



Finance Committee Agenda

City of Newton In City Council

Tuesday, June 15, 2021

7:45 p.m.- Please note late start time

Please Note: This meeting has been scheduled as an in-person meeting at City Hall (1000 Commonwealth Avenue, Newton, MA. 02459) because the Covid protocols for remote meeting attendance/participation will end on June 15, 2021, unless extended by state action. Please note that, if the protocols are extended, the meeting format may be changed at the direction of the chair from in-person only to a combination of in-person and remote attendance/participation allowed, or to remote attendance/participation only. In the event that this meeting is remote, please use the following link to attend: <https://us02web.zoom.us/j/85622304072>

Accordingly, prior to the meeting, please check the City's website for updated information on the meeting format and how you may attend/participate. You can also call the Clerk's Office for more information at 617-796-1210.

Item scheduled for discussions:

Chair's Note: *The Committee will meet jointly with the Public Safety & Transportation Committee to discuss the following two items.*

Referred to Public Safety & Transportation and Finance Committees

#235-21

Appropriate \$1,200,000 for Fire/Rescue Overtime

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one million two hundred thousand (\$1,200,000) from June 30, 2020 Certified Free Cash to Acct #0121022-513010 Fire/Rescue Regular Overtime.

Referred to Public Safety & Transportation and Finance Committees

#241-21

Appropriate \$200,000 for Police Dept Retirement Expenses

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of two hundred thousand (\$200,000) from June 30, 2020 Certified Free Cash to Acct #0120101-511001, Police Department Full-Time Salaries to fund costs associated with a significant number of retirements of senior members of the Police Department.

Referred to Public Facilities and Finance Committees

#242-21

Appropriate \$100,000 to fund year end account balance in Water Enterprise Fund

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of one hundred thousand (\$100,000) from Acct #60A40105-553000 Water Service Connections Construction Supplies to Acct #60A40105-57HLTH Water Dept Health Insurance to fund year end account balancing in the Water Enterprise Fund.

Public Facilities Approved 8-0

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

Referred to Public Facilities and Finance Committees

#243-21

Appropriate \$75,000 to fund year end account balance in Sewer Enterprise Fund

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of seventy-five thousand (\$75,000) from Acct #61A40105-511102 Sewer Service Connections Part Time Wages Acct #61A40105-57HLTH Sewer Dept Health Insurance to fund year end account balancing in the Sewer Enterprise Fund.

Public Facilities Approved 8-0

Referred to Public Facilities and Finance Committees

#244-21

Transfer to rebalance the snow and ice accounts

HER HONOR THE MAYOR requesting authorization to transfer the sum of three hundred and fifty thousand dollars (\$350,000) from the Snow and Ice Control Regular Overtime Account #0140123-513010 to the Snow & Ice Rental Vehicles/Contractors to rebalance the Snow and Ice Control Expenditure account.

Public Facilities Approved 8-0

#234-21

Authorize \$70,000 to settle a claim against the City

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of seventy thousand dollars (\$70,000) for the full and final settlement of a claim from 2019 against the City for reimbursement of damages related to a water pipe leak in West Newton Square.

Referred to Programs & Services, Public Facilities and Finance Committees

#237-21

Authorization to move forward with the Feasibility Phase for Countryside Elementary

HER HONOR THE MAYOR requesting authorization to move forward with the Feasibility Phase of the Countryside Elementary School and the acknowledgement that the City will expend not more than \$1,250,000, a portion of which is anticipated to be reimbursed by the Massachusetts School Building Authority (MSBA).

Programs & Services Approved 5-0

Public Facilities Approved 8-0

#245-21

Transfer to fund year-end adjustments

HER HONOR THE MAYOR requesting authorization to transfer the sum of ten thousand and twenty-five dollars (\$10,025) to the following accounts to fund year-end housekeeping adjustments:

Interest Long Term Debt – Crafts Street Garage (Acct # 0110772-582C30).....	\$900.00
Information Technology – Full Time Salaries (Acct #0111153-511001.....)	\$125.00
Senior Services – Full Time Salaries (Acct #0150209-511001.....)	\$5,000.00
Historic Newton – Part Time Salaries (Acct#0160370-511101.....)	\$4,000.00

Respectfully submitted,

Rebecca Walker Grossman, Chair



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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2021 JUN -1 PM 4:46

CITY CLERK
NEWTON, MA. 02459

235-21

Telephone
(617) 796-1100

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(617) 796-1113

TDD
(617) 796-1089

E-mail
rfuller@newtonma.gov

June 1, 2021

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of \$1,200,000 from June 30, 2020 Certified Free Cash to 0121022-513010 Fire/Rescue Regular Overtime. Several factors contributed to this shortfall in Overtime funds, especially the fact that the department has incurred more than \$600,000 for "Injured On Duty Expenses."

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Ruthanne Fuller".

