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To: Alderman Scott Lennon, President, Board of Aldermen
Members of the Honorable Board of Aldermen

From: Maureen Lemieux, Chief Financial Officer *ML*

Subject: Residential Outdoor Water Meters

Date: December 12, 2014

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As you know, the members of the Public Facilities Committee, as well as the members of the Finance Committee have recommended final passage of Docket Item #456-14 *HIS HONOR THE MAYOR recommending amendments to Chapter 29, Article II. Water. and Sec. 29-80. Sewer of the City of Newton Ordinances to allow for second water meters for outside water use and to restructure the water rate fee structure.* In an effort to consolidate the tremendous amount of information that has been distributed in reference to this item, and to further assist members of the Honorable Board in their decision making process, I am providing the following information:

- 1) Summary of the recommendation of the Public Facilities and Finance Committees,
- 2) Final Draft language for Docket # 456-14,
- 3) Estimated Fee Impact Analysis for 2nd Meters for Residential customers only,
- 4) Estimated Fee Impact Analysis for 2nd Meters for all customers,
- 5) Estimated Fee Impact Analysis for 2nd Meters for Residential customers with a reduced fee for sewer costs,
- 6) Breakdown of MWRA Sewer Assessment charged to the City of Newton,
- 7) FY2015 Sewer Budget, and
- 8) Law Department Opinion on Conflict of Interest Vote will be provided on Monday, December 15, 2014

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

SUMMARY

Prior to 1988 the City of Newton allowed residents to purchase and install 2nd water meters for the purpose of measuring outdoor water usage for items such as lawn irrigation, gardening, pools, car washing, etc. in warm weather months. Those meters were assessed a charge for all water used, however, were not assessed a sewer fee as that water was not being discharged into the sewer system. In June of 1988 the City issued a moratorium on the installation of 2nd meters, but allowed those 360+ residents who had already installed 2nd meters to use those meters and not be assessed the sewer charge.

In January of 1991 the City reversed that allowance and chose to assess a sewer fee for all water usage, whether or not that water was being discharged into the sewer system. For the past 20+ years many residents have asked the City to revisit this decision.

With the installation of the new water meters and transmitting devices, the administration felt that the City was now in a position to once again have this conversation. Therefore, after many, many meetings, much analysis, and discussions with the members of the Public Facilities Committee, Mayor Warren introduced the attached legislation to allow residents to install 2nd water meters to measure outdoor water usage, and to restructure the water and sewer rate structure.

The proposal includes the creation of a "micro tier" for the first 10 HCF's (hundred cubic feet or 748 gallons) of usage per property per quarter for all properties throughout the City, and the establishment of an Irrigation Tier, designed to assess a premium for outdoor water usage, as it is considered to be discretionary and is not a necessity. In any scenario that is considered, the City must raise sufficient Water Revenue and Sewer Revenue to ensure that each Enterprise Fund generates the revenue necessary to cover not only the MWRA Assessment in each account, but to also cover the City's annual expenditures in each area. Consequently, any reduction in fees to one group must be "shifted" to another group.

After careful analysis, it is anticipated that as many as 3,000 to 4,000 residential customers will want to install these outdoor water meters. Their annual outdoor water consumption is expected to approximate 350,000 HCF's or 11% - 12% of the City's total water consumption. Alderman Baker raised a concern at the December 8, 2014 Finance Committee meeting regarding whether or not members of the Board of Aldermen could vote on an item that may impact them favorably if only a small portion of the City's population would also be impacted favorably. The Law Department is in the process of researching this question with the Ethics Commission and will have an opinion prior to the Board meeting on December 15, 2014.

ARTICLE II. WATER

Sec. 29-22. Master plan of city water system.

The city engineer shall keep a master plan of the entire water system of the city which shall be amended from time to time to show any additions to or changes in such system. (Rev. Ords. 1973, § 23.5, Ord. No. 190, 12-20-76)

Sec. 29-23. Duty of commissioner of public works to attach meters.

Except as provided in section 29-24 below, the commissioner of public works shall attach a meter to all services supplying other fixtures than faucets and also to services supplying only faucets where more than three (3) are used and the commissioner of public works shall also furnish meters to all water takers who desire to use them regardless of the fixtures supplied. (Rev. Ords. 1973, § 23-4; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Sec. 29-24. Cost of, and responsibilities for, meters.

(a) All meters of two (2) inches or less hereafter set shall be furnished, maintained and renewed at the cost of the city; provided that any meter damaged as a result of the negligence of a water taker or damaged as a result of freezing, shall be repaired at the expense of the water taker.

(b) The initial and subsequent purchase and repair of all meters larger than two (2) inches and outdoor meters as defined in subsection (c) hereafter set shall be the responsibility and at the sole expense of the water taker. All such meters shall conform to the specifications of the commissioner of public works, and shall be installed under the supervision of the commissioner or his designee. Upon installation all such meters shall become subject to the sole control of the city and except as authorized by the commissioner of public works, no person shall thereafter remove, move or re-set such a meter. Upon installation the commissioner of public works shall oversee the maintenance and renewal of such meters; provided that any such meter damaged as a result of negligence of a water taker or damaged as a result of freezing, shall be repaired at the expense of the water taker. (Rev. Ords. 1973, § 23-7; Ord. No. 190, 12-20-76; Ord. No. T-42, 8-14-89)

(c) Outdoor meters are devices that may be installed at residential properties that contain no more than four dwelling units, to measure and register outdoor water consumption such as water used for lawn and garden irrigation and other outdoor uses. Effective July 1, 2015, sewer use charges under section 29-80 of this chapter shall not be made for water consumption registered by or attributable to outdoor meters.

(d) No person shall:

(1) use water supplied through an outdoor meter for any use except lawn and garden irrigation and other outdoor uses in which water is used in such a way as to not enter public sewers either directly or indirectly; or

(2) install or arrange plumbing in a manner which causes the water supplied through such a meter to be connected to any fixture which is connected, either directly or indirectly, to the public sewers.

