



Finance Committee Report

City of Newton In City Council

Monday, January 14, 2019

Present: Councilors Gentile (Chair), Norton, Cote, Rice, Noel, Grossman, and Lappin

Absent: Councilor Ciccone

Also present: Councilors Leary, Albright, Danberg, Baker, Brousal-Glaser, Kalis, Krintzman, Auchincloss, and Greenberg

City staff present: Barney Heath (Director of Planning & Development), Lily Canan Reynolds (Community Engagement Manager; Planning & Development Department), Andrew Lee (Assistant City Solicitor),

Referred to Zoning & Planning and Finance Committees

#29-19 Funds to cover the cost of a vision plan for the Riverside MBTA property

HER HONOR THE MAYOR requesting authorization for the acceptance and expenditure of funds provided by the Riverside MBTA property developer to cover the cost of independent consultant support for a vision plan for the Riverside MBTA property.

Zoning & Planning Approved 7-0 on 01/14/19

Action: Finance Approved 7-0

Note: The Committee met jointly with the Zoning & Planning Committee to discuss the above item. Director of Planning and Development Barney Heath presented the docket item to authorize the Mayor to accept funds from the Riverside Project developer to move forward with developing a vision plan for the Riverside Station Project area comparable to the completed vision plan for Needham Street.

The City has requested the funds from the developer, but the developer has not committed to funding the vision plan consulting team. Mr. Heath pointed out that there is currently no cost associated with the vision plan or a scope of work. A Councilor questioned whether the visioning process would move forward without the funding from the developer. The Administration is not anticipating a large cost for the plan. Mr. Heath trusts that once the cost and scope can be provided to the developer there will be a commitment to fund.

The City issued a Request for Qualifications (RFQ) for consultant teams and received five responses from highly qualified firms. The Riverside Vision Selection Committee comprised of citizen representatives, a Ward Four Councilor, and city staff will interview each of the firms and recommend the consulting team that is best suited for the development of the vision plan. Once the recommendation is made, the selection committee will request a detailed scope of work and the proposed fee for the plan. The Planning & Development Department will not expand the scope in any way that would increase costs but will add a buffer in the funding request to the developer.

Members of both Committees raised concerns related to the compressed timeframe of 10 weeks for completion of the vision plan especially as the Washington Street Vision Plan is taking months to complete. Mr. Heath explained that the vision plan for Riverside is a smaller scale project that does not include recommended zoning ordinances for the project area. The Planning & Development Department also provided each of RFQ respondents with the Needham Street plan to provide guidance on the scope of the project. The expected outcome of the vision plan is to provide guidelines for development in that location. Mr. Heath anticipates that whichever consultant team is awarded the contract, they will provide excellent quality of work. Several Councilors added that the timeframe is for guidance. If it requires more time for the best vision plan, the timeline can be extended.

There was concern that there could be conflicting visions for the site. The community could want something very different than what the developer will propose. It was pointed out that it will be up to the Council to determine, through the permitting process, what portions of the vision plan to utilize. One of the goals of the vision plan is to shape the development of the project. The vision plan does not have to match what the developer wants. The vision plan is a 100% independent study. The city chooses the consulting team. The City controls the funds after the developer agrees to the scope and price of the vision plan. The consulting team will meet with the stakeholders including the community, state, and developer.

Approval of this item authorizes the Mayor to accept and expend funding from the Riverside site developer for an independent vision plan. Councilor Albright moved approval of the item in Zoning and Planning Committee and Councilor Grossman moved approval in the Finance Committee. The motions for approval carried unanimously in both Committees. There was a request that the Council receive the scope and budget for the vision plan once available.

#220-18 **Discussion relative to the Washington Street Corridor Action Plan**
DIRECTOR OF PLANNING requesting monthly progress discussions on the Washington Street Corridor action plan
Action: **Finance Held 7-0**

Note: The Zoning & Planning Committee and Finance Committee met jointly on the above item. Planning & Development Director Barney Heath began the discussion by reviewing the attached memo dated January 11, 2019. The next milestone for the project is February 11, 2019, when the second draft of the full vision plan for the corridor will be presented to the Zoning and Planning Committee. The final draft presentation is expected to take place on April 22, 2019. The project is 90.41% complete and still within the \$500,000 budget. Mr. Heath feels that the project will remain within that budget.

There was a question related to the consultants recommendations for traffic reconfigurations along the corridor. Mr. Heath explained that the vision plan is conceptual and any proposed changes to street would require funding and review by the City itself. There is a \$2 million placeholder in the City's Capital Improvement Plan for conceptual design of traffic improvements along the corridor. Once design is 25% complete, the City will be looking for State funding for the project. It was pointed out that road capacity and zoning are tied together. When recommending increased density, it is important to

consider road capacity. It was explained that this is a 20 to 30-year vision plan that lays out the future of the corridor and many changes will take time to implement. The vision plan provides a foundation for later traffic improvements.

