



# Finance Committee Report

## City of Newton In City Council

**Tuesday, June 15, 2021**

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

Absent: Councilor Noel

Also Present: Councilor Albright

Public Safety & Transportation committee members present: Councilors Markiewicz (Vice-Chair), Bowman, Oliver, Lucas, Grossman, Lipof and Malakie

City staff present: Chief Financial Officer Maureen Lemieux, Comptroller Sue Dzikowski, Fire Chief Gino Lucchetti, Chief of Police John Carmichael, Executive Officer Lieutenant George McMains, Commissioner of Public Buildings Josh Morse and Seasonal Clerk for Public Buildings Art Cabral

**Chair's Note:** *The Committee met 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.

**Public Safety & Transportation Approved 7-0 on 06/15/2021**

**Action:**

**Finance Approved 7-0**

**Note:** Gino Lucchetti, Fire Chief presented the request to appropriate and expend \$1,200,000 from June 30, 2020 Certified Free Cash to Acct #0121022-513010 Fire/Rescue Regular Overtime. Chief Lucchetti explained that overtime has increased due to the minimum staffing requirements, the pandemic, and injuries. He noted that there also have been a number of retirements and the academy had been shut down during the pandemic. The academy has reopened which will help with getting recruits into the field.

Maureen Lemieux, Chief Financial Officer provided the attached memo. She explained the real cost driver in the Fire Department's budget was the injured on duty pay. It is anticipated that by the end of the month the department will spend close to \$700,000 on injured on duty pay. A portion of those funds were also spent on illness. Ms. Lemieux explained that the City had not received their CARES funding when docketing this item. Since then, the CARES funding has been received, but Ms. Lemieux explained that she is not asking to amend the source of funds tonight. They will be able to transfer bill approximately \$200,000 out of this account to the CARES funding.

Councilors asked the following questions:

Q: What is the driving force behind the increase in injured on duty pay?

A: Ms. Lemieux first noted that Covid was not a part of the injured on duty. She explained that all of the extra spending due to Covid is in the overtime line item. The attached memo states that injured on duty pay for FY19 was \$246,000, for FY20 was \$344,000 and for FY21 is estimated to be at \$700,000. The key difference this year was that 5 to 7 firefighters have long-term illnesses, and due to the change in the state law those firefighters are paid out of this account. It is also necessary to backfill these positions to meet the minimum staffing requirements. When there is a vacancy, those funds are moved to the overtime account. Ms. Lemieux also noted that the firefighters on 111F are being paid along with the firefighter backfilling the position.

Q: Is the expectation for the costs to decrease next year?

A: Ms. Lemieux explained that they do not know yet if this expense will decrease next year. She noted that it will take a few years for this law to be in place before they have a better sense of what the cost will be each year.

Q: What was the total amount spent for overtime in the Fire Department for this fiscal year?

A: Ms. Lemieux explained that at this point the department has spent approximately \$2 million on overtime.

Q: Is there a plan to reduce overtime costs?

A: Chief Lucchetti explained that the last four vacancies in the department will be filled with recruits that are currently in the academy, which will help with overtime costs. He also explained that they are expecting approximately 7 new vacancies between now and January 1, but interviews have begun to keep the hiring process going. There have also been conversations between the union and the administration about the mandatory staffing requirements.

Q: Will this affect FY22 overtime?

A: Ms. Lemieux explained that these funds will not affect the FY22 budget at all. She explained that she did estimate high because there are still a few weeks in the fiscal year and there will not be the opportunity to appropriate any additional Free Cash after next Monday evening. The City never carries over any money that is left over in the salary account. Instead, the extra funds will drop to next year's free cash account.

Q: Will a budget line be added for injured on duty pay if it continues to be a substantial amount?

A: Ms. Lemieux explained that this is possible for next year's budget.

Q: What is the department doing to avoid hazardous materials that could cause a firefighter to get sick?

A: Chief Lucchetti explained that they separate the materials into zones away from living areas. They are also sealing up any air leaks that could go from the apparatus floor to the living areas and adding additional ventilation along with a number of other preventative measures. Ms. Lemieux explained that the City has also agreed to cancer screenings for firefighters.