Sec. 29-25. Failure to keep pipes in good order, protect meter.

The owner and the occupant of the premises in which water is used who fails to protect a meter from frost

or fails to keep the service pipes and fixtures in good order and neglects to repair them in three (3) days after they have become defective, or neglects to shut off the water to prevent waste, shall be liable to a forfeiture of two dollars (\$2.00). If such forfeiture is not paid within two (2) days after notice, the water shall be cut off and shall not be cut on until the waste is stopped and the forfeiture paid, together with two dollars (\$2.00) for shutting off and cutting on the water. In case of a second offense within one year the water shall be shut off and shall not be cut on until the payment of such forfeiture, not exceeding ten dollars (\$10.00), as the commissioner of public works shall impose. (Rev. Ords. 1973, § 23-8, Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Sec. 29-26. Inspection of water taker's premises.

All premises where water is taken may at any reasonable time be inspected by a properly authorized officer of the public works department. Full authority is given to the commissioner of public works to order such inspection whenever he shall deem it for the interests of the public works department. (Rev. Ords. 1973, § 23-9; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81)

Sec. 29-27. Service pipes generally.

(a) Service pipes are those water pipes which connect water mains to the water meter serving the premises. All service pipes shall be supplied and laid by the commissioner of public works at the expense of the applicant. Applications for such pipes shall be made upon blank forms furnished at the office of the commissioner of public works. No service pipes shall be furnished or laid until the applicant has deposited the cost of the same, as estimated by the commissioner of public works. When the pipes have been laid and connection made, any cost in excess of the estimated cost shall be paid before the water is turned on and any excess of the estimated cost over the actual cost shall be returned to the applicant.

(b) All service pipes within the street lines shall be maintained and kept in repair, including replacement where necessary, by the public works department.

(c) Unless permission otherwise shall have been granted by the commissioner of public works in accordance with section 29-27(d), all repairs, including replacements, of service pipes outside the street line shall be made by the commissioner of public works at the expense of the owner or occupant. No replacement service pipes shall be furnished or laid until the applicant has deposited the cost of same, as estimated by the commissioner of public works. When the replacement pipes have been laid and connection made, any excess of the estimated cost over the actual cost shall be returned to the applicant. Any cost in excess of the estimated cost of replacement and all other repairs of service pipes shall be promptly billed to the owner or occupant of the premises, and if not paid within thirty (30) days of written demand, the water shall be turned off and not turned on again, except as provided in section 29-33.

(d) Notwithstanding the provisions of subsection (c), when a contractor is engaged in street construction or reconstruction on behalf of the city, the commissioner of public works may grant a license to such contractor to replace existing service pipes outside of the street line for those buildings which are served by a main water pipe located in the street in construction. All such service pipe replacements shall be undertaken pursuant to voluntary private arrangements between the contractor and the owner or occupant of such buildings, and at the expense of the owner or occupant.

Applications for such licenses shall state the estimated cost of the work for each service pipe proposed to be replaced and shall be accompanied by signed statements from all owners or occupants of each of the premises for which a license is sought authorizing the contractor to apply for such license. Applications shall be accompanied by payment of a fee of one hundred dollars (\$100.00) for each street construction or reconstruction project in which the contractor is engaged.

The terms of such licenses shall require that the contractor will cause the excavations to be properly closed up as soon as is reasonably possible; that he will maintain adequate lighting and barriers conspicuously placed over the obstructions from sunset to sunrise; that he will use materials of a quality approved by the commissioner of public works; that he will perform all work in a thorough and workmanlike manner under inspection of the water superintendent; that he will guarantee the same and make good any defects in materials and workmanship and keep and maintain the trenches in repair for a one year period from the completion of the work; and that he will indemnify and hold harmless the city from any damages or cost to which it may be put by reason of damages incurred or injuries sustained by any person resulting from neglect or carelessness in replacing such service pipes, or in not properly fencing or lighting any excavation or obstruction, or in performing any work connected therewith.

Every contractor so licensed, before performing any work by virtue of such license, shall execute a bond to the city in the amount of the estimated total cost of service pipe replacements, and in no case less than five thousand dollars (\$5,000) with good and sufficient sureties licensed to do business in Massachusetts and as approved by the mayor, the condition of which shall be that the licensee shall comply with the terms of the license under which the work is performed and shall furnish the city with a certificate that insurance coverage in an amount satisfactory to the commissioner of public works has been obtained. The contractor shall agree to maintain such insurance until such time that the service pipe replacements have been completed. (Rev. Ords. 1973, § 23-10; Ord. No. 74, 6-2-75; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81; Ord. No. S-141, 10-21-85; Ord. No. V-289, 3-20-00; Ord. No. X-55, 6-16-03)

Sec. 29-28. Extensions of pipes—Notice of proposed extensions; plan.

The city engineer shall establish the lines and grades and locations for all proposed extensions of water mains, service pipes and their appurtenances and shall retain plans showing the same in the files of the engineering division of the department of public works. (Rev. Ords. 1973, § 23-11; Ord. No. 190, 12-20-76; Ord. No. R-174, 10-5-81; Ord. No. V-289, 3-20-00)

Sec. 29-29. Same—Main pipes.

(a) Extensions of main pipes shall only be made when authorized by the board of aldermen. Applications therefor shall be made upon the blanks furnished by the commissioner of public works, upon which shall be endorsed the estimate by the commissioner of public works of the probable cost of the extension desired.

(b) Before any application shall be acted upon, the applicant shall deposit that portion of the estimated probable cost of the extension that is allocable to the property of the applicant in accordance with the provisions of this section. When the extension is laid, any excess of that portion of the actual cost of the extension that is so allocable to the property of the applicant over the amount so deposited shall be paid by the applicant before the water is turned on and any excess of the amount so deposited over that portion of the actual cost of the extension that is so allocable to the property of the applicant shall be returned to the applicant. No property with respect to which the charge imposed by this section shall not have been paid shall be connected to such extension until such charge shall be paid by the owner thereof as though he were an original applicant for such extension. The cost of the extension shall include the cost of the pipes and other materials and of the labor employed in laying them, and other expenses incidental thereto, but shall in no case be greater than the cost of an eight-inch main, which cost and the allocation thereof shall be ascertained and certified by the commissioner of public works.