Any proposed zoning changes for the corridor will require Council approval. The consultants recommended zoning amendments, which include changes to allowed building heights and designs. One of the recommended zoning changes is to allow 12-story buildings at site specific locations. The locations have not been finalized but there have been discussions around the Marty's/Whole Foods lots and the West Newton MBTA lot. It was noted that there did not seem to be much support for 12-story buildings at a community meeting. Most people seemed to prefer 3 to 4 story buildings.

In addition, the Newtonville Area Council did a survey of the Newtonville area that had high participation. Residents were not supportive of 12-story buildings. The Ward Councilor for Ward 2 pointed out that most people are not opposed to some change but do not support 12-story buildings. It is important to have data on why the consultant is making a specific recommendation. It is necessary for Councilors to understand what the community supports, planning professionals support, and transportation professional support and why. It was pointed out that sometimes a constituent may not feel heard if their suggestion is not implemented, which is not the case. There are many opinions on zoning issues in the City.

Mr. Heath responded that the consultant received over 2,500 responses to their on-line survey and a number of those responses were supportive of buildings with larger numbers of stories. The vision plan and proposed zoning amendments provided by the consultant are professional opinion on what the corridor can support. Many people in the community want green space and decking over the Mass Pike, which requires increased density in other areas.

The Chair of Finance suggested that the Finance Committee join the Zoning and Planning Committee for the presentation of the draft plan and zoning amendments on February 11, 2019. With that, Councilor Albright requested that the Zoning & Planning Committee lay the item on the table to continue discussing specific elements of the vision plan after the joint committee discussions conclude. Zoning & Planning Committee members all agreed to laying the item on the table. Councilor Lappin moved hold on the item in the Finance Committee, which carried unanimously.

Referred to Zoning & Planning and Finance Committees

#28-19

Appropriation of \$600,000 for rehabilitation of Allen House

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of six hundred thousand dollars from the Community Preservation Fund to the Planning & Development Department for a grant to the Newton Cultural Alliance for the rehabilitation of the historic Allen House, 35 Webster Street, for use as a community arts and cultural center, to supplement the CPA funding previously appropriated for this project through Council orders #227-14(2) and #156-16.

Zoning & Planning Approved 6-0 (Danberg recused) on 01/14/19

Action:

Finance Approved 7-0

Note: Community Preservation Committee (CPC) Chair Peter Sargent presented the request for \$600,000 in Community Preservation Act (CPA) funding to supplement previously granted funding for the Allen House rehabilitation project. The Newton Cultural Alliance is requesting the additional funds due to increased costs and changes to some of the other funding sources for the rehabilitation of Allen House. Newton Cultural Alliance has worked with both the contractor and architect to identify savings but retain the federal historic rehabilitation standards required by the funding sources for the rehabilitation.

Mr. Sargent stated that the CPC feels that this project is a priority use of CPA funds. The Allen House is a great community asset and needs to be completed. The community service will provide many services and cultural programs and once it is complete, it should give a boost to the fundraising campaign for Allen House. Newton Cultural Alliance has been proactive on the fundraising side of the project. They have received donations and pledges that total close to \$1.5 million. The CPC is recommending that the supplemental funding be used for a geo-thermal heating system. The initial cost of the installation of the system is expensive but the cost savings over the long term would help reduce operating costs.

Managing Director of the Newton Cultural Alliance Adrienne Hartzell provided details on the Allen House. There are currently four non-profit groups in residence and several community spaces. Once the heating system is in, the black box theater will open. The Cultural Alliance is excited about the program expansion and the potential to host many community events at the Allen House.

She explained that there are unspent funds from the previous requests for CPA funding totaling \$2.3 million, but they are earmarked for other aspects of the project. The contractor has agreed to hold the pricing for the geo thermal system for a period. The requested funding is needed as soon as possible to get the best price on the geo-thermal system. There are a couple of items that will continue to be deferred because of the cost increases in the project budget like the installation of an elevator, finishes for the basement and finishes for the green room. The elevator is not necessary to provide access to community spaces within the Allen House. The Allen House should be fully functional by January 2020. At some point Ms. Hartzell expects that the Allen House will reach a revenue generating place and will be able to fund the deferred items.

Committee members stated that there is large amount community support for this project. It is a great of use of community preservation funds. The Allen House is a wonderful community resource and the Committee is thankful for all the hard work of the Cultural Alliance on this project. Councilor Leary moved approval of the item in Zoning & Planning Committee, which carried unanimously. Councilor Cote moved approval in Finance Committee, which carried unanimously.

Detailed information on the project including the budget and completed improvements is available on the city website at www.newtonma.gov/gov/planning/cpa/projects/allen.asp.

#26-19 **Appropriation of \$30,000 from CPA funds for holding conservation restrictions**
COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of thirty thousand dollars (\$30,000) from the Community Preservation Fund to the Planning & Development Department for a grant to the Newton Conservators, for costs associated with holding the conservation restrictions required by the Community Preservation Act (CPA) on two properties acquired by the City in 2007-2010 using CPA funds, at 30 Wabasso Street (for the Conservation Commission) and 20 Rogers Street (for the Parks & Recreation Commission).

