



# Finance Committee Agenda

## City of Newton In City Council

Monday, March 9, 2020

7:00 PM  
Room 211

### Items scheduled for discussion:

#### Referred to Programs & Services, Public Facilities, and Finance Committees

- #167-20** **Authorization to submit an SOI to the MSBA for Countryside School**  
SUPERINTENDENT OF SCHOOLS requesting authorization to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for consideration of funding for a ~~renovation/addition~~ replacement, renovation or addition of Countryside Elementary School, designated as the highest priority for a major project before Franklin Elementary School designated as the second highest priority.  
**Programs & Services Approved as Amended 6-0**  
**Public Facilities Approved as Amended 5-0**

#### Referred to Public Facilities and Finance Committees

- #166-20** **Requesting ordinance amendments for enforcement of sidewalk obstruction**  
HER HONOR THE MAYOR requesting an amendment to Chapter 17, Section 23; Chapter 25, Section 3 and Chapter 26, Section 14 of the Revised City of Newton Ordinances to add defining language, provide enforcement and establish fines for violations of the sidewalk obstruction ordinance.  
**Public Facilities Approved 5-0**
- #164-20** **Approval of an Intermunicipal Agreement for brine making equipment**  
HER HONOR THE MAYOR requesting the approval of an Intermunicipal Agreement for brine making equipment with the Town of Brookline, which is allowed under the provisions of Section 4A of Chapter 40 of the Massachusetts General Laws.
- #102-20** **Request for a discussion on the vacancy of the LGBTQ+ Liaison**  
PROGRAMS AND SERVICES COMMITTEE requesting a discussion on whether the Administration intends to fill the recently vacated position of LGBTQ+ liaison and whether a replacement would be compensated or uncompensated.

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

**Chairs Note:** *The Chief Financial Officer and the Comptroller will present the committee with an overview on municipal bonds.*

**Respectfully submitted,**

**Rebecca Walker Grossman, Chair**

CITY COUNCIL

# \_\_\_\_\_

RECEIVED

CITY OF NEWTON

2020 FEB 13 AM 11:37

DOCKET REQUEST FORM

**DEADLINE NOTICE:** Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.

To: Clerk of the City Council

Date: 2/12/20

From (Docketer): David Fleishman, Superintendent

Address: Newton Public Schools, 100 Walnut Street, Newton

Phone: 617-559-6100

E-mail: david.fleishman@newton.k12.ma.us

Additional sponsors: Liam Hurley, Assistant Superintendent/CFAO

1. Please docket the following item (it will be edited for length if necessary):

Superintendent Fleishman is requesting a vote of the City Council to authorize the Superintendent of Schools to submit a request to the Massachusetts School Building Authority (MSBA) for consideration of funding (Statement of Interest - Core Program) for a renovation/addition of Countryside Elementary School, designated as the highest priority for a major project and Franklin Elementary School designated as the second highest priority.

This item needs committee review and City Council Authorization before April 8, 2020. This is the due date for the application to MSBA.

2. The purpose and intended outcome of this item is:

- |  |   |
|--|---|
| <input type="checkbox"/> Fact-finding & discussion             | <input type="checkbox"/> Ordinance change   |
| <input type="checkbox"/> Appropriation, transfer,              | <input type="checkbox"/> Resolution   |
| <input type="checkbox"/> Expenditure, or bond authorization    | <input type="checkbox"/> License or renewal                                       |
| <input type="checkbox"/> Special permit, site plan approval,   | <input type="checkbox"/> Appointment confirmation                                 |
| <input type="checkbox"/> Zone change (public hearing required) | <input checked="" type="checkbox"/> Other: <u>Authorization to submit to MSBA</u> |

3. I recommend that this item be assigned to the following committees:

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning              | <input type="checkbox"/> Public Safety      | <input type="checkbox"/> Special Committee |
| <input checked="" type="checkbox"/> Public Facilities   | <input type="checkbox"/> Land Use           | <input type="checkbox"/> No Opinion        |

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:

\_\_\_\_\_

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 on reverse
- Following public hearing

PLEASE FILL OUT BOTH SIDES

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting
- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

- |   |                          |
|---|--------------------------|
| <input checked="" type="checkbox"/> Liam Hurley, Schools x9025      | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Maureen Lemieux, Exec. x1100    | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> Josh Morse, Pub. Builings x1600 | <input type="checkbox"/> |
| <input checked="" type="checkbox"/> David Stickney, Schools x9000   | <input type="checkbox"/> |
| <input type="checkbox"/>  | <input type="checkbox"/> |

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:

- 1. A copy of the material to be Statement of Interest to be submitted to MSBA for Countryside
- 2. Form of vote required

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

Certified Vote of the School Committee

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion.)

Please check the following:

- 9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Signature of person docketing the item

[Please retain a copy for your own records]



- WARD
- I      Bridget Ray-Canada, Vice -Chair
- II     Margaret Albright
- III    Anping Shen
- IV    Tamika Olszewski
- V     Emily Prenner
- VI    Ruth Goldman, Chair
- VII   Kathleen Shields
- VIII  Matthew Miller

**NEWTON SCHOOL COMMITTEE**

Resolved: Having convened in an open meeting on February 10, 2020 prior to the SOI submission closing date, the School Committee of Newton Massachusetts, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form on or before April 8, 2020 for the Franklin Elementary School located at 125 Derby Street which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for replacement, renovation or modernization of school facility systems such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.

**Motion:** Olszewski  
**Second:** Shen  
**Vote:** 9-0-0

School Committee Chair

Date: February 11, 2020

Ruth Goldman (signature)



**NEWTON SCHOOL COMMITTEE**

WARD	
I	Bridget Ray-Canada, Vice -Chair
II	Margaret Albright
III	Anping Shen
IV	Tamika Olszewski
V	Emily Prenner
VI	Ruth Goldman, Chair
VII	Kathleen Shields
VIII	Matthew Miller

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**DRAFT Proposed Schedule for Countryside/ Franklin SOI by April 8, 2020**

- January 27, 2020 > Vote of School Committee votes that Countryside Elementary and Franklin Elementary Schools are designated the district's highest priority for a major project to be submitted to the MSBA for its FY20 SOI process. The School Committee receives the draft SOI for review prior to the February 10, 2020 vote.
- February 19, 2020 Docket request by Superintendent is sent to David Olson with SOI Draft attached to meet docket deadline of February 24, 2020.
- February 10, 2020 Vote of School Committee to approve the Draft SOI
- March 02, 2020 On Docket of City Council – referred to Programs & Services and Public Facilities and Finance Committee.
- March 04, 2020 Programs & Services meets jointly with Public Facilities to vote to approve SOI.
- March 09, 2020 Finance Committee to vote to approve SOI
- March 16, 2020 Vote of City Council on resolution authorizing submittal of SOI to MSBA.
- April 08, 2020 MSBA Deadline for SOI submittal.

**Alternate schedule if necessary for any reason including weather or other cancellations:**

- March 16, 2020 Programs & Services meets jointly with Public Facilities to vote to approve SOI.
- March 23, 2020 Finance Committee
- April 6, 2020 Vote of City Council on resolution authorizing submittal of SOI to MSBA.
- April 08, 2020 MSBA Deadline for SOI Submittal

**COUNTRYSIDE ELEMENTARY SCHOOL**  
**First Draft of the 2020 Update to the 2019 Statement of Interest (SOI)**  
**as of 1.23.2020**

**SOI MAIN TAB**

**Is this part of a larger facilities plan? Please provide an overview of the plan including as much detail as necessary to describe the plan, its goals, and how the school facility that is the subject of this SOI fits into that plan (maximum of 5000 characters)? Yes**

HMFH Architects, Inc. (2007, 2011); Self-prepared 2012 – present

In a context of significant enrollment growth, Newton has been engaged in long-range planning since the early 2000's. Over a 15 year period, a significant growth trend occurred resulting in a K12 population increase from 11,267 to 12,685 students 13% growth between 2004 and 2019. The K5 population had the steepest increase from 4,938 to 5,824 students by 2017-18, or 17% growth, and has now stabilized. After this sustained 13-year growth period, every grade cohort has experienced growth that is now fully integrated in all grade levels. Projections for next year indicate a small decline in enrollment (of 15 students), as a larger grade 12 class graduates this summer than the combined total of projected incoming kindergartners and students moving into the district. The current five- year enrollment projections through 2024-25 show small overall district enrollment declines, as larger classes graduate grade 12 and smaller kindergarten classes are projected to enter.

A formal master plan was initiated by the district in 2007, and conducted by HMFH Inc. The plan provided facility conditions assessment, space needs and long-range utilization plans using both engineering/facility and educational standards for its evaluation. HMFH completed an update of the plan in 2011 with the launch of Newton's current long-range plan to correct educational facilities deficiencies by sequencing major and mid-sized projects at 15 elementary schools, which at that time included two of the oldest schools in the worst condition in the state (Angier, Cabot).

Newton has continued to update its long-range plan annually since 2012 and has developed consensus for the elementary facilities plan that provides critically needed modernization of school buildings and capacity expansion. The plan is fully coordinated with the city's capital plan which outlines multiyear financial support. The plan is based on detailed enrollment projections that document the capacity needed to address classroom shortages for both regular education as well as the needs of special populations. Significant progress has been made on the long-range plan which identified Angier and Cabot as Newton's top priorities due to age, condition and overcrowding. A 2013 debt exclusion funded the Angier, Zervas and Cabot school buildings plus ten modular classrooms to address short term severe crowding. In partnership with the MSBA, a newly constructed Angier was reopened in January 2016 and Cabot reopened in September 2019. Zervas was Newton's second school to be rebuilt since its location and site offered an excellent opportunity to expand capacity, and was funded locally. Zervas reopened in September 2017 with six additional classrooms and with an enlarged school district. Cabot reopened in September 2019 with four additional classrooms. The Angier, Zervas and Cabot projects will have added capacity for approximately 200 students and, through two phases of redistricting, will ease crowding at other schools. Although enrollment has stabilized recently, two of Newton's 15 elementary schools still have enrollment close to capacity in 2019-20, so local enrollment pressure points continue to require careful management. Although enrollment has stabilized recently, Newton is studying the potential impact of 1,565 planned additional units of housing in three large and three small residential developments in Newton. One of the proposals has already been issued a special permit for an 800-unit development located in the Countryside district, which was appealed by neighbors and will be decided in

be a local referendum vote on March 4, 2020. If constructed as granted by Special Permit, there is a potential enrollment impact at Countryside, currently estimated at 83 students, for a total school enrollment of 429 students in ten years (2029-30). Countryside Elementary is the district's number one priority Statement of Interest which was filed with the MSBA in April 2019.

Two of Newton's 15 elementary schools still have enrollment close to capacity in 2019-20, so local enrollment pressure points continue to require careful management.

Countryside Elementary School was constructed in 1953 as a small neighborhood school. In the decades since it opened the neighborhood has grown tremendously adding enrollment pressures that led the Newton to add an annex only five years later in 1958. In the past 60+ years enrollment pressures continued not only from increases in single family residences but also from large scale apartment development, e.g. the Avalon Bay project on Needham Street. All of this growth resulted in the building of modular classroom adjacent to the annex. The modular construction has created very inefficient circulation. The modulars were installed over two decades ago. The MSBA's 2016 School Survey determined that Countryside is "overcapacity" in utilization of general space.

A properly reconstructed Countryside School is the next highest priority on Newton's long-range plan due to facility condition issues, the facility's failure to support the educational program and the extensive reliance upon inferior quality short-term annex construction as well as modular classrooms. Further, the district has had recent periods of enrollment crowding (enrollment above 500 students) at the facility which required the drastic action of relocating of an entire kindergarten class to different schools. The district also recognizes that there is considerable future residential development in the planning stages and there are no longer any intermediate actions, such as the installation of modular building, available on the school's very constrained and wet site. The school is adjacent to the Needham Street Area for which the City has developed a "Vision Plan." That plan includes adding diverse residential options including multi-unit housing including affordable units. A mixed use project in the Countryside district by Northland Investment Corporation has been granted a special permit by the City and could add 800 residential units with a potential to generate approximately 165 additional public school age students. As a result, enrollment at Countryside could come close to its current capacity. It should be noted that the project as granted by special permit, will be decided in a March 2020 local referendum vote.

**Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? YES**

Newton has developed Education Plans in conjunction with the Angier, Zervas and Cabot school building projects that document Newton's educational plan for modern school buildings that support standards for teaching and learning in the 21st century. Standards promote the education, health and well-being of all students; highly effective teaching environments, efficient operations, and anticipate future programmatic change while maintaining standards of performance and reliability.

