these additional costs on to the consumer.

Q: Is there a concern about satellite providers with this bill?

A: Mr. Kelly explained that satellite providers pay a 5% fee to the state which PEG programs do not see any revenue from.

Q: What other sources of revenue does NewTV have, and what kinds of changes has NewTV needed to implement in the past few years due to loss of revenue?

A: Mr. Kelly explained that they have been trying to create non-cable revenue since 2010. There are community partners who help. NewTV performs production work for companies in the Newton area. He noted that the pandemic did impact these revenues.

Councilors made the following comments:

It was noted that there is a loss of revenue due to residents leaving their cable services and moving to streaming services. HD. 1440 is the start to help solving this issue. The funds that are received can be used for technology like the project of trying to add cameras to the committee rooms.

Mr. Kelly noted that there are currently 28 states that tax digital services. He also noted that these states have been able to do this because their laws survived legal appeals from companies like Netflix and Hulu. There are also cities and towns across the United States that have imposed fees on these companies. Massachusetts' plan is to take this up statewide so that cities and towns are not implementing their own

fees. He noted that NewTV is working with the City to add cameras and microphones in the committee rooms to allow for the community to see these meetings.

It was noted that cities and towns in Massachusetts do not have the legal authority to implement their own local taxes on streaming services.

If this resolution is passed by the full City Council, the plan is to take this to the Massachusetts Municipal Association to see if they can help spread the word to other cities and towns.

Councilor Kalis motioned to approve which passed unanimously.

### **Referred to the Public Facilities and Finance Committees**

**#121-21**      **Transfer \$146,257 from the Cabot Elementary School Owner's Contingency budget**  
HER HONOR THE MAYOR requesting the authorization to transfer the sum of one hundred forty-six thousand two hundred and fifty-seven dollars (\$146,257) from the Cabot Elementary School Owner's Contingency budget to the Architect & Consultants budget so that the additional design services costs can be reviewed for eligibility by the MSBA.

**Public Facilities Approved 8-0 on 04/07/21**

**Action:**      **Finance Approved 7-0**

**Note:**      Commissioner of Public Buildings, Josh Morse presented the request to transfer the sum of \$146,257 from the Cabot Elementary School Owner's Contingency budget to the Architect & Consultants budget so that the additional design services costs can be reviewed for reimbursement eligibility by the MSBA.

Commissioner Morse explained that these are not additional project costs. During the post-audit on the project, it was determined that there is potential for up to \$60,000 of additional reimbursement from the MSBA by making this transfer. These funds were billed against the construction contingency, but to be eligible for reimbursement would need to be billed against the owner's contingency. These costs will then be submitted to the MSBA to see whether all or some of these funds can be reimbursed.

When Public Facilities discussed this item, the Committee asked for a simpler financial breakdown to explain this transfer. That breakdown is attached to this report.

It was asked if there are outstanding bills that need to be paid from the transferred funds? Commissioner Morse explained that there are no outstanding bills. He noted that there is a Budget Revision Request form that needs to be submitted through the MSBA, so parts of this close-out and audit process are still ongoing.

Councilor Norton motioned to approve which passed unanimously.

**Referred to Public Safety & Transportation and Finance Committees****#119-21 Acceptance of grants funds from MassDOT's Shared Winter Streets and Spaces**

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred ninety-nine thousand, nine hundred and nineteen dollars and ninety-two cents (\$199,919.92) in grant funding from MassDOT's Shared Winter Streets and Spaces grant to purchase and install four Blue Bikes Stations with bicycles.

**Public Safety & Transportation Approved 8-0 on 04/07/21**

**Action:** **Finance Approved 7-0**

**Note:** Director of Transportation, Nicole Freedman presented the request to accept and expend \$199,919.92 in grant funding from MassDOT's Shared Winter Streets and Spaces to purchase and install four Blue Bikes Stations with bicycles. Ms. Freedman explained that this the second of two Shared Streets grants for the Blue Bike program. The first grant allowed the City to purchase two bike stations in addition to the six bike stations the City was able to install through a separate grant. The plan is to have approximately 25 stations in Newton. With this latest grant, the City will be installing four new stations and moving one station from the West Newton Armory to a location that would get more ridership. Ms. Freedman explained that they are looking to move into locations like Newton Highlands and someplace accessible to the Charles River path. The number one goal is to maximize ridership.

Committee members asked the following questions:

Q: What is the size of these stations?

A: Ms. Freedman explained that these will have approximately 15 docking stations. There may be a few that have 10 to 12 docking stations. She noted that the average station costs \$40,000, and the bikes cost about \$1500 each. In addition, there are costs related to installing the stations.

Q: What is the usage for Blue Bikes compared to the Lime Bikes?

A: Ms. Freedman explained that is is difficult to know right now because the Blue Bike system was implemented in mid to late fall.

Q: Could there be a scenario where we ask a developer to install a Blue Bike dock as part of a special permit?

A: Ms. Freedman explained that they have done this with Riverside and Northland. Typically, the City would want the developer to not only provide the space but also pay for the station.

Q: Regarding maintenance, does this add any cost for the City?

A: Ms. Freedman explained that Motivate will be paying for these costs until the end of the contract. The contract will go for at least another 18 months.

Councilor Oliver motioned to approve which passed unanimously.