Action: **Finance Approved 7-0**

Note: Chair of the Community Preservation Committee (CPC) Peter Sargent presented the request for funding to monitor and enforce the permanent conservation restrictions on 30 Wabasso Street and 20 Rogers Street. The Community Preservation Act requires these permanent conservation restrictions for any property acquired with Community Preservation Act (CPA) funds. The Act also makes it clear that the City Council can appropriate CPA funds to pay the Newton Conservators to monitor and enforce the restrictions. The CPC voted in favor of recommending the appropriation of \$30,000 for a grant to the Newton Conservators through the Planning & Development Department. The grant will provide \$15,000 in funding for monitoring at 20 Rogers Street, \$5,000 for monitoring at 30 Wabasso Street, which is a much smaller site, and \$10,000 for an enforcement fund at both sites.

President of the Newton Conservators Beth Wilkinson provided further details on the request. The Newton Conservators monitor and provide enforcement at several sites acquired with CPA funds including Angino Farm, a portion of the Dolan Pond site, and the Waban Hill Reservoir. The Conservators are familiar with the costs of monitoring the boundaries of the conservation restriction for encroachment by abutters. The Conservators use trained volunteers on a regular basis for the monitoring but like to have professionals look at sites every three to five years. Ms. Wilkinson feels that the requested funds are enough. The Conservators expect to invest the funds to extend the funding in perpetuity. The Conservators have a Board, which is extremely conservative, that will make the investment decisions.

The Conservators are just starting the monitoring process. Monitoring should have begun shortly after the City acquired the properties but the process for monitoring was not set up with the Conservators. The Committee was supportive of the request. Councilor Lappin moved approval, which carried unanimously.

Referred to Programs & Services and Finance Committees

#588-18 **Amendment to increase income eligibility for clause 41A tax deferral program**
HER HONOR THE MAYOR requesting an amendment to Section 27-10 of the City of Newton Revised Ordinance to increase the maximum qualifying gross receipts amount for the purposes of the Tax Deferral Program from \$60,000 to \$72,000 for the fiscal year beginning July 1, 2018 and for all subsequent years.

Programs & Services Approved 4-0 (Schwartz not voting) on 01/09/19

Action: **Finance Approved 6-1 (Lappin opposed)**

Note: Director of Assessing Elizabeth Dromey and Chief Financial Officer Maureen Lemieux presented the request to increase the Tax Deferral Program maximum qualifying gross receipts amount to \$72,000. The higher maximum qualifying amount would be retroactive to July 1, 2018. The Administration requested and received Home Rule Legislation to adopt a maximum qualifying gross receipts amount of more than \$40,000 but no more than the maximum qualifying gross receipts amount for the senior citizen circuit breaker tax credit. The senior citizen circuit breaker tax credit maximum is currently \$86,000. The Administration would like to start with the \$72,000 maximum for the tax deferral program to evaluate the effect on the number of deferrals annually and the city budget. There is currently \$500,000 being deferred annually. The City recoups between \$200,000 and \$300,000 of that \$500,000 each year; therefore, there is an annual loss of approximately \$250,000. If the number of seniors deferring their taxes increases dramatically, it could have a real impact on the City budget. The Administration may be back in the next year or two to increase the maximum qualifying amount to a larger amount.

The program allows qualifying seniors who are at least 65 years old to delay payment of property taxes without discharging the tax obligation. The City eventually collects any deferred payments at the time of the sale of the property or the owner passes away with a small amount of interest based on the federal interest rate. The program allows qualifying seniors the ability to defray living expenses by deferring some or all their property taxes. The only portion of the property taxes that cannot be deferred is the 1% Community Preservation Act Tax. The cumulative deferral amount cannot exceed 50% of the assessed value of the property. The City currently has 64 qualifying property owners who use the tax deferral program, which is the highest in the State; however, an increase in the income limit to \$72,000 would help more seniors living in Newton.

The Chair asked Ms. Lemieux if the Council is supportive of raising the maximum income level to \$86,000 would the Executive Department consider increasing it to the full amount. Ms. Lemieux responded that it is not clear how many people could or will take advantage of the increase to \$72,000. The Executive Department would like to understand that number before raising the maximum to the limit of \$86,000. The Administration does not expect a large jump in the number of participants and will likely be back in the next year or two to raise the maximum qualifying amount.

Although Newton does a good job of advertising the program, there will be a big push by the Assessing, Senior Center and Executive Departments to advertise the program and let seniors know about the increase to the maximum for the Fiscal Year 2019 taxes. The Administration expects that most seniors will qualify at the new maximum amount. People that utilize the program need it to remain in their homes. The Senior Center staff also suggests that seniors take advantage of the program to get funding to retrofit their home with age-friendly upgrades to allow them to remain in the home.

It was noted that if the City can help more seniors stay in their homes by raising the maximum qualifying amount to \$86,000, it should be raised. It is likely there would be overwhelming support from the Council. The Chair asked Ms. Lemieux to have a conversation with the Mayor about increasing the amount to \$86,000 before the next full Council meeting. Ms. Lemieux agreed to have the conversation

but feels an increase is unlikely due to the need to know the financial impact. With that, Councilor Rice moved approval, which carried by a vote of six in favor and one opposed. Councilor Lappin voted against the request because she feels strongly that the maximum qualifying amount should be the \$86,000.