**Is there overcrowding at the facility? No**

**Has the district had any recent teacher layoffs or reductions ? NO**

There were no teacher or staff reductions, as a result, this question does not apply.

**Please provide a description of the local budget approval process for a potential capital project with the MSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school committee meeting dates). Provide, if applicable, the District's most recent budget approval process that resulted in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities (maximum of 2000 characters)).**

The FY20 School Committee Approved Budget is \$236,372,312, and includes an \$8.8 million increase, 3.9% over the FY19 budget of \$227,560,263. The budget process began in November 2018 with the approval by the School Committee of the District wide Goals which directs budget priorities. The budget process involves a comprehensive review by district and school administrators of existing and proposed school functions, planning for adjusted costs and future changes or new educational initiatives. The budget process culminates in a public presentation by the Superintendent, public meetings to review specific areas of the budget, public hearings, a school committee straw vote and a final vote of approval. Following the Newton Public Schools' process, the budget is presented to the City Council, reviewed and voted by that body in conjunction with the approval of the city of Newton's operating and capital annual budgets. The FY20 budget continues to support Newton Public Schools core mission to meet the diverse educational, social and emotional needs of all students while narrowing the achievement gap, promoting critical thinking skills, providing mental health supports, and sustaining teacher professional development and collaboration. FY20 budget also expands the ongoing maintenance of buildings and expands in-district special education facilities and added Full Day Kindergarten programming to all elementary schools. Two of Newton's 15 elementary schools still have enrollment close to capacity in 2019-20, so local enrollment pressure points continue to require careful management.

### **General Description**

**BRIEF BUILDING HISTORY:** Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).

Countryside School was constructed in 1953 as a small neighborhood school. It was one of five new elementary schools built to accommodate the post-WWII enrollment boom in Newton between 1950-1955. The original building was 35,910 gross square feet and consisted of 13 classrooms, a gym, library, auditorium, main office, two sets of girls' and boys' restrooms, and a pair of staff bathrooms. A 6 classroom annex addition was constructed in 1958 to address the rising school enrollment. A single bathroom with one fixture was added as part of this project. In 1986, two additional annex classrooms were constructed on the north end of the annex. In 1991, 1999, and 2000 a total of four modular classrooms, smaller than regular classrooms, and two offices were constructed. With the five additions, the number of classrooms, staff, and students were doubled with no increase in support spaces such as restrooms, offices, storage, small group instruction, or special education. The total square footage including the original building, the additions and modular space is 65,000 gsf.

The school had as many as 25 classrooms at one time and 500 students (during enrollment peaks in 1998 and 2010), but currently 19 classrooms are being used for individual grades and a total enrollment of 413 students. In addition, one classroom was divided into two classrooms to allow for ELL, Inclusion, and Special Education spaces which also occupy two modulares. A modular classroom is currently being repurposed for use as an Art Room, as the art program had been offered "on a cart" for a number of years due to lack of space for the program, and recently in a former storage location behind the gymnasium. The music program does not have its own space, and currently occupies the stage in the cafeterium. Currently there are 10 individual grade classrooms in the 1953 building, and 9 individual grade classrooms in the annex and modulares. The library, gym, and auditorium are all sized for a school

population approximately half the size of the current enrollment. Overall, the entire school is about half the square footage it should be based on the enrollment. The quantity of classrooms is adequate, but conditions are severely lacking. Support spaces are minimal and undersized throughout the school. There is only one breakout space for small group instruction. Many of the Special Education spaces either don't exist or are inadequate. OT/PT has a small office space. Offices for support staff either don't exist, or have been placed in areas that should not be occupied. The auditorium was converted to a cafeteria in 2009 by removing the seating and evening out the floor. The warming kitchen is across the corridor and very small and inadequate for healthy and nutritious lunch service. The HVAC system is steam by natural gas with classroom unit ventilators with supplemental radiation. The annex and modular classrooms are substantially colder in the winter months than the original wing. Two boilers were replaced in 2007 and 2012. The 2007 boiler has been completely submerged at least twice due to flooding in the school. The boiler room has experienced flood levels as high as 12 feet which has taken its toll on all of the mechanical, electrical and plumbing equipment.

A vertical lift was installed in 2010. This lift was allowed at the time but is no longer allowed to be constructed as a permanent means of vertical accessible travel. The cab of the lift is approximately 3 ft. by 4 ft. A school building security project was implemented, funded through a Homeland Security Grant. Electronic access card readers were installed on two exterior doors. All appropriate staff has electronic access via key fob device. Access to the building is much more secure and records of access by individuals is monitored via a live database.

**TOTAL BUILDING SQUARE FOOTAGE:** Please provide the original building square footage PLUS the square footage of any additions.

original bldg. 35,910

modulars 5,653

additions (annex) 23,437

**SITE DESCRIPTION:** Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

Countryside School sits on a 322,065 square foot parcel (7.39 acres), which is comprised of approximately 65,000 sf of wetlands, 120,000 square feet of school and parking, and 137,065 square feet of open space currently used as a baseball field and playground. Approximately 2/3 of the site sits within the 200 foot Riverfront Protection Act area, including half of the existing building. The water table is close to grade throughout most of the eastern portion of the site, including the areas where the annexes and modular classrooms are sited. The Department of Public Works completed a storm water project in 2012 that addressed chronic flooding in the courtyard of the school, which often resulted in flooding of the school itself. Site grading at the perimeter causes standing water accumulation at the main entry and creates a safety risk.

**ADDRESS OF FACILITY:** Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

191 Dedham Street, Newton Highlands, Massachusetts

**BUILDING ENVELOPE:** Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

The flat roof on the 1953 portion of the original building was replaced in 2012. The roofs on all of the annexes and modular classrooms are beyond their useful life and need to be replaced. Water regularly pools on these roofs. Exterior walls of the 1953 building are load bearing and made of masonry with concrete sills and polished granite at the main entries, all in good condition with some staining at the sills. The windows in the 1953 original portion of the building were replaced in 1990, while the windows in the annexes and modular classrooms are original and mostly beyond their useful life. They are aluminum with thermal break and thermal glazing, fixed and single hung. These are difficult to operate and have metal louvers in poor condition. Other windows are steel frame, single-pane glazing with metal louvers that are original and in poor condition. The connection from the main building to the additions is comprised of single pane hollow metal steel framed curtain wall, which is the same system for the windows in the annex classrooms. The thermal efficiency of these systems is extremely low. Cold temperatures in this connection are a challenge during heating season. The modular classrooms are a combination of single and double pane vinyl replacement windows, single pane metal windows, and storm windows. Some doors are inaccessible and original to the building and in very poor condition. Newer doors are in good condition. Areaways are brick/CMU with metal grates in good condition. The exterior steps are concrete as are stoops and ramps with; metal handrails and guardrails, in good condition, but rails are rusting. Canopies are metal-edged, flat roofed with brick piers and metal panel soffits. The metal is worn and faded. There are no structural concerns. Flooding at the basement level may cause a health risk.

**Has there been a Major Repair or Replacement of the EXTERIOR WALLS? YES**

**Year of Last Major Repair or Replacement:(YYYY) 1990**

**Description of Last Major Repair or Replacement:**

Exterior masonry wall system replaced in 1990

**Roof Section A -1953 original building**

**Is the District seeking replacement of the Roof Section? No**

**Area of Section (square feet) 26,790 s.f.**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe) EPDM**

**Age of Section (number of years since the Roof was installed or replaced) 7**

**Description of repairs, if applicable, in the last three years. Include year of repair: N/A**

**Roof Section B - 1958 Annex**

**Is the District seeking replacement of the Roof Section? Yes**

**Area of Section (square feet) 14,376 s.f.**

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe) Rubber**

**Age of Section (number of years since the Roof was installed or replaced) 12**

**Description of repairs, if applicable, in the last three years. Include year of repair: 2009-2018**

This roof section has had over 40 requests for repairs since the beginning of 2009. Major and minor repairs have been made over the years.

**Window Section A**

**Is the District seeking replacement of the Windows Section? NO**

**Windows in Section (count) 176**

**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe) Double Pane/Thermopane**

**Age of Section (number of years since the Windows were installed or replaced) 29**

**Description of repairs, if applicable, in the last three years. Include year of repair: None**

**Window Section B****Is the District seeking replacement of the Windows Section? Yes****Windows in Section (count) 219****Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))**

Thermopane in modular classrooms and single pane in 1958 and 1986 Annex Additions

**Age of Section (number of years since the Windows were installed or replaced)**

19 (modular classrooms) / 60 years (1958 annex)

**Description of repairs, if applicable, in the last three years. Include year of repair: None****MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).**

**HVAC:** The HVAC system is steam by natural gas with classroom unit ventilators with supplemental radiation. The steam boilers were replaced in 2007 and 2012. The 2007 boiler has been completely submerged at least twice due to flooding in the school. The boiler room itself has seen flood levels as high as 12 feet which has taken its toll on all of the mechanical, electrical, and plumbing equipment. The heating system was converted to natural gas in 2011, and the underground oil storage tanks were removed the same year. Some of the classroom unit ventilators and rooftop hvac equipment has been replaced over the years, but most of the distribution system is original, beyond its useful life, and in poor condition. There is very limited control over the heating systems, and with the exception of some of the modular classrooms, the school is not air conditioned. Two of the 9 RTU's were replaced in 2018 but the remaining 7 RTU's (roof top units) that are part of the HVAC systems in the annexes and modulars are beyond useful life, failing, failed, and/or in poor condition. With exposed ductwork and mechanical systems, the acoustical performance negatively impacts the learning environment. Dual range actuators for the outside air dampers have been installed in the classrooms.

**Plumbing:** Most of the plumbing in the building is original although some bathroom fixtures have been replaced. Due to elevation challenges throughout the site, the sewage lines cannot pitch adequately to allow for gravity drainage. This means that there are sewage ejector pumps in the small crawl spaces throughout the building. These are no longer allowed by the plumbing code. These pumps have failed numerous times, resulting in sewage flooding throughout the school. One example of this is the sewage ejector pump directly below the nurse's office. The smell of sewer gases always exists, but this ebbs and flows based on the operation of these pumps. There are two very large sump pumps in the boiler room that never stop running. The basement sits 6 feet below the water table, and the boiler room sits 12 feet below the water table. When the pumps fail the basement floods within a few hours, which is catastrophic as the only storage for curriculum materials, gym equipment, and custodial supplies and equipment is in the basement. The basement area is chronically damp, and by all records has never been dry. Piping is original in fair to poor condition with limited accessibility. Repairs to any of the failed sewer ejector pumps require crawling 50-100 feet through the sewage. This also means that when these pumps fail, sewage sits beneath the first floor classrooms. Domestic hot water is not available at all sinks. The domestic water circulator is in poor condition.

**Fire Protection and Detection:** The fire alarm panel was replaced in 2016, but only a small portion of the devices are addressable. Therefore, responses are likely only to the building, and not to a specific area within the building. The fire alarm distribution system is in poor condition and needs to be replaced. The school has no fire suppression systems. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box.

**Accessibility:** A vertical lift was installed in 2010, which provides programmatic access to the 2nd floor of the building. This lift was allowed at the time, but is no longer allowed to be constructed as a permanent means of vertical accessible travel. The "cab" of the lift is approximately 3' by 4', which means that it can only accommodate one child and an adult, and in some cases an adult cannot fit. A few restrooms have had minor investments made to improve accessibility, but currently there are no girls restrooms that have the clearances needed to allow for wheelchair access, and once in there are no accessible restroom stalls exist. The boys restrooms have accessible stalls, but clearances are not sufficient for wheelchair access. The ramp leading from the 1953 building, to the annexes is not ADA or MAAB compliant. The playground is not programmatically accessible. The door hardware is not accessible, and the signage throughout the building is not ADA compliant.

**Electrical:** Lighting and lighting controls were replaced in 2017, but the vast majority of the electrical distribution is original. The entire building was converted to LED lighting including the exterior lighting. The main electrical switch gear is in poor condition and resides in an area prone to flooding. Electrical service equipment is 400A, 3 phase, 4 wire, 120/208V in fair condition, but without sufficient working clearances. The distribution system consists of circuit breaker panel boards with conduit and wire feeders and is 50+ years old. There is a 150kW diesel exterior generator that serves corridor and stair lighting and boilers, but it is not in a 2 hour fire-rated room for life safety system equipment. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box. As part of the proposed Renovation/Addition project electrical systems are to be updated to meet current codes.

**Boiler Section 1** 2007 Boiler

**Is the District seeking replacement of the Boiler?** Yes as part of the renovation/replacement project

**Is there more than one boiler room in the School?** No

**What percentage of the School is heated by the Boiler?** 100%

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other) (Maximum of 250 characters)**  
Natural Gas

**Age of Boiler (number of years since the Boiler was installed or replaced):** 12

**Description of repairs, if applicable, in the last three years. Include year of repair: (Maximum of 1500 characters)**

While only 12 years old, the 2007 boiler has been submerged in flood waters twice decreasing its useful life.