Councilor Malakie motioned to approve in Public Safety & Transportation which passed unanimously.

Councilor Kalis motioned to approve in Finance which passed unanimously.

### **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.

**Public Safety & Transportation Approved 7-0 on 06/15/2021**

**Action:      Finance Approved 7-0**

**Note:**      John Carmichael, Chief of Police presented the request to appropriate and expend \$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. Chief Carmichael explained that over the past year retirements have included a Chief, three Captains, a Sergeant and an officer. When these officers retire the City does pay them for their accrued unused time.

Maureen Lemieux, Chief Financial Officer explained that those retirements ended up costing the City \$300,000. The City does not typically have a Chief and three Captains retire in the same year.

#### **Councilors asked the following question:**

Q: How many full-time police officers are on staff currently?

A: Chief Carmichael explained there are currently at 142 officers and this is including the five officers that just graduated from the police academy. Ms. Lemieux explained that they budget for 149 sworn police officers. That number includes the three most senior positions in the department.

Councilor Bowman motioned to approve in Public Safety & Transportation which passed unanimously.

Councilor Norton motioned to approve in Finance which passed unanimously.

**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 on 06/09/2021**  
**Action:** **Finance Approved 7-0**

**Note:** Maureen Lemieux, Chief Financial Officer 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. Lemieux explained that this is a year-end housekeeping measure. In the Council Order for the budget, the Council does authorize the Comptroller's Office to do any transferring for insurance amounts within the general fund. The Comptroller's Office cannot transfer the funds for water, sewer or stormwater because these are enterprise funds that need to stand on their own.

Councilor Malakie 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.  
**Public Facilities Approved 8-0 on 06/09/2021**  
**Action:** **Finance Approved 7-0**

**Note:** Maureen Lemieux, Chief Financial Officer 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. Lemieux noted that the explanation for this request is the same as for item #242-21.

Councilor Kalis 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.  
**Public Facilities Approved 8-0 on 06/09/2021**  
**Action:** **Finance Approved 7-0**

**Note:** Maureen Lemieux, Chief Financial Officer presented the request to transfer \$350,000 from the Snow and Ice Control Regular Overtime Account #0140123-513010 to Snow & Ice Rental Vehicles/Contractors to rebalance the Snow and Ice Control Expenditure account. Ms. Lemieux explained that this is another housekeeping item that happens every year to be able to balance the snow accounts. She explained that over the course of the year, after they have used all of the money budgeted for the removal of snow and ice, they come to the City Council to approve the transfer from Free Cash if there are additional costs. At the end of the fiscal year the City needs to balance the amount of money in each account for snow and ice removal.

Councilor Norton motioned to approve which passed unanimously.

**#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.

**Action:** Finance Approved 7-0

**Note:** Jen Pucci, Assistant City Solicitor presented the request to appropriate and expend \$70,000 for the full and final settlement of a claim from 2019 against the City for reimbursement of damage related to a water pipe leak in West Newton Square. Atty. Pucci explained that this was due to a break in a water service line that went into the basement of West Newton Dental. DPW replaced the water service line to this property when redoing the sidewalks in August 2019. Atty. Pucci explained that four days after it was installed, the service line blew and flooded the basement. Weston Newton Dental settled with the insurance company but the insurance company filed a claim against the City. The claim was for \$212,000, but the parties have come to an agreement of \$70,000 for the settlement. It is the recommendation of the Law Department that this is a reasonable amount for this claim.

Councilors asked the following question:

Q: Will there be any changes made to how water service lines are installed?

A: Atty. Pucci explained that she did not have the answer for this. She did speak to a number of employees in DPW who noted that this was a difficult and unusual installation.

Councilor Kalis motioned to approve which passed unanimously.

**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**

**Public Facilities Approved 8-0 on 06/09/2021**

**Action: Finance Approved 7-0**

**Note:** Josh Morse, Commissioner of Public Buildings and Liam Hurley, Assistant Superintendent presented the request 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).

Commissioner Morse explained that they have been recently invited into the MSBA core program for the Countryside Elementary School. The breakdown of the cost is shown attached. The reimbursement rate will be approximately 39% of eligible expenses. He noted that many questions will be answered during the feasibility phase. The eligibility period did start 2 weeks ago and the department has completed a tremendous amount of work to get the materials ready to move into the next period with the MSBA.