Referred to Public Facilities and Finance Committees

#31-19 HER HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thousand dollars (\$100,000) from Current Year Budget Reserve to the Department of Public Works Processing Recyclables to fund increased costs of processing recyclables due to changes in the recycling market.

Public Facilities 6-0-1 (Leary abstaining) on 01/09/19

Action: Finance Approved 5-1-1 (Noel opposed, Gentile abstaining)

Note: Chief Financial Officer Maureen Lemieux, Commissioner of Public Works Jim McGonagle, and Councilor Leary joined the Committee to discuss the request to transfer \$100,000 to fund an increase in the recycling contract rates due to increased costs of processing recyclables. The Administration is not pleased to be asking for these funds but believe that it is necessary. Ms. Lemieux is not sure if the funds are available in the Public Works Department to cover the increased costs, but she wanted to make the Council aware of the situation with the Waste Management contract.

The worldwide recycling market changed due to China no longer accepting mixed paper and some plastics and setting a maximum contamination level of .5% on cardboard. China was accepting over 50% of the world's recyclables until July 2017. This has resulted in increased cost in the collection and disposal of recyclable materials. The half of 1% contamination level is an unattainable goal for the City right now.

The City is in the middle of a 5-year contract with Waste Management to collect its recycling. The City's current collection charge for recyclable collection is \$30 a ton. Waste Management contacted the City regarding the contract. Commissioner McGonagle and former Acting City Solicitor Young received a letter dated August 23, 2018, from an attorney representing Waste Management stating that "Waste Management is excused from continuing to accept recyclables from the City" based on the force majeure clause in the contract. Waste Management believes that due to the change in the worldwide market the force majeure clause is applicable. The letter goes on to state that Waste Management would prefer to renegotiate its rates with the City rather than enact the force majeure clause.

An agreement with Waste Management is preferable to an interruption in trash and recycling collection in the City. The City would go to court and reach a settlement for the collection but that could take upwards of three weeks to resolve. The Administration has been working with Waste Management over the last nine months to come to an agreement. Ms. Lemieux researched how Waste Management handles the process of recyclables from the communities it services. Waste Management uses two plants to processes recyclables, and one is more efficient and cost effective. The City's recyclables are sent to Avon for processing, which is the less efficient plant. During the negotiation process, Ms. Lemieux reviewed other contracts that Waste Management holds with other municipalities and found that communities where the recycling is processed in Avon are paying a higher rate. Ms.

Lemieux argued that the City should not be penalized for where the recyclables are being processed. When evaluating the increase in cost, Ms. Lemieux only considered the fees for the municipalities with recyclables being processed in Billerica. At the Billerica plant, the new contracts ranged from \$52-\$61/ton for new contracts and \$72-\$79/ton for existing contracts. Ms. Lemieux proposed that the City would increase the fees to \$50 a ton starting January 1, 2019 and to \$60 a ton beginning in Fiscal Year 2020. Waste Management accepted the proposal and the negotiated terms will cost the City an additional \$96,000 this fiscal year and \$288,000 in FY 2020. It is the best revised contract that has been negotiated between municipalities with a current contract and Waste Management.

The Committee had several questions and comments regarding the request and the revised contract. Some Committee members felt that Waste Management did not have right to enact the force majeure clause and that the City should start to build relationships with other collection companies. Ms. Lemieux pointed out that there are communities that have resisted the increase in fees with other collection companies. One community filed an injunction; however, the court was not sympathetic. The Administration does not want to see an interruption in trash collections; it is one of the services that citizens count on. The force majeure language is present in most City contracts and the Law Department felt that the change in the worldwide market for recyclables could qualify as force majeure. Seven other communities have already renegotiated with Waste Management at a higher rate than Newton. It took the City months to get to this point and the Administration hopes to get a signed contract soon. The Waste Management contract is expiring in 2020 and will be available to be sent out to bid.

Committee members asked if the City was still paying a monthly penalty for contaminated recycling. Newton is paying a penalty each month that the contaminant level is above 10%, which is every month. The City is currently amid recycling education and the Administration expects that the education will help bring the contamination down. There are other communities that are under 10% contamination. It was suggested that the City find out what these communities are doing to keep contamination down. It is important to expand recycling education to get below 10% contamination.

It was noted that Waste Management has not allowed the City to monitor the recycling audits for contamination. Ms. Lemieux informed the Committee that the City will be monitoring the next audit. The City may want to consider changing its recycling from single-stream recycling to target high value recyclables.

A committee member asked if the Administration had discussed the possibility of collection if Waste Management's service were discontinued. Ms. Lemieux explained that hauling companies are already committed to other communities and do not have the equipment to pick up additional communities.

The Committee was displeased that Waste Management is not honoring the terms of the original contract but understood that there were not other options. An e-mail from Councilor Leary outlining her feelings on this request and the contract with Waste Management is attached. Councilor Lappin

moved approval, which carried by a vote of five in favor, one opposed, and one abstention. The Committee urged the Administration to go out to bid for the next collection contract.