**Boiler Section 2** 2012 Boiler

**Is the District seeking replacement of the Boiler?** Yes, as part of the renovation/addition project

**Is there more than one boiler room in the School?** No

**What percentage of the School is heated by the Boiler?** 100%

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other) (Maximum of 250 characters)**  
Natural Gas

**Age of Boiler (number of years since the Boiler was installed or replaced)** 7

**Description of repairs, if applicable, in the last three years. Include year of repair: (Maximum of 1500 characters)** No repairs, only routine maintenance

**Has there been a Major Repair or Replacement of the HVAC SYSTEM?** NO

**Year of Last Major Repair or Replacement:(YYYY)** 1958

**Description of Last Major Repair or Replacement: (Maximum of 1500 characters)**

Some classroom unit ventilators have been replaced over the years. Repaired minor steam leaks 2010 and completed a steam trap survey and implemented all of the recommendations of that survey. Installation of 2 new RTU's (rooftop units) in Annex portion of the building in 2018.

**Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM?** NO



Year of Last Major Repair or Replacement:(YYYY) 1958/1999 electrical modifications to accommodate modular classrooms; 2107

**Description of Last Major Repair or Replacement: (Maximum of 1500 characters)**

The vast majority of the electrical distribution system is original. The main electrical switch gear is in poor condition and resides in an area prone to flooding. In 2017, lighting controls were replaced and the entire building was converted to LED lighting including the exterior lighting. As part of the renovation/addition project all electrical systems are to be upgraded to current code.

**BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).**

Partitions are glazed CMU at the corridors, painted plaster walls are typical with 1x1 ACT at the upper walls, and painted gypsum board, in good condition, but there is no acoustic privacy in some sensitive spaces. Door surrounds are not accessible. There is VAT, VCT, carpet, and terrazzo in fair condition throughout the building. Ceilings are 1x1 ACT, painted plaster; 2x2 ACT and 2x4 ACT. There are wood solid core doors; some painted, with metal and wood frames in fair condition, some are original. Doorways are not accessible, hardware is not accessible either. Built-in furnishings are made of wood, metal, and laminate and are in poor shape, original to the building. Two classrooms do not have sinks, other sinks are not accessible. Lockers are metal, single-tier, 15x60 for 2 students. There are also wooden cubbies that are open. Rolling shades are typical and in good condition. Adult bathrooms are CMU, ceramic tile, VCT, and have wood/metal partitions. They are in poor condition, not accessible, and are too few in quantity and are poorly distributed. Student bathrooms are original and are in poor condition, are not accessible, too few in quantity, and are poorly distributed. They are glazed CMU full height, 2x2 terrazzo tile, painted plaster ceilings, and half have painted steel partitions. In 2008 half of the partitions were replaced with high-density PVC and the floors were refinished with epoxy. The stairs are painted concrete with steel nosing, with wood/metal handrails and guardrails. Railings and stair nosing are not accessible. There is no elevator and there is no signage. In the gymnasium there is a wood athletic floor and backstops are in good condition. Walls are glazed CMU, full height with 2x2 ACT, but there is a major vertical crack. The cafetorium has VAT and a poured concrete floor; painted plaster, and acoustic treatments at the ceiling, in good condition. There is wood paneling at the platform surround and wainscot and painted plaster with acoustic treatments at the walls. The wood platform is not accessible and is in poor condition. The auditorium was converted to a cafetorium in 2009 with a new flat floor installed. The stage is used for music instruction. There are floor to ceiling folding wall panels that can divide the space into lunch areas separate from the music area. The kitchen is for warming only and is small but is functional. The telephone system is good with multiple outside lines. Lighting is generally 2x2 and 2x4 recessed fluorescent; surface wrap around in classrooms and some corridors. Receptacles are generally standard type and are over 50 years old. There are key fob operated devices at specific doors. Motion detectors are in corridors and stairs that notify UL Central Station. There is a push button video access device at two front doors and a buzzer in the office area. The sound and intercom system consist of privacy switches and surface speakers in classrooms; corridor speakers, and exterior speakers. The classrooms and offices have battery clocks. Corridor speakers have bell tone. There is data in classrooms and office areas and some wireless. A vertical lift was installed, summer 2010. Interior finishes are to be updated as part of the proposed Renovation/addition project. The vast majority of the electrical distribution system is original. In 2017 the entire building was converted to LED lighting including the exterior lighting.

**PROGRAMS and OPERATIONS: Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).**

The grade structure at Countryside Elementary School is Kindergarten through Grade 5. The Newton Public Schools has articulated specific instructional time allotments for elementary core subjects, which include reading, writing, mathematics, science, social studies and social curriculum. Specialist programs both enhance the core program and provide contractual preparation time for classroom teachers.

Programs offered include:

Regular education classrooms for grades K-5

Full neighborhood inclusion

Three co-taught classes taught jointly by regular and special education teachers.

Special Education programs including, occupational/physical therapy, speech, applied behavioral analysis English Language Learners programs/sheltered English instruction, and the STRIDE program.

After school program

The district has been required to take measures so that every available space within each building can be utilized to support teaching and learning and to meet the needs of students. The Countryside building does not accommodate small group instruction associated with an inclusive education practices adopted by Newton, as required by special education laws.

**EDUCATIONAL SPACES:** Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).

Countryside has 24 core academic spaces:

19 instructional classrooms (1 of these is in modular classroom)

1 reading program/literacy (½ classroom shared with ELL)

1 ELL room (½ classroom shared with reading program/literacy)

2 small group instruction (small classrooms)

1 Learning center

Student Services spaces:

1 District Wide SPED - STRIDE classroom

1 small group instruction (small classroom)

1 special education room (small classroom)

1 OT/PT (modular shared with Speech/Language)

1 Speech/language (modular shared with OT/PT)

1 inclusion classroom (modular)

Other instructional spaces:

1 Art classroom (modular)

1 Music (on stage of cafetorium)

The average size of classrooms is 811 nsf

Room 1- 770 nsf, Literacy/ELL

Room 2 - 770 nsf, Gr.1

Room 3 - 770 nsf, Gr. 4 (co-taught)

Room 4 - 770 nsf, Gr.1

Room 5 - 770 nsf, Gr. 1

Room 6 - 770 nsf, divided in two each 385 nsf., special education & ELL

Room 10 - 667 nsf - Gr. 5

Room 11 - 770 nsf, Gr. 5 (co-taught)  
 Room 12 - 770 nsf, Gr. 5  
 Room 13 - 770 nsf, Gr. 4  
 Room 14 - 770 nsf, districtwide sped program  
 Room 15 - 770 nsf, Gr. 5  
 Room 16 - 770 nsf, Gr. 4  
 Room 1a - 783 nsf, Annex, Gr. 3  
 Room 2a - 783 nsf, Annex, Gr. 3  
 Room 3a- 810 nsf, Annex, Gr. K  
 Room 4a - 810 nsf, Annex, Gr. K  
 Room 5a - 810 nsf, Annex, Gr. K  
 Room 6a - 810 nsf, Annex, Gr. 2  
 Room 7a - 810 nsf, Annex, Gr. 2 (co-taught)  
 Room 8a - 810 nsf, Annex, Gr. 2  
 Room 9a - 728 nsf, 1991 Modular, Inclusion  
 Room 10a - 728 nsf, 1991 Modular, Art room  
 Room 11a - 812 nsf, 2000 Modular, Gr. 3  
 Room 12a - 812 nsf, 2000 Modular, Small Group Instruction  
 Music - Stage, area included in Cafetorium nsf  
 Library - 1032 nsf;  
 Cafetorium, 4080 nsf (includes 916 sf stage/music area)  
 Gym 2400 nsf  
 CASP aftercare, 1102 sf (behind the gym)

**CAPACITY and UTILIZATION: Please provide the original design capacity and a detailed description of the current capacity and utilization of the school facility. If the school is overcrowded, please describe steps taken by the administration to address capacity issues. Please also describe in detail any spaces that have been converted from their intended use to be used as classroom space (maximum of 5000 characters).**

Countryside School has a current enrollment of 413 students. The facility constraints at Countryside to deliver the full education program have been addressed to the extent possible by utilizing modular structures and adapting spaces with the building to maximize space available for the programs. Spaces have been subdivided for teachers and programs to share them. Twenty-five percent of the classrooms, the library and music classroom are undersized when compared to MSBA guidelines for elementary schools. Spaces have been converted from their intended use, the former kindergarten classroom is now the library. Larger specialist spaces have been partitioned off to create multiple small specialist rooms and a storage room has been converted to a tutorial space. Along with creative reassignment of spaces, capacity issues have been addressed at Countryside by adding four modular classrooms.

The MSBA capacity rating for the Countryside School is noted as "overcapacity" in the 2016 MSBA School Survey Report. Without reliance on the outdated aging temporary classrooms, Countryside would be overcrowded. These modular classrooms are located at both ends of a 1958 six classroom annex wing where issues of condition, temperature and humidity are significant, and are exacerbated in the modular classrooms. While overcrowding on Newton's southside has been relieved with the completion of Angier and Zervas, the Northland Investment Corporation has filed an application for a special permit to develop a mixed use project in the Countryside district which proposes 800 housing units, 123 of which will be affordable units. If approved it would be expected to generate student growth. A recently updated school enrollment forecast model was completed by the district, City staff and a consultant funded by a MassHousing grant to develop fiscal impacts from the project with a potential to generate approximately 165

additional public school age students. As a result, enrollment at Countryside could come close to its current capacity.

**MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOL. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).**

Regular maintenance and preventative maintenance programs are funded annually by the district in accordance with the City of Newton's Charter Maintenance Ordinance with a funding requirement of up to 2% of the prior fiscal year budget. The schools have followed and exceeded this requirement in order to maintain its aging building stock. In addition, capital repairs are undertaken in conjunction with funding from the City of Newton's Capital Improvement Program (CIP) with financing from bonding and/or the use of free cash for one-time expenses. No capital repair projects at the Countryside Elementary School have required override or debt exclusion votes.

Preventative maintenance (PM) and regular repair and maintenance work orders are processed in a web-based electronic system enabling efficiency and data gathering. Custodians receive annual training on PM procedures. The district's PM program includes: 1) Asbestos inspection every 3 years, 2) Boiler cleaning annually, 3) Elevator inspections, 4) Emergency generator inspections monthly, 5) Fire suppression testing annually, 6) Replacing carpet with vinyl tile, 7) HVAC maintenance including duct cleaning, 8) Infrared roof inspection, 9) Steam trap replacement, 10) Unit vent filter changes 3x/year.

The district's Summer Projects program customizes repairs and improvements to each building, including items as painting, flooring, bathroom upgrades and space re-organization to meet enrollment/programmatic demands.

The City's Capital Improvement Program funds larger construction or repair projects from a plan formulated jointly with the Public Buildings Department and include includes the following types of projects district-wide: 1) Construction/additions/renovations, 2) Accessibility improvements, 3) Communication system upgrades, 4) Large-scale masonry repairs/waterproofing, 5) Generators, 6) HVAC system, including replacement of boilers, roof top units, univents, 7) Energy efficient lighting installation, 8) Roof/gutter replacements, and 9) Building-wide window/door replacements.

The following capital projects were implemented at Countryside and funded by the City's capital improvement program and operations budget. Installation of modulars, replacements of roof top ventilation units, major replacements of wall and window systems. In 2017 lighting controls were replaced and the entire building was converted to LED lighting including the exterior lighting. As part of the renovation/addition project all electrical systems are to be upgraded to current code.

The current capital improvement program includes the replacement of doors and windows and to set aside \$50,000,000 in funds toward a renovation/replacement project. The source of these funds is 'alternate funding', contingent upon local approval.

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#### Priority 5

**Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.**

*Guidance for Priority 5*

*Districts should only check Priority 5 if a major building system is in need of replacement, renovation, or modernization in order to extend the useful life of the building. Districts selecting Priority 5 must provide all requested information in the appropriate spaces provided at the bottom of the page.*

**\* The determination of whether something qualifies as a Priority 5 rests solely with the MSBA, and the MSBA shall not be bound by the opinions or judgments of the district.**

**Question 1: Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.**

**Roof:** The flat roof on the 1953 portion of the original building (Roof Section A) was replaced in 2012 and is in good condition. The roofs on all of the annexes and modular classrooms are beyond their useful life and need to be replaced. Water pools on them. This roof section over the annex (Roof Section B) has had over 40 requests for repairs since the beginning of 2009. Major and minor repairs have been made over the years.