### **Referred to Zoning & Planning and Finance Committees**

- #458-20** **CPC Recommendation to appropriate \$1,433,000 in CPA funding for Grace Church**  
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one million four hundred and thirty-three thousand dollars (\$1,433,000) in Community Preservation Act historic resource funding to the Grace Episcopal Church Tower Restoration project for the stabilization and preservation of the historically significant ca. 1872 conical stone spire, tower and belfry.  
**City Council Approved on 03/01/2021 17 Yeas 5 Nays (Councilors Crossley, Humphrey, Noel, Ryan and Albright), 2 Vacancies**  
**Mayor Veto Council Order #458-20 on 03/08/21**  
**City Council recommitted item #458-20 to the Finance Committee on 04/05/21**  
**Action:** **Finance Approved as amended to \$991,244.71 5-2 (Councilors Noel and Humphrey opposed)**

**Note:** Lara Kritzer, CPA Program Manager provided the attached slide to explain the breakdown of where the requested funds will be coming from. Ms. Kritzer explained that part of the \$1,433,000 previously approved by the Council for this project will not be available until July 1, 2020. The request now is to approve the currently-available amount of \$991,244.71 to be allocated to the Grace Church Tower Restoration project. She explained that there will be another request made to allocate the remaining funds in July 2021 when the rest of the funds become available. Sue Dzikowski, Comptroller confirmed that the attached draft Council Order is correct for the amended amount.

Councilor Kalis motioned to amend the funds to \$991,244.71 which passed 5-2 with Councilors Noel and Humphrey opposed.

Councilor Kalis motioned to approve as amended which passed 5-2 with Councilors Noel and Humphrey opposed.

- #117-21** **Request for Ordinance Amendments to Chapter 2 relating to paid leave time**  
HER HONOR THE MAYOR requesting the authorization to grant new employees paid leave time in excess of the provisions currently set forth in Article 2, Sections 2-41, 2-65, and 2-67 of the Revised City of Newton Ordinances 2017.  
**Action:** **Finance Approved 6-1 (Councilor Malakie opposed)**

**Note:** Maureen Lemieux, Chief Financial Officer and Michelle Pizzi O'Brien, Human Resources Director presented the request to grant new employees paid leave time in excess of the provisions currently set forth in Article 2, Sections 2-41, 2-65, and 2-67 of the Revised City of Newton Ordinances 2017. Ms. Lemieux explained that these ordinances deal with leave time for unaffiliated employees. She noted that most of the City's employees are covered by collective bargaining agreements but there are approximately 150 employees that are not covered by these agreements. Ms. Lemieux explained that the administration would like to overhaul this ordinance and will be coming back to the Council in 6 to 8

months to do so. At issue in the ordinance is the amount of vacation time that is offered to new employees. Currently the City is in the process of hiring a new Police Chief, a Treasurer/Collector and City Clerk. During the recruitment process it became clear that our ordinances are out of date, and that the City may need to offer more than 3 weeks vacation to recruit top talent to these positions. The request is to allow the Mayor to offer more than 3 weeks vacation for any of these positions if necessary. She did note that the City Council will be choosing the new City Clerk and deciding the salary.

Committee members asked the following questions:

Q: What are the upper limits of this authority?

A: Ms. Lemieux explained that the expectation is that the Mayor may need to offer at least 4 weeks of vacation to a potential candidate. She noted that a person in any of these three positions are all given personal days and can accrue comp time for up to five days each year. There are also two floating holidays. She noted that the administration will be conservative when offering vacation time. Ms. Lemieux noted that at this time they are not ready to propose the permanent changes they'd like the City Council to consider to the ordinance, and will be back to the Committee in 6 to 8 months with a proposal.

Q: Is the administration able to report to the Committee how much vacation time will be offered beyond the 3 weeks allowed in the ordinance?

A: Ms. Lemieux explained that they will be able to report this information. Ms. Pizzi O'Brien explained that the intent is to offer what is in the ordinance and then the applicant can come back and discuss options for compensation and paid leave. Then the administration will look into what the candidate has currently for a vacation package and determine what is appropriate to offer them.

Q: Has the Law Department looked at this docket request?

A: Ms. Lemieux explained that the Law Department agrees that this will give the administration and the HR Director the ability to make these decisions to find the best candidates available for these positions.

Q: Is there an estimate of the maximum dollar value that this authorization would cost the City?

A: Ms. Lemieux explained that this would not cost any additional funds. Department heads are constantly working and tend to work even during their vacation time. Ms. Pizzi O'Brien explained that vacation is considered compensation; however, if an employee does not use a certain amount of vacation days in a calendar year than the employee loses those days. If an employee does leave their position with accrued vacation time, they do need to be paid for this time. Ms. Pizzi O'Brien noted that the current authorization request is only for new employees.

Q: If someone is hired during this time at a higher level of vacation time than the amount eventually decided upon when we update the ordinances, would that employee's vacation days be grandfathered

in?

A: Ms. Lemieux explained that the limit would need to be discussed when amending the ordinance language. She noted that those vacation days would be grandfathered in because it is a condition of their employment. All aspects of amending the ordinance still need to be discussed.

Committee members made the following comments:

This is an important tool for the administration to have in their toolbox while in the hiring process.

There should be a limit on how many weeks the administration and the HR Director can offer a candidate. This authorization could also be limited to these three positions.

Ms. Lemieux explained that they would ask not to add a limit to the amount of weeks offered at this time. If the City Council would like to set a limit then it should be more than 4 weeks to ensure the Mayor is able to negotiate to get the best candidate for the job. When the administration comes back to overhaul this ordinance, they will discuss having a set limit on the amount of weeks that can be offered. She noted that having a set number in the ordinance can be difficult as time goes on. She further explained that she wouldn't want a candidate to look at this ordinance and think they can get more than what it is intended.

Ms. Lemieux explained that it would be difficult to limit this authorization to these three positions because a key employee or department head could retire at any time. Ms. Pizzi O'Brien explained that she would not like to see this limited to just these three positions because this limits the candidate pool for a position that may open up. If the Committee were to set a limit of the amount of weeks offered, it should be at least 6 weeks.

It was noted that the Committee could make a time limit on this authorization to ensure the administration comes back in a timely way with a proposal for ordinance amendments.

Ms. Lemieux noted that if the Committee wants to impose a time limit for this authorization, she would request an expiration of June 30, 2022. The goal is to come back to the Committee in the fall but it may take time to get to a point where a revised ordinance is ready to be implemented. She explained that there are other pressing matters that do take precedent over the ordinance change.