#27-19 Increase the FTEs in the Public Buildings Department by one custodian

HER HONOR THE MAYOR requesting authorization to increase the number of Full Time Employees (FTEs) in the Public Buildings Department by one custodian position for the Senior Center to be funded through the Council on Aging Formula Grant.

Action: Finance Approved 7-0

Note: Public Building Commissioner Josh Morse and Chief Financial Officer Maureen Lemieux presented the request for the addition of a full-time custodial position at the Senior Center. Up to about a year and a half ago there were two part-time custodians working at the Senior Center. One of the custodians left and the position remained unfilled. The funding for that position was then used for something else within the Senior Center budget. Due to increased programming and the number of seniors using the Senior Center, the Senior Center really needs a full-time custodian coupled with the part-time position. It is important that a custodian be available for the entire time the Senior Center is open. Currently, the need for custodial staff at the Senior Center is being addressed by paying overtime to custodians assigned to other buildings. The additional position will mean a cleaner, better maintained building.

There is funding available for the position through the Council on Aging Formula Grant. Therefore, this request does not include funding for the position. The Committee understood the need for the position and Councilor Grossman moved approval. The motion carried by a vote of seven in favor and none opposed.

Referred to Public Facilities and Finance Committees

#32-19 Authorization to submit a statement of interest to the MSBA

SCHOOL SUPERINTENDENT FLEISHMAN requesting a vote of the City Council to authorize the superintendent of Schools to submit requests to the Massachusetts School Building Authority (MSBA) for consideration of funding for the replacement of the boiler and roof at Memorial Spaulding School and the replacement of the roof at Underwood Elementary School.

Public Facilities on 01/09/19

Action: Finance Held 7-0

Note: Chief Financial Officer Maureen Lemieux requested that the above item be held for future discussion. Last year the School Department submitted two statements of interest for boilers at both the Day and Bigelow Middle Schools and the Administration requested \$100,000 for feasibility studies for the boiler replacement projects. The City was anticipating a cost of \$1 million for these projects but received a cost estimate of \$2.1 million for the projects. The Massachusetts School Building Authority (MSBA) also dropped its reimbursement for these projects from 40% to 30%. In addition, the required MSBA scope of work now includes replacing all equipment that supports the boiler, which increases costs. Due to these changes, the School Department is only moving forward with the Bigelow boiler

replacement as it is the higher priority project. The Day boiler project is being delayed. The MSBA will allow and extension of 18 months for the Day Middle School project.

At this point, the City would like to reevaluate whether it is a good idea to submit the Statements of Interest for the boiler and roof at Memorial Spaulding School and the replacement of the roof at Underwood Elementary School. Councilor Lappin moved hold on the item, which carried unanimously.

Referred to Public Facilities and Finance Committees

#33-19 HER HONOR THE MAYOR requesting authorization to transfer for the sum of one million three hundred thousand dollars (\$1,300,000) Free Cash to fund the continuation of Feasibility Study/Schematic design and Site Plan Approval for the Lincoln Eliot/Newton Early Childhood Program.

Public Facilities 7-0 on 01/09/19

Action: **Finance Approved 7-0**

Note: Chief Financial Officer Maureen Lemieux and Commissioner of Public Buildings Josh Morse presented the request for a transfer of \$1.3 million to fund the continuation of the feasibility study and site plan design for Lincoln-Eliot Elementary School and the Newton Early Childhood Program (NECP) Project. This is the balance of the feasibility funds for the project. The requested feasibility funds will be used to make sure that both locations are the best locations for both programs and to develop schematic design for site plan approval for the project.

It has been determined that due to the size of NECP and the parking demands related to NECP, the best location for the program is the now available Horace Mann School instead of 150 Jackson Road. When the Administration layered both programs into 150 Jackson Road, it was apparent there was not enough space for both programs. NECP will utilize all the spaces at the Horace Mann School. The plan for Lincoln-Eliot Elementary School remains to move the school to the 150 Jackson Road site.

Mr. Morse is aware that the feasibility cost is higher than usual, but this project is really two projects: one at 150 Jackson Road and one at Horace Mann School. Commissioner Morse feels that this request will fully cover the feasibility costs unless a different site is chosen for either program. The City could also reduce costs if there are less requests for the City's project manager to attend meetings. The City will be engaging all sub-consultants at this point to negotiate the best contracts and negate the need for bridge contracts. The Administration will keep the Council up to date on the project. The plan is to provide monthly updates to the Council

A Committee member inquired if there are students from outside the City that attend NECP for a tuition charge and is that why the program is large? Ms. Lemieux believes that the program is expanding due to needs within the community. If a student from outside the community attends the program, they would be charged a fee.

A Committee member asked if there will be a cost to moving the current Horace Mann Elementary School to the Carr School. Mr. Morse explained that there will be some costs to address

minor needs. Some of the classrooms are too small and will require walls to be moved. There were no further questions and Councilor Grossman moved approval, which carried unanimously.

Referred to Programs & Services, Public Facilities and Finance Committees

#34-19 HER HONOR THE MAYOR requesting authorization to accept and expend one hundred thousand dollars (\$100,000) from the State Fiscal Year 2019 Legislative Earmark Funds to be used to conduct a feasibility study on the renovation, expansion and new construction of the Newton Senior Center.