**Boilers and HVAC:** The HVAC system is steam by natural gas with classroom unit ventilators with supplemental radiation. The steam boilers were replaced in 2007 and 2012. The 2007 boiler has been completely submerged at least twice due to flooding in the school. The boiler room itself has seen flood levels as high as 12 feet which has taken its toll on all of the mechanical, electrical, and plumbing equipment. The heating system was converted to natural gas in 2011, and the underground oil storage tanks were removed the same year. Some of the classroom unit ventilators and rooftop hvac equipment has been replaced over the years, but most of the distribution system is original, beyond its useful life, and in poor condition. With the exception of some of the modular classrooms, the building is not air conditioned. A complete steam trap survey was conducted and the district implemented all of the recommendations of that survey. Two of the 9 RTU's were replaced in 2018 but the remaining 7 RTU's (rooftop units) that are part of the HVAC systems in the annexes and modulares are beyond useful life, failing, failed, and/or in poor condition. With exposed ductwork and mechanical systems, the acoustical performance negatively impacts the learning environment. Dual range actuators for the outside air dampers have been installed in the classrooms. As part of the proposed Renovation/addition project all HVAC systems are to be updated.

**Plumbing:** Most of the plumbing in the building is original although some bathroom fixtures have been replaced. Due to elevation challenges throughout the site, the sewage lines cannot pitch adequately to allow for gravity drainage. This means that there are sewage ejector pumps in the small crawl spaces throughout the building. These are not allowed by the plumbing code. These pumps have failed countless times, resulting in sewage flooding throughout the school. One example of this is the sewage ejector pump directly below the nurse's office. The smell of sewer gases always exists, but this ebbs and flows based on the operation of these pumps. There are two very large sump pumps in the boiler room that never stop running. The basement sits 6 feet below the water table, and the boiler room sits 12 feet below the water table. When the pumps fail the basement floods within a few hours, which is catastrophic as the only storage for curriculum materials, gym equipment, and custodial supplies and equipment is in the basement. The basement area is chronically wet, and by all records has never been dry. Piping is original in fair to poor condition with limited accessibility. Repairs to any of the failed sewer ejector pumps require crawling 50-100 feet through the sewage. This also means that when these pumps fail, sewage sits beneath the first floor classrooms. Domestic hot water is not available at all sinks. The domestic water circulator is in poor condition. As part of the proposed Renovation/addition project all plumbing systems are to be updated.

**Fire Protection and Detection:** The fire alarm panel was replaced in 2016, but only a small portion of the devices are addressable. Therefore, responses are likely only to the building, and not to a specific area within the building. The fire alarm distribution system is in poor condition and needs to be replaced. The school has no fire suppression systems. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box. As part of the proposed Renovation/addition project all Fire Protection and Detections Systems are to be updated.

**Accessibility:** A vertical lift was installed in 2010, which provides programmatic access to the 2nd floor of the building. This lift was allowed at the time, but is no longer allowed to be constructed as a permanent means of vertical accessible travel. The "cab" of the lift is approximately 3' by 4', which means that it can only accommodate one child and an adult, and in some cases an adult cannot fit. A few restrooms have had minor investments made to improve accessibility, but currently there are no girls restrooms that have the clearances needed to allow for wheelchair access, and once in there are no accessible restroom stalls exist. The boy's restrooms have accessible stalls, but clearances are not sufficient for wheelchair access. The ramp leading from the 1953 building, to the annex is not ADA or MAAB compliant. The playground is not programmatically accessible. The door hardware is not accessible, and the signage throughout the building is not ADA compliant. As part of the proposed Renovation/Addition project Accessibility issues are to be updated to meet current ADA standards.

**Electrical:** Lighting and lighting controls were replaced in 2017, but the vast majority of the electrical distribution is original. The entire building was converted to LED lighting including the exterior lighting. The main electrical switch gear is in poor condition and resides in an area prone to flooding. Electrical service equipment is 400A, 3 phase, 4 wire, 120/208V in fair condition, but without sufficient working clearances. The distribution system consists of circuit breaker panel boards with conduit and wire feeders and is 50+ years old. There is a 150kW diesel exterior generator that serves corridor and stair lighting and boilers, but it is not in a 2 hour fire-rated room for life safety system equipment. The multi-zone fire alarm system is ADA compliant with auditorium and corridor smoke detectors and door holders. Heat detectors are located in the basement, and there is a master box. As part of the proposed Renovation/Addition project electrical systems are to be updated to meet current codes.

**Question 2: Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.**

The roofing system over the original 1953 section of the building was replaced with an EPDM roof in 2012. The roofing system over the 1958 annex building has had major repairs numerous times over the years and should be replaced.

Based on current best practices and Newton's education mission, educational and building standards that address the reduction of energy consumption have been established as part of the facilities operations plan. In recent years, energy efficient lighting has been installed throughout the district by partnering with the NSTAR Lighting Rebate Program. The City has hired an energy specialist to oversee the implementation of measures and policies that have a direct impact on reduced energy consumption while improving equipment operation and occupant comfort. The district has clear policies and procedures for reducing energy use throughout the day and evening. Heat is not turned on within school buildings until October 15 of each year. During the school day thermostats are kept at the lowest required temperatures. Staff are encouraged to arrange classroom furnishing to maximize distribution of heat. Policies are in place to turn off lights and use natural lighting whenever possible. The district periodically sends out reminders regarding these energy conservation policies.

In 2012, the City of Newton entered into a contract with Thielsch Engineering. This company has conducted an energy audit of the Countryside School and has reviewed the historic consumption of all utilities and the available energy cost savings that will result from recommended energy conservation projects that will deliver those savings.

**Question 3: Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.**

Teaching and Learning at Countryside is highly impacted by the facility due to its age and condition, and the reliance on the 9-classroom annex/modular wing built with temporary construction methods, and also due to the fact that the facility severely lacks adequate support spaces. The condition of building systems creates environmental conditions that do not support teaching and learning: The vast majority of mechanical, electrical, and plumbing systems at Countryside are original and not up to current code. The HVAC distribution system is mostly original to the buildings creating uneven heating conditions. Ventilation is below standard and lacking in some spaces. Increased levels of humidity are present throughout the building. The school has too few toilet rooms for both students and staff.

The difficult layout of the building that results in navigation through multiple levels and a lengthy breezeway dividing the facility impedes access to instruction for students including a general lack of ADA accessibility. The building is not accessible or ADA compliant in many ways, reliant upon an inadequate lift for programmatic accessibility. While there is a cafetorium it is not near the warming kitchen.

The facility relies on undersized spaces for instruction and lacks small instructional spaces required with current educational practices and the full inclusion of students with a spectrum of needs. When built, Countryside did not have SPED and ELL programs, children went home for lunch, kindergarten was a half-day double session, no after school programs existed, nor was there dedicated space for art and music instruction. SPED programs require self-contained classrooms and ancillary spaces for speech and language, OT and PT, ABA space (for autism spectrum disorders) and small group tutorial spaces. The impact of substandard spaces on teachers and student learning is significant. Many of the classrooms are undersized.

**Question 4: Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility that is the subject of this SOI and how it will improve your district's educational program.**

The heating system of a building is a major piece of building infrastructure, and its replacement and/or modernization will extend the useful life of the facility. Since the heating system of this facility was constructed, technology has changed significantly; today there are high efficiency boilers, variable speed drives and sophisticated electronic controls for heating system management. Decreased maintenance needs for heating systems increases not only its useful life but has a positive effect on the building as a whole. Approximately one-third of our maintenance and repair budget is devoted to repairing failing heating equipment. There is an opportunity cost in this scenario whereby other facility systems must compete for dollars. Heating system emergencies take a high priority over other maintenance concerns. Heating system upgrades will reduce the operating cost and allow those dollars to be spent on preventative maintenance and other types of facility improvements. In addition, the recurrent flooding issues will only be resolved with a major reconfiguration to the site and removal of the modular buildings in a building renovation/addition.

**Have the systems identified above been examined by an engineer or other trained building professional?**

YES

**If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters)**

Josh Morse, Public Buildings Commissioner  
HMFH Architects Inc. Long-Range Facilities Master Plan 2007, updated 2011

**The date of the inspection**

11/1/2007 HMFH; 12/01/2018 Josh Morse

**A summary of the findings (maximum of 5000 characters)**

See Existing Conditions Report, by Josh Morse, Public Buildings Commissioner, 2018 submitted as supplemental materials.

Summary of findings by Josh Morse in Existing Conditions Report

The fact that half of the classrooms at Countryside reside in temporary modulars or poorly designed annexes, coupled with the overall condition of the original building, yields a strong need for a major capital investment.

#### **PRIORITY 7**

**Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.**

**Guidance for Priority 7**

\* The determination of whether something qualifies as a Priority 7 rests solely with the MSBA, and the MSBA shall not be bound by the opinions or judgments of the district.

**Question 1: Please provide a detailed description of the programs not currently available due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.**

While the necessary education programs are currently being offered, they are being offered under constraints and in substandard spaces as described in the answer to Question 3.

**Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.**

In the City of Newton's CIP, Item #71, \$50,000,000, is included in the next five years to renovate/replace to Countryside School starting in FY 2021, as 'alternate funding' depending upon local approval. Also, in the CIP is an item for replacement of doors and windows: Item #175, \$500,000 not currently funded in the next five years.

**Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.**

Teaching and Learning at Countryside is highly impacted by the facility due to its age and condition, and the reliance on the 9-classroom annex/modular wing built with temporary construction methods, and also



due to the fact that the facility severely lacks adequate support spaces. The facility constraints at Countryside to deliver the full education program have been addressed to the extent possible by utilizing modular structures and adapting spaces with the building to maximize space available for the programs. Spaces have been subdivided for teachers and programs to share them. Twenty-five percent of the classrooms, the library and music classroom are undersized when compared to MSBA guidelines for elementary schools. Spaces have been converted from their intended use, the former kindergarten classroom is now the library. Larger specialist spaces have been partitioned off to create multiple small specialist rooms and a storage room has been converted to a tutorial space. Along with creative reassignment of spaces, capacity issues have been addressed at Countryside by adding four modular classrooms.

The facility relies on undersized spaces for instruction and lacks small instructional spaces required with current educational practices and the full inclusion of students with a spectrum of needs. When built, Countryside did not have SPED and ELL programs, children went home for lunch, kindergarten was a half-day double session, no after school programs existed, nor was there dedicated space for art and music instruction. SPED programs require self-contained classrooms and ancillary spaces for speech and language, OT and PT, ABA space (for autism spectrum disorders) and small group tutorial spaces. The impact of substandard spaces on teachers and student learning is significant. Many of the classrooms are undersized or simply not available.

**FRANKLIN ELEMENTARY SCHOOL**  
**First Draft Statement of Interest (SOI) 2020**  
**as of 1.29.2020**

**SOI MAIN TAB**

**Is this part of a larger facilities plan? Please provide an overview of the plan including as much detail as necessary to describe the plan, its goals, and how the school facility that is the subject of this SOI fits into that plan (maximum of 5000 characters).** Yes

HMFH Architects, Inc. (2007, 2011); Self-prepared 2012 - present

In a context of significant enrollment growth, Newton has been engaged in long-range planning since the early 2000's. Over a 15 year period, a significant growth trend occurred resulting in a K12 population increase from 11,267 to 12,685 students 13% growth between 2004 and 2019. The K5 population had the steepest increase from 4,938 to 5,824 students by 2017-18, or 17% growth, and has now stabilized. After this sustained 13-year growth period, every grade cohort has experienced growth that is now fully integrated in all grade levels. Projections for next year indicate a small decline in enrollment (of 15 students), as a larger grade 12 class graduates this summer than the combined total of projected incoming kindergartners and students moving into the district. The current five- year enrollment projections through 2024-25 show small overall district enrollment declines, as larger classes graduate grade 12 and smaller kindergarten classes are projected to enter.

A formal master plan was initiated by the district in 2007, and conducted by HMFH Inc. The plan provided facility conditions assessment, space needs and long-range utilization plans using both engineering/facility and educational standards for its evaluation. HMFH completed an update of the plan in 2011 with the launch of Newton's current long-range plan to correct educational facilities deficiencies by sequencing major and mid-sized projects at 15 elementary schools, which at that time included two of the oldest schools in the worst condition in the state (Angier, Cabot).