Ruthanne Fuller
Mayor

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Public Safety & Transportation Committee through its Chair Andrea Downs and the Finance Committee through its Chair Rebecca Walker Grossman, to appropriate and expend the sum of one million two hundred thousand (\$1,200,000) from June 30, 2020 Certified Free Cash to Acct #0121022-513010 Fire/Rescue Regular Overtime be and is hereby approved as follows:

FROM:	General Fund Free Cash (0001-3240).....	\$1,200,000
TO:	Fire/Rescue Regular Overtime (0121022-513010).....	\$1,200,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) NADIA H KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor

Date: _____

241-21



City of Newton, Massachusetts
Office of the Mayor

RUTHANNE FULLER
MAYOR

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(617) 796-1100

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(617) 796-1089

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rfuller@newtonma.gov

June 7, 2021

RECEIVED

2021 JUN -7 PM 1:24

CITY CLERK
NEWTON, MA, 02459

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of \$200,000 from June 30, 2020, Certified Free Cash to Acct # 0120101-511001, Police Department Full-Time Salaries to fund costs associated with a significant number of retirements of senior members of the department.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Public Safety & Transportation Committee through its Chair Andrea Downs and the Finance Committee through its Chair Rebecca Walker Grossman, to appropriate and expend the sum of two hundred thousand (\$200,000) from June 30, 2020 Certified Free Cash to Acct #0120101-511001, Police Department Full-Time Salaries to fund costs associated with a significant number of retirements of senior members of the Police Department be and is hereby approved as follows:

FROM:	General Fund Free Cash (0001-3240).....	\$200,000
TO:	Police Dept Full Time Salaries (0120101-511001).....	\$200,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) NADIA H KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor

Date: _____



City of Newton, Massachusetts
Office of the Mayor

RUTHANNE FULLER
MAYOR

242-21

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(617) 796-1100

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(617) 796-1113

TDD
(617) 796-1089

E-mail
rfuller@newtonma.gov

June 7, 2021

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

RECEIVED
2021 JUN -7 PM 1:52
CITY CLERK
NEWTON, MA. 02459

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$100,000 from Acct # 60A40105- 553000 Water Service Connections Construction Supplies to Acct # 60A40105-57HLTH Water Dept Health Insurance to fund year end account balancing in the Water Enterprise Fund.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

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 one hundred thousand (\$100,000) from Acct #60A40105-553000 Water Service Connections Construction Supplies to Acct #60A40105-57HLTH Water Dept Health Insurance to fund year end account balancing in the Water Enterprise Fund be and is hereby approved as follows:

FROM:	Water Service Connections Construction Supplies (60A40105-553000)	\$100,000
TO:	Water Dept Health Insurance (60A40105-57HLTH).....	\$100,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) NADIA H KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor

Date: _____

243-21



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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E-mail
rfuller@newtonma.gov

June 7, 2021

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$75,000 from Acct # 61A40105- 511102 Sewer Service Connections Part Time Wages to Acct # 61A40105-57HLTH Sewer Dept Health Insurance to fund year end account balancing in the Sewer Enterprise Fund.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Ruthanne Fuller".

Ruthanne Fuller
Mayor

CITY CLERK
NEWTON, MA. 02459

RECEIVED
2021 JUN -7 PM 1:52

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

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 seventy-five thousand (\$75,000) from Acct #61A40105-511102 Sewer Service Connections Part Time Wages Acct #61A40105-57HLTH Sewer Dept Health Insurance to fund year end account balancing in the Sewer Enterprise Fund be and is hereby approved as follows:

FROM:	Sewer Service Connections Part Time Wages (61A40105-511102)	\$75,000
TO:	Sewer Dept Health Insurance (61A40105-57HLTH).....	\$75,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) NADIA H KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor

Date: _____



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

244-21

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rfuller@newtonma.gov

June 7, 2021

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$350,000 Acct # 0140123-513010 Snow & Ice Control Regular Overtime to Acct # 0140123-527300 Snow & Ice Control Rental Vehicles/Contractors to rebalance the Snow & Ice Control Expenditure Account.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

RECEIVED
2021 JUN -7 PM 1:52
CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

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 transfer the sum of three hundred and fifty thousand dollars (\$350,000) from the Snow and Ice Control Regular Overtime Account #0140123-513010 to the Snow & Ice Rental Vehicles/Contractors to rebalance the Snow and Ice Control Expenditure account be and is hereby approved as follows:

FROM:	Snow and Ice Overtime (0140123-513010).....	\$350,000
TO:	Snow and Ice Rental/Vehicles/ Contractors (0140123-527300).....	\$350,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) NADIA H KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor

Date: _____



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

234-21

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rfuller@newtonma.gov

June 1, 2021

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

Honorable City Councilors:

I respectfully submit this docket item to this Honorable Council requesting authorization to expend the sum of \$70,000 as full and final settlement of a claim from 2019 against the City for reimbursement of damages related to a water pipe leak in West Newton Square.

Funds to pay this settlement will come from the Water Reserve Fund.