Public Facilities Approved 7-0 on 01/09/19

Programs & Services 4-0 (Schwartz not voting) on 01/09/19

Action: Finance Approved 7-0

Note: Public Building Commissioner Josh Morse and Chief Financial Officer Maureen Lemieux presented the request to accept and expend \$100,000 in State funds for the feasibility study on the Senior Center/Newton Center for Active Living Project. It is unlikely that the current Senior Center will be expanded or renovated. There is not enough space at the current location to accommodate the current programming or parking demand. It is estimated that space need for a new center is 2 to 2 ½ acres, which includes parking.

The feasibility study will provide funding to evaluate possible locations for the new center. The Administration is still looking at large municipal owned sites. It is hard to commit or narrow possible locations to a few locations at this point in the process. The Administration will keep the Council informed about the progress of the feasibility study. With that, Councilor Noel moved approval which carried by a vote of seven in favor and none opposed.

#35-19 **Request to transfer funds for a 1-year collective bargaining agreement with AFSME**
HER HONOR THE MAYOR requesting authorization to transfer the sum of forty thousand dollars (\$40,000) from Wage Reserve to the following accounts to fund to fund the cost items set forth in the one-year labor contract agreement with the Foremen’s Union.

Public Buildings Full-time Salaries	\$5,000
Public Works Full-time Salaries	\$25,000
Parks and Recreation Full-time Salaries	\$10,000

Action: Finance Approved 7-0

Note: The above request is to provide \$40,000 in funding for a contract extension of one-year with the Foremen’s Union. There are under 25 members in this union and they are spread out in the Public Buildings Department, Public Works Department, and Parks and Recreation Department. The negotiated extension includes a 2% cost of living adjustment and a \$300 signing bonus. There is also a change to the pay scale. The bottom step of the scale is being eliminated and a top step added to attract candidates for open positions. The Committee had no questions regarding the item and Councilor Lappin moved approval, which carried unanimously.

#25-19 Re-appointment to the Financial Audit Advisory Committee

PRESIDENT OF THE CITY COUNCIL re-appointing DAVID SPECTOR, 34 Lombard Street, Newtonville, as a member of the FINANCIAL AUDIT ADVISORY COMMITTEE for a term to expire on February 1, 2022.

Action: Finance Approved 7-0

Note: David Spector is being reappointed to the Financial Audit Advisory Committee for a three-year term. The Finance Chair also serves as Chair of the Financial Audit Advisory Committee and recommends Mr. Spector's reappointment, as he is always a productive member of the Committee. The Committee members had an opportunity to review Mr. Spector's resume, which was attached to the agenda, and were impressed with his experience. Councilor Norton moved approval, which carried unanimously.

#639-18 Mayor's re-appointment of Maria Rosen as a constable

HER HONOR THE MAYOR re-appointing MARIA ROSEN 41 Aspen Avenue, Auburndale, reappointed as a Constable for the City of Newton for a term of office to expire December 6, 2021. (60 days 02/15/19)

Action: Finance Approved 7-0

Note: As Maria Bianchi Rosen has served as a constable in the City of Newton many years, the Chair did not feel it was necessary for her to attend the meeting to discuss her reappointment. All the appropriate documents including a Constable's Bond have been submitted to the City Clerk's Office. Councilor Norton moved approval of Ms. Rosen's reappointment, which carried by a vote of seven in favor and none opposed.

The Committee adjourned at 10:10 PM and all other items before the Committee were held without discussion. Draft Council Orders for the above items that are recommended for City Council action are attached.

Respectfully submitted,

Leonard J. Gentile, Chair

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Zoning & Planning Committee and Finance Committee through the respective Chairs Susan S. Albright and Leonard J. Gentile, the request for authorization to accept and expend funds provided by the Riverside MBTA property developer to cover the cost of independent consultant support for a vision plan for the Riverside MBTA property be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON

City Clerk

(SGD) RUTHANNE FULLER

Mayor



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

MEMORANDUM

DATE: January 11, 2019

TO: Councilor Susan Albright, Chair, Zoning and Planning Committee
Councilor Leonard Gentile, Chair, Finance Committee

FROM: Barney Heath, Director, Department of Planning and Development
James Freas, Deputy Director of Planning
Lily Canan Reynolds, Community Engagement Manager

RE: **Docket Item #220-18, Washington Street Vision Plan Contract Status**

MEETING: January 14, 2019

CC: Planning and Development Board

Please find enclosed the latest progress report on the contract with the Principle Group for the Washington Street Vision Plan and Zoning Code.

The next major milestone for the project will be the delivery and presentation of the 2nd draft of the vision plan at the February 11th Zoning and Planning Committee meeting.