Newton has continued to update its long-range plan annually since 2012 and has developed consensus for the elementary facilities plan that provides critically needed modernization of school buildings and capacity expansion. The plan is fully coordinated with the city's capital plan which outlines multiyear financial support. The plan is based on detailed enrollment projections that document the capacity needed to address classroom shortages for both regular education as well as the needs of special populations. Significant progress has been made on the long-range plan which identified Angier and Cabot as Newton's top priorities due to age, condition and overcrowding. A 2013 debt exclusion funded the Angier, Zervas and Cabot school buildings plus ten modular classrooms to address short term severe crowding. In partnership with the MSBA, a newly constructed Angier was reopened in January 2016 and Cabot reopened in September 2019. Zervas was Newton's second school to be rebuilt since its location and site offered an excellent opportunity to expand capacity, and was funded locally. Zervas reopened in September 2017 with six additional classrooms and with an enlarged school district. Cabot reopened in September 2019 with four additional classrooms. The Angier, Zervas and Cabot projects will have added capacity for approximately 200 students and, through two phases of redistricting, will ease crowding at other schools. Although enrollment has stabilized recently, two of Newton's 15 elementary schools still have enrollment close to capacity in 2019-20, so local enrollment pressure points continue to require careful management. Although enrollment has stabilized recently, Newton is studying the potential impact of 1,565 planned additional units of housing in three large and three small residential developments in Newton.

A properly reconstructed Franklin School is the next highest priority, after Countryside, on Newton's long-range plan due to facility condition issues, the facility's inability to support the educational program and the use of modular space and extensive reliance upon lower level space for academic use.

The Franklin School was a Works Progress Administration (WPA) project. It was built in 1938 as a neighborhood school consisting of 13 classrooms, a large small group break-out room, an auditorium, main office, four sets of boys' and girls' restrooms, six staff restrooms, a kitchen, a staff break room, a staff work room, a public meeting room, 4,200 square feet of "play rooms", a bicycle room, generous storage throughout the school, and a large wardrobe room. The original building was 45,406 square feet.

In 1949, due to increasing enrollment, and the desire for indoor gym space, a 12,400 square foot addition was constructed on the northwest side of the school. A 3,000 square foot gym, two restrooms, locker rooms, offices, a staff room, storage, and four classrooms were included in this addition. This addition was designed to mimic the original 1938 design, and was constructed using the same quality and durability of materials used in the original building.

In 1954, due to enrollment pressure, a 4,940 square foot addition was constructed on the southeast side of the school. This project included four classrooms, and a very large lobby that was designed to be used for small group instruction. This addition is wood-framed, slab on grade, and was not designed or constructed to anywhere near the same level as the 1938 or 1950 projects.

While the MSBA's 2016 School Survey determined that Franklin School is considered average in utilization of general space, there are some less than adequate conditions in the school because of the lack of adequate support spaces including: student and adult toilets, special education space, music, and professional and team collaborative space.

**Does the District have a Master Educational Plan that includes facility goals for this building and all school buildings in District? YES**

Newton has developed Education Plans in conjunction with the Angier and Cabot school building projects (DiNisco Design) that document Newton's educational plan for modern school buildings which support 21<sup>st</sup> century standards for teaching and learning. Standards promote the education, health and well-being of all students; highly effective teaching environments, efficient operations, and anticipate future programmatic change while maintaining standards of performance and reliability.

**Is there overcrowding at the facility? No**

If "YES", please describe in detail, including specific examples of the overcrowding (maximum of 5000 characters).

**Has the district had any recent teacher layoffs or reductions ? No**

There were no teacher or staff reductions, as a result, this question does not apply.

**Please provide a description of the local budget approval process for a potential capital project with the MSBA. Include schedule information (i.e. Town Meeting dates, city council/town council meetings dates, regional school committee meeting dates). Provide, if applicable, the District's most recent budget approval process that resulted in a budget reduction and the impact of the reduction to the school district (staff reductions, discontinued programs, consolidation of facilities (maximum of 2000 characters).**

The FY20 School Committee Approved Budget is \$236,372,312, and includes an \$8.8 million increase, 3.9% over the FY19 budget of \$227,560,263. The budget process began in November 2018 with the

approval by the School Committee of the District wide Goals which directs budget priorities. The budget process involves a comprehensive review by district and school administrators of existing and proposed school functions, planning for adjusted costs and future changes or new educational initiatives. The budget process culminates in a public presentation by the Superintendent, public meetings to review specific areas of the budget, public hearings, a school committee straw vote and a final vote of approval. Following the Newton Public Schools' process, the budget is presented to the City Council, reviewed and voted on by that body in conjunction with the approval of the City of Newton's operating and capital annual budgets. The FY20 budget continues to support Newton Public Schools core mission to meet the diverse educational, social and emotional needs of all students while narrowing the achievement gap, promoting critical thinking skills, providing mental health supports, and sustaining teacher professional development and collaboration. FY20 budget also expands the ongoing maintenance of buildings and expands in-district special education facilities and added Full Day Kindergarten programming to all elementary schools.

### General Description

**BRIEF BUILDING HISTORY: Please provide a detailed description of when the original building was built, and the date(s) and project scopes(s) of any additions and renovations (maximum of 5000 characters).**

The Franklin School was a Works Progress Administration (WPA) project built in 1938 and opened in 1939 as a neighborhood school consisting of 13 classrooms, a large small group break-out room, an auditorium, main office, four sets of boys and girls restrooms, six staff bathrooms, a kitchen, a staff break room, a staff work room, a public meeting room, 4,200 square feet of "play rooms", a bicycle room, generous storage throughout the school, and a large wardrobe room. The original building was 45,406 square feet.

In 1949, due to increasing enrollment, and the desire for indoor gym space, a 12,400 square foot addition was constructed on the northwest side of the school. A 3,000 square foot gym, two bathrooms, locker rooms, offices, a staff room, storage, and four classrooms were included in this addition. This addition was designed to mimic the 1938 design, and was constructed using the same quality and durability of materials used in the original building. In 1954, due to enrollment pressure, a 4,940 square foot addition was constructed on the southeast side of the school. This project included four classrooms, and a very large lobby that was designed to be used for small group instruction. This addition is wood-framed, slab on grade, and was not designed or constructed to anywhere near the same level as the 1938 or 1949 projects.

The school currently has 20 classrooms being used for core classrooms for individual grades. An original play room space below grade was converted into a 1,956 square foot library. Another 2,200 square foot below grade space has been converted into spaces for the art room, Plowshares Afterschool Program, storage, elevator, and elevator machine room. The music program which does not have its own space uses the stage in the cafetorium and is one third of the size needed. The 1938 kindergarten classroom wing has been converted to Inclusion, ELL, offices, storage, and a staff break room. The main office has been expanded, and the original staff room was converted to the nurse's office.

Franklin School lacks sufficient programmatic space, specifically for offices, support staff, special education, small group instruction and conference rooms. The gym, cafetorium, art room, and library are all of manageable size, but the art room is below grade with insufficient natural light. The school is also lacking an appropriate music room. The quantity and size of classrooms is adequate, but at an average of 831 square feet, they are undersized for today's standards.

The HVAC system was converted to natural gas and is served by a single gas fired Smith steam boiler installed in 1983. Terminal equipment includes steam unit vents and radiation in common areas. The 1954 addition is served by a hot water heat exchanger and pumps, which deliver heat to unit ventilators in the associated spaces. The gym is served by radiation, as well as a steam H&V unit. The majority of the building systems are controlled an aging electropneumatic control system with 18 control zones. Much of its functionality, however, is no longer operable. The HVAC terminal equipment is controlled by an aging, obsolete, and maintenance intensive pneumatic air system. Recently a new interior air handling unit was installed in the Library to improve the humidity and general air quality. In 2014, approximately \$500,000 was spent on building management systems, HVAC equipment controls, steam trap replacements, and weatherization projects throughout the school. In 2019, mini-split combination heating and cooling units were installed in four kindergarten classrooms. These units augment the existing heating system and are designed to compensate for heat loss on particularly cold days. A school building security project was implemented, funded through a Homeland Security Grant. Electronic access card readers were installed on two exterior doors. All appropriate staff has electronic access via key fob device. Access to the building is much more secure and records of access by individuals is monitored via a live database.

**TOTAL BUILDING SQUARE FOOTAGE:** Please provide the original building square footage PLUS the square footage of any additions.

1938 original building 45,406 square feet  
 1949 addition 12,400 square feet  
 1954 addition 4,940 square feet  
 Total square footage is 62,746

**SITE DESCRIPTION:** Please provide a detailed description of the current site and any known existing conditions that would impact a potential project at the site. Please note whether there are any other buildings, public or private, that share this current site with the school facility. What is the use(s) of this building(s)? (maximum of 5000 characters).

Franklin School sits on a 237,611 square foot site that is comprised of two baseball fields, passive field space, two playgrounds, a basketball court, and 75 parking spaces. There are no other buildings that share this current site with the school facility. The school has recently had some flooding issues at the entrance to the 1950 addition, but this was just addressed by Newton DPW through the replacement of a failed stormwater catch basin. The water table in this area is actually quite low and there has been no history of flooding in any of the basement areas. The site is ideal for a school, as it has no subsurface problems, geotechnical issues, or other challenges or restrictions that most school sites in Newton have. The parking area at the back of the building is bituminous concrete. Ramps are concrete and the main ramp is accessible to the building entrance. There is also a ramp at the play spaces.

Side entrances to the building are not accessible. The ramp from the gym to the recreational facilities is failing and the rails are not compliant. All bituminous concrete paths around the school are in poor condition with a large sinkhole in one location. Rear entrances to the building are deteriorating. Fields are turf with a skinned base area in fair condition. Mature plantings and plantings at the front of the school are in good condition. There are two play structures. The K-2 play structure is in fair condition, the Grades 3-5 play structure is in good condition. The west side playground is somewhat accessible with very little accessible features, while the east side playground is accessible and has limited accessible features. The driveway must be crossed in order to access the play areas. There is a bituminous basketball court in fair condition. Some of the benches located at the play area are new, and there is an attractive seating area at the front of the building. Fencing is steel wire mesh at the rear and side perimeter

separating the play areas, and at the front. There is no parking area lighting, no exterior door lighting, but there are newer building flood lights.

**ADDRESS OF FACILITY:** Please type address, including number, street name and city/town, if available, or describe the location of the site. (Maximum of 300 characters)

125 Derby Street, West Newton, Massachusetts 02465

**BUILDING ENVELOPE:** Please provide a detailed description of the building envelope, types of construction materials used, and any known problems or existing conditions (maximum of 5000 characters).

The 1938 roof is almost all slate which is original, with the exception of the old kindergarten wing and boiler room roof, which are tar and gravel. Additionally, in 1993 the north-facing façade of the slate roof was replaced with asphalt shingles. The classroom portion of the 1950 addition is mostly slate which is original, with a very small section above the offices, and the gym addition being tar and gravel. The 1954 addition roof is a rubber membrane that was replaced in 2008. Overall, the roof appears to be in very good condition considering the age. Maintenance records indicate there have been five individual roof leaks since 2005, with no reported roof leaks in the past four years. The annex had 10 reported roof leaks before the roof was replaced, and none since then. The tar and gravel sections are not actively leaking, but will likely need to be replaced within the next 10 years as they are past their useful life.

#### Exterior Masonry

The exterior masonry needs repairs in multiple locations. The stone retaining wall, egress stairs, ramps, and isolated areas of the brick façade all need a great deal of repair work. Most of the work is superficial, but if not corrected soon, it could become larger, more complicated, and more expensive projects. The recent project to repair the 1943 courtyard stormwater retention basin has addressed the flooding issues, but more work is needed around the perimeter of the building to address dry wells and drainage systems, to help prevent future problems that occur when storm water is left uncontrolled near the foundation.

#### Windows

The vast majority of the metal windows were installed in 1989 and are approaching their end of useful life. These windows have been repaired over the years, as the springs have failed, making the windows difficult to operate. The windows in the 1949 gym addition are original, and need to be replaced. The windows in the 1954 addition were replaced in 2000 with vinyl crank operated casement windows, and are functional, but inefficient from a thermal perspective.

#### Doors

There are a total of 81 interior and 21 exterior doors in the school. The condition of the doors ranges from excellent to poor. Several of the exterior doors that are in poor condition in the 1954 addition portion of the school are scheduled for replacement by the end of January 2020. A majority of the exterior doors are FRP type and are in good condition. There are some metal and wood doors that are in fair to poor condition. The interior doors are for the most part in good condition with several in fair to poor condition.