Attached is a memo from Assistant City Solicitor Jennifer C. Pucci regarding the settlement.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller

RECEIVED
2021 JUN - 1 PH 4:47
CITY CLERK
NEWTON, MA. 02459

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR
ALISSA O. GIULIANI

DEPUTY CITY SOLICITORS
JEFFREY A. HONIG
MARIE M. LAWLOR

ASSISTANT CITY SOLICITORS
MAURA E. O'KEEFE
ALAN D. MANDL
JONAH M. TEMPLE
JAGLYN R. ZAWADA
JENNIFER C. PUCCI
ANDREW S. LEE
CAROLYN A. WEISMAN

May 14, 2021

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

Re: Settlement in *Hanover Insurance Company a/s/o of West Newton Dental Associates v. City of Newton* (City File 19-398)

Dear Honorable Mayor Fuller:

Hanover Insurance Company, a/s/o of West Newton Dental Associates, filed a claim against the City in 2019, claiming reimbursement for damages caused to the West Newton Dental Associates offices at 1306 Washington Street due to the alleged negligence of the City of Newton following an incident involving a water pipe leak on August 18, 2019.

The parties have been exploring settlement in this matter and have arrived at a negotiated compromise of \$70,000, which we believe is reasonable given the circumstances of the case.

Therefore, I respectfully request that you docket this item requesting authorization to settle this claim for \$70,000 as full and final settlement of this claim against the City of Newton.

Sincerely,

/s/ Jennifer C. Pucci
Jennifer C. Pucci
Assistant City Solicitor

cc: James McGonagle, Commissioner of Public Works
Maureen Lemieux, Chief Financial Officer

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of Finance Committee through its Chair Rebecca Walker Grossman, authorization to appropriate and expend the sum of seventy thousand dollars (\$70,000) for the full and final settlement of a claim from 2019 against the City for reimbursement of damages related to a water pipe leak in West Newton Square be and is hereby approved as follows:

FROM:	Water Free Cash (6000-3240).....	\$70,000
TO:	Water Legal Settlement (60A10841-572500)	\$70,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) NADIA H KHAN
Acting City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

237-21

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(617) 796-1100
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(617) 796-1113
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(617) 796-1089

Email
rfuller@newtonma.gov

June 1, 2021

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

Honorable City Councilors:

I respectfully submit this docket item to this Honorable Council requesting the authorization to move forward with the Feasibility Phase of the Countryside Elementary School and the acknowledgement that the City will expend not more than \$1,250,000, a portion of which is anticipated to be reimbursed by the Massachusetts School Building Authority (MSBA). The project has been invited into the Eligibility Period of the Massachusetts School Building Authority's (MSBA) Core Program.

The City will be using American Rescue Plan Act (ARPA) funds for the feasibility phase, using a portion of our funds from lost revenues.

Please find attached backup information for the Countryside project including the Initial Compliance Certification and a feasibility study breakdown of estimated costs compared to the Angier, Zervas and Cabot projects.

Specific vote language, as required by the MSBA, will be provided to the Council prior to the committee meeting.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor Ruthanne Fuller

RECEIVED
2021 JUN - 1 PM 4:47
CITY CLERK
NEWTON, MA. 02459

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

**INITIAL COMPLIANCE CERTIFICATION
CITY OF NEWTON
COUNTRYSIDE ELEMENTARY SCHOOL
MSBA Project No. 202002070040**

This Initial Compliance Certification ("ICC") must be completed by all Eligible Applicants who have submitted a Statement of Interest to the Massachusetts School Building Authority (the "Authority") and have been invited into the Eligibility Period. The Authority will not consider a District to be eligible for a school building repair, renovation or construction grant until after the District has properly submitted an ICC in the form and manner prescribed by the Authority. Each District shall exercise due diligence in ascertaining and certifying the truth, completeness and accuracy of each of following statements, acknowledgements, certifications, agreements and representations. The Eligible Applicant shall also have a continuing duty throughout the Eligibility Period, a Feasibility Study, and all phases of a Proposed Project or Approved Project to inform the Authority in writing when it becomes aware of information that impairs the truth, completeness or accuracy of any of the following statements, acknowledgements, agreements or representations. The Authority's reference to certain of its regulations, policies, procedures, guidelines and standards in this ICC shall not be construed in any way as a waiver of any of its other regulations, policies, procedures, guidelines, or standards and the Authority's reference to a portion of a regulation, policy, procedure, guideline, or standard, or paraphrasing thereof, shall not be construed as a waiver of the remainder.

Unless otherwise specified, all capitalized terms shall have the meanings ascribed to such terms in M.G.L. c. 70B or 963 CMR 2.00 et seq.

1. The City of Newton ("District") hereby certifies that it shall remain in compliance with, the provisions of M.G.L. c. 70B, Chapter 208 of the Acts of 2004, 963 CMR 2.00 *et seq.*, and all other applicable statutes, rules, policies, procedures, guidelines and standards of the Authority.
2. The District hereby certifies and represents that all meetings of all public bodies in the District that relate in any way to the Proposed Project including, but not limited to, the meetings of the District's school building committee, have been conducted, and shall be conducted, in compliance with the provisions of G.L. c. 30A, §§ 18 – 25, 940 CMR 29.00 *et seq.*, and all other applicable law.
3. The District hereby acknowledges and agrees that the school building renovation and construction grant program established by M.G.L. c. 70B is a discretionary program based on need, as determined by the Authority. The District hereby further acknowledges and agrees that it shall have no entitlement to receive approval or funding

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

for a Proposed Project or for any other purpose except at the sole discretion of the Authority.