This item is intended to give the administration the latitude it needs to be able to hire the most qualified candidates for the three positions. A councilor noted that this may even save the City money by offering a candidate more vacation time instead of higher pay. Ms. Lemieux and Ms. Pizzi O'Brien have experience, know the market and the Committee should take their advice in this matter.

The Committee expects to get draft ordinance language at least as early as the fall and get a report on how this authorization was utilized.

Ms. Lemieux agreed the administration can get the Committee draft language for the ordinance revisions by November 1<sup>st</sup>.

Councilor Norton motioned to approve which passed 6-1 with Councilor Malakie opposing.

**Chair's Note:** *The following three items were discussed together.*

**#115-21**      **Acceptance of grant funds from COVID-19 pandemic response grant program**  
HER HONOR THE MAYOR requesting authorization to accept and expend federal COVID-19 pandemic response grant program funds, including from the CARES Act and American Rescue Plan Act (ARPA).

**Action:**      **Finance Approved 7-0**

**#395-20**      **Request for updates on budget and possible reimbursements at Newton Public Schools**  
The President of the Council, on behalf of the City Council, requesting updates to the Finance Committee from the Chief Financial Officer regarding budget expenditures and possible reimbursements related to school reopening at each meeting this fall.

**Action:**      **Finance Held 7-0**

**#114-21**      **Discussion on Covid-19 expenditures**  
FINANCE COMMITTEE requesting updates from the Chief Financial Officer on the expenditure of funds for Covid-19.

**Action:**      **Finance Held 7-0**

**Note:**      Ms. Lemieux presented the above three docket items that deal with Covid-19 grants and expenditures.

She explained that the CARES Act funding and the American Rescue Plan Act (ARPA) funding does need to be accepted as grant funding by the City Council. The ARPA funds guidelines are still to be determined.

Ms. Lemieux explained that they are still waiting to see if FEMA will reimburse the City for the ventilation expenditures. FEMA may also reimburse the City for surveillance testing. She further explained that between all of the grants for the School Department and the City there has been approximately \$90 million set aside for Newton. They have spent about \$2.5 million in Health Department funds for which the City will be applying for reimbursement. The School Department has received \$8.5 million and there is a list of ways they can spend these funds. Ms. Lemieux explained that she believes that the ARPA funds will be more flexible. The City has lost approximately \$30 million in revenues and the ARPA funds which will be approximately \$65 million may be used for that.

Committee members asked the following questions:

Q: When will the Committee receive a list of sources and uses for Covid-19 expenditures?



A: Ms. Lemieux explained that this will be a part of the budget process. There will be a tab in the budget that talks about all of the federal legislation that has been introduced, there will be a section on what each grant has meant for the City, and what the City will be doing with all of these funds. She also explained that FEMA reimbursement guidelines are being redefined every few months. Another factor that is still unknown is guidelines for spending the ARPA funds. The guidelines need to be determined before the City can say what the funds will be used for. She did note that the ARPA money will be able to be used between March 2021 and December 2024.

Q: Are there any new spending needs that have arisen since the elementary schools have reopened?

A: Ms. Lemieux explained that she does not believe anything new has come up financially. The School Department has published their proposed budget.

Councilor Humphrey motioned to approve item #115-21 which passed unanimously.

Councilor Kalis motioned to hold item #395-20 which passed unanimously.

Councilor Kalis motioned to hold item #114-21 which passed unanimously.

The Committee adjourned at 9:25 p.m.

**Respectfully submitted,**

**Rebecca Walker Grossman, Chair**

**HOUSE . . . . . No.****The Commonwealth of Massachusetts**

PRESENTED BY:

***Joan Meschino and Paul F. Tucker***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to a streaming entertainment operator's use of the public rights-of-way.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Joan Meschino</i>	<i>3rd Plymouth</i>	<i>2/5/2021</i>
<i>Paul F. Tucker</i>	<i>7th Essex</i>	<i>2/5/2021</i>
<i>Paul A. Schmid, III</i>	<i>8th Bristol</i>	<i>2/9/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/9/2021</i>
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/9/2021</i>
<i>Daniel R. Carey</i>	<i>2nd Hampshire</i>	<i>2/9/2021</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>2/10/2021</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>	<i>2/10/2021</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>2/10/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/13/2021</i>
<i>Carmin Lawrence Gentile</i>	<i>13th Middlesex</i>	<i>2/15/2021</i>
<i>Adam J. Scanlon</i>	<i>14th Bristol</i>	<i>2/16/2021</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>2/16/2021</i>
<i>Kathleen R. LaNatra</i>	<i>12th Plymouth</i>	<i>2/16/2021</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/16/2021</i>
<i>Michael P. Kushmerek</i>	<i>3rd Worcester</i>	<i>2/17/2021</i>
<i>James Arciero</i>	<i>2nd Middlesex</i>	<i>2/18/2021</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Bristol</i>	<i>2/18/2021</i>

<i>Alyson M. Sullivan</i>	<i>7th Plymouth</i>	<i>2/18/2021</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>2/19/2021</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>2/19/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/19/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/19/2021</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/20/2021</i>
<i>Tram T. Nguyen</i>	<i>18th Essex</i>	<i>2/21/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>2/22/2021</i>
<i>Carole A. Fiola</i>	<i>6th Bristol</i>	<i>2/22/2021</i>
<i>Tami L. Gouveia</i>	<i>14th Middlesex</i>	<i>2/22/2021</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>2/22/2021</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/23/2021</i>
<i>Alan Silvia</i>	<i>7th Bristol</i>	<i>2/23/2021</i>
<i>Carolyn C. Dykema</i>	<i>8th Middlesex</i>	<i>2/23/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/23/2021</i>
<i>Danillo A. Sena</i>	<i>37th Middlesex</i>	<i>2/24/2021</i>
<i>Christina A. Minicucci</i>	<i>14th Essex</i>	<i>2/24/2021</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/24/2021</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/25/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Kate Lipper-Garabedian</i>	<i>32nd Middlesex</i>	<i>2/26/2021</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>Thomas P. Walsh</i>	<i>12th Essex</i>	<i>2/26/2021</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>	<i>3/4/2021</i>
<i>William C. Galvin</i>	<i>6th Norfolk</i>	<i>3/2/2021</i>
<i>Danielle W. Gregoire</i>	<i>4th Middlesex</i>	<i>3/2/2021</i>
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	<i>3/3/2021</i>
<i>Smitty Pignatelli</i>	<i>4th Berkshire</i>	<i>3/8/2021</i>
<i>Tricia Farley-Bouvier</i>	<i>3rd Berkshire</i>	<i>3/9/2021</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>3/9/2021</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/17/2021</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>3/21/2021</i>

HOUSE . . . . . No.