(c) The portion of the cost of a water main extension allocable to properties served thereby (which the applicant is to pay in accordance with paragraph (b)) shall be:

(1) In the case of property included in a subdivision approved by the planning board under the

provisions of the subdivision control law, the entire cost of such extension, including such extensions as may be necessary to bring the water to such subdivision; or

- (2) In the case of any other property, that portion of the entire cost of the extension which the frontage of such property upon the streets or ways in which the extension is laid is of the total frontage of all the properties on such streets or ways, except other streets or ways or parks and other public grounds not actually connected to such extension.

For the purposes of subparagraph (2) above the word "ways" shall include rights-of-way in private land; contiguous lots in common ownership shall be deemed to be a single property and frontages on streets or ways shall be measured only along that portion of such streets or ways in which the extension is laid, but the commissioner of public works or the board of aldermen shall have the right to require that an extension shall be laid along the entire frontage of any property to be served by it.

(d) The board of aldermen may by order modify the application of any of the preceding provisions of this section in any case in which it determines that a literal application of them would be inequitable or would result in a charge on any particular property greater than the benefit to such property resulting from the extension.

(e) Same - Main pipes.

Applications for extensions of mains through private ways or grounds shall in no case be granted unless the owner thereof executes a proper instrument securing to the city the right of permanent occupation, free from any acts of interference that would affect the safety of the pipe, and securing to the water department free right of entrance for the purposes of inspection and maintenance. For purposes of this paragraph, any owner or owners of real estate abutting on a private way who have by deed existing rights of ingress and egress upon such private way shall be deemed an owner of such private way.

(f) Nothing in this section shall be construed as affecting the right of the board of aldermen to authorize the extension of the water main without guaranty if, upon a vote taken by yeas and nays, two-thirds (2/3) of the members present and voting shall vote to do so. (Rev. Ords. 1973, § 23-12; Ord. No. 190, 12-20-76; Ord. No. S-142, 9-17-85; Ord. No. V-289, 3-20-00)

Sec. 29-30. Bills-City may be divided; how divisions to be billed.

The public works department shall issue bills for each water taker four times per year at intervals of three (3) months. Every alternate bill shall be based on a meter reading in accordance with the rate schedule set out at section 29-36. The commissioner of public works shall issue the remaining bills on the basis of an estimated meter reading and in accordance with such rate schedule, such that each water taker receives actual and estimated bills on an alternating basis. In issuing the estimated bills, the commissioner of public works shall use each water taker's previous meter readings as the basis for estimating the meter reading. (Rev. Ords. 1973, § 23-13; Ord. No. 190, 12-20-76; Ord. No. T-78, 3-5-90)

Sec. 29-31. Same—When due and payable.

All bills shall be due and payable to the city collector-treasurer thirty (30) days from their issuance, for water taken, or estimated by the commissioner of public works to have been taken, during the prior three (3) months; and for rendering service or furnishing materials in connection therewith. If in the opinion of the commissioner of public works circumstances so require, charges for water taken, services or materials may be billed at other times, and if so, bills shall be payable thirty days from their issuance. (Rev. Ords. 1973, § 23-14; Ord. No. 190, 12-20-76; Ord. No. S-164, 4-7-86; Ord. No. T-78, 3-5-90)

State law reference—Authority to establish due dates, G.L. c. 40, § 42A

Sec. 29-32. Same—Where bills and notices to be made out; procedure when made out.

All bills under this chapter and notices thereon properly numbered for identification, shall be made out in the office of the commissioner of public works. Such bills and notices, together with a warrant for their collection, shall be delivered to the comptroller of accounts for forwarding to the city collector-treasurer as soon as made out, and the city collector-treasurer shall thereupon send out the notices and retain the bills until paid. (Rev. Ords. 1973, § 23-15; Ord. No. 190, 12-20-76)

Sec. 29-33. Same—Nonpayment.

In every case of the nonpayment of bills for water, services or materials for thirty (30) days after the same are due, the city collector-treasurer shall cause a written demand to be left at the premises where the water is taken or mailed to the owner or occupant thereof, and unless the bill is paid within thirty (30) days thereafter, together with two dollars (\$2.00) for demand, the city collector-treasurer shall give written notice thereof to the commissioner of public works. Thereupon, the commissioner of public works may cut off the water supply unless such bill is due and unpaid from another and previous owner or occupant of such building or premises. The water shall not be turned on again until the amount due, together with such fee and two dollars (\$2.00) for turning off and on is paid. (Rev. Ords. 1973, § 23-14; Ord. No. 190, 12-20-76; Ord. No. R-54, 2-19-80; Ord. No. R-174, 10-5-81)

Sec. 29-34. Same—Interest when such becomes lien.

If a bill for water charges becomes a lien, it shall bear interest at the rate provided by law from the date it becomes due until it is committed as a part of a tax as provided in chapter 40, section 42D of the General Laws. (Rev. Ords. 1973, § 23-15; Ord. No. 190, 12-20-76)

Sec. 29-35. Liability of occupants, owners of tenements for water rent.

The tenant of any rental unit shall be liable for the payment of the bill for the use of water in such rental unit and the owner shall also be liable. (Rev. Ords. 1973, § 23-16; Ord. No. 190, 12-20-76)

Sec. 29-36. Rates, schedule.

(a) Water rates

- (1) Water takers shall pay a price or rate for water for each quarterly billing period in accordance with the following schedule: (*Effective July 1, 2015*)

XX dollars and XX cents (\$X.XX) per hundred cubic feet for consumption from 0 to 10 hundred cubic feet;

XX dollars and XX cents (\$X.XX) per hundred cubic feet for consumption from 11 to 25 hundred cubic feet;

XX dollars and XX cents (\$X.XX) per hundred cubic feet for consumption from 26 to 60 hundred cubic feet.