Washington Street Vision Plan & Zoning Code - Progress Report 12/21/2018

Task	Description	Original Budget	Revised Budget	Total to Date	% Complete
Task 0.0	Project Management	\$ 31,855.00	\$ 35,855.00	\$ 32,978.50	91.98%
Task 1.0	Existing & Emerging Conditions Research	\$ 70,335.00	\$ 13,752.95	\$ 13,752.95	100.00%
Task 2.0	Community Connectors	\$ 2,920.00	\$ 3,176.80	\$ 3,176.80	100.00%
Task 3.0	Community Crowdsourcing	\$ 21,625.00	\$ 25,732.50	\$ 25,732.50	100.00%
Task 4.0	Multi-Day Planning Event (Charrette)	\$ 121,290.00	\$ 121,290.00	\$121,178.60	99.91%
Task 5.0	Plan Open House (Public Draft #1)	\$ 143,335.00	\$ 208,438.48	\$208,438.49	100.00%
Task 6.0	Forums	\$ 18,455.00	\$ 10,455.00	\$ 1,365.00	7.40%
Task 7.0	Revise Plan & Zoning Code (Public Draft #2)	\$ 38,190.00	\$ 29,304.27	\$ 22,091.25	57.85%
Task 8.0	Final Plan & Zoning Code (Public Draft #3)	\$ 20,255.00	\$ 20,255.00	\$ 0.00	0.00%
Team Cost		\$ 468,260.00	\$ 468,260.00	\$428,714.09	91.55%
Direct Cost		\$ 31,740.00	\$ 31,740.00	\$ 23,320.07	73.47%
TOTAL		\$ 500,000.00	\$ 500,000.00	\$452,034.16	90.41%

PRINCIPLE

791 TREMONT STREET
STUDIO W513
BOSTON, MA 02118

1.786.361.5285
STUDIO@PRINCIPLE.US
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CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendations of the Community Preservation Committee through its Chair, Peter Sargent; the Zoning & Planning Committee through its Chair Councilor Susan S. Albright; and the Finance Committee through its Chair Councilor Leonard J. Gentile, the sum of six hundred thousand dollars (\$600,000) be appropriated from the fund balances of the Community Preservation Fund as shown below, to the control of the Planning and Development Department, for a grant to the Newton Cultural Alliance for the rehabilitation of the historic Allen House, 35 Webster Street, West Newton, for use as a community arts and cultural center, to supplement the CPA funding previously appropriated for this project through Council Orders #244-14(2) and #125-16.

FROM:	Community Preservation Housing Fund Balance (21R10498-5790B)	\$355,697
	Community Preservation Reserved Historic (21-3321B).....	\$244,303
TO:	Allen House Pres/Rest (21B11419-5797)	\$600,000

Under Suspension of Rules
Readings Waived and Adopted
22 yeas 0 nays 2 absent (Councilors Markiewicz and Noel)

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendations of the Community Preservation Committee through its Chair, Peter Sargent; and the Finance Committee through its Chair Councilor Leonard J. Gentile, the sum of thirty thousand dollars (\$30,000) be appropriated from the fund balances of the Community Preservation Fund as shown below, to the control of the Planning and Development Department, for a grant to the Newton Conservators for costs associated with holding the conservation restrictions required by the Community Preservation Act on two properties (30 Wabasso Street and 20 Rogers Street) acquired by the City in 2007 and 2010 using CPA funds.

FROM:	FY 19 CPA Historic Budget Reserve	
	(21R10498-5790A)	\$30,000
TO:	Newton Conservators Grant	
	20 Rogers Street	
	(21D11409-5797)	\$15,000
	30 Wabasso Street	
	(21A114085797)	\$15,000

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN BOARD OF ALDERMEN

2019

ORDINANCE NO. B

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of the City of Newton, Massachusetts, 2017, be amended as follows:

1. Delete **Section 27-10. Income eligibility for clause 41A tax deferral program.** and inserting the following new section:

Section 27-10. Income eligibility for clause 41A tax deferral program.

The maximum qualifying gross receipts amount for purposes of the tax deferral program authorized under clause 41A of section 5 of chapter 59 of the General Laws shall be seventy-two thousand dollars (\$72,000) for the fiscal year beginning July 1, 2018

Approved as to legal form and character

ALLISA O. GIULIANI

City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT

Approved:

(SGD) DAVID A. OLSON

City Clerk

(SGD) RUTHANNE FULLER

Mayor

Shawna Sullivan

From: Emily Norton <councilornorton@gmail.com>
Sent: Monday, January 14, 2019 9:09 PM
To: Shawna Sullivan
Subject: Fwd: #31.19 Referred to Public Facilities and Finance Committees \$100,000 increased costs of processing recyclables

----- Forwarded message -----

From: **Alison M. Leary** <aleary@newtonma.gov>
Date: Mon, Jan 7, 2019, 2:49 AM
Subject: #31.19 Referred to Public Facilities and Finance Committees \$100,000 increased costs of processing recyclables
To: Ouida C. M. Young <oyoung@newtonma.gov>
Cc: MayorsOffice <MayorsOffice@newtonma.gov>, Jonathan Yeo <jyeo@newtonma.gov>, Maureen Lemieux <mlemieux@newtonma.gov>, City Council <citycouncil@newtonma.gov>

Dear Ouida,

Thank you for your response to Attorney Duakas' letter dated 8/23/18, which I recently had a chance to review.