4. The District hereby agrees to work in collaboration with the Authority in all phases of the process, including at least: (a) identifying perceived deficiencies with school buildings, (b) validating those deficiencies, (c) identifying educationally and financially sound solutions to validated deficiencies, (d) agreeing on a project scope and budget, (e) implementing a solution as agreed upon, and (f) the final project audit and close-out. The District hereby further acknowledges and agrees that, to remain eligible for project approval and potential funding from the Authority, the District must work collaboratively and in cooperation with the Authority through all phases of the Authority's process including, at a minimum, the phases described above, to the satisfaction of the Authority.
5. The District hereby acknowledges and agrees that in order to qualify for any funding from the Authority, the District must comply with M.G.L. c. 70B and 963 CMR 2.00 *et seq.* which require the Authority's collaboration and approval at each step of the school facility grant approval process and further acknowledges and agrees that any actions taken, costs incurred or agreements entered into for the repair, renovation or construction of school facilities without the explicit prior written approval of the Authority shall not be eligible for grant funding.
6. The District hereby certifies, and can demonstrate, that it has expended at least the minimum amount of the District's calculated foundation budget amounts for the purposes of foundation utility and ordinary maintenance expenses and extraordinary maintenance allotment as defined in M.G.L. c. 70, and as required by the provisions of M.G.L. c. 70B, § 8, 963 CMR 2.10(2)(c) & 2.17 , and hereby further acknowledges and agrees that the Authority may not approve any project for any school district that fails to meet such minimum maintenance expenditure requirements.
7. The District hereby certifies that the perceived deficiencies, as set forth in the Statement of Interest submitted to the Authority for this Proposed Project, in whole or in part, are not a result of negligence by the District; are not under warranty with material suppliers or installers; are not the subject of, nor could be the subject of, ongoing litigation by the District or, if so, the District has notified the Authority in writing of such ongoing or potential litigation and has provided and will continue to provide the Authority with information about such ongoing or potential litigation to the satisfaction of the Authority in its sole discretion; are not a result of inadequate routine or capital maintenance by the District; are not covered by available insurance proceeds.
8. The District hereby certifies that, if invited to collaborate with the Authority to conduct a Feasibility Study, it will study and consider all available options for remedying the

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

deficiencies asserted in the Statement of Interest, including, to the extent applicable, regionalization or tuition agreements with adjacent school districts, district assignment policies within the school district, rental or acquisition and any necessary rehabilitation or usage modification of any existing building which could be made available for school use.

9. The District hereby acknowledges and agrees that, before the Authority can grant final approval of a Project, the District must vote to authorize and appropriate the full amount of funding for the Proposed Project that is necessary to meet the total project budget as agreed to by the Authority and as described in 963 CMR 2.10 (10)(c) and shall use any standard formats and language established or developed by the Authority to draft warrant articles, motions, orders, votes, and ballot questions related to the funding for the Proposed or Approved Project. The District shall submit its draft language for warrant articles, motions, orders, votes, and ballot questions to Authority for its review prior to its publication or use.
10. The District hereby acknowledges and agrees that, in connection with a Proposed Project or an Approved Project, it shall use any standard forms; standard formats for local votes and approvals; standard contract documents; and any standard contract language and clauses that may be established or developed by the Authority, and as may be amended by the Authority from time to time.
11. The District hereby acknowledges and agrees that it shall submit to the Authority, and shall comply with the terms of, any certifications, statements, forms, affidavits, and agreements that the Authority may require for a Proposed or Approved Project and that any such certifications, statements, forms, affidavits, and agreements shall be completed, duly executed and submitted in a form and manner prescribed by or otherwise acceptable to the Authority.
12. The District hereby acknowledges and agrees that no Total Facilities Grant, or any portion thereof, shall be disbursed by the Authority for a Proposed Project or an Approved Project until after a Feasibility Study Agreement, where required by the Authority, and a Project Funding Agreement, have been executed by duly authorized representatives of both the District and the Authority.
13. The District hereby certifies that it has provided or will provide the Authority with all Audit Materials requested by the Authority in connection with any Assisted Facility including, but not limited to, Prior Grant Projects, Waiting List Projects, and any other school building projects for which the District has received or will receive funding from the Authority or the Commonwealth. The District hereby further acknowledges and agrees that it shall continue to cooperate with the Authority and provide any additional

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

documentation or information that may be requested by the Authority in connection with any Assisted Facility.