[Pin Slip]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court (2021-2022)

An Act relative to a streaming entertainment operator’s use of the public rights-of-way.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. The General Laws of 2018 are hereby amended by inserting after Chapter  
2 166A the following chapter:-

3 Chapter 166B.

4 Section 1. The purposes of this chapter are to --

5 (a) establish a comprehensive statewide policy concerning compensation for the use of  
6 digital infrastructure in the public rights-of-way;

7 (b) establish legislative findings that digital infrastructure in the public rights-of-way is of  
8 valuable economic and public interest;

9 (c) establish standards which encourage a competitive environment for growth and  
10 development of streaming entertainment services and which assure that streaming entertainment  
11 services are responsive to the needs and interests of the local community;

12 (d) establish guidelines for the exercise of Commonwealth and local authority with  
13 respect to the regulation of the commercial use of the public rights-of-way by entities that  
14 provide and deliver streaming entertainment services;

15 (e) assure that streaming entertainment operators are encouraged to provide the widest  
16 possible diversity of information sources and services to the public;

17 (f) establish an orderly process for the Department of Revenue to assess and recover  
18 payments from streaming entertainment operators;

19 (g) establish an orderly process to collect unpaid assessments and monetary fines from  
20 non-compliant streaming entertainment operators operating in the Commonwealth;

21 (h) protect the substantial interest of the Commonwealth in preventing false and  
22 deceptive business practices; and,

23 (i) promote competition among streaming entertainment service operators and minimize  
24 regulation that would impose an undue economic burden on streaming entertainment operators.

## 25 Section 2. Definitions.

26 For the purposes of this Act, the following words shall have the following meanings:

27 “Commonwealth”, the Commonwealth of Massachusetts;

28 “cable operator”, any entity that is providing cable services under a franchise agreement  
29 with a city, town or district and remitting a franchise fee to such city, town or district as  
30 permitted by the Cable Communications Policy Act of 1984, 47 U.S.C. § 522, et seq.;

31 “gross revenues”, all revenue received directly or indirectly by a streaming entertainment  
32 operator arising from, attributable to, or in any way derived from the sale of streaming  
33 entertainment services in the Commonwealth. The term “gross revenues” shall not include bad  
34 debts, investment income, refunded deposits, or any taxes on services furnished by streaming  
35 entertainment providers and imposed directly upon any user by the local, state, federal or other  
36 governmental unit;

37 “person”, an individual, partnership, association, joint stock company, trust, corporation,  
38 or governmental entity;

39 “public, educational, or governmental access facilities”, facilities and equipment for the  
40 use of channel capacity designated for public, educational, or governmental use;

41 “streaming entertainment services”, any paid service that provides audio, video, or  
42 computer-generated or computer-augmented entertainment and delivers such entertainment via  
43 digital infrastructure to users and delivers such services through facilities located at least in part  
44 in the public rights-of-way without regard to delivery technology, including internet protocol  
45 technology or other intelligences. This definition does not include any cable service defined in  
46 47 U.S.C. § 522(6) or any video programming provided by a commercial mobile service  
47 provider defined in 47 U.S.C § 332(d) or provided solely as part of, and via, a service that  
48 enables users to access content, information, electronic mail, or other services offered over the  
49 public internet;

50 “streaming entertainment operator”, any company, entity, or organization that

51 (1) provides streaming entertainment services and delivers such entertainment via digital  
52 infrastructure provided through facilities located at least in part in the public rights-of-way with  
53 regard to delivery technology, including internet technology or other intelligences, and

54 (2) earns more than two-hundred and fifty thousand dollars (USD \$250,000.00) in gross  
55 annual revenues from providing such services to users in the Commonwealth;

56 “video programming”, programming provided by, or generally considered comparable to  
57 programming provided by, a television broadcast station.

58 Section 3. Authority of the Commonwealth to regulate streaming entertainment services  
59 and collect compensation for the use of the public rights-of-way.

60 (a) Pursuant to the authority of the Commonwealth to regulate trade under Section 1 of  
61 Chapter 93 and to promote economic competition under Section 4 of Chapter 93, and to regulate  
62 business practices for consumer protection under Section 1 of Chapter 93A, the Commonwealth  
63 shall regulate the commercial sale of streaming entertainment services to individuals and  
64 businesses in the Commonwealth;

65 (b) pursuant to the authority of the Commonwealth to collect payments from commercial  
66 operators doing business with individuals and businesses physically located in the  
67 Commonwealth and to levy assessments under Section 1 of Chapter 58, the Commonwealth shall  
68 collect payments from the private sector use of the public rights-of-way by imposing an  
69 assessment upon streaming entertainment providers;

70 (c) nothing in this Act shall limit or affect the authority of the Commonwealth or local  
71 government or instrumentality thereof regarding ownership and control of public property and  
72 public rights-of-way;

73 (d) no agency of the Commonwealth or local government shall have any authority to  
74 regulate the rates charged by any streaming entertainment operator.

75 Section 4. Imposition and collection of an assessment for the use of the public rights-of-  
76 way.

77 (a) A streaming entertainment operator shall pay an assessment equal to five percent  
78 (5%) of such streaming entertainment operator's gross annual revenues derived in from the sale  
79 or provision of streaming entertainment services to individuals and businesses in the  
80 Commonwealth.