He noted that they have started to form their building committee which includes community, school, school committee and City Council representatives.

Maureen Lemieux, Chief Financial Officer noted that the City has received approximately \$25 million from the MSBA for previous school projects. She also noted that the reimbursement rate as a percentage of overall project cost will be approximately 30%.

Councilor Kalis motioned to approve which passed unanimously.

**#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

**Action: Finance Approved 7-0**

**Note:** Maureen Lemieux, Chief Financial Officer presented the request to transfer \$10,025 to the above accounts to fund year-end housekeeping adjustments. Ms. Lemieux explained that these are four accounts where there are small variances that need to be corrected. There was extra money in the Executive line item for salaries this year which is where these funds will be transferred from, as shown in the attached draft council order.

Councilor Kalis motioned to approve which passed unanimously.

The Committee adjourned at 8:51 p.m.

**Respectfully submitted,**

**Rebecca Walker Grossman, Chair**



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Office of the Mayor

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RUTHANNE FULLER  
MAYOR

To: Councilor Rebecca Walker Grossman, Chair Finance Committee  
  
Cc: Mayor Ruthanne Fuller  
Jonathan Yeo, C.O.O.  
All City Council Members  
Nadia Khan, Acting Clerk of the Council  
Susan Djikowski, Comptroller  
  
From: Maureen Lemieux, C.F.O.  
  
Date: June 13, 2021  
  
Subject: Docket Items # 235-21 and # 241-21

Please accept this communication as information/backup for the above-mentioned docket items.

**Docket Item # 235-21** – *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.*

This year’s request to supplement the Fire Department’s Overtime account is significant and is primarily driven by two key categories: “Injured On-Duty Pay”, and COVID-19 related overtime.

When this docket item was prepared, we had not yet received the \$4.3 million CARES reimbursement that we had applied for in January. We have since received those funds, and will be able to “transfer bill” approximately \$200,000 of fire overtime costs to our CARES reimbursement.

In addition to COVID costs, the City has experienced a higher need for “Injured On-Duty Pay” this year. As a result, I am providing the following comparison of the past three years.

<u>Fiscal Year</u>	<u>Total IOD Pay</u>	<u># Individuals</u>
2019	\$246 K	15
2020	\$344 K	22
2021	\$700 K (est)	30



In 2018, the Governor signed legislation that amended state law expanding “Injured On-Duty Pay” for firefighters. Chapter 148 of the Acts of 2018 amended Chapter 32, Section 94B, and Chapter 41, Section 111F, by extending the presumption that cancer “arose in the line of duty” to firefighters who take leave for cancer diagnoses. The law mandates leave without loss of pay for the period of incapacity until the employee retires or is cleared of the condition by a physician.

Currently, there are 11 firefighters on 111F. As many as six or seven may have long term illnesses. First and foremost, with changes in product materials and ever-increasing exposure to carcinogens, the health and safety of our firefighters is of the utmost importance. From a financial perspective, we will watch this account closely, and will determine over the course of the next year whether we need to adjust how we budget for this expenditure.

**Docket Item # 241-21** – *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.*

When individuals retire, there are several pay categories where the City may “owe” an employee a “payout” for that fiscal year. These categories include unused vacation days, unused personal days, unused comp days (days for which employees worked but did not receive overtime pay), education stipend (Quinn Bill), and any other monies which the employee is owed.

This year, the Police Department has experienced the retirement of several members of senior staff. Specifically, the former chief, three captains, one sergeant, and one police officer. The total amount owed to these individuals was just under \$300,000. This anomaly is the cost driver for this request.

I will be at the joint committee meeting on Tuesday evening, and will be happy to answer any questions members of the Council have on either docket item.

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Public Safety & Transportation Committee through its Chair Andreae 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: \_\_\_\_\_

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Public Safety & Transportation Committee through its Chair Andreae 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

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: \_\_\_\_\_

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

237-21

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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 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

CITY CLERK  
NEWTON, MA. 02459

2021 JUN - 1 PM 4:47

RECEIVED

# 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

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**James A. MacDonald**  
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*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.

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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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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

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