14. The District hereby certifies that the school building for which it has submitted a Statement of Interest is not a school building that has been the site of an approved school project pursuant to G.L. c. 70B or chapter 645 of the Acts of 1948 within the ten (10) years prior to the Proposed Project's application date, or, in the alternative, that the Proposed Project would be unrelated to such previously approved project in the same school building. The District acknowledges and agrees that only the Authority, in its sole discretion, can make the determination as to whether a Proposed Project is to be deemed unrelated to a previously approved project in the same school building. Any such determination shall be made in writing by the Authority prior to the execution of this ICC.
15. The District hereby certifies that prior to submitting any part of its Application to the Authority, it has not sold, leased, or otherwise removed from service any schoolhouse operated by the District, or portion thereof, within the last ten (10) years, or that, if it has done so, the Authority has determined in writing, pursuant to M.G.L. c. 70B, § 15(c): (1) that the grant sought by the District is not for the purpose of replacing such schoolhouse, or (2) that the need for the Proposed Project could not have been reasonably anticipated at the time that such schoolhouse was sold, leased, or otherwise removed from service. Further, the District acknowledges and agrees that only the Authority, in its sole discretion, can make the determination as to whether a Proposed or Approved Project replaces a schoolhouse that was sold, leased or otherwise removed from service and whether the need for the Proposed Project could not have been reasonably anticipated at that time. Any such determination shall be made in writing by the Authority prior to the execution of this ICC.
16. The District hereby acknowledges and agrees that, if it sells, leases, or otherwise removes from service an Assisted Facility, or portion thereof, that the Authority may stop making grant payments associated with the Assisted Facility, may recapture the financial assistance that the Assisted Facility has received from the Authority or the Commonwealth, and may decline to approve any future grants for the District.
17. The District hereby acknowledges and agrees that, as part of a Feasibility Study where a new school option is among the options that may be studied, the District shall study potential sites for the Proposed Project and hereby acknowledges and agrees that it shall base its site selection for a Proposed or Approved Project on, among other things, cost and environmental factors, including an awareness of soil conditions and their probable effect on foundation and site development costs, transportation effects, dislocation of site occupants and relationship to other community facilities. The District further

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

acknowledges and agrees that if the Authority were to approve a project for the District, (a) the Authority will not pay for any costs associated with acquiring the site or remediating the site, and (b) the District shall comply with the Authority's specifications and requirements for the site, including, but not limited to, any applicable site cost regulations, policies, guidelines and standards, and any cap on site costs that the Authority may establish from time to time.

18. The District hereby acknowledges and agrees that throughout the planning and construction of an Approved Project, if such final approval is received from the Authority, the District shall follow procedures and practices satisfactory to the Authority such as will assure maximum attention to the operating and capital cost effects of program and design decisions, materials and systems selections.
19. The District hereby certifies that it is current on any payments that it may owe to the Authority and does not have any outstanding amounts past due to the Authority.
20. The District hereby certifies that it is unaware of any lawsuit filed in a court of law against the Authority to which the District is a party and further certifies that it is unaware of any other lawsuit filed in a court of law against either the Authority or the District in relation to the District's Statement of Interest, Proposed Project, or Approved Project.
21. The District hereby certifies that it has specifically read the provisions of 963 CMR 2:03 (2)(a)-(q) and certifies that it has met or will meet each of the requirements described therein and further acknowledges and agrees that the District's failure to comply with each requirement, as determined by the Authority, may be grounds for, among other things, denial of a Total Facilities Grant, rescission of a Total Facilities Grant already issued, or the suspension, termination, or recoupment of reimbursement payments made by the Authority to the District.
22. The District hereby certifies that it has a school specific Multi-Hazard Evacuation Plan for each school under the superintendent's supervision and is in compliance with Section 363 of Chapter 159 of the Acts of 2000.
23. The District hereby acknowledges and agrees that if the District and the Authority execute a Feasibility Study Agreement or Project Funding Agreement, the District shall promptly develop, implement and actively pursue a fraud, waste and abuse detection and prevention program in connection with any Proposed Project or Approved Project and develop written procedures to detect and prevent fraud, waste and abuse.