The attorney for WM argues that a Force Majeure is the reason why they deem it necessary to increase the City's rates. He specifies that "*as a result of China's actions, the domestic and worldwide markets for these types of recyclables have been significantly disrupted*". One could argue that it was WM's shortsighted decisions that contributed to creating the market conditions that we are faced with now. WM made the choice to put all their eggs in one basket by sending their recycling feed stock almost exclusively China. The plastics product manufacture and reprocessing in China was originally dominated by a large number of small, unregistered facilities with few rules, no standards and no inspections. This off shoring certainly created an oligopsony and contributed to the loss of our domestic reprocessing and manufacturing facilities and to the degradation of the environment in China. It is tough for a domestic company to compete when the other guy doesn't have to comply with environmental controls or quality standards.

My understanding is that a force majeure occurs when unforeseeable circumstances prevent a company or person from fulfilling a contract. However, as someone who has who has been following the solid waste and recycling industry for a number of years, there were many signals of market instability and disruption. It didn't come out of the blue.

Beginning in 2006 China started to get tougher on the amount of low quality, highly contaminated, single stream "recycling" they would accept. In 2013 Operation Green Fence was announced and it imposed increasingly strict contamination rates and stricter enforcement. In 2015 China's version of what used to be our EPA fired another warning shot across the bow of the recycling exporters. The Chinese government investigated and shut down any facilities that didn't meet their environmental standards. Was WM doing business with some these substandard companies?

On March 1st, 2018 China laid down the gauntlet with a ban on certain post consumer plastics and a strict 0.5% contamination limit. But there were signs this was coming and WM, one of the largest waste disposal and recycling companies in the world must have been aware of it.

The WM attorney also paints a very simplistic picture of the global recycling markets. The disruption in the global recycling markets was a long time coming and was not the result of Trump's Trade war as he suggests in his letter (though I am sure it didn't help).

Then there are low oil prices which makes the manufacturing of virgin plastics cheaper. Plastic bottles, cans and lids are thinner, so not as much raw material is needed to produce them. There is also the problem of the under investment in technology and sensor based sorting at the MRF's which could significantly decrease contamination rates. The reliance on the Chinese markets likely discouraged these investments.

Finally WM had refused our requests for audits as recently as 2 1/2 years ago. Only very recently, when panic set in did they do their own audit with no City staff present and no data and come up with an 18% contamination rate and start charging us thousands of dollars.

WM also has a built in conflict of interest being both a recycling company and one of the largest landfill owners in the country, So, they still makes money when recycling isn't working well for them.

<https://www.nytimes.com/2018/08/15/opinion/fixes-recycling-labeling-landfills.html>

The City has already done its part by committing to reduce the percentage of residue in recycling carts and implementing a very successful Recycling IQ program. I am not confident that WM has a solid case.

Kind regards,

Alison M. Leary
Newton City Council
Ward 1
617-821-5619

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee and Finance Committee through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, a transfer of funds in the amount of one hundred thousand dollars (\$100,000) from Budget Reserve to the Department of Public Works Processing Recyclables Account to fund costs resulting from the increased cost of processing recyclables, be and is hereby approved as follows:

FROM:	Budget Reserve (0110498-5790).....	\$100,000
TO:	DPW Processing Recyclables (0140111-52924).....	\$100,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Finance Committees through its Chair Leonard J. Gentile, authorization be and is hereby approved to increase the authorized number of Full Time Equivalent (FTE) positions in the Public Buildings Department by one (1) FTE position to include an additional custodian position for the Senior Center.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Public Facilities and Finance Committees through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, the sum of one million three hundred thousand dollars (\$1,300,000) be and is hereby appropriated from Free Cash for the purpose of funding the continuation of the feasibility study/schematic design and site plan approval for the Lincoln-Eliot Elementary School/Newton Early Childhood Program.

From:	Free Cash (01-3497)	\$1,300,000
To:	150 Jackson Rd. Feasibility Study (31R96A-5795)	\$1,300,000

Under Suspension of Rules
Readings Waived and Approved
23 yeas, 0 nays, 1 absent (Councilor Gentile)

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Programs & Services Committee, Public Facilities Committee and the Finance Committee through their respective Chairs John B. Rice, Deborah J. Crossley, and Leonard J. Gentile, the authorization to accept and expend State Fiscal Year 2019 Legislative Earmark Funds in the amount of one hundred thousand dollars (\$100,000) to be used to conduct a feasibility on the renovation, expansion, and new construction of the Newton Senior Center, be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, a transfer of funds in the amount of forty thousand dollars (\$40,000) from Wage Reserve to various departmental full-time salaries accounts to supplement funding required for the settlement of the Fiscal Year 2019 Memorandum of Agreement that was recently ratified by the American Federation of State, County, and Municipal Employees (AFSME) Foremen’s Union, be and is hereby approved as follows:

FROM:	Current Year Wage Reserve (0110498-5197).....	\$40,000
TO:	Public Buildings Salaries (0111501-511001).....	\$5,000
	Public Works Salaries (0140101-511001).....	\$25,000
	Parks & Recreation Salaries (0160201-511001).....	\$10,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