XX dollars and XX (\$X.XX) per hundred cubic feet for consumption above 60 hundred cubic feet.

For outdoor meters the rate shall be XX dollars (\$X.XX) per hundred cubic feet regardless of the amount of consumption.

(2) Multi-dwelling properties

- a) For purposes of this subsection, the term *Single Meter/Multi-Residence* shall have the following meaning: A building, buildings, or part of a building which i) is used for residential use only, ii) contains more than one dwelling unit, and iii) receives water delivered through a single service pipe and meter. The term dwelling unit shall have the meaning set out in the definition that appears in section 30-1.
 - b) For a Single Meter/Multi Residence property, the applicable price or rate shall be determined by dividing the consumption by the number of dwelling units within such property.
- (3) Where water is supplied by the city through a meter that is not in good working order, the commissioner shall use any reasonable, fair, and appropriate method to determine the quantity of water consumed and shall issue the bill on that basis.

(b) Discount program.

- (1) The rates shall be reduced by a discount of thirty percent (30%) for water supplied to dwellings owned and inhabited by any person who is certified by the board of assessors as qualifying under one or more of the tax exemption and deferral programs set out in General Laws chapter 59, section 5, clauses 17D, 18, 41A, and 41C, provided however that said discount shall not apply to water consumption registered on outdoor meters and shall apply only to:
 - a) those bills issued in the name of such person, and
 - b) those bills issued during the term of such certification by the board of assessors.

In the event that a person certified hereunder sells the dwelling to which water is supplied, such certification shall terminate as of the date of such sale. The board of assessors shall carry out determinations of eligibility for the water discount program based on qualification for the 41A tax deferral program.

- (2) Water users who own and inhabit dwellings and who were approved, on or prior to the effective date of this subsection, for one or more of such tax exemption and deferral programs shall be certified by the board of assessors as eligible for this water discount program as of the effective date of this subsection. Such certification shall continue until the date which is the statutory deadline for application for such tax exemption and deferral programs for the next successive tax year.
- (3) Water users who own and inhabit dwellings and who choose to apply for one or more of such tax exemption and deferral programs and who receive the approval of the board of assessors for such program(s) shall be certified by the board of assessors as eligible for this water discount program as of the date of such approval. Such certification shall continue until the date which is the statutory deadline for application for such tax exemption and deferral programs for the next successive tax year.
- (4) Water users who own and inhabit dwellings and who qualify under one or more of such tax exemption and deferral programs, but for whatever reason, choose not to apply for such program(s) may apply to the board of assessors for certification of eligibility for this water discount program.

The board of assessors shall provide forms for such applications and shall within thirty days (30) of receipt of any such application, determine whether such applicant is eligible. The effective date of certification shall be the date of approval by said board, and such certification shall continue for a period of up to one year; provided, however, that all such certifications shall terminate on June 30 of each year.

- (5) Whenever the board of assessors certify that a water user is eligible for this water discount program, said board shall forthwith so notify the water and sewer division. Upon receipt of such notice the water and sewer division shall take the steps necessary to so reduce the bills issued to such water user. (Rev. Ords. 1973, § 23-17; Ord. No. 632, 3-4-74; Ord. No. 75, 6-2-75; Ord. No. 190, 12-20-76; Ord. No. R-74, 7-14-80; Ord. No. R-174, 10-5-81; Ord. No. S-162, 4-7-86; Ord. No. S-162A, 11-16-87; Ord. No. T-27, 6-5-89; Ord. No. T-77, 3-5-90; Ord. No. T-78, 3-5-90; Ord. No. U-5, 4-26-94; Ord. No. V-124, 7-14-97; Ord. No. V-180, 6-15-98; Ord. No. V-123, 5-17-99; Ord. No. V-308, 6-19-00; Ord. No. W-47, 6-20-01; Ord. No. X-22, 7-8-02; Ord. No. X-56, 6-18-03; Ord. No. X-95, 06-21-04; Ord. No. X-98, 07-12-04; Ord. No. X-149, 05-02-05; Ord. No. X-220, 6-19-06; Ord. No. Y-22, 6-4-07; Ord. No. Z-29, 06-02-08; Ord. No. Z-49, 05-18-09; Ord. No. Z-56, 12-07-09; Ord. No. Z-59, 12-21-09; Ord. No. Z-64, 05-17-10; Ord. No. Z-88, 05-23-11; Ord. No. Z-110, 05-07-12; Ord. No. A-23, 05-20-13; Ord. No. A-39, 05-05-14)

Sec. 29-37. Charge to be figured independently for each meter; exception.

Except where the properties served are owned, occupied and operated by one owner and not sublet to various tenants, the rates for each meter shall be figured independently of all other meters. (Rev. Ords. 1973, § 23-21; Ord. No. 190, 12-20-76)

Sec. 29-38. Abatements and rebates of charges.

The commissioner of public works is authorized to make abatements and rebates of charges in all proper cases, subject to the right of the comptroller of accounts to disapprove the same on the ground that they are illegal, excessive or fraudulent. He shall certify to the comptroller of accounts the amounts of abatements and rebates for forwarding to the collector-treasurer. (Rev. Ords. 1973, § 23-20; Ord. No. 190, 12-20-76)

State law reference—Abatement of water charges, G.L. c. 40, § 42E

Sec. 29-39. Unmetered service to buildings under construction; fee for same.

The commissioner of public works may furnish unmetered service to one faucet at a building under construction upon the payment in advance of a fee of twenty-five dollars (\$25.00). (Rev. Ords. 1973, § 23-23; Ord. No. 190, 12-20-76; Ord. No. S-163, 4-7-86)

Sec. 29-40. Fee for turning water on or off generally.

Except as otherwise provided in this chapter, the fee for turning on or turning off water shall be twenty-five dollars (\$25.00) in each case. (Rev. Ords. 1973, § 23-24; Ord. No. 190, 12-20-76; Ord. No. S-165, 4-7-86)

Sec. 29-41. Reserved.