81 (b) The assessment authorized in this section shall be for each year, or part of each year,  
82 that such streaming entertainment operator is engaged in the sale of streaming entertainment  
83 services to individuals and businesses in the Commonwealth.

84 (c) A streaming entertainment operator shall file bi-annual financial statements reporting  
85 its gross revenues derived in such period from the sale of streaming entertainment services to  
86 individuals and businesses in the Commonwealth.

87 (1) Financial statements shall be filed with the Department of Revenue and shall not be  
88 classified as a public record pursuant to Section 1 of Chapter 66;



89 (2) financial statements shall contain a complete accounting and itemization of gross  
90 revenues derived from, or pertaining to, the sale or provision of streaming entertainment services  
91 to individuals and businesses in the Commonwealth;

92 (3) financial statements shall conform to Generally-Accepted Accounting Principles  
93 (GAAP) and shall be submitted in writing;

94 (4) for the period inclusive of January 1 through June 30, a streaming entertainment  
95 operator shall submit a financial statement on or before August 15. For the period inclusive of  
96 July 1 through December 31, a streaming entertainment operator shall submit a financial  
97 statement on or before February 15 of the following year;

98 (5) streaming entertainment operators that fail to submit financial statements within thirty  
99 (30) days of the afore stated deadlines shall be assessed a monetary penalty amount equal to one  
100 percent (1%) of the gross revenues derived from, or pertaining to, the sale or provision of  
101 streaming entertainment services to individuals and businesses residing in the Commonwealth  
102 during the applicable time period;

103 (6) streaming entertainment operators that fail to submit financial statements within sixty  
104 (60) days of the afore stated deadlines shall be assessed a monetary penalty amount equal to two  
105 percent (2%) of the gross revenues derived from, or pertaining to, the sale or provision of  
106 streaming entertainment services to individuals and businesses residing in the Commonwealth  
107 during the applicable time period;

108 (7) any monetary penalty assessed upon a streaming entertainment operator for failure to  
109 submit financial statements before the deadline shall be cumulative to the assessment of five  
110 percent (5%) of gross revenues.

111 (d) Subject to audit and revision pursuant to the Department of Revenue's authority in  
112 Section 5, the Department of Revenue shall utilize the financial statement of a streaming  
113 entertainment operator to assess an amount equal to five percent (5%) of such streaming  
114 entertainment operator's gross revenues derived in such period from the sale or provision of  
115 streaming entertainment service to individuals and businesses in the Commonwealth.

116 (e) Upon assessment by written notice of the Department of Revenue, a streaming  
117 entertainment operator must submit payment to the Commonwealth within thirty (30) days of  
118 such notice.

119 (1) Streaming entertainment operators that fail to submit payment within thirty (30) days  
120 of the afore stated deadline shall be assessed a monetary penalty amount equal to two percent  
121 (2%) of the gross revenues derived from, or pertaining to, the sale or provision of streaming  
122 entertainment services to individuals and businesses in the Commonwealth during the applicable  
123 time period;

124 (2) streaming entertainment operators that fail to submit remuneration of the assessment  
125 within sixty (60) days of the afore stated deadline shall be assessed a penalty equal to three  
126 percent (3%) of the gross revenues derived from, or pertaining to, the sale or provision of  
127 streaming entertainment service to individuals and businesses in the Commonwealth during the  
128 applicable time period;

129 (3) any monetary penalty assessed upon a streaming entertainment operator for failure to  
130 submit payment before the deadline shall be in addition to the assessment of five percent (5%) of  
131 gross revenues.

132 (f) In accordance with Section 7 of this Act, the Commonwealth, local governments, or  
133 instrumentalities thereof, may levy additional monetary and legal penalties upon any streaming  
134 entertainment operator that fails to timely provide written financial statements or remuneration of  
135 assessments.

136 Section 5. Right to audit financial records pertaining to assessable gross revenues.

137 (a) The Commonwealth shall have the right to conduct an audit or review of the records  
138 reasonably related to the sources, amounts and computation of assessable gross revenues derived  
139 from, or pertaining to, the sale or provision of streaming entertainment service to individuals and  
140 businesses residing in the Commonwealth within the previous three (3) years.

141 (b) Within thirty (30) days of a written request, a streaming entertainment operator shall  
142 provide the Department of Revenue with copies of financial records related to the review or audit  
143 of assessable gross revenues derived from, or pertaining to, the sale or provision of streaming  
144 entertainment services to individuals and businesses residing in the Commonwealth.

145 (c) In the event of an alleged underpayment, the Department of Revenue shall provide the  
146 streaming entertainment operator with a written statement indicating the basis for the alleged  
147 underpayment. The streaming entertainment operator shall have thirty (30) days from the receipt  
148 of a statement regarding an alleged underpayment to provide the Department of Revenue any  
149 written objection to the results of any assessable gross revenue review or audit, including any  
150 substantiating documentation. Based on this exchange of information, the Department of  
151 Revenue shall make a final determination of the underpayment(s), if any, within thirty (30) days  
152 of the streaming entertainment operator's objection and shall provide the operator with written  
153 notice of the determination.

154 (d) Any additional assessments due to the Commonwealth as a result of the assessable  
155 gross revenue review or audit shall be paid to the Department of Revenue by the streaming  
156 entertainment operator within forty-five (45) days from the date of written notification of the  
157 final decision. If the assessable gross revenue review or audit shows that amounts have been  
158 underpaid, then the streaming entertainment operator shall pay the underpaid amount plus  
159 monetary fines equal to ten percent (10%) of the underpayment.

160 (e) A streaming entertainment operator adversely affected by any final action, or failure  
161 to act, of the Department of Revenue that is inconsistent with this section may, within thirty (30)  
162 days after such action or failure to act, commence an action in any court of competent  
163 jurisdiction within the Commonwealth. The court shall hear and decide such action on an  
164 expedited basis.