Massachusetts School Building Authority

Deborah B. Goldberg
Chairman, State Treasurer

James A. MacDonald
Chief Executive Officer

John K. McCarthy
Executive Director / Deputy CEO

24. The District hereby certifies that the Eligible Applicant or its designee who will be in charge of the procurement for the Proposed or Approved Project is, or will be prior to the procurement of any services for the Proposed Project, duly certified as a Massachusetts Certified Public Purchasing Official ("MCPPO") for design and construction contracting in the MCPPO Program administered by the Inspector General of the Commonwealth of Massachusetts.
25. The District hereby acknowledges and agrees that any Approved Project for the construction of a new facility, or for the addition to or renovation of an existing school facility, for which the District is seeking partial funding from the Authority shall have an anticipated useful life of fifty (50) years as a public school in the District as required by 963 CMR 2.03 (2)(b).
26. The District hereby certifies that it has read and understands the provisions of 963 CMR 2.19 and acknowledges and agrees that if the Authority determines that any false or intentionally misleading information or documentation has been provided to the Authority by or on behalf of the District, either in relation to this Initial Compliance Certification or in support of any effort to influence any action by the Authority, or if the District or its agents do any other act affecting the integrity of the Authority's Program, the Authority may suspend or revoke any and all grant payments approved for the District; may recover any previous payments made to the District; and may prohibit the District from receiving a Total Facilities Grant for a period of time to be determined by the Authority.
27. The District hereby acknowledges and agrees that the Authority shall have free access to, and open communication with, any Owner's Project Manager hired by and/or assigned to the Project by the District and that the Authority shall have full and complete access to all information and documentation relating to the Project to the same extent that the District has such access. The District agrees that it shall require any such Owner's Project Manager to fully cooperate with the Authority in all matters related to the Project; to promptly communicate, transmit, and/or make available for inspection and copying any and all information and documentation requested by the Authority; to fully, accurately and promptly complete all forms and writings requested by the Authority; and to give complete, accurate, and prompt responses to any and all questions, inquiries and requests for information posed by the Authority. The District agrees that it shall not in any way, directly or indirectly, limit, obstruct, censor, hinder or otherwise interfere with the free flow of communication and information between the Owner's Project Manager and the Authority in all matters related to the Project and as provided herein; that it shall not suffer the same to occur by the act or omission of any other person or entity; and that it shall not retaliate against the Owner's Project Manager for communicating information to the Authority as provided herein. The District agrees to execute, deliver and/or

Massachusetts School Building Authority

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communicate to the Owner's Project Manager any and all authorizations, approvals, waivers, agreements, directives, and actions that are necessary to fulfill its obligations under this paragraph. The District further agrees that the Authority shall bear no liability whatsoever arising out of the Authority's knowledge or receipt of information communicated to the Authority by the Owner's Project Manager and that the District shall remain responsible for the management and completion of the Project.

28. The District hereby acknowledges and agrees that, if the District wishes to utilize an existing District employee as its Owner's Project Manager pursuant to M.G.L. c. 149, § 44A½, the employee shall meet the minimum requirements established by law and any additional requirements that may be established by the Authority. The District further acknowledges and agrees that it shall complete the application form and certification developed by the Authority before the Authority will consider or approve the use of an existing District employee as an Owner's Project Manager.
29. The District acknowledges and agrees that it shall be solely responsible for the timely and effective communication and distribution of all public information about the Proposed Project to the local community including, but not limited to, elected and appointed officials, boards, committees, commissions, agencies, departments, voters, community and neighborhood organizations, advocacy groups, the media, and the general public. The District shall be solely responsible for the timely identification of, and outreach to, all individuals and entities that may have an interest in the Project or that may be affected by the Project and shall be solely responsible for responding to inquiries about local procedures, financing, budgets, site selection, educational programs, historic preservation issues, voter information, and other project-related information to which the District has access in a timely and effective manner. The District further acknowledges and agrees that the Authority shall not bear any responsibility for developing or maintaining community support for the Proposed Project which shall be the sole responsibility of the District.
30. The District acknowledges and agrees that it shall duly appropriate and authorize the full amount of the funding for a Feasibility Study within the timeframe prescribed by the Authority following the vote of the Authority's Board to invite the District into the Eligibility Period. The District shall not be eligible for an invitation into Feasibility Study unless and until local funding for the Feasibility Study has been secured.
31. The District acknowledges and agrees that it shall complete, to the Authority's satisfaction, all applicable Eligibility Period prerequisites established by the Authority before the Board of the Authority will invite the District to collaborate with the Authority on a Feasibility Study and the Authority will execute a Feasibility Study Agreement including, but not limited to, the submission of a School Building Committee



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membership form to the Authority for acceptance; enrollment information through the Authority's online Enrollment Projection tool; an Educational Profile Questionnaire; a summary of the District's existing maintenance practices; a duly executed Design Enrollment Certification for the Proposed Project; a certified copy of the vote authorizing the District to enter into and be bound by terms of the Feasibility Study Agreement, where applicable; certified copies of all local funding votes to authorize and appropriate funding for the Feasibility Study for the Proposed Project, all in the form and manner required by the Authority.