Sec. 29-42. Cross-connection control program.

(a) *Purpose:* A cross-connection control program is hereby adopted in the interest of protecting the public potable water supply from the possibility of contamination.

(b) *Responsibility:* The commissioner of public works, or his designee, shall carry out all responsibilities required of a supplier of public water pursuant to the regulations of the Massachusetts Department of Environmental Protection relative to cross-connections, as may be amended from time to time. Such responsibilities shall include, but not be limited to, survey, inspection, testing, reporting, notification and enforcement pursuant to the provisions of such regulations. All such testing of backflow prevention devices shall be conducted by a person who is a certified backflow prevention device tester consistent with the requirements of such regulations.

(c) *Test fee:* A fee of ninety dollars (\$90.00) shall be charged to the owner of the property for each test, as required by regulation, of reduced pressure backflow preventers or double check valve assemblies in use of such property. (Ord. No. T-49, 9-18-89)

State law references—DEP role generally and in cross connections, G.L. c. 111, §§ 160, 160A and 310 Code of Massachusetts Regulations § 22.22

Secs. 29-43—29-57. Reserved.

#455-14

12/12/2014

DRAFT – STAND ALONE SEWER FEE (leaving stormwater rates intact)

Sec. 29-80. Sewer /Stormwater use charge.

(a) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of main drains and stormwater facilities except that a charge for the use of main drains and stormwater facilities shall not be made for water consumption registered on or attributable to outdoor meters installed at residential properties in accordance with the provisions of section 29-24 of this chapter.

(b) Stormwater rates

(1) Such stormwater use bills shall be issued on a quarterly basis. Each stormwater use bill shall consist of two components as follows:

a) A charge for use of main drains and stormwater facilities:

for properties the principal use of which is residential: \$6.25 per quarter

for all other properties: \$37.50 per quarter

(c) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of sewage works in proportion to water consumption except that a charge for the use of sewage works shall not be made for water consumption registered on or attributable to outdoor meters installed at residential properties in accordance with the provisions of section 29-24 of this chapter.

(1) Sewer rates

A charge for use of sewer, which charge shall be made in proportion to water consumption, based on the water meter reading, or estimate water meter reading, excluding outdoor meters, for the same property, for the prior quarterly billing period at the following schedule of rates or prices (*effective July 1, 2015*). Such sewer bill shall be issued on a quarterly basis:

Xx dollars and xx cents (\$x.xx) per hundred cubic feet for consumption from 0 to 10 hundred cubic feet;

Xx dollars and xx cents (\$x.xx) per hundred cubic feet for consumption from 11 to 25 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 26 to 60 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption above 60 hundred cubic feet.

City of Newton, Massachusetts

Estimated Impact of

Second Meters - RESIDENTIAL ONLY

	SEWER			
	0-20	20-70	70+	
Current Tiers				
Current Rates	\$ 8.60	\$ 10.33	\$ 12.40	
Total HCFS	1,889,272	595,878	604,566	
New Tiers	0-10	10-25	26-60	61+
Total HCFS	1,240,328	779,066	208,152	518,002
New Rates	\$ 9.45	\$ 11.75	\$ 13.50	\$ 14.00
Revenue	\$ 11,721,100	\$ 9,154,026	\$ 2,810,052	\$ 7,252,028

	WATER			
	0-20	20-70	70+	
Current Tiers				
Current Rates	\$ 5.84	\$ 7.00	\$ 8.41	
Total HCFS	1,889,272	595,878	604,566	
New Tiers	0-10	10-25	26-60	61+ Irrigation
Total HCFS	1,240,328	779,066	208,152	518,002 344,168
New Rates	\$ 5.75	\$ 6.75	\$ 7.75	\$ 8.50 \$ 10.00
Revenue	\$ 7,131,886	\$ 5,258,696	\$ 1,613,178	\$ 4,403,017 \$ 3,441,680

FY 15 Revised Budget	\$ 31,042,315
FY 15 Current Budget	\$ 30,935,415
Total Consumption	2,745,548

FY 15 Revised Budget	\$ 21,836,377
FY 15 Current Budget	\$ 21,829,338
Total Consumption	3,089,716

City of Newton, Massachusetts
Estimated Impact of

8-Dec-14
rds

Second Meters-RESIDENTIAL ONLY -Without Stormwater Changes

	Net Change to Water	Net Change to Sewer	Old Bill	New Bill	Net Change to Total Bill	Variance
BOSTON COLLEGE	\$ (17,490)	\$ 142,678	\$ 2,392,679	\$ 2,517,868	\$ 125,188	5.23%
CITY OF NEWTON	\$ (1,060)	\$ 144,611	\$ 690,677	\$ 834,228	\$ 143,551	20.78%
NEWTON WELLESLEY HOSPITAL	\$ (5,315)	\$ 40,477	\$ 713,415	\$ 748,577	\$ 35,162	4.93%
22 Hcf User (No Irrigation)	\$ (6)	\$ 13	\$ 353	\$ 359	\$ 7	1.92%
50 Hcf (No Irrigation)	\$ (3)	\$ 53	\$ 768	\$ 818	\$ 50	6.49%
90 Hcf (No Irrigation)	\$ (1)	\$ 128	\$ 1,431	\$ 1,558	\$ 127	8.88%
90 Hcf (Irrigation- 20 Hcf)	\$ 8	\$ (93)	\$ 1,408	\$ 1,323	\$ (85)	-6.01%
125 Hcf (Without Irrigation)	\$ 18	\$ 226	\$ 2,031	\$ 2,274	\$ 244	12.00%
125 Hcf (Irrigation-57 Hcf)	\$ 176	\$ (492)	\$ 2,037	\$ 1,721	\$ (316)	-15.52%
175 Hcf (Without Irrigation)	\$ 52	\$ 378	\$ 2,907	\$ 3,337	\$ 430	14.80%
175 (Irrigation-87Hcfs)	\$ 251	\$ (788)	\$ 2,928	\$ 2,391	\$ (537)	-18.33%