#### 165 Section 6. Streaming Entertainment Fund

166 (a) There shall be a Streaming Entertainment Fund which shall consist of amounts  
167 credited to the fund in accordance with this section. The fund shall be administered by the state  
168 treasurer and held in trust exclusively for the purposes of this section. The state treasurer shall be  
169 treasurer-custodian of the fund and shall have the custody of its monies and securities.

170 (b) The Streaming Entertainment Fund shall consist of: (i) revenues collected from the  
171 assessment imposed by this Act; (ii) revenue from appropriations or other money specifically  
172 designated to be credited to the fund; (iii) interest earned on money in the fund; and (iv) funds  
173 from private sources including, but not limited to, gifts, grants and donations received by the  
174 Commonwealth that are specifically designated to be credited to the fund. Amounts credited to  
175 the fund shall not be subject to further appropriation and any money remaining in the fund at the

176 end of a fiscal year shall not revert to the General Fund. The secretary of the Commonwealth  
177 shall annually, not later than December 31, report on the activity of the fund to the clerks of the  
178 Senate and House of Representatives and the Senate and House Committees on Ways and  
179 Means.

180 (c) The Streaming Entertainment Fund shall make bi-annual distributions on March 1 and  
181 September 1 of each year. On those dates, the Streaming Entertainment Fund shall distribute,  
182 with no remainder left, all monies then held in the Fund according to the following formula:

183 (1) One-fifth ( $1/5$ ) of the monies in the Streaming Entertainment Fund shall be distributed  
184 to the Commonwealth General Fund;

185 (2) Two-fifths ( $2/5$ ) of the monies in the Streaming Entertainment Fund shall be  
186 distributed to municipalities and local governments in the Commonwealth and further allocated  
187 proportionally based upon population;

188 (3) Two-fifths ( $2/5$ ) of the monies in the Streaming Entertainment Fund shall be  
189 distributed to community media centers in the Commonwealth and further allocated  
190 proportionally based upon population.

191 (d) The Department of Revenue shall use the most recent city and town population  
192 estimates of the United States Bureau of the Census in calculating distributions pursuant to(c)(2)  
193 and (c)(3) of this section.

194 (e) Distributions pursuant to (c)(2) of this section shall be listed upon each municipality's  
195 cherry sheet for the upcoming fiscal year.

196 (f) The Commissioner of Revenue or any official responsible, shall, without further  
197 appropriation and upon certification of the Commissioner, distribute all sums allocated under (c)  
198 under this section.

199 (g) All sums distributed under (c)(1) of this section shall be deposited in the  
200 Commonwealth General Fund. All sums distributed under (c)(2) of this section shall be  
201 deposited in the general fund of the respective municipality. All sums distributed under (c)(3) of  
202 this section shall be deposited in accordance with Section 53F<sup>3</sup>/<sub>4</sub> of Chapter 44, as amended by  
203 Section 8 of this act.

204 (h) No expenditures from the Streaming Entertainment Fund shall be made except to  
205 provide funding for: (i) the operating expenses of the fund; (ii) legal and administrative expenses  
206 incurred in enforcing the provisions of this Act; and (iii) legal and administrative expenses  
207 incurred in collecting any assessment due under this act.

208 (i) All sums appropriated under this Act shall be expended in a manner reflecting and  
209 encouraging a policy of nondiscrimination and equal opportunity.

210 (j) All officials and employees of an agency, board, department, commission or division  
211 receiving monies under this Act shall take affirmative steps to ensure equality of opportunity and  
212 nondiscrimination in the internal affairs of state government, as well as in their relations with the  
213 public, including those persons and organizations doing business with the Commonwealth. Each  
214 agency, board, department, commission or division, in spending appropriated sums and  
215 discharging its statutory responsibilities, shall adopt measures to ensure equal opportunity and  
216 nondiscrimination in the areas of hiring, promotion, demotion or transfer, recruitment, layoff or

217 termination, rates of compensation, in-service or apprenticeship training programs and all terms  
218 and conditions of employment.

219 Section 7. Judicial remedy.

220 (a) In accordance with Section 1 of Chapter 12, the Attorney General is authorized to  
221 enforce this Act. The Attorney General may, within seven (7) years, bring an action to recover  
222 any unpaid assessments and monetary penalties, or enjoin the operations of any non-compliant  
223 entity, in any court of competent jurisdiction.

224 (b) Any local government, or class thereof, or community media center adversely  
225 impacted by the action, or failure to act, of any streaming entertainment operator under this Act,  
226 may, within seven (7) years, bring an action to recover any unpaid assessments and monetary  
227 penalties, or enjoin the operations of any non-compliant entity, in any court of competent  
228 jurisdiction.

229 SECTION 2. Municipal streaming fund.

230 Section 53 F3/4 of Chapter 44 of the General Laws shall be amended by adding at the  
231 end thereof the following new section: -

232 “Notwithstanding section 53 or any other general or special law to the contrary, a  
233 municipality that accepts this section may establish in the treasury a separate revenue account to  
234 be known as the PEG Access and Streaming Entertainment Funds, into which may be deposited  
235 funds received in connection with assessments derived from streaming entertainment providers.  
236 Monies in the fund shall only be appropriated to support public, educational or governmental  
237 access media centers.”