**Has there been a Major Repair or Replacement of the EXTERIOR WALLS?** NO

**Year of Last Major Repair or Replacement:(YYYY)**

**Description of Last Major Repair or Replacement:**

Age: 1939

Repairs as needed

**Roof Section A** 1938 original building with major slate repairs in 1990

**Is the District seeking replacement of the Roof Section?** No

**Area of Section (square feet)** 17,850 sq. ft.

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))** Slate

**Age of Section (number of years since the Roof was installed or replaced):** 82

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section B** 1954 Addition – EPDM replacement in 2008

**Is the District seeking replacement of the Roof Section?** NO

**Area of Section (square feet)** 5,880 sq. ft.

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))** EPDM

**Age of Section (number of years since the Roof was installed or replaced)** 11

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Roof Section C** 1949 Addition - Asphalt, built up Tar & Gravel replacement in 1993

**Is the District seeking replacement of the Roof Section?** Yes

**Area of Section (square feet)** 6,200 sq. ft.

**Type of ROOF (e.g., PVC, EPDM, Shingle, Slate, Tar & Gravel, Other (please describe))** Tar and Gravel

**Age of Section (number of years since the Roof was installed or replaced)** 27

**Description of repairs, if applicable, in the last three years. Include year of repair:**

**Window Section A**

**Is the District seeking replacement of the Windows Section?** NO

**Windows in Section (count)** 259

**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe)):**

Thermopane metal windows

**Age of Section (number of years since the Windows were installed or replaced):**

32 years, metal window replacement in 1988

**Description of repairs, if applicable, in the last three years. Include year of repair:** Glass replacement as required due to breakage

**Window Section B** 1938 and 1949 Building

**Is the District seeking replacement of the Windows Section?** Yes

**Windows in Section (count)** 114

**Type of WINDOWS (e.g., Single Pane, Double Pane, Other (please describe))** Thermopane

**Age of Section (number of years since the Windows were installed or replaced):** 15

**Description of repairs, if applicable, in the last three years. Include year of repair:** Glass replacement as required due to breakage

**MECHANICAL and ELECTRICAL SYSTEMS: Please provide a detailed description of the current mechanical and electrical systems and any known problems or existing conditions (maximum of 5000 characters).**

Franklin School is served by a single gas fired Smith steam boiler installed in 1983. Terminal equipment includes steam unit vents and radiation in common areas. The 1954 addition is served by a hot water heat exchanger and pumps, which deliver heat to unit ventilators in the associated spaces. The gym is served by radiation, as well as a steam H&V unit. The majority of the building systems are controlled by an aging electropneumatic control system with 18 control zones. Much of its functionality, however, is no longer operable. The HVAC terminal equipment is controlled by an aging, obsolete, and maintenance

intensive pneumatic air system. Recently a new interior air handling unit was installed in the Library to improve the humidity and general air quality. In 2014, approximately \$500,000 was spent on building management systems, HVAC equipment controls, steam trap replacements, and weatherization throughout the school. In 2019, mini-split combination heating and cooling units were installed in four kindergarten classrooms. These units augment the existing heating system and are designed to compensate for heat loss on particularly cold days. The Fire Alarm System consists of smoke, heat and CO2 detectors. The electrical distribution system consists of circuit breaker panel boards with conduits and wire feed in good condition. There is an emergency generator that is new and serves the entire building.

### **Boiler Section 1**

**Is the District seeking replacement of the Boiler?** Yes

**Is there more than one boiler room in the School?** No

**What percentage of the School is heated by the Boiler?** 100%

**Type of heating fuel (e.g., Heating Oil, Natural Gas, Propane, Other) (Maximum of 250 characters)**  
Natural Gas

**Age of Boiler (number of years since the Boiler was installed or replaced):** 37

**Description of repairs, if applicable, in the last three years. Include year of repair: (Maximum of 1500 characters)**

**Has there been a Major Repair or Replacement of the HVAC SYSTEM?** No

**Year of Last Major Repair or Replacement:**

**Description of Last Major Repair or Replacement: (Maximum of 1500 characters)**

**Has there been a Major Repair or Replacement of the ELECTRICAL SERVICES AND DISTRIBUTION SYSTEM?** Yes

**Year of Last Major Repair or Replacement:** 2017

**Description of Last Major Repair or Replacement: (Maximum of 1500 characters)**

In 2012, minor electrical improvements were made to the Franklin school as part of a broad capital project. That being said, the service, panels, and distribution are original, beyond useful life, and should be replaced. The main switchgear is located in a very small utility room in the basement. This room does not have the proper clearances for safe work, and when the panels are replaced, they should be moved to another more appropriate location within the building. In 2014, \$65,000 was spent upgrading the lighting and lighting controls and in 2017 \$70,000 was spent upgrading the lighting and lighting controls.

**BUILDING INTERIOR: Please provide a detailed description of the current building interior including a description of the flooring systems, finishes, ceilings, lighting, etc. (maximum of 5000 characters).**

Interior building partitions are glazed CMU with painted plaster above at corridors, and painted plaster walls throughout. Flooring is VAT, VCT, carpet, and sheet vinyl, in good condition. Ceilings are painted plaster, with 2x2 and 2x4 ACT, in good condition but stained and damaged in some areas. Doors, in good condition, are original solid wood core with wire glass in metal frames. Hardware sinks, and fixtures are inaccessible. Interior built-in furnishings are wood, metal, and laminate. There are wood pivot doors for storage in classrooms. Lockers are various types, primarily metal, single-tier, 15"x60" for 2 students. They are sized too small for shared use. Window treatments are rolling shades with vertical blinds at the auditorium and cafeteria, all in good condition. Adult bathrooms are CMU, ceramic tile, VCT, with metal or wood partitions. They are original to the building and are not accessible. Student bathrooms are the same with painted plaster at upper walls and ceiling. Stairs are painted concrete with steel nosing and wood or metal hand and guardrails. Railings and stair nosing are non accessible. The one elevator in the



building is in good condition, but not all areas are accessible. In the gymnasium there is the original wooden athletic floor and backstops. Walls are glazed CMU with a 1x1 acoustic ceiling tile in fair condition. The auditorium/cafeteria/music space has a VCT floor, glazed CMU with regular CMU above and 2x4 ACT. The wood platform is in good condition, but is non accessible. The gym floor was replaced? In 2017. The kitchen is for warming only and is functional. The fire alarm system is multi-zone. There are door holders and smoke detectors in the library and corridors, and there is a master box. The lighting system consists of 2x2 recessed fluorescent in corridors, with surface and suspended fluorescents in the classrooms. Most classrooms are without multiple switches. There are new energy efficient lamps and electronic ballasts supplied by the utility company. Receptacles are generally standard duplex type, 50 years and under. Additional receptacles and circuits are needed in classrooms and office areas. The security system which notifies UL Central Station consists of keypads at specific doors and motion detectors in corridors. A school building security project was implemented, funded through a Homeland Security Grant. Electronic access card readers were installed on two exterior doors. All appropriate staff has electronic access via key fob device. Access to the building is much more secure and records of access by individuals is monitored via a live database. The sound/intercom system has private switches in classrooms and ceiling speakers in the corridors. The auditorium has an independent sound system. Classrooms and the office have battery operated clocks. Corridors and classrooms have speakers with bell tones. There is recent data in classrooms and office areas, but additional data outlets are needed in classrooms.

**PROGRAMS and OPERATIONS: Please provide a detailed description of the current grade structure and programs offered and indicate whether there are program components that cannot be offered due to facility constraints, operational constraints, etc. (maximum of 5000 characters).**

The grade structure at Franklin Elementary School is Kindergarten through Grade 5. The Newton Public Schools has articulated specific instructional time allotments for elementary core subjects, which include reading, writing, mathematics, science, social studies and social emotional curriculum. Specialist programs both enhance the core program and provide contractual preparation time for classroom teachers.

Programs offered include:

- General education classrooms for grades K-5
- Franklin is a full inclusion school  
The school has three co-taught classrooms each taught by a general education teacher and a special education staff who is in the classroom full time serving the needs of our special education students in the co-taught setting.
- The remaining special education students who are not in co-taught classroom are supported academically by four full time special education teachers (e.g., Two special education teachers who serve as Inclusion Facilitators and two special education teachers who serve as Learning Center teachers.)
- Special education programs including, occupational/physical therapy, and speech/language
- Other special programs include English Language Learners programs/sheltered English instruction.
- Franklin does not have any other special education program, besides full inclusion.
- The school offers an early morning drop off and care program for parents that starts at 7:30 AM.
- The Plowshares After School Program operates at Franklin School. Students attend Plowshares from 3:00 PM until 5:30 PM. The Plowshares program is not operated by the Franklin School, though several school staff work there.

The district has been required to take measures so that every available space within each building can be utilized to support teaching and learning and to meet the needs of students. While the school takes every measure to provide space for small group instruction for students who need it, the Franklin building does

not accommodate small group instruction associated with an inclusive education practices adopted by Newton, as required by special education laws.

**EDUCATIONAL SPACES:** Please provide a detailed description of the Educational Spaces within the facility, a description of the number and sizes (in square feet) of classrooms, a description of science rooms/labs including ages and most recent updates, a description of the cafeteria, gym and/or auditorium and a description of the media center/library (maximum of 5000 characters).

Franklin has 23 core academic spaces:

20 Classrooms (4 of these are in a modular structure)

1 Reading Program/Literacy (small classroom)

1 Learning Center (small classroom)

1 ELL room (small classroom)

Average size of full-size classrooms: 813 square feet

Student Services spaces:

3 Small-sized specialist rooms: small group instruction, OT/PT, Speech/Language, Inclusion

Other Instructional Spaces:

1 Art Room

1 Music Room

Classrooms

Room 1 – 842 sf

Room 2 – 842 sf

Room 3 – 866 sf

Room 4 – 866 sf

Room 5 – 866 sf

Room 6 – 858 sf

Room 8 – 866 sf

Room 9 – 910 sf

Room 10 – 910 sf

Room 11 – 910 sf

Room 12 – 910 sf

Room 21 – 842 sf

Room 22 – 842 sf

Room 23 – 866 sf

Room 24 – 866 sf

Room 25 – 866 sf

Room 26 – 678 sf

Room 27 – 866 sf

Room 28 – 866 sf

Room 29 – 866 sf

Room 31 – 1121 sf

Art – 1203 sf

Music - Stage

Library – 2006 sf

Cafetorium – 4038 sf

Gym – 3000 sf

FASP – 500 sf (Franklin After School Program)

### **CAPACITY AND UTILIZATION**

Franklin School has a current enrollment of 413 students. The facility constraints at Franklin to deliver the full education program have been addressed to the extent possible by utilizing the older modular structure and lower level space, and adapting other spaces with the building to maximize space available for the programs. Spaces have been subdivided for teachers and programs to share them. Approximately 75 % percent of the classrooms, the library and music classroom are undersized when compared to MSBA guidelines for elementary schools. Spaces have been converted from their intended use. The district has worked to limit enrollment at Franklin by shrinking the geographical boundaries of the neighborhood which would be eligible to attend Franklin. The district has also limited the number of kindergarten classrooms to three, compared to the four kindergarten classrooms the school has had historically.

Basement spaces have been converted from their intended non-educational use to now accommodate the library, art classroom and an instructional classroom. These spaces have inadequate natural light from high windows only and inadequate ventilation for occupied spaces.

**MAINTENANCE and CAPITAL REPAIR: Please provide a detailed description of the district's current maintenance practices, its capital repair program, and the maintenance program in place at the facility that is the subject of this SOI. Please include specific examples of capital repair projects undertaken in the past, including any override or debt exclusion votes that were necessary (maximum of 5000 characters).**

Regular maintenance and preventative maintenance programs are funded annually by the district in accordance with the City of Newton's Charter Maintenance Ordinance with a funding requirement of up to 2% of the prior fiscal year budget. The School District has followed and exceeded this requirement in order to maintain its aging building stock. In addition, capital repairs are undertaken in conjunction with funding from the City of Newton's Capital Improvement Program (CIP) with financing from bonding and/or the use of free cash for one-time expenses. No capital repair projects at the Franklin Elementary School have required override or debt exclusion votes.

Preventative maintenance (PM) and regular repair and maintenance work orders are processed in a web-based electronic system enabling efficiency and data gathering. Custodians receive annual training on PM procedures. The district's PM program includes: 1) Asbestos inspection every three years and updates as required, 2) Boiler cleaning annually, 3) Elevator inspections, 4) Emergency generator inspections monthly, 5) Fire suppression testing annually, 6) Replacing carpet with vinyl tile, 7) HVAC maintenance including duct cleaning, 8) Infrared roof inspection, 9) Steam trap replacement, 10) Unit vent filter changes three times a year.

The district's Summer Projects program customizes repairs and improvements to each building, including items as painting, flooring, bathroom upgrades and space re-organization to meet enrollment/programmatic demands.

The City's Capital Improvement Program funds larger construction or repair projects from a plan formulated jointly with the Public Buildings Department and includes the following types of projects district-wide: 1) Construction/additions/renovations, 2) Accessibility improvements, 3) Communication system upgrades, 4) Large-scale masonry repairs/waterproofing, 5) Generators, 6) HVAC system, including replacement of boilers, roof top units, univents, 7) Energy efficient lighting installation, 8) Roof/gutter replacements, and 9) Building-wide window/door replacements.

