



Finance Committee Report

City of Newton In City Council

Monday, January 28, 2019

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

Absent: Councilor Ciccone

City staff present: Gino Lucchetti (Assistant Fire Chief), Alex Chadis (Director of Technical Services; Fire Department), Waneta Trabert (Director of Environmental Affairs; Public Works Department), Jim McGonagle (Commissioner of Public Works), David Koses (Transportation Coordinator; Public Works Department), Andrew Lee (Assistant City Solicitor), and Sue Dzikowski (Comptroller)

Referred to Public Safety & Transportation and Finance Committees

#30-19

Rescind Order #607-18 and appropriate \$95,000 from Free Cash for Fire expenses

HER HONOR THE MAYOR requesting rescission of Council Order #607-18 repurposing \$95,844.51 to address Fire Department needs and requesting authorization to appropriate ninety-five thousand dollars (\$95,000) from Free Cash to the following Fire Department accounts:

Automobiles/Light Trucks	\$60,000
Training Expenses	\$10,000
Housekeeping Equipment	\$15,000
Public Buildings Repair and Maintenance	\$10,000

Public Safety Approved 8-0 on 01/23/19

Action: Finance Approved 4-0 (Lappin, Norton, and Rice not voting)

Note: Assistant Fire Chief Gino Lucchetti presented the request to rescind Council Order #607-18, which repurposed excess bonded money for a fire engine to fund expenses within the Fire Department. Unfortunately, the City cannot use the proceeds of any sale of bonds except for the specified purpose stated in the Council Order authorizing the bonding. Therefore, the Mayor is requesting rescission of Council Order #607-18 and authorization to appropriate the \$95,844.51 from Free Cash to fund the same expenses approved in Order #607-18. The Committee understood the need to rescind the Council Order and supported funding the projects through Free Cash. Councilor Grossman moved approval, which carried by a vote of four in favor and none opposed.

#48-19

Accept \$20,460 in grant funds from Mass Emergency Management Agency

HER HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Emergency Management Agency (MEMA) in the amount of twenty thousand four hundred sixty dollars (\$20,460) to purchase equipment for emergency operations management throughout the City.

Action: Finance Approved 5-0 (Lappin and Rice not voting)

Note: Assistant Fire Chief Gino Lucchetti and Director of Technical Services for the Fire Department Alex Chadis presented the request to accept \$20,460 in grant funds. The funds are from a reimbursable grant the City received from the Massachusetts Emergency Management Agency (MEMA) to be used for emergency operations management in the City. The Fire Department will be using a portion of the funds to replace 14 multi-gas meters that measure explosive limits for different gases on fire engines. In addition, the department will use remaining funds to update 23 computers to Microsoft Office 365 and purchase two live feed cameras.

The cameras will be used to provide live video feed of the Boston Marathon to the Emergency Operations Center. The live feed is helpful in providing situational awareness and providing locations in responding to any emergency that might occur. One camera will be permanently mounted at Fire Station #2 located at the corner of Commonwealth Avenue and Washington Street and the second camera will be temporarily mounted on City Hall during the Boston Marathon. The grant requires the City to preauthorize the camera locations with Federal Emergency Management Agency (FEMA). The City could use the cameras for other special events but if the cameras are moved, the new locations would need to be authorized by the Federal Emergency Management Agency (FEMA). The grant language is specific to the use of the cameras. The cameras are not running all day, every day.

There was a question of how the City would respond to a public record request for video from the camera. Mr. Chadis explained that the City would follow the legal requirements of the Freedom of Information Act. He added that the cameras would not always focus on the same spots, as they are equipped with pan and tilt functions. The video would be reviewed to make sure it meets the criteria of the discovery request.

The Committee members had no further questions and Councilor Grossman moved approval, which carried unanimously.

Referred to Public Safety & Transportation and Finance Committees

#510-18 Increase non-resident parking permit fees

COUNCILORS DOWNS, AUCHINCLOSS, DANBERG, LEARY, MARKIEWICZ, NOEL, AND RICE requesting an ordinance amendment to increase the non-resident parking permit fee from \$25 to a range which will include a maximum cap, to better cover costs and encourage alternatives to driving in parts of the City where demand is high.