238 SECTION 3. Effective date.

239 This act shall take effect on January 1, 2022.



**Resolution in support of HD.1440 An Act Relative to  
Streaming Entertainment Operator's Use of the Public Rights  
of Way"**

Whereas,

**Cable television operators (Comcast, Verizon, RCN) doing business in Newton require City permission to use the public roadways in order to install coaxial and/or fiber cables to homes and businesses, and**

Whereas,

**Permission is secured via a 5 or 10 year Local Franchise Agreement between the cable operator and the City and the agreement stipulates that funding is to be provided for Public, Education, and Government programming services of which a percentage is allocated to NewTV, our local PEG provider to support their operation, and a percentage to the City of Newton and**

Whereas,

**NewTV is a multiple Emmy Award winning nonprofit community media center located in Newton Highlands that has helped provide transparency in government by televising School Committee, City Council and Committee meetings as well as a weekly Newton News program, intern programs and coverage of citywide local events and happenings and**

Whereas

**Since 1992 NewTV's professionally equipped production studio has provided an array of additional services resulting in quality training opportunities as well as local and regional cable television programming which help to keep residents informed of local government meetings, events and happenings, and**

Whereas,

**Newton homeowners have stopped cable television, utilizing instead internet based streaming services which has resulted in a 23% reduction of cable subscribers in recent years. Since 2015 cable services have decreased by 6,571 cable subscribers -causing NewTV to lose approximately \$347,000.00 each year from its operating budget while the City of Newton loses approximately \$87,000.00 each year for its PEG Enterprise Fund, and**

Whereas,

**There has been a national movement to allow cities and towns to assess streaming services along with cable provider for use of the public way and many have already instituted this surcharge and**

**Whereas,  
The City Council would like to see NewTV provide excellent services for 30  
more years, now**

**Therefor be it resolved  
That the City Council strongly supports HD1440 and urges the legislature and  
our sister cities and towns to support this bill and encourages our Mayor to  
ensure NewTV has the necessary funding to survive while this Bill is being  
considered.**

### NewTV Lost Revenues Due to Cable TV Cord Cutting

The Cable Act of 1984 states that cable television operators will pay a 5% fee for the use of the public roadways in the United States. Each state maintains its own rules for the cable television franchise agreements and in MA each city/town executes those agreements.

There are 3 Cable Operators doing business in the City of Newton:

- **Comcast**
- **Verizon**
- **RCN**

As of January, 2015, there were 28,389 cable television subscribers in Newton. The breakdown by cable operator was as follows:

- **Comcast = 12,426**
- **Verizon = 12,475**
- **RCN = 3,488**

As of January, 2021, there were 21,818 cable television subscribers in Newton. The breakdown by cable operator was as follows:

- **Comcast = 11,122 (-10.5%)**
- **Verizon = 9,059 (-27.4%)**
- **RCN = 1,637 (-53%)**
- **Total subscribers lost = 6,571 (-23%)**

Projected subscriber count for January, 2022, is estimated to be **19,833 (-9%)**

NewTV saw a decline in 2020 PEG revenues of \$156,000 from the high in 2017 (-11%)  
NewTV anticipates a further decline in PEG revenues in 2021 of \$105,525 (-8.3%)

Currently NewTV receives 4% of PEG revenues annually and the City of Newton receives 1%. If NewTV were to receive 4.5% effective June 30, 2021, NewTV would be able to operate at 100% during the cord cutting era. Once the "Streaming Bill" is passed and revenues are dispersed NewTV will be able to replace lost PEG cable revenue with PEG streaming revenue.

Additionally, the city managed PEG Enterprise Fund was approved by the City Council 3 years ago. It currently has an accrued balance in excess of \$1.5M. It is currently labeled as CATV Receipts in your budget. Those funds can only be used for PEG Cable TV purposes as stated in the franchise agreements. If needed NewTV could apply for a transfer of funds through the Mayor and City Council with your support.

### House Bill HD1440 and Senate Bill S834

HD1440 and S834, if passed, are designed to assess a 5% surcharge to Streaming Video Entertainment providers such as NetFlix, Hulu, Amazon Prime, Peacock, Kindle, etc. These digital products are utilizing fiber/cable that hangs over the public roadways in Newton. Often times the same fiber/cable that brought cable TV into your home is now being used for streaming services. There are 52 State Representatives signed on to the Bill as of today.

As of August, 2020, there were 28 states that tax “digital services”. More are in the process of adding them. Many cities across the country have enacted their own There are 6 types of digital goods:

- Online data processing services.
- Downloaded software.
- Downloaded books, such as eBooks and Kindle.
- Downloaded music, digital audio files such as iTunes and podcasts.
- **Downloaded movies or digital video, such as Netflix and Amazon Prime.**
- Other downloaded electronic goods.

Of the proposed 5% tax in HD1440 and S834, 2% would go to Community Media (220 in MA), 2% would go to municipalities and 1% would go to the state. Some cities and towns have already committed to giving all or at least a portion of their 2% share to their community media center.

NewTV is grateful to have had the support of the City Council, Mayor and State Delegation since it opened its doors in the Hyde Center in 1991. We hope that we can continue this partnership for 30 more years.