User Break Out	# of Accounts	Cumulative
1-22	1298	1298
23-50	4766	6064
51-90	8742	14806
91-125	4662	19468
126-175	2950	22418
176+	2478	24896

12/8/2014

City of Newton, Massachusetts
 Estimated Impact of
 Second Meters -Commercial and Residential

rds

	WATER				SEWER			
	0-20	20-70	70+		0-20	20-70	70+	
Current Tiers								
Current Rates	\$ 5.84	\$ 7.00	\$ 8.41		\$ 8.60	\$ 10.33	\$ 12.40	
Total HCFS	1,889,272	595,878	604,566		1,889,272	595,878	604,566	
	WATER				SEWER			
	0-10	10-25	26-60	61+ Irrigation	0-10	10-25	26-60	61+
New Tiers								
Total HCFS	1229766	831438	179014	307412 542086	1,229,766	831,438	279,014	407,412
New Rates	\$ 5.64	\$ 6.70	\$ 7.60	\$ 8.40	\$ 9.47	\$ 11.73	\$ 13.60	\$ 14.10
Revenue	\$ 6,935,880	\$ 5,570,635	\$ 1,360,506	\$ 2,582,261	\$ 9,752,768	\$ 3,794,590	\$ 5,744,509	
FY 15 Revised Budget	\$ 21,832,196				\$ 30,937,751			
FY 15 Current Budget	\$ 21,829,338				\$ 30,935,415			
Total Consumption	3,089,716				2,747,630			

City of Newton, Massachusetts
Estimated Impact of

8-Dec-14
jdc

Second Meters - Commercial and Residential

	<u>Net Change to Water</u>	<u>Net Change to Sewer</u>	<u>Old Bill</u>	<u>New Bill</u>	<u>Net Change to Total Bill</u>	<u>Variance</u>
BOSTON COLLEGE	\$ 27,295	\$ (330,260)	\$ 2,392,679	\$ 2,089,714	\$ (302,965)	-12.66%
NEWTON WELLESLEY HOSPITAL	\$ 4,243	\$ (75,284)	\$ 713,415	\$ 642,375	\$ (71,040)	-9.96%
22 Hcf User (No Irrigation)	\$ (8)	\$ 13	\$ 353	\$ 357	\$ 5	1.36%
50 Hcf (No Irrigation)	\$ (8)	\$ 53	\$ 768	\$ 814	\$ 46	5.93%
90 Hcf (No Irrigation)	\$ (8)	\$ 128	\$ 1,431	\$ 1,551	\$ 120	8.38%
90 Hcf (Irrigation- 20 Hcf)	\$ 2	\$ (94)	\$ 1,408	\$ 1,316	\$ (91)	-6.48%
125 Hcf (Without Irrigation)	\$ 7	\$ 228	\$ 2,031	\$ 2,265	\$ 235	11.56%
125 Hcf (Irrigation-57 Hcf)	\$ 166	\$ (492)	\$ 2,037	\$ 1,711	\$ (326)	-15.99%
175 Hcf (Without Irrigation)	\$ 33	\$ 386	\$ 2,907	\$ 3,325	\$ 419	14.40%
175 (Irrigation-87Hcfs)	\$ 248	\$ (788)	\$ 2,928	\$ 2,388	\$ (540)	-18.44%

User Break Out	# of Accounts	Cumulative
1-22	1298	1298
23-50	4766	6064
51-90	8742	14806
91-125	4662	19468
126-175	2950	22418
176+	2478	24896

12/8/2014

City of Newton, Massachusetts
 Estimated Impact of
 Residential Second Meters charged I&I Impact Fee

City of Newton, Massachusetts
 Estimated Impact of
 Residential Second Meters charged I&I Impact Fee

	←-----WATER-----→				←-----SEWER-----→			
	0-20	20-70	70+		0-20	20-70	70+	
Current Tiers								
Current Rates	\$ 5.84	\$ 7.00	\$ 8.41		\$ 8.60	\$ 10.33	\$ 12.40	
Total HCFS	1,889,272	595,878	604,566		1,889,272	595,878	604,566	
New Tiers								
		10-25	26-60	61+		10-25	26-60	61+
Total HCFS	1240328	779066	208152	518002	344168	1,240,328	208,152	518,002
New Rates	\$ 5.75	\$ 6.75	\$ 7.75	\$ 8.50	\$ 10.00	\$ 9.25	\$ 11.50	\$ 13.50
Revenue	\$ 7,431,886	\$ 5,258,696	\$ 1,613,178	\$ 4,403,017	\$ 3,441,680	\$ 11,473,034	\$ 8,959,259	\$ 2,820,460
								Fixed Charge
								344,168
								2.00
								688,336

FY 15 Revised Budget	\$ 21,848,457
FY 15 Current Budget	\$ 21,829,338
Total Consumption	3,089,716

FY 15 Revised Budget	\$ 30,934,116
FY 15 Current Budget	\$ 30,935,415
Total Consumption	3,089,716

City of Newton, Massachusetts
Estimated Impact of

8-Dec-14
rds

2nd Meters Charged I&I Impact Fee

	Net Change to Water	Net Change to Sewer	Old Bill	New Bill	Net Change to Total Bill	Variance
BOSTON COLLEGE	\$ (17,490)	\$ 89,868	\$ 2,392,679	\$ 2,465,058	\$ 72,378	3.02%
NEWTON WELLESLEY HOSPITAL	\$ (5,315)	\$ 24,484	\$ 713,415	\$ 732,584	\$ 19,169	2.69%
22 Hcf User (No Irrigation)	\$ (6)	\$ 8	\$ 353	\$ 355	\$ 2	0.67%
50 Hcf (No Irrigation)	\$ (3)	\$ 42	\$ 768	\$ 808	\$ 39	5.13%
90 Hcf (No Irrigation)	\$ (1)	\$ 108	\$ 1,431	\$ 1,538	\$ 107	7.45%
90 Hcf (Irrigation- 20 Hcf)	\$ 8	\$ (108)	\$ 1,408	\$ 1,308	\$ (100)	-7.11%
125 Hcf (Without Irrigation)	\$ 18	\$ 204	\$ 2,031	\$ 2,253	\$ 222	10.93%
125 Hcf (Irrigation-57 Hcf)	\$ 176	\$ (393)	\$ 2,037	\$ 1,820	\$ (217)	-10.66%
175 Hcf (Without Irrigation)	\$ 52	\$ 359	\$ 2,907	\$ 3,318	\$ 411	14.13%
175 (Irrigation-87Hcfs)	\$ 251	\$ (634)	\$ 2,928	\$ 2,545	\$ (383)	-13.07%

User Break Out	# of Accounts	Cumulative
1-22	1298	1298
23-50	4766	6064
51-90	8742	14806
91-125	4662	19468
126-175	2950	22418
176+	2478	24896

FY 2014 Sewer Budget Apportionment

Overall Budget	\$	30,973,993			
<hr/>					
MWRA Assessment	\$	20,146,020	65%		
Ops/Debt/Reserves	\$	10,827,973	35%	Fixed	
MWRA Assessment	\$	20,146,020			
<hr/>					
Flow	\$	10,878,851	54%		
Population	\$	9,267,169	46%	Census	
MWRA Flow	\$	10,878,851			
<hr/>					
Account Usage	\$	4,351,540	40%	Flow	
I&I Estimate	\$	6,527,311	60%	Fixed	

Fixed Costs	\$	17,355,284			
<hr/>					
Ops/Debt/Reserves	\$	10,827,973			
MWRA - I&I	\$	6,527,311			
Census	\$	9,267,169			
<hr/>					
MWRA - Population	\$	9,267,169			
Flow	\$	4,351,540			
<hr/>					
MWRA - Accounts	\$	4,351,540			
Overall Budget	\$	30,973,993			
<hr/>					
Fixed	\$	17,355,284	56%		
Census	\$	9,267,169	30%		
Flow	\$	4,351,540	14%		

FUND: 27 - SANITARY SEWER FUND
DEPARTMENT: ALL DEPARTMENTS

CITY OF NEWTON BUDGET
FUNCTIONAL ELEMENT SUMMARY

	ACTUAL 2012	ACTUAL 2013	AMENDED 2014	YTD 4/22/2014	RECOMMENDED 2015	CHANGE 2014 to 2015
104 - COMPTROLLER						
27A10491 - CONTRIBUTORY PENSIONS	366,979	375,287	381,706	371,526	439,007	57,301
27A10492 - WORKERS COMPENSATION	194,884	200,652	240,341	240,341	250,000	9,659
27A10498 - BUDGETED RESERVES	0	0	2,582,074	7,500	4,185,897	1,603,823
27A10499 - TRANSFER TO OTHER FUND	679,518	784,349	3,407,505	3,407,505	990,356	-2,417,149
TOTAL DEPARTMENT 104	1,241,381	1,360,288	6,611,626	4,026,872	5,865,260	-746,366
107 - TREASURER/COLLECTOR						
27A10771 - BOND MATURITIES	866,217	1,126,256	1,329,884	1,329,884	1,073,151	-256,733
27A10772 - BOND INTEREST	156,382	182,244	300,312	284,884	279,510	-20,802
27A10781 - MWRA ASSESSMENTS	19,546,086	19,917,866	20,146,020	16,121,890	20,202,315	56,295
TOTAL DEPARTMENT 107	20,568,685	21,226,366	21,776,216	17,736,658	21,554,976	-221,240
401 - PUBLIC WORKS DEPARTMENT						
27A401F2 - SEWER BLDG/GROUND MAIN	50,038	53,882	76,131	55,260	92,550	16,419
27A401L1 - UTILITIES ADMIN & SUPPORT	1,538,510	1,556,970	1,172,348	725,402	1,333,860	161,512
27A401L2 - SEWER VEHICLE MAINT.	296,352	316,326	507,186	432,840	497,300	-9,886
27A401Y1 - SEWER MAIN REPAIR/INSTL.	1,036,791	988,425	507,806	317,425	550,970	43,164
27A401Y2 - SEWER SERVICE CONNECTI	1,129,138	1,068,587	1,174,967	813,458	1,272,930	97,963
27A401Y3 - SEWER PUMP STATION MAIN	842,261	957,542	482,200	387,416	507,200	25,000
TOTAL DEPARTMENT 401	4,893,090	4,941,733	3,920,638	2,731,802	4,254,809	334,171

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

December , 2014

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to **Chapter 29** WATER, SEWERS AND DRAINS as follows:

1. Delete Sec. 29-23 in its entirety and insert in its place the following language:

“Except as provided in section 29-24 below, the commissioner of public works shall attach a meter to all services supplying other fixtures than faucets and also to services supplying only faucets where more than three 3) are used, and the commissioner of public works shall also furnish meters to all water takers who desire to use them regardless of the fixtures supplied.”

12. **Insert**, in the first sentence of Sec. 29-24 (b), after the word “inches” and before the words “hereafter set” the following language:

“and outdoor meters as defined in subsection (c)”

3. Delete the first sentence of Sec. 29-24 (b) and insert in its place the following language:

“The initial and subsequent purchase and repair of all meters larger than two (2) inches and outdoor meters as defined in subsection (c) hereafter set shall be the responsibility and at the sole expense of the water taker.”