Public Safety Approved 8-0 on 11/07/18

Action: Finance Held 4-0 (Lappin, Norton, and Rice not voting)

Note: Transportation Coordinator David Koses presented the request to amend the ordinances to increase the non-resident parking permit fee. He provided the Committee with the attached summary of the proposed changes. The current cost of the non-resident parking permit is \$25 annually. People that receive non-resident permits are not necessarily people that do not live in the City. Non-resident permits are issued to people who do not live the street on which they are permitted to park. Students

with Tiger Parking Permits would be considered non-residents as well as anyone who receives a permit in Auburndale or Newtonville because they work at a business in those villages.

The docketors are proposing that the permit fee range from \$25 to a maximum cap to be determined. The Traffic Council would set the cost of non-resident parking stickers for each parking district or village parking plan. There are currently three parking districts or plans within the City, but the Transportation Division is working on additional parking districts in areas like Newton Centre and Newton Highlands. The value of parking spots in some areas of Newton is much higher than the current annual \$25 permit fee and a change to the ordinance would allow higher pricing for those areas of the City. The increased fee would better cover costs of the non-resident parking permit program and encourage people to use other modes of transportation.

It was pointed out that there are two policy questions that the Committee should focus on when considering this proposed amendment. The first question is whether the Council should give the Traffic Council authority to set these fees or should the City Council retain the authority. The Chair informed the Committee that he recently docketed item to rescind acceptance of a general law that allows departments to set their own fees for licenses, permits, and certificates. The Council approved the acceptance in 2001 with the understanding that the Administration would inform the Council when fees were changed. Since that time, several fees have been changed without any information being provided to Council. Some fees are no longer in agreement with the fees included in the ordinances, which creates problems and is confusing to the public. The consensus of the Committee members is to retain authority over setting the permitting fees.

The second question is whether the non-resident parking fees should be consistent throughout the City. Most of the Committee felt that is appropriate to charge a larger fee for parking spots in high demand areas of the City.

The Chair asked Mr. Koses to work on draft amendment language that provides for a recommendation from the Traffic Council on the appropriate fees for non-resident permits for specific districts and retains the Council's authority in setting the fees. There was some concern from Committee members that a delay in adopting the amendment could cause delays in moving forward with proposed parking plans for villages. The Chair felt that the Council would deal with the proposed amendment before the work is complete on the proposed plans. With that, Councilor Noel moved approval, which carried unanimously.

#47-19 Accept \$50,464 in grant funds from Mass Office on Disability for APS
HER HONOR THE MAYOR requesting authorization to accept and expend a grant from the Massachusetts Office on Disability in the amount of fifty thousand four hundred sixty-four dollars (\$50,464) for the purpose of acquiring Accessible Pedestrian Signals.

Action: Finance Approved 6-0 (Gentile not voting)

Note: Commissioner of Public Works Jim McGonagle explained that this is a request to accept a grant to purchase and install Accessible Pedestrian Signals (APS) equipment at fourteen intersections in the City. The estimated cost for this project is \$63,000 and will be complete by June 30, 2019, as required by the grant. The APS installation is a top priority for the City's ADA Coordinator and the City's Commission on Disability. ADA Coordinator Jini Fairley applied for this grant money. The goal is to provide APS signals at every intersection in the City within the next five years.

The Committee members had no questions and Councilor Noel moved approval of the acceptance and expenditure of the grant. The Committee voted six in favor and none opposed to support the motion for approval.

Referred to Public Facilities and Finance Committees

#50-19 Amend Sewer Use Charge Ordinance

HER HONOR THE MAYOR proposing Chapter 29, Section 80. **Sewer Use Charge.** be amended by deleting the following sentence: "Notwithstanding the foregoing, seasonal water takers not eligible for an outdoor meter under said section 29-24, shall pay a charge for the use of sewage works in proportion to water consumption.

Public Facilities Approved 7-0 Subject to Second Call on 01/23/19

Action: **Finance Approved 4-0 (Lappin, Norton, and Rice not voting)**

Note: Assistant City Solicitor Andrew Lee and Commissioner of Public Works Jim McGonagle joined the Committee for discussion of this item. The item is a request to amend Chapter 29, Section 80 of the City of Newton Ordinances by deleting a sentence requiring seasonal water takers to pay a sewer use charge. There are 26 seasonal water meters used throughout the City for irrigation systems and water bubblers. Most of the seasonal water meter properties are city owned; however, there are some privately owned properties like the Lakewood Tennis Club. There is no sewer connection associated with seasonal water meters, but a sewer use charge is assessed to the property owners based on the water consumption registered on the seasonal meters. The City is currently collecting \$57,285 in sewer use charges from these property owners, which is not equitable. If the amendment is adopted, the \$57,285 will be reassessed to all other properties that are connected to the sewer.

The Chair of Finance is aware that some seasonal water takers like the Lakewood Tennis Club have past due sewer bills. The City will not be absolving the private property of any charges that occur if the ordinance amendment is approved. The current ordinance language makes it clear that the City has the right to assess a sewer use charge to seasonal water takers. The Treasurer from the Lakewood Tennis Club was present for the discussion and it is her understanding that the tennis club is negotiating with the City on the past due bills.

The Committee reviewed the attached draft language provided by the Law Department for the discussion. There were no questions related to the proposed language and Councilor Noel moved approval of the amendment, which carried unanimously.

Referred to Public Facilities and Finance Committees

#52-19 Approve a \$500,000 for snow and ice removal

HER HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Budget Reserve – Snow and Ice Removal Account to the following accounts:

Rental - Vehicles (0140110-5273).....	\$350,000
Regular Overtime (0140110-513001).....	\$150,000

Public Facilities Approved 8-0 on 01/23/19

Action: Finance Approved 6-0 (Gentile not voting)

Note: Commissioner of Public Works Jim McGonagle presented the request for a transfer of \$500,000 from Budget Reserve to the Department of Public Works’ snow removal accounts. Commissioner McGonagle provided the Committee with a breakdown of the department’s snow operation costs to this point, which was attached to the agenda. The Department has used \$1.2 million dollars this snow season to deal with ice and 7½” of snow, fill the salt sheds and replace and repair equipment in preparation for this winter. At this point the total cost per inch is \$172,370.43 but that includes the start up costs and should come down as the winter progresses.

The Public Works Department continues to try to keep snow storage out of the parks. It still utilizes the snow melter when room is needed for additional snow storage at the City yards. The Committee understood the need for the transfer and Councilor Grossman moved approval, which carried unanimously.

#343-18 Ordinance amendment to divest of funds from fossil fuel companies

COUNCILOR NORTON proposing an ordinance amendment to divest the City of direct or indirect holdings in fossil fuel companies.

Action: Finance Held 5-1 (Norton opposed; Gentile not voting)

Note: This item was previously discussed in the Finance Committee on October 22, 2018 and on September 24, 2018. The reports on both discussions are attached. The item was held to discuss the proposed divestment of direct and indirect holdings in fossil fuel companies with a member of the Investment Advisory Committee and for responses to the following questions:

- What impact would this ordinance have on the investment policy?
- What constitutes investment in indirect holdings?
- What are the consequences related to the indirect holdings language in the ordinance?
- What financial impact does this ordinance have?

- How does this ordinance limit the City in terms of what funds the City can invest in? For example, would it preclude the City from investing in the S&P 500?

Investment Advisory Committee member Jim Mnookin joined the Committee to continue discussion of this item. Mr. Mnookin began the discussion by stating that people have different views on what it means to be “fossil free” in terms of investment. Some people would limit the definition of fossil fuel divestment to companies that are directly involved in the extraction and production of fossil fuels, while others would add companies that are associated with companies involved with fossil fuel companies. It is difficult to define “direct” and “indirect” holdings, as they are subjective. Mr. Mnookin pointed out that there are fossil-free, low carbon, and social choice portfolios available but he is not sure that they would meet the criteria of the City’s definition of fossil free.

Mr. Mnookin stated that it is difficult to determine what the financial impacts are of divesting in fossil fuel. He can make the argument that retrospectively the fossil fuels have done poorly. Ten years ago, 12% of Standard & Poors 500 Index consisted of fossil fuel stock but now that percentage is 4%. There is also the possibility that the fossil fuel stocks will rebound.

There is no concrete road map on divesting from fossil fuels and how it would impact the City. Mr. Mnookin pointed out that there have been studies concluding that in the long-term the potential risk in divesting from fossil fuel companies is negligible.

The Committee members thanked Mr. Mnookin for his input. The Committee still has questions related to what City accounts would be impacted if the City divests from fossil fuels. There is some concern that by divesting from fossil fuels, there could be unintended consequences to the City’s investments. Committee members would also like to meet with a representative of the Law Department to work on ordinance language including defining direct and indirect holdings. The definition for indirect holdings needs to be clarified or removed from the proposed ordinance. The Committee also requested that Treasurer Jim Reardon join the Committee for the next discuss to explain what accounts would be impacted by divesting. As the Committee wanted further information, Councilor Noel moved hold, which carried unanimously.

Referred to Public Facilities and Finance Committees

#51-19

Approve \$3 million for the Pavement Management Program

HER HONOR THE MAYOR requesting authorization to appropriate and expend one million seven hundred fifty thousand dollars (\$1,750,000) from the January 15, 2019 Declaration of Overlay Surplus and authorization to transfer the sum of one million two hundred fifty thousand dollars (\$1,250,000) from Capital Stabilization for a total of three million dollars (\$3,000,000) to be transferred to the City’s Pavement Management Program.

Public Facilities Approved 5-0-2 (Lappin Gentile abstaining) Subject to Second Call on 01/23/19

Action:

Finance Approved 7-0

Note: Commissioner of Public Works Jim McGonagle presented the request for \$3 million from a combination of overlay surplus funds and capital stabilization funds to extend or rebid the City's paving contracts. The Public Works Department needs to get its paving contract in place for the upcoming fiscal year. The plan is to ask the current contractor to hold their price and extend the current contract. If the contractor is not willing to hold the price, the Public Works Department will go out to bid. It is important that the funding is approved as soon as possible, as the City cannot enter into contracts without the funding for contracts in place.

There were questions at the Public Facilities Committee discussion on whether this project funding should be bonded, as there is a possibility that the City may need the overlay surplus funding for other things like pension liability funding or funding the tax deferral program that cannot be bonded. Since the Public Facilities Committee's discussion, the Administration has made it clear that they wish to fund the paving contract as proposed. The Administration has agreed to provide Finance with overview of its financial funding plan in the next few months. With that, Councilor Grossman moved approval, which carried by a vote of seven in favor and none opposed.

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

Finance Approved 5-1-1 (Noel opposed, Gentile abstaining) on 01/14/19

City Council Recommitted the item to Finance on 01/22/19

Action: **Finance voted No Action Necessary 5-0 (Lappin and Rice not voting)**

Note: Commissioner of Public Works Jim McGonagle and Environmental Affairs Director Waneta Trabert joined the Committee for discussion of this item. The item was sent back to the Finance Committee at the last full Council meeting on January 22, 2019 for further discussion. Since that time, there have been further negotiations with Waste Management, the recyclable collection contractor, and there is an agreement that there will not be an increase to the recyclable collection fee for the remainder of the fiscal year. The City will see an increase for Fiscal year 2020 from \$30 per ton to \$60 per ton. The requested authorization to transfer funds is no longer necessary because there is no increase to fund this year and the item can be voted no action necessary. Councilor Cote moved no action necessary, which carried unanimously.