The following capital projects were implemented at Franklin School and funded by the City's capital improvement program and operations budget: The City funded a \$150,000 stormwater improvement project in 2019 around the building to mitigate stormwater infiltration around the 1954 addition to the building as well as the replacement of gutters and downspouts in that portion. Additionally, the school district has completed ongoing masonry work around the building which is cracking and failing as well as replacing several doors which are well beyond their useful life.

The City of Newton's current Capital Improvement Program includes \$50,000,000.00 in funds toward a renovation/replacement project. The source of these funds is 'alternate funding/MSBA eligible/Bonding', contingent upon local approval.

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### **PRIORITY 5**

**Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility.**

#### ***Guidance for Priority 5***

*Districts should only check Priority 5 if a major building system is in need of replacement, renovation, or modernization in order to extend the useful life of the building. Districts selecting Priority 5 must provide all requested information in the appropriate spaces provided at the bottom of the page.*

- *The determination of whether something qualifies as a Priority 5 rests solely with the MSBA, and the MSBA shall not be bound by the opinions or judgments of the district.*

**Question 1:** *Please provide a detailed description of the issues surrounding the school facility systems (e.g., roof, windows, boilers, HVAC system, and/or electrical service and distribution system) that you are indicating require repair or replacement. Please describe all deficiencies to all systems in sufficient detail to explain the problem.*

**Roof:** The 1938 roof is almost all slate which is original, with the exception of the old kindergarten wing and boiler room roof, which are tar and gravel. Additionally, in 1993 the north-facing façade of the slate roof was replaced with asphalt shingles. The classroom portion of the 1949 addition is mostly slate which is original, with a very small section above the offices, and the gym addition being tar and gravel. The 1954 addition roof is a rubber membrane that was replaced in 2008. Overall, the roof appears to be in very good condition considering the age. Maintenance records indicate there have been 5 individual roof leaks since 2005, with no reported roof leaks in the past 4 years. The annex had approximately 10 roof leaks reported before the roof was replaced, and none since then. The tar and gravel sections are not actively leaking, but will likely need to be replaced within the next 10 years.

**Boilers and HVAC:** Franklin is served by a single gas fired Smith steam boiler installed in 1983. Terminal equipment includes steam unit vents and radiation in common areas. The 1954 addition is served by a hot water heat exchanger and pumps, which deliver heat to unit ventilators in the associated spaces. The gym is served by radiation, as well as a steam H&V unit. The majority of the building systems are controlled an aging electro pneumatic control system with 18 control zones. Much of its functionality, however, is no longer operable. The HVAC terminal equipment is controlled by an aging, obsolete, and maintenance intensive pneumatic air system. Recently a new interior air handling unit was installed in the Library to improve the humidity and general air quality. In 2014, approximately \$500,000 was spent on building management systems, HVAC equipment controls, steam trap replacements, and weatherization throughout the school.

**Plumbing:** The majority of the plumbing in this building is original and in good working order. Upgrades were made a few years ago to improve the water efficiency of the fixtures. The bathrooms are in good working order, with the exception of the two adult bathrooms at the entrance to the cafetorium, which appear functional. All of the sanitary lines are gravity drains, and the system meets the current plumbing codes.

**Fire Protection and Detection:** The fire alarm panel and devices in the building have been updated and are addressable. There is a Fire Alarm System with smoke, heat and CO2 Detectors. Distribution will need updating, but is in good working order. The building has no fire suppression.

**Accessibility:** The Franklin School is programmatically accessible. A hydraulic 3-stop elevator was installed in the 1990's, and the bathrooms have appropriate clearance and accessible features. The door hardware and signage have been sporadically updated, but additional work is needed in this area. The west side playground is somewhat accessible with very little accessible features, while the east side playground is accessible and has limited accessible features.

**Electrical:**

In 2012, minor electrical improvements were made to the Franklin School as part of a broad capital project. That being said, the service, panels, and distribution are original, beyond useful life, and should be replaced. The main switchgear is located in a very small utility room in the basement. This room does not have the proper clearances for safe work, and when the panels are replaced, they should be moved to another more appropriate location within the building. In 2014, \$65,000 was spent upgrading the lighting and lighting controls. In 2017, \$70,000 was spent upgrading the lighting and lighting controls.

**Question 2:** *Please describe the measures the district has already taken to mitigate the problem/issues described in Question 1 above.*

In 2014, approximately \$500,000 was spent on building management systems, HVAC equipment controls, steam trap replacements, and weatherization throughout the school.

Based on current best practices and Newton's educational mission, educational and building standards that address the reduction of energy consumption have been established as part of the facilities operations plan. In recent years, energy efficient lighting has been installed throughout the district by partnering with the NSTAR Lighting Rebate Program. The City has hired an energy specialist to oversee the implementation of measures and policies that have a direct impact on reduced energy consumption while improving equipment operation and occupant comfort. The district has clear policies and procedures for reducing energy use throughout the day and evening. Heat is not turned on within school buildings until October 15 of each year. During the school day, thermostats are kept at the lowest required temperatures. Staff are encouraged to arrange classroom furnishings to maximize distribution of heat. Policies are in place to turn off lights and use natural lighting whenever possible. The district periodically sends out reminders regarding these energy conservation policies.

In 2012, the City of Newton entered into a contract with Thielsch Engineering. This company has conducted an energy audit of the Countryside School and has reviewed the historic consumption of all utilities and the available energy cost savings that will result from recommended energy conservation projects that will deliver those savings.

**Question 3:** *Please provide a detailed explanation of the impact of the problem/issues described in Question 1 above on your district's educational program. Please include specific examples of how the*

*problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.*

Teaching and Learning at Franklin School is highly impacted by the facility due to its age and condition, and due to the fact that the facility has small, inadequate support spaces. The condition of building systems creates environmental conditions that do not support teaching and learning: The vast majority of mechanical, electrical, and plumbing systems at Franklin are original and not up to current codes. The HVAC terminal equipment is controlled by an aging, obsolete, and maintenance intensive pneumatic air system. The HVAC distribution system is mostly original to the buildings creating uneven heating conditions. Ventilation is below standard and lacking in some spaces. The school has too few toilet rooms for both students and staff.

The Franklin School has had two additions since it was built in 1938, but the school lacks sufficient programmatic space, specifically for offices, support staff, and special education. These spaces have been created throughout the school, but they are often insufficient, and not ideal, and some are in the basement level where humidity and lack of sufficient natural light are a challenge. While most classrooms that are surprisingly large compared to other schools of this age, there is insufficient storage space. The Gym, Cafetorium, Art Room, and Library are all of manageable size, but the school is lacking an appropriate music room, special education spaces, staff offices, small group instruction areas, storage and conference rooms.

**Question 4:** *Please describe how addressing the school facility systems you identified in Question 1 above will extend the useful life of the facility that is the subject of this SOI and how it will improve your district's educational program*

The heating system of a building is a major piece of building infrastructure, and its replacement and/or modernization will extend the useful life of the facility. Since the heating system of this facility was constructed, technology has changed significantly; today there are high efficiency boilers, variable speed drives and sophisticated electronic controls for heating system management. Decreased maintenance needs for heating systems increases not only its useful life but has a positive effect on the building as a whole. Approximately one-third of our maintenance and repair budget is devoted to repairing failing heating equipment. There is an opportunity cost in this scenario whereby other facility systems must compete for dollars. Heating system emergencies take a high priority over other maintenance concerns. Heating system upgrades will reduce the operating costs and allow those dollars to be spent on preventative maintenance and other types of facility improvements.

*Have the systems identified above been examined by an engineer or other trained building professional? YES*

*If "YES", please provide the name of the individual and his/her professional affiliation (maximum of 250 characters)*

Josh Morse, Public Buildings Commissioner  
HMFH Architects Inc. Long-Range Facilities Master Plan 2007, updated

*The date of the inspection:* December 2019

*A summary of the findings (maximum of 5000 characters)*

The Franklin School has had two additions since it was built in 1938, but the school lacks sufficient programmatic space, specifically for offices, support staff, and special education. These spaces have been created throughout the school, but they are often insufficient, and not ideal for the programmatic uses for which they are used. There are currently 21 classrooms that are surprisingly large compared to other schools of this age. The Gym, Cafetorium, Art Room, and Library are all of manageable size, but the

school is lacking an appropriate music room, special education spaces, staff offices, small group instruction areas, and conference rooms.

=====
**PRIORITY 7**

**Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements.**

**Guidance for Priority 7**

*\* The determination of whether something qualifies as a Priority 7 rests solely with the MSBA, and the MSBA shall not be bound by the opinions or judgments of the district.*

**Question 1: Please provide a detailed description of the programs not currently available due to facility constraints, the state or local requirement for such programs, and the facility limitations precluding the programs from being offered.**

While the necessary education programs are currently being offered, they are being offered under building constraints and in substandard spaces as described in the answer to Question 3.

**Question 2: Please describe the measures the district has taken or is planning to take in the immediate future to mitigate the problem(s) described above.**

The current City of Newton Capital Improvement Program includes \$50,000,000.00 in funds toward a renovation/replacement project. The source of these funds is 'alternate funding/MSBA eligible/Bonding', contingent upon local approval.

**Question 3: Please provide a detailed explanation of the impact of the problem described in this priority on your district's educational program. Please include specific examples of how the problem prevents the district from delivering the educational program it is required to deliver and how students and/or teachers are directly affected by the problem identified.**

Teaching and Learning at Franklin School is highly impacted by the facility due to its age and condition, and due to the fact that the facility severely lacks adequate support spaces. The condition of building systems creates environmental conditions that do not support teaching and learning: The vast majority of mechanical, electrical, and plumbing systems at Franklin are original and not up to current code. The HVAC terminal equipment is controlled by an aging, obsolete, and maintenance intensive pneumatic air system. The HVAC distribution system is mostly original to the buildings creating uneven heating conditions. Ventilation is below standard and lacking in some spaces. The school has too few toilet rooms for both students and staff. The building is not fully accessible or ADA compliant. Classrooms do not have the ability to adequately support the technology that is part of a 21st century education. There are too few electrical receptacles in classrooms. All of the systems in the buildings are past their useful lives affecting comfort and security as well as teaching and learning.

The facility relies on undersized spaces for instruction and lacks small instructional spaces that are required with current educational practices and the full inclusion of students with a spectrum of needs. When built, Franklin did not have SPED and ELL programs, children went home for lunch, kindergarten was a half-day double session, no after school programs existed, nor was there dedicated space for art and music instruction. SPED programs require self-contained adequately-sized classrooms and ancillary spaces for speech and language, OT and PT, ABA space (for autism spectrum disorders) and small group tutorial spaces. The negative impact of substandard spaces on teachers and student learning is significant.



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**

Office of the Mayor

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2020 FEB 24 PM 3:45

**166-20**

Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email

rfuller@newtonma.gov

CITY CLERK  
NEWTON, MA. 02459

February 24, 2020

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

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting amendments to city ordinances to allow enforcement of sidewalk obstruction violations. Please see the attached memo from Commissioner McGonagle outlining the need for, and details of, proposed changes to ordinances covering sidewalk obstructions (e.g., overgrowth of trees and shrubbery). Also attached are red-lined edits to ordinance language developed by the Law Department working with DPW.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller



City of Newton



Ruthanne Fuller  
Mayor

DEPARTMENT OF PUBLIC WORKS  
OFFICE OF THE COMMISSIONER  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

To: Her Honor the Mayor

From: James McGonagle – Commissioner DPW

Subject: Enforcement Authority for Sidewalk Obstructions

Date: February 18, 2020

---

I respectfully request amendments to Chapter 17, Section 23; Chapter 25, Section 3; and Chapter 26, Section 14 of the Revised Ordinances to add defining language, provide for enforcement and establish fines for violations of the sidewalk obstruction ordinance.

Currently, the Department of Public Works sends notification to property owners that they are obstructing the sidewalk but there is no penalty to spur a property owner to clear the obstruction. The goal of the proposed amendment is to provide for enforcement and a fine to improve safety and walkability throughout the City.

The amendment would give the Department of Public Works the ability to fine violators. The first violation would result in a warning with a letter stating that the obstruction must be addressed within 30 days of the issuance of the warning. If the violation is not addressed, the Department of Public Works would then issue a \$50 ticket per day for each day a violation continues. In addition, the proposed language provides a definition for what constitutes an obstruction and clarifies that no person shall create an obstruction on a sidewalk.

James McGonagle  
Commissioner

Telephone: (617) 796-1010 • Fax: (617) 796-1050 • [jmcgonagle@newtonma.gov](mailto:jmcgonagle@newtonma.gov)

Draft Ordinance: Sidewalk Obstructions

Sec. 25-3. Duties generally.