32. The District acknowledges and agrees that it shall complete, to the Authority's satisfaction, all prerequisites established by the Authority before the Board of the Authority will approve a Proposed Project and authorize the Authority to execute a Project Scope and Budget Agreement and/or Project Funding Agreement with the District, including, but not limited to, the submission of a detailed breakdown of total project budget; a detailed project scope description; a duly executed Reimbursement Rate Certification; a project schedule through completion; an estimated project cash flow through completion; project site information; a furnishings, fixtures, and equipment list; a certified copy of the vote authorizing the District to enter into and be bound by terms of Project Scope and Budget Agreement and/or Project Funding Agreement, where applicable; certified copies of all local funding votes to authorize and appropriate funding for the Proposed Project; no-action letters from Regional School District member communities, where applicable, all in the form and manner required by the Authority.
33. The District acknowledges and agrees that, a Project Scope and Budget Agreement for a Proposed Project, which arises out of the provisions of an executed Feasibility Study Agreement, will not be approved by the Authority's Board until, on, or after the specific date which shall be set forth in the Feasibility Study Agreement.
34. The District acknowledges and agrees that it shall duly execute a Reimbursement Rate Certification which shall be attached to the Project Scope and Budget Agreement ("PSBA") and Project Funding Agreement ("PFA") before either of them, if any, is executed by the Authority. The District further acknowledges and agrees that the Reimbursement Rate Certification attached to the PSBA and PFA, if any, includes any incentive reimbursement points that may be approved by the Authority's Board for an Approved Project and that such incentive reimbursement points are awarded provisionally and must be earned by the District in accordance with the Authority's requirements. In the event that a District fails to meet the Authority's requirements for earning incentive points that have been provisionally awarded by the Authority's Board, the District acknowledges and agrees that the Authority shall adjust the reimbursement rate and Total Facilities Grant accordingly.

Massachusetts School Building Authority

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35. The District specifically agrees to the provisions of M.G.L. c. 70B, § 9(a)
36. The District acknowledges and agrees that it shall be subject to the Authority's regulations, policies, procedures, standards and guidelines throughout the Proposed or Approved Project, as they may be amended from time to time.
37. The District certifies that it has exercised due diligence in ascertaining and certifying the truth, completeness, and accuracy of each of the statements, acknowledgements, certifications, agreements and representations contained in this Initial Compliance Certification
38. The District hereby acknowledges and agrees that the Authority reserves the right to modify and supplement the Initial Compliance Certification form at any time and may require the District to complete a revised Initial Compliance Certification.

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.

By:
Title: Chief Executive Officer
Date:

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.

By:
Title: Superintendent of Schools
Date:

By signing this Initial Compliance Certification, I hereby certify that I have read and understand the terms of this Initial Compliance Certification and further certify on behalf of the Eligible Applicant that each of the above statements is true, complete and accurate.

By:
Title: Chair of the School Committee
Date:

Feasibility Breakdown

	Angier	Zervas	Cabot	Countryside
Programming/Feasibility	\$ 485,000.00	\$ 647,000.00	\$ 660,000.00	\$ 780,000.00
Geo-Environmental	\$ 11,000.00	\$ 70,000.00	\$ 41,000.00	\$ 85,000.00
GeoTechnical	\$ 45,000.00	\$ 50,000.00	\$ 55,000.00	\$ 70,000.00
Archeological/Historic	\$ 12,000.00	\$ 3,000.00	\$ 14,000.00	\$ 17,000.00
Site Survey	\$ 25,000.00	\$ 40,000.00	\$ 30,000.00	\$ 50,000.00
Traffic Consultant	\$ 12,000.00	\$ 20,000.00	\$ 25,000.00	\$ 30,000.00
Schematic Design	\$ 160,000.00	\$ 170,000.00	\$ 175,000.00	\$ 210,000.00
Total	\$ 750,000.00	\$ 1,000,000.00	\$ 1,000,000.00	\$ 1,242,000.00

Escalation
More work in this area than Zervas plus escalation
Escalation and existing conditions
Same work as Cabot. Adjusted for escalation.
Same work as Zervas. Adjusted for escalation.
Same work as Cabot. Adjusted for escalation.
Escalation
Complexity plus Escalation

Please remove this field and print on City/Town/District Letterhead

DATE

Ms. Emma Parish, MSBA Project Coordinator
 Massachusetts School Building Authority
 40 Broad Street, Fifth Floor
 Boston, Massachusetts 02109

Dear Ms. Parish:

In accordance with 963 CMR 2.00, attached for your review and approval is the membership of the School Building Committee for the Countryside Elementary School located in the City of Newton. The Committee was formed in accordance with the provisions of all applicable statutes, local charters, by-laws and agreements of the City of Newton. Committee Members include the following:

(Please provide name, title, address and phone number of each member, and indicate who the Chair of the School Building Committee is. Also, please indicate whether the member has voting power. Some categories may have more than one name. All members must be included)

Designation	Name and Title	Address	Email Address and Phone Number	Voting Member ?
SBC member who is MCPPO certified*				
Local Chief Executive Officer				
Administrator or Manager**				
School Committee Member (minimum of one)				
Superintendent of Schools				
Local Official responsible for Building Maintenance				
Representative of Office authorized by law to construct school buildings				
School Principal				

Member knowledgeable in educational mission and function of facility				
Local budget official or member of local finance Committee				
Members of community with architecture, engineering and/or construction experience				
Other: Please provide brief background info/expertise				

Listed below is the past performance of the school building committee, the building committee (temporary or permanent), or any other committee responsible for oversight, management, or administration of the construction of public buildings and its individual members:

After approval of this committee by the Authority, the (City, Town or Regional School District) will notify the Authority in writing within 20 calendar days of any changes to the membership or the duties of said committee.

Sincerely,

Authorized Signature for the City, Town, or Regional School District

Approved by MSBA

Date

* Please attach the certification from the Office of the Inspector General demonstrating completion of the MCPPO Program.

** "Administrator or Manager" refers to a Town Administrator, Town Manager, or to an equivalent position.

Massachusetts School Building Authority

Eligibility Period System Access Form

This form is to be filled out once for each person who will need to complete or review information related to Enrollment or Maintenance and Capital Planning during the MSBA Eligibility Period. Users that will only need to review information should request Read Only Access. Users that will need to enter data should request Write Access. Please request access well in advance of any deadlines.

User Details

District Name _____

Name _____ Date _____

Title _____ Phone _____

Email Address _____

Address _____

City _____ Zip _____

Access Request

	Read Only Access	Write Access
Maintenance and Capital Planning Application	<input type="checkbox"/>	<input type="checkbox"/>
Enrollment Projection Application	<input type="checkbox"/>	<input type="checkbox"/>

District Authorization

I, _____, the Superintendent of Schools for the [Town/City/RSD] of _____ hereby authorize the above-named individual to access and use the MSBA online application(s) as requested above, with the level(s) of access indicated. I understand that, should the above-named individual be granted access to these application(s), he/she will be responsible for access to the application(s) on behalf of the [Town/City/RSD] of _____, using the login ID and password provided by the MSBA.

Signed: _____, Superintendent of Schools

Please fax the completed form or email a PDF of the completed form to Katie DeCristofaro at the MSBA. Facsimile: 617-720-5260 or 617-720-8460. Email: Kathryn.Decristofaro@MassSchoolBuildings.org.

MSBA Use Only

Approved by: _____ Date: _____

Completed by: _____ Date: _____

Attachment AARTICLE

To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of [*the School Building Committee*] for [*Insert description of feasibility study, including name of school, description of location, address*], for which feasibility study the Town may be eligible for a grant from the Massachusetts School Building Authority. The MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town incurs in connection with the feasibility study in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town.

MOTION/VOTE/ORDER

That the [*City/Town*] appropriate the amount of _____ (\$ _____) Dollars for the purpose of paying costs of [*Insert description of feasibility study, including name of school, description of location, address*], including the payment of all costs incidental or related thereto, and for which [*the City/Town*] may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of [*the School Building Committee*]. To meet this appropriation the [*Insert the appropriate local official or Board*], with the approval of the [*Selectmen / [Mayor/City Manager]*] is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, or pursuant to any other enabling authority. The [*City/Town*] acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the [*City/Town*] incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the [*City/Town*], [and further provided that the appropriation hereunder shall be subject to and contingent upon an affirmative vote of the Town to exempt the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by M.G.L. 59, Section 21C (Proposition 2½)], and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the [*City/Town*] and the MSBA.

Attachment B

BALLOT QUESTION

Shall the [City/Town] of _____ be allowed to exempt from the provisions of Proposition two-and-one-half, so called, the amounts required to pay for the bonds issued in order to [*Insert description of the feasibility study*]?

Countryside Feasibility Funding

Feasibility Breakdown
MSBA Required Categories

	Angier	Zervas	Cabot	Countryside
OPM	\$ 125,000.00	\$ 150,000.00	225,000.00	\$ 280,000.00
Designer	\$ 425,000.00	\$ 400,000.00	525,000.00	\$ 655,000.00
Site/Environmental	\$ 125,000.00	\$ 250,000.00	200,000.00	\$ 250,000.00
Other	\$ 75,000.00	\$ 200,000.00	50,000.00	\$ 65,000.00
	\$ 750,000.00	\$ 1,000,000.00	1,000,000.00	\$ 1,250,000.00



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

245-21

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
rfuller@newtonma.gov

June 7, 2021

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$10,025 from Acct # 0110320-511001 Mayor's Office, Full Time Salaries to fund year-end housekeeping adjustments.

<u>Description</u>	<u>Account #</u>	<u>Amount</u>
Interest Long Term Debt - Crafts Street Garage	0110772-582C30	\$ 900
Information Technology – Full Time Salaries	0111153-511001	\$ 125
Senior Services – Full Time Salaries	0150209-511001	\$ 5,000
Historic Newton – Part Time Salaries	0160370-511101	\$ 4,000

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

RECEIVED
 2021 JUN -7 PM 1:52
 CITY CLERK
 NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Rebecca Walker Grossman, to transfer the sum of ten thousand and twenty-five dollars (\$10,025) to the following accounts to fund year-end housekeeping adjustments be and is hereby approved as follows:

FROM:	Mayor’s Office, Full Time Salaries (0110320-511001).....	\$10,025
TO:	Interest Long Term Debt-Crafts Street Garage (0110772-582C30)	\$900
	Information Technology- Full Time Salaries (0111153-511001).....	\$125
	Senior Service-Full Time Salaries (0150209-511001).....	\$5,000
	Historic Newton-Part Time Salaries (0160370-511101).....	\$4,000

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) NADIA H KHAN

Acting City Clerk

(SGD) RUTHANNE FULLER

Mayor