CITY OF NEWTON, MASSACHUSETTS  
CABOT SCHOOL PROJECT

	ORIGINAL BUDGET BO 421-13	REVISIONS BO 66-16	REVISIONS BO 213-16	REVISIONS BO 358-16	PREVIOUS BUDGET APPROVED	CURRENT BUDGET	PENDING REQUEST (PER DOCKET LETTER TO MEET MSBA GUIDELINES)	INTERNAL ADJUSTMENTS TO EXISTING ACCOUNTS	AMENDED BUDGET
TRANSFER- GENERAL FUND	10,000.00				10,000.00	10,000.00			10,000.00
BOND SALE PROCEEDS *	990,000.00	1,010,000.00	400,000.00	46,589,776.00	48,989,776.00	48,989,776.00			48,989,776.00
<b>Total Financing Budget</b>	<b>\$ 1,000,000.00</b>	<b>\$ 1,010,000.00</b>	<b>\$ 400,000.00</b>	<b>\$ 46,589,776.00</b>	<b>\$ 48,999,776.00</b>	<b>\$ 48,999,776.00</b>			<b>\$ 48,999,776.00</b>
<b>Category</b>									
OPM (includes Pre-Construction & Construction Services)	\$ 225,000	\$ -	\$ 100,000	\$ 1,279,000	\$ 1,604,000	\$ 1,719,740			\$ 1,719,740
Architect & Consultants (includes Pre-Construction Services)	\$ 525,000	\$ -	\$ 200,000	\$ 3,580,000	\$ 4,305,000	\$ 4,403,385	\$ 146,257	\$ (146,257)	\$ 4,403,385
CM-At-Risk (includes Pre-Construction & Construction)	\$ -	\$ -	\$ -	\$ 36,370,776.00	\$ 36,370,776	\$ 36,370,776			\$ 36,370,776
Change Orders	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 484,826			\$ 484,826
Environment & Site	\$ 200,000	\$ -	\$ 50,000	\$ (35,000)	\$ 215,000	\$ 215,000			\$ 215,000
Other	\$ 50,000	\$ -	\$ 50,000	\$ 45,000	\$ 145,000	\$ 152,995			\$ 152,995
Consultants	\$ -	\$ -	\$ -	\$ 75,000	\$ 75,000	\$ 76,092			\$ 76,092
Furniture, Fixtures & Equipment	\$ -	\$ -	\$ -	\$ 810,000	\$ 810,000	\$ 810,000			\$ 810,000
Computer & Related Equipment	\$ -	\$ -	\$ -	\$ 660,000	\$ 660,000	\$ 660,000			\$ 660,000
Off Site Improvements	\$ -	\$ -	\$ -	\$ 1,545,000	\$ 1,545,000	\$ 1,880,000			\$ 1,880,000
Moving	\$ -	\$ -	\$ -	\$ 55,000	\$ 55,000	\$ 60,945			\$ 60,945
Utility Back Charges	\$ -	\$ -	\$ -	\$ 25,000	\$ 25,000	\$ 25,000			\$ 25,000
Printing and Advertising Services	\$ -	\$ -	\$ -	\$ 20,000	\$ 20,000	\$ 20,000			\$ 20,000
Construction Contingency **	\$ -	\$ -	\$ -	\$ 1,800,000	\$ 1,800,224	\$ 751,241		\$ 146,257	\$ 897,498
Owners Contingency***	\$ -	\$ -	\$ -	\$ 360,000	\$ 360,000	\$ 360,000	\$ (146,257)		\$ 213,743
Land (acquisitions)	\$ -	\$ 1,010,000	\$ -	\$ -	\$ 1,010,000	\$ 1,010,000			\$ 1,010,000
<b>Total Expenditure Budget</b>	<b>\$ 1,000,000.00</b>	<b>\$ 1,010,000.00</b>	<b>\$ 400,000.00</b>	<b>\$ 46,589,776.00</b>	<b>\$ 49,000,000.00</b>	<b>\$ 49,000,000.00</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 49,000,000.00</b>

Maximum MSBA Total Facilities Grant	\$	14,276,915
Estimated City Share	\$	34,723,085

\* \$224,195 is the total of the MSBA BRR document

\* To be reduced by MSBA grant reimbursements

\*\* Transfers for the construction contingency may be made with the prior approval of the Mayor

\*\*\* Transfers from the owners contingency may be made upon the recommendation of the Mayor and approval of the City Council

Requested transfer from Owners Contingency to maximize MSBA grant reimbursements

	MSBA Base Reimbursement Rate (before incentives)
33.95	(0-2) Maintenance
1.86	(0-1) CM @ Risk
1.00	(0-6) Newly Formed Regional School District
0.00	(0-5) Major Reconstruction or Reno/Reuse type in rounded to 2 decimal places
1.65	(0-1) Overlay Zoning 40R and 40S
0.00	(0-0.5) Overlay Zoning 100 units or 50% of units 1,2, or 3 family structures
0.00	(0-2) Energy Efficiency - "Green Schools"
2.00	(5) Model Schools
0.00	
<b>6.51</b>	<b>Total Incentive Points</b>
<b>40.46</b>	<b>MSBA Reimbursement Rate</b>

CITY OF NEWTON

IN CITY COUNCIL

March 15, 2021

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chair Alison M. Leary and the Finance Committee through its Chair Rebecca Walker Grossman, to appropriate and expend the sum of sixty-eight thousand seven hundred and forty-six dollars (\$68,746) to fund the replacement of the boiler at the Crafts Street Stable is hereby approved as follows:

FROM:	Capital Stabilization Fund-Unrestricted (7939-337902).....	\$68,746
TO:	Crafts Street Stable Boiler Expense-Undistributed (7828B115-579500) .....	\$68,746

Under Suspension of Rules  
Readings Waived and Approved  
21 Yeas 0 Nays 1 Absent (Councilor Norton) 2 Vacancies

(SGD) NADIA KHAN  
Acting City Clerk

(SGD) RUTHANNE FULLER  
Mayor

# CPA Funding Recommendation for Grace Episcopal Tower Restoration Project

<b>Recommended Funding Sources</b>	
FY21 Historic Resource Reserve Funds (Account #58B10498 57900B)	\$433,863.00
Prior Year Fund Balance – Historic Resource Reserve Fund (Account #5810 3599)	\$557,381.71
<b>Total CPA Funding for April 2021</b>	<b>\$991,244.71</b>

- In July 2021, CPC will submit second revised recommendation for \$441,755.29 in FY22 Historic Resource Reserve Funds for a total CPA funding recommendation of \$1,433,000

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Zoning & Planning Committee through its Chair Deborah J. Crossley and the Finance Committee through its Chair Rebecca Walker Grossman, the appropriation of nine hundred ninety-one thousand two hundred forty-four dollars and seventy-one cents (\$991,244.71) in Community Preservation Act historic resource funding to the Grace Episcopal Church Tower Restoration project for the stabilization and preservation of the historically significant ca. 1872 conical stone spire, tower and belfry be and is hereby approved as follows:

FROM:	CPA Historic Budgeted Reserve (58B10498-57900B) .....	\$433,863
	CPA Historic Fund Balance (5810-3599).....	\$557,381.71
TO:	Grace Church Tower Restoration Undistributed (58B11413-579500) .....	\$991,244.71

Under Suspension of Rules  
Readings Waived and Approved  
DRAFT

(SGD) NADIA H KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor