



## Public Facilities Committee Report

### City of Newton In City Council

**Wednesday, June 9, 2021**

Present: Councilors Leary (Chair), Laredo, Kelley, Danberg, Norton, Kalis, Gentile and Crossley

Also Present: Councilors Krintzman, Albright, Ryan, Humphrey and Wright

City Staff Present: Chief Operating Officer Jonathan Yeo, Chief of Staff for the Department of Public Works Shawna Sullivan, City Engineer Lou Taverna, Commissioner of Public Buildings Josh Morse, Deputy Director of Public Buildings Alex Valcarce and Assistant Superintendent to the Newton Public Schools Liam Hurley

**#191-21      Eversource petition for Grant of Location in Morton Road**

EVERSOURCE ENERGY petitioning for a grant of location to install 39'± of conduit in a southwesterly direction from the existing manhole (MH28603) located 156'± south of Royce Road to the property line at 34 Morton Road. (Ward 2).

**Action:**      Public Facilities Approved 7-0 (Councilor Norton not voting)

**Note:**      Phyllis Galloway, Eversource representative, presented the request to install 39'± of conduit in a southwesterly direction from the existing manhole (MH28603) located 156'± south of Royce Road to the property line at #34 Morton Road. This work is necessary to provide electric services to #34 Morton Road, which is a new home.

The public hearing was opened and with no member of the public wishing to speak the public hearing was closed.

Councilor Danberg motioned to approve which passed 7-0 with Councilor Norton not voting.

**#232-21      Eversource Energy petition for a Grant of Location on Newtonville Avenue**

EVERSOURCE ENERGY petitioning for a grant of location to relocate and install a hip and anchor guy for JO Pole #24/31 in a westerly direction from its current location (17'±) in front of 255-257 Newtonville Avenue; and to install a second hip and anchor guy for JO Pole 59/1 in a northerly direction (10'±) from its current location at the intersection of East Side Parkway and Newtonville Avenue (Ward 2).

**Action:**      Public Facilities Approved Subject to Second Call 7-0 (Councilor Norton not voting)

**Note:**      Phyllis Galloway, Eversource representative, presented the request location to relocate and install a hip and anchor guy for JO Pole #24/31 in a westerly direction from its current

location (17'+) in front of 255-257 Newtonville Avenue; and to install a second hip and anchor guy for JO Pole 59/1 in a northerly direction (10'+) from its current location at the intersection of East Side Parkway and Newtonville Avenue. It was noted that the current location of JO Pole #24/31 is in the middle of a driveway.

Councilors asked the following questions:

Q: What is causing the requirement for a hip and anchor guy to be installed?

A: Ms. Galloway explained that the polls are currently leaning and with the equipment on it this is needed for safety reasons. She noted that she can bring this question back to the engineer's at Eversource to further explain the reasoning for the hip and anchor guy.

Q: The pole seems to be overloaded and it was questioned if the equipment could be moved else where or undergrounded?

A: Ms. Galloway noted that she will also bring this question back to the engineer's at Eversource.

The Committee discussed approving this item subject to second call, so that Eversource can answer councilor's questions before the full City Council meeting.

The public hearing was opened and with no member of the public wishing to speak the public hearing was closed.

Councilor Laredo motioned to approve subject to second call which passed 7-0 with Councilor Norton not voting.

After the conclusion of the meeting, Eversource provided the attached responses to Councilor's questions.

**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.

**Action:** **Public Facilities Approved 8-0**

**Note:** Shawna Sullivan, Chief of Staff for the Department of Public Works presented the request to appropriate and expend \$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. Ms. Sullivan noted that this will allow the department to close out their FY21 budget and balance it.

Councilor Crossley motioned to approve which passed unanimously.

**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.

**Action:** **Public Facilities Approved 8-0**

**Note:** Shawna Sullivan, Chief of Staff for the Department of Public Works presented the request to appropriate and expend \$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. Ms. Sullivan noted that this will allow the department to close out their FY21 budget and balance it.

Councilor Danberg motioned to approve which passed unanimously.

**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.

**Action:** **Public Facilities Approved 8-0**

**Note:** Shawna Sullivan, Chief of Staff for the Department of Public Works presented the request to transfer \$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. Ms. Sullivan noted that this will allow the department to show their actual expenditures for each account and close out the contracts for the year for snow & ice.

Councilor Danberg motioned to approve which passed unanimously.

**Chair's Note:** *The Committee met jointly with the Programs & Services Committee to discuss the following item.*

**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 on 06/09/2021**

**Action:**     **Public Facilities Approved 8-0**

**Note:**       Josh Morse, Commissioner of Public Buildings presented the request to move forward with the Feasibility Phase of the Countryside Elementary School project 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).

Commissioner Morse explained that this is a prerequisite for the eligibility period for the MSBA. He noted that the attached documents show form information that is nonnegotiable from the MSBA and the City does need to take this vote to move forward with the Countryside project. The next step is to go before the MSBA board and be invited into the feasibility period. The MSBA requires the legislative branch in cities and towns to acknowledge this step because in some cities after the council or select board votes on the Statement of Interest the project may not be seen again until they are asked to authorize construction funds.

Commissioner Morse explained the attached financial breakdown of the various categories that make-up feasibility. These are the same categories that were used for Angier, Zervas and Cabot.

He noted that they have started to form their building committee which includes community, school, school committee and City Council representatives. Commissioner Morse explained that they already know that the entire parcel is deeded school land but the goal is to maintain as much open space as there is now. The Countryside School also abuts the brook and the wetlands, which means conservation will be a large portion of this project. The plan is to use this program as a guide to address stormwater with nontraditional means.

Councilors asked the following questions:

Q: What will be the reimbursement rate from the state and will this rate be the same for feasibility and construction?

A: Commissioner Morse explained the reimbursement rate is usually a little less than 40% and it is consistent throughout the project. He noted that for feasibility that rate is applied to the full \$1,250,000. The rate will be the same for construction but there are costs that are excluded from reimbursement. Commissioner Morse also noted that he has never seen MSBA change the rate once they have assured the City on what the rate will be. He explained that to his knowledge there have been no issues in other communities with the rates of reimbursement from the MSBA.

Q: Is there confidence that the building will remain on the existing Countryside site?

A: Commissioner Morse explained that this will be a part of the feasibility study. He did note that for any new construction project there is a site evaluation and a site search which is recommended through the MSBA process.

Q: If the project is going to stay on the existing site, will there be a need to acquire any additional land?

A: Commissioner Morse explained that there should not be a need to acquire anymore land. He noted that the school is surrounded by the brook, wetlands and public streets.

Q: Is it decided during the feasibility study if this project will include an addition or new construction?

A: Commissioner Morse explained that this decision will be made during the feasibility study.

Q: Is there an idea on what the capacity will be for the school?

A: Commissioner Morse explained that this will be determined in feasibility. The Newton Public Schools do need to develop their educational program during the feasibility phase. This is submitted to the MSBA who will then review the document and send their feedback. The educational program will help with learning what the needs are for the Countryside community.

Councilors made the following comments:

If the existing site is being used, there should be conversations about finding a drier area to rebuild the school during the feasibility study. It was noted that currently the sub-basement of the building can be covered in water.

Councilors thanks Commissioner Morse and his team for their work on this project.

Councilor Albright motioned to approve in Programs & Services which passed unanimously.

Councilor Kelley motioned to approve in Public Facilities which passed unanimously.

**#294-20**      **Discussion to require or encourage the use of efficient electric technology**  
COUNCILORS CROSSLEY, KELLEY, LEARY, NORTON, ALBRIGHT, GREENBERG, AUCHINCLOSS, MARKIEWICZ, NOEL, DANBERG, KALIS, DOWNS, LAREDO & HUMPHREY requesting a discussion with the Sustainability Team to consider creating an ordinance that may require and/or encourage the use of efficient electric technology for heating, cooling, hot water, cooking and other appliances in new and substantially renovated

**Action:**      **Public Facilities Held 7-0 (Councilor Norton not voting); Public Hearing Assigned for 06/23/2021**

**Note:**      The Chair noted that this discussion is relative to having a public hearing for item #294-20 on June 23, 2021. Ann Berwick, Co-Director of Sustainability joined the committee for this discussion.

The attached draft Home Rule Petition and draft ordinance were submitted to the Committee after the 48-hour window. The Committee voted to accept these documents which passed unanimously.

It was noted that building professionals will be notified of this public hearing to be able to weigh in on the item. The intention is to further discuss the draft Home-Rule petition and draft ordinance after the public is given the time to discuss this with the Committee.

It is important to make as many people aware of the public hearing as possible because this is a significant potential ordinance, which may cause the need for a second public hearing. There are also certain areas of the draft ordinance that still need to be filled in which should be discussed within the Committee after the public hearing.

It was noted that the Committee will only be voting to submit the draft Home Rule petition to the State and not the actual ordinance itself. Once the State reviews the documents and tells the City they are able to move forward with the ordinance that is when the Council will vote on the ordinance at which point there may be more public hearings.

Ms. Berwick noted that there are a number of communities that have already submitted Home-Rule Petitions and other communities are in the process of doing so. She explained Liora Silkes, Energy Coach has been working with a number of city departments to get contact information for builders, architects, lawyers and contractors that frequently do business in Newton. The information for the public hearing will be shared with these groups.

A councilor questioned if the plan was to only submit the Home-Rule Petition to the state or to submit both the Home-Rule petition and the draft ordinance at the same time?

The Chair noted that the plan would be to submit both documents at the same time. Ms. Berwick noted that the legislatures do prefer that the City submits both.

There was also a question if the Council is bound to the draft language once it is submitted to the state?

Ms. Berwick explained that they need to write the Home-Rule petition in a way that allows for flexibility.

It was noted that the Committee should try to be as broad as possible with the documents that are submitted to the state to allow for flexibility.

Councilor Gentile motioned to approve the public hearing date of June 23, 2021 which passed unanimously.

Councilor Crossley motioned to hold item #294-20 which passed unanimously.

**Respectfully Submitted,**

**Alison M. Leary, Chair**

1. **Why couldn't we provide underground electric service to customer?** – Eversource is providing the customer an underground service. We are providing a primary UG feed off of P.24/30 to a new pad location. Pole 24/31 is being relocated due to a customer request.
2. **Are poles 24/31 (Newtonville Ave) and 59/1 (East Side Parkway) overloaded?** – The poles as they stand today are not overloaded. The customer is requesting to relocate P.24/30 as it interferes with a new driveway. The pole relocation will cause a new angle at Pole 59/1 that will need guying support. The new location of P.24/31 will need guying support for the overhead wires down East Side Parkway.
3. **Can equipment be transferred from existing poles to another pole to eliminate install of guys?** – No. The need for guying is solely being created by the customer request to relocate P.24/31. Current equipment is not creating any issues. The current work also does not call for the addition of any equipment on these poles other than the guying.
4. **Why do the poles require hip and anchor guys?** – As stated above, due to the pole relocation, P.59/1 will change from a tangent pole that did not require guying to an angle pole that will require guying support. For pole 24/31, any time we have a dead end, we need to have a guy wire to off-set the dead end tension. Currently, there is no guy wire on this pole and the pole can be seen as leaning towards the street. If we are to relocate this pole, Eversource should build the pole according to our current standards.



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

237-21

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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

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# 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

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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

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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

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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

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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.

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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

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*Executive Director / Deputy CEO*

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



# Massachusetts School Building Authority

**Deborah B. Goldberg**  
*Chairman, State Treasurer*

**James A. MacDonald**  
*Chief Executive Officer*

**John K. McCarthy**  
*Executive Director / Deputy CEO*

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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*Executive Director / Deputy CEO*

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

Draft Proposed Home Rule Petition for Discussion

Date: June \_\_, 2021

CHAPTER \_\_\_\_\_ AN ACT RELATIVE TO THE ELECTRIFICATION OF NEW AND SUBSTANTIALLY REMODELED OR REHABILITATED BUILDINGS IN THE CITY OF NEWTON

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

**SECTION 1.** Notwithstanding the State Building Code; the Gas Code; M.G.L c. 142, sec. 13; M.G.L. c. 164, and any other general or special law to the contrary, the City of Newton may by ordinance require new and substantially remodeled or rehabilitated buildings to use electricity instead of fossil fuels for heating and cooling systems and hot water appliances.

**SECTION 2.** As used in this chapter, the following words shall have the following meaning unless the context clearly indicates a different meaning:

“Substantially remodeled or rehabilitated” means a renovation that affects 50% or more of the building floor area.

**SECTION 3.** An ordinance adopted under this Act may require new and substantially remodeled or rehabilitated buildings to use electricity instead of fossil fuels for heating and cooling systems and hot water appliances.

**SECTION 4.** The City of Newton may require that building permit applications for new and substantially remodeled or rehabilitated buildings identify the heating and cooling systems and hot water appliances that will be used in the building.

**SECTION 5.** The City of Newton may withhold the issuance of a building permit for a new or substantially remodeled or rehabilitated building that does not use electricity instead of fossil fuels for heating and cooling systems and hot water appliances.

**SECTION 6.** An ordinance adopted under this Act may provide for exemptions from and waivers of the requirement set forth in Section 3 herein.

**SECTION 6.** This act shall take effect upon its passage.

## **Draft Newton Electrification Ordinance**

### **Purpose**

The City of Newton adopts this Ordinance to require new and substantially remodeled or rehabilitated buildings to use electricity instead of fossil fuels for heating and cooling systems and hot water appliances. The Ordinance will protect the health and welfare of the City's inhabitants and the environment by reducing greenhouse gases, which cause climate change, and by reducing other air pollutants since electricity can be created by solar, wind and other fossil-free sources.

### **Definitions**

"Substantially Remodeled or Rehabilitated" means a renovation that affects 50% or more of the building floor area.

### **Applicability of Electrification Requirements**

Any building project that requires a building permit involving the construction of a new building or a Substantially Remodeled or Rehabilitated Building located or to be located in whole or in part within the City of Newton shall include the installation of heating and cooling systems and hot water appliances that are powered by electricity instead of fossil fuels.

### **Exceptions**

The requirements under this Ordinance do not apply to any of the following:

- A. Indoor and outdoor cooking appliances.
- B. Outdoor heating appliances.
- C. Emergency generators.
- D. Appliances to produce potable or domestic hot water from centralized hot water systems in commercial buildings with a Gross Floor Area of at least 10,000 square feet, provided that the architect, engineer, or general

contractor on the project certifies by affidavit that no commercially available electric hot water heater exists that could meet the required hot water demand for less than 150% of installation costs, compared to a conventional fossil fuel hot water system.

### **Application Requirements**

When applying for a building permit for a new or Substantially Remodeled or Rehabilitated Building, the applicant must submit documents with the application that identify the heating and cooling systems and hot water appliances that will be installed and used in the building. The submitted documents must include, at a minimum, XXX.

### **Compliance**

The Commissioner of Inspectional Services shall not issue any building permit for the construction of a new or Substantially Remodeled or Rehabilitated Building unless the applicant submits the documentation set forth in Section XXX, Application Requirements. The Commissioner of Inspectional Services shall not issue a certificate of occupancy for any building subject to this article prior to inspection and confirmation that the heating and cooling systems and hot water appliances installed in the building comply with the applicant's documents submitted pursuant to Section XXX, Application Requirements.

### **Waivers**

A. The Commissioner of Inspectional Services may grant a waiver from the provisions of this Ordinance in the event that compliance makes a project financially infeasible or impractical to implement. Compliance with this Chapter may be considered infeasible or impractical to implement if, without limitation, as a result of factors beyond the control of the proponent, the additional cost of the project over the long term, including any available subsidies, would make the project economically unviable.

A. Waiver requests shall be supported by a detailed cost comparison, including available rebates and credits.

- B. Waivers may be subject to reasonable conditions. Where possible, waivers shall be issued for specific portions of a project that are unviable or unsuitable to implement, rather than for entire projects.
- C. The Commissioner of Inspectional Services shall issue guidance on the granting of waivers and the imposition of conditions.

**Effective Date**

The requirements of this Article XXX shall not apply to any building permit, special permit or comprehensive permit issued prior to the effective date of XXX, 2021 [*insert date amendment approved by City Council and signed by Mayor*].

DRAFT