The commissioner of public works shall have charge of the public ways and the traffic control devices, signage and street lighting; water, sewer and drain operations; engineering; solid waste and recycling; and maintenance of all city-owned motor vehicles, excepting those motor vehicles in the custody of the fire department. The commissioner shall have the authority to enforce any ordinance in this section or sections 11 and 26 of these ordinances, unless otherwise provided by law. (Rev. Ords. 1973, §§ 2-125, 19-39; Ord. No. 90, 10-6-75; Ord. No. 190, 12-20-76; Ord. No. 220, 6-6-77; Ord. No. 233, 8-15-77; Ord. No. 317, 2-20-79; Ord. No. R-174, 10-5-81; Ord. No. R-267, 10-18-82; Ord. V-289, 3-20-00)

Sec. 26-14. Obstructing sidewalks generally.

~~No person shall place or cause or permit to be placed upon any sidewalk any snow or ice, lumber, iron, coal, trunk, bale, box, crate, cask, package, article or thing whatsoever, so as to obstruct free passage for travelers. (Rev. Ords. 1973, § 19-14)~~

(a) Definitions.

Obstruction: Any snow or ice, lumber, iron, coal, trunk, bale, box, crate, cask, package, article, overgrowth of trees or shrubbery, or thing whatsoever that inhibits the ability or potential ability of any person to safely navigate the sidewalk or causes the sidewalk to become non-compliant with the requirements of the Americans with Disabilities Act and its amendments.

Commissioner: The commissioner of Public Works, or designee.

(b) Prohibitions. In order to provide for free and safe travel throughout the City, it shall be prohibited for any person to place, create or cause any obstruction on a sidewalk that causes a public health or safety hazard.

(c) Notice of violation. After investigation of a complaint, the commissioner may issue a written notice of a violation of this ordinance to the person responsible for placing or causing to be placed the obstruction on the sidewalk. The person so notified shall have thirty (30) days to remove the obstruction. If the obstruction is not removed within thirty (30) days, the commissioner may impose the fine described below and in Section 17-23(f).

(d) Penalties. Any violation of this ordinance shall be punishable by a fine of fifty dollars (\$50.00) per day for each day the violation continues. Each day a violation continues shall constitute a separate offense. Where non-criminal disposition of this section by civil fine has been provided for in sections 17-22 and 17-23 of these ordinances, as amended, pursuant to the authority granted by M.G.L. c. 40, section 21D, said violation may be enforced in the manner provided in such statute. The civil penalty for each such violation is set forth in section 17-23(f).

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(e) Regulatory Authority. The commissioner has the authority to promulgate rules and regulations necessary to implement and enforce this section.

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**Cassidy Flynn**

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**From:** Shawna Sullivan  
**Sent:** Tuesday, March 03, 2020 5:41 PM  
**To:** Alison M. Leary; Emily Norton; Andrea W. Kelley; Leonard J. Gentile; Lenny Gentile; Deborah J. Crossley; Victoria Danberg; Marc C. Laredo; David Kalis  
**Cc:** Cassidy Flynn  
**Subject:** FW: Support of Ordinance Amendments Re: Sidewalk Obstructions

Good Afternoon,

Please see the below e-mail from the ADA Coordinator, Jini Fairley, in support of Docket Item #166-20, which is a request to amend the ordinances to allow enforcement of the sidewalk obstruction ordinance including a fine. The item is scheduled for discussion tomorrow night.

Have a nice night.

-Shawna

---

**From:** Jini Fairley <jfairley@newtonma.gov>  
**Sent:** Tuesday, March 3, 2020 5:14 PM  
**To:** Shawna Sullivan <ssullivan@newtonma.gov>  
**Cc:** James Mcgonagle <jmcgonagle@newtonma.gov>; Jini Fairley <jfairley@newtonma.gov>  
**Subject:** Support of Ordinance Amendments Re: Sidewalk Obstructions

Dear Shawna,

Please forward this email to the Public Facilities Committee as they deliberate on March 4, 2020. Thanks-Jini

Dear members of the Public Facilities Committee,

I completely support, without reservation, the amendments Commissioner McGonagle has proposed to Section 17-23, Section 25-3, and Section 26-14 of the city's ordinances.

With the addition of "overgrowth of trees and shrubbery" to the definition of an obstruction of a sidewalk, it is crucial for the safety of all pedestrians, especially for those who cannot see the obstruction so as to avoid it. I can't tell you how many times my face has encountered protruding bushes/shrubs/ or trees, often being injured, as I navigate the sidewalks of the city with my guide dog.

With the addition of a fine levied for a sidewalk obstruction, hopefully the city will see more prompt attention by homeowners and business owners to remove the obstruction, including trimming back trees and shrubs so that the entire sidewalk is available, once warned or fined.

Any obstruction impedes the accessibility of a sidewalk, thus these amendments will take a step forward to ensure a more walkable and universally accessible city for all pedestrians.

Thank you,  
 Jini

Jini Fairley



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

164-20

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(617) 796-1100  
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rfuller@newtonma.gov

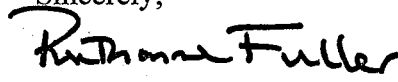
February 24, 2020

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

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting the approval of an Inter-Municipal Agreement for Brine Making Equipment with the Town of Brookline. This agreement is allowed under the provisions of Section 4A of Chapter 40 of the Massachusetts General Laws. Please see the attached memo from Commissioner McGonagle outlining the need for, and details of, the proposed agreement. The Law Department has been instrumental in drafting this agreement. The agreement formalizes an arrangement that has successfully worked with Brookline over the past several years.

Thank you for your consideration of this matter.

Sincerely,  
  
Ruthanne Fuller  
Mayor Ruthanne Fuller

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CITY CLERK  
NEWTON, MA 02459

City of Newton



## DEPARTMENT OF PUBLIC WORKS

## OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449Ruthanne Fuller  
Mayor

To: Her Honor the Mayor

From: James McGonagle – Commissioner DPW

Subject: Inter-Municipal Agreement for the Brine Making Equipment

Date: February 12, 2020

I respectfully request your approval and the authorization of the City Council to enter into an inter-municipal agreement (attached) with the Town of Brookline for the shared use of brine equipment (brine maker and brine trailer) under the provisions of Section 4A of Chapter 40 of the Massachusetts General Laws.

The scope of the agreement clarifies that the brine equipment shall be stored in Newton and that both Newton and Brookline agree to a schedule of use for the brine equipment on an as needed basis. Brookline and Newton shall store the liquid brine at their own facility. If either party has insufficient liquid brine at their facility to meet the needs of an emergency weather situation, the other party shall provide a portion of its stored liquid brine, if the lending party has enough stores at that time.

In addition, the agreement covers the responsibilities of both parties in terms of replacement, maintenance, payments for costs for repairs and maintenance including parts. There is also language included in the agreement that requires each party to indemnify the other party from any and all costs, demands, damages, suits, expenses or causes of action up to \$100,000 per claim, brought by a third party that results from an act, omission, or negligence on the part of the indemnifying party.

The agreement shall terminate on January 1, 2030 or when the brine maker or brine trailer require replacement, whichever occurs earlier. The agreement can also be terminated at the end any fiscal year with at least sixty days prior written notice and provided that all invoices payable by the terminating party are settled.

James McGonagle  
CommissionerTelephone: (617) 796-1010 • Fax: (617) 796-1050 • [jmcgonagle@newtonma.gov](mailto:jmcgonagle@newtonma.gov)

**JOINT AGREEMENT  
BETWEEN THE CITY OF NEWTON AND  
THE TOWN OF BROOKLINE  
RELATED TO THE SHARED USE OF  
BRINE EQUIPMENT**

This Agreement for the shared use of brine equipment is made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between the City of Newton, Massachusetts (“Newton”), acting by and through its Mayor hereunto duly authorized by vote of its City Council Order No. \_\_\_\_\_ dated \_\_\_\_\_, but without personal liability to her, and the Town of Brookline, Massachusetts (“Brookline”), acting by and through its Town Administrator hereunto duly authorized by vote of its Board of Selectman Order No. \_\_\_\_\_ dated \_\_\_\_\_, but without personal liability to him. This Agreement is made under the requirements set forth in Massachusetts General Laws, Chapter 40, Section 4A, for the mutual public interest of Newton and Brookline.

NOW, THEREFORE, in consideration of the mutual covenants herein recited, and other good, valuable, and sufficient consideration, the parties hereto agree as follows:

**1. EQUIPMENT INCLUDED IN THE AGREEMENT**

The following equipment, collectively the “Brine Equipment”, are covered by this Agreement:

- a. Brine Trailer  
VIN No.: 1J9BU2627JH030783  
Plate No.: M99-046  
Model: BXTrailer STD
- b. Brine Maker  
Henderson Brine Extreme  
Model: BXHX144498  
Serial No.: BXH-1260

**2. SCOPE OF THE AGREEMENT**

- a. The Brine Equipment shall be stored by Newton. The parties shall mutually agree to a schedule for use, including emergency use, of the Brine Equipment on an as needed basis.
- b. Each party shall store liquid brine at their own facility. In the event that a party has insufficient liquid brine at their facility to meet the needs of an emergency weather situation, the other party shall make available for use a portion of its stored liquid brine, provided that the lending party has sufficient stores to meet the needs of both

parties at that time. The borrowing party shall return to the lending party all liquid brine borrowed during such emergency situations.

### 3. TERM OF THE AGREEMENT

This Agreement shall commence on the date first stated above and terminate, if not sooner terminated in accordance with the provisions set forth herein, on January 1, 2030 or when the Brine Maker or Brine Trailer require replacement, as determined by Newton's Commissioner of Public Works, whichever occurs earlier. Any successor agreement must receive the necessary statutory authorizations.

### 4. TERMINATION

Either party may terminate this Agreement at the end of any fiscal year by giving at least sixty (60) days prior written notice to the non-terminating party, and provided that all invoices payable by the terminating party have been satisfied and the terminating party has first obtained the same authorization as was required to enter the Agreement.

### 5. MAINTENANCE

Newton, its employees, designees or contractors shall perform all repairs and maintenance of the Brine Equipment. The necessity for maintenance or repair of the Brine Equipment shall be determined and coordinated by Newton's Commissioner of Public Works.

### 6. PAYMENTS

- a. Brookline and Newton shall each be responsible for fifty percent (50%) of the total costs for repairs and maintenance of the Brine Equipment, including costs of parts.
- b. If the maintenance or repair is performed by a contractor, the contractor shall invoice Newton and Brookline, respectively, their pro-rata shares of the costs for the repair or maintenance of the Brine Equipment. Each party shall be responsible for timely paying their respective apportioned costs under this paragraph.
- c. If the maintenance or repair is performed by Newton employees, Newton shall send an itemized invoice to Brookline for its pro-rata share for the costs of such maintenance or repair, including costs of parts. Such payment shall be due and payable within 30 days after Brookline's receipt of an invoice.

### 7. RECORD KEEPING

Pursuant to M.G.L. Chapter 40, Section 4A, Newton shall keep accurate and comprehensive records of the services performed, costs incurred and payments,



reimbursements and contributions received. Such records will be subject to regular audits and financial statements shall be issued to Brookline upon request.

**8. INDEMNIFICATION**

Each party to this Agreement shall indemnify, defend and hold harmless the other party from any and all costs, demands, damages, suits, expenses or causes of action (including reasonable attorneys' fees and court costs) up to \$100,000.00 per claim, brought by a third party which directly arise out of or resulting from any act, omission, or negligence of the indemnifying party and/or its agents or employees in the performance of the work covered by this Agreement and/or failure to comply with the terms and conditions of this Agreement. Neither party shall be indemnified as provided herein for any loss, liability damage, or expenses resulting from its sole negligence or willful misconduct.

[END OF PAGE – SIGNATURES TO FOLLOW]

IN WITNESS WHEREOF, the City of Newton and the Town of Brookline have caused this Agreement to be executed on the date first set forth above by their duly authorized representatives.

TOWN OF BROOKLINE

By \_\_\_\_\_  
Andrew M. Pappastergion, Commissioner of Public Works (date)

Approved as to legal form and character:

\_\_\_\_\_  
Town Counsel

APPROVED:

By \_\_\_\_\_  
Name: \_\_\_\_\_ (date)  
Title:

CITY OF NEWTON

\_\_\_\_\_  
James McGonagle, Commissioner of Public Works (date)

Approved as to legal form and character:

\_\_\_\_\_  
Assistant City Solicitor

APPROVED:

\_\_\_\_\_  
Ruthanne Fuller, Mayor (date)