4. Delete the first clause of the last sentence of Sec. 29-24 (b) and insert in its place the following language:

“Upon installation the commissioner of public works shall oversee the maintenance and renewal of such meters;”

25. **Insert**, in Sec. 29-24, after paragraph (b), the following new paragraphs (c) and (d):

“(c) Outdoor meters are devices that may be installed at residential properties that contain no more than four dwelling units, to measure and register outdoor water consumption such as water used for lawn and garden irrigation and other outdoor uses. Effective July 1, 2015, sewer use charges under section 29-80 of this chapter shall not be made for water consumption registered by or attributable to outdoor meters. ~~installed at residential properties.~~”

(d) No person shall:

(1) use water supplied through an outdoor meter for any use except lawn and garden irrigation and other outdoor uses in which water is used in such a way as to not enter public sewers either directly or indirectly; or

(2) install or arrange plumbing in a manner which causes the water supplied through such a meter to be connected to any fixture which is connected, either directly or indirectly, to the public sewers.”

36. **Insert**, in the last clause of Sec. 29-36 (b) (1), after the words “said discount shall” and before the words “apply only to:” the following language:

“not apply to water consumption registered on outdoor meters and shall”

47. **Delete**, effective July 1, 2015, Sec. 29-36 (a) (1) in its entirety and **insert** in its place the following language:

“(1) Water takers shall pay a price or rate for water for each quarterly billing period in accordance with the following schedule: (*effective July 1, 2015*)

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 0 to 10 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 11 to 25 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 26 to 60 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption above ~~60~~ hundred cubic feet;

For outdoor meters the rate shall be xx dollars and xx cents (\$xx.xx) per hundred cubic feet regardless of the amount of consumption.

- | **58. Delete**, effective July 1, 2015, the catchline of Sec. 29-80, and insert in its place the following language:

“**Sewer use charge.**”

- | **69. Delete**, effective July 1, 2015, Sec. 29-80 (a) in its entirety and insert in its place the following language:

(a) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of main drains and sewage works in proportion to water consumption except that a charge for use of sewage works shall not be made for water consumption registered on or attributable to outdoor meters installed at residential properties in accordance with the provisions of section 29-24 of this chapter.

- | **710. Delete**, effective July 1, 2015, Sec. 29-80 (b) (1) in its entirety, and **insert** in its place the following language:

“(b) Sewer Rates

A charge for the use of sewer, which charge shall be made in proportion to water consumption, based on the water meter reading, or estimated water meter reading, excluding outdoor meters for the same property, for the prior quarterly billing period shall be made at the following schedule of rates or prices (*effective July 1, 2015*). Such sewer bill shall be issued on a quarterly basis:

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 0 to 10 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 11 to 25 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 26 to 60 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption above ~~60~~ hundred cubic feet.”

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

#456-14

12/12/2014

DRAFT – STAND ALONE SEWER FEE (leaving stormwater rates intact)

Sec. 29-80. Sewer /Stormwater use charge.

(a) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of main drains and stormwater facilities.

(b) Stormwater rates

(1) Such stormwater use bills shall be issued on a quarterly basis. Each stormwater use bill shall consist of two components as follows:

a) A charge for use of main drains and stormwater facilities:

for properties the principal use of which is residential: \$6.25 per quarter

for all other properties: \$37.50 per quarter

(c) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of sewage works in proportion to water consumption except that a charge for the use of sewage works shall not be made for water consumption registered on or attributable to outdoor meters installed at residential properties in accordance with the provisions of section 29-24 of this chapter.

(1) Sewer rates

A charge for use of sewer, which charge shall be made in proportion to water consumption, based on the water meter reading, or estimate water meter reading, excluding outdoor meters, for the same property, for the prior quarterly billing period at the following schedule of rates or prices (effective July 1, 2015). Such sewer bill shall be issued on a quarterly basis:

Xx dollars and xx cents (\$x.xx) per hundred cubic feet for consumption from 0 to 10 hundred cubic feet;

Xx dollars and xx cents (\$x.xx) per hundred cubic feet for consumption from 11 to 25 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption from 26 to 60 hundred cubic feet;

Xx dollars and xx cents (\$xx.xx) per hundred cubic feet for consumption above 60 hundred cubic feet.

SECOND METER INFORMATION:

	Number	Percent
MWRA or partially supplied communities utilizing second meters to adjust water bills	YES: 37 NO: 23	YES: 61.7% NO: 38.3%

Ashland (S)	Yes	Arlington (W/S)*	No
Bedford (S/partial W)	Yes	Braintree (S)	No
Belmont (W/S)	Yes	Clinton (W/S)	No
Boston (W/S)	Yes	Everett (W/S)	No
Brookline (W/S)	Yes	Hingham (S)	No
Burlington (S)	Yes	Holbrook (S)	No
Cambridge (S/partial W)	Yes	Lynnfield (W)	No
Canton (S/partial W)	Yes	Malden (W/S)	No
Chelsea (W/S)	Yes	Newton (W/S)	No
Chicopee (W)	Yes	Northborough (partial W)	No
Dedham (S/partial W)	Yes	Randolph (S)	No
Framingham (W/S)	Yes	Reading (W/S)	No
Leominster (partial W)	Yes	Somerville (W/S)	No
Lexington (W/S)	Yes	South Hadley (W)	No
Lynn (partial W)	Yes	Southborough (W)	No
Marblehead (W)	Yes	Stoughton (S/partial W)	No
Marlborough (partial W)	Yes	Wakefield (S/partial W)	No
Medford (W/S)	Yes	Weston (W)	No
Melrose (W/S)	Yes	Weymouth (S)	No
Milton (W/S)	Yes	Wilmington (S/partial W)	No
Nahant (W)*	Yes	Winchester (S/partial W)*	No
Natick (S)	Yes	Winthrop (W/S)	No
Needham (S/partial W)	Yes	Woburn (S/partial W)	No
Norwood (W/S)	Yes		
Peabody (partial W)	Yes		
Quincy (W/S)	Yes		
Revere (W/S)	Yes		
Saugus (W)	Yes		
Stoneham (W/S)	Yes		
Swampscott (W)	Yes		
Walpole (S)	Yes		
Waltham (W/S)	Yes		
Watertown (W/S)	Yes		
Wellesley (S/partial W)	Yes		
Westwood (S/partial W)	Yes		
Wilbraham (W)	Yes		
Worcester (partial W)	Yes		