#49-19 **Accept a gift of \$10,000 from the Ruderman Family Foundation**

HER HONOR THE MAYOR requesting authorization to accept and expend a gift of ten thousand dollars (\$10,000) from the Ruderman Family Foundation for the purpose of funding an accessible pathway at the Hyde Playground.

Action: Finance Approved 7-0

Note: The City received a gift from the Ruderman Family Foundation to provide funding for the installation of an accessible pathway at the Hyde Playground. The Ruderman Family Foundation provides funding for disability inclusion and chose the Hyde Playground accessibility plan to fund. Hyde Playground is being renovated this spring and one of the goals of the project is to make it accessible to all. With the new pathways, all the play structures will be accessible to everyone. The Committee was supportive of the project and pleased with the gifted funds. Committee members unanimously voted to approve a motion for approval.

Referred to Zoning & Planning and Finance Committees

#576-18 **Discussion of a visioning process for the land surrounding Riverside MBTA station**
COUNCILORS KRINTZMAN, GENTILE, MARKIEWICZ, LAREDO AND AUCHINCLOSS
requesting a discussion with the Director of Planning on conducting a vision process for the potential development of the land around the Riverside MBTA station.

Zoning & Planning voted No Action Necessary 7-0 on 01/14/19

Action: Finance voted No Action Necessary 7-0

Note: As the process for conduction a vision plan for the Riverside MBTA station is underway, this discussion item is no longer needed. Councilor Lappin moved no action necessary, which carried unanimously.

The Committee adjourned at 9:30 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 Public Safety & Transportation Committee and Finance Committee through their respective Chairs Allan C. Ciccone, Jr. and Leonard J. Gentile, the rescission of Council Order #607-18 and authorization to appropriate ninety-five thousand dollars (\$95,000) to various Fire Department accounts, be and is hereby approved as follows:

FROM:	Fire Pumper Replacement (34AA210J-58504).....	\$95,844.51
TO:	Automobiles/Light Trucks (021006-58501).....	\$60,000
	Training Expenses (0121008-5319).....	\$10,844.51
	Housekeeping Equipment (0121005-585171).....	\$15,000
	Public Building Repairs & Maintenance (0121005-52407).....	\$10,000

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 Committee through its Chair Leonard J. Gentile, the authorization to accept and expend a grant in the amount of twenty thousand four hundred sixty dollars (\$20,460) from the Massachusetts Emergency Management Agency (MEMA) to purchase equipment to enhance the emergency operations in the City, be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

§TPR-203 NEWTON TRAFFIC AND PARKING REGULATIONS § TPR-204

Sec. TPR-204. Newton North High School Tiger Parking Permits.

(a) There shall be a neighborhood parking district established in accordance with the Newton revised ordinance section 19-202 known as the Tiger parking district, which shall be operated in accordance with the terms of this section.

(b) On school days between the hours of 7:00 a.m. and 4:00 p.m., a vehicle properly displaying a Tiger Permit issued in accordance with this section shall be exempt from the parking restrictions set out in section TPR-176, provided that such vehicle is parked within the geographic section authorized by such Tiger Permit and operated by the person who has been issued such Tiger Permit.

A school day shall be considered a day in which students attend Newton North High School for regular instruction, as detailed in the official Newton Public School Calendar, and does not include summer school days.

(c) No more than 150 Tiger Permits may be issued to NNHS students under the Tiger parking district. No more than 65 Tiger Permits may be issued to NNHS for staff parking on Elm Road. Residents of housing units abutting Hull Street or Elm Road are entitled to up to two Tiger Permits per household and are not entitled to visitor permits.

(d) The chief of police shall arrange for the printing and issuance of the Tiger Permits, provided that each Tiger Permit shall (1) identify the geographic area to which it applies; (2) include a permit number; (3) state the effective dates. The chief of police may establish rules governing the display of Tiger Permits.

(e) The chief of police may issue Tiger Permits to students in accordance with selection methods as he determines, in his sole discretion, for carrying out the purposes of the program. Any Tiger permit issued to a student shall be considered a non-resident permit according to section 19-202.

(f) Any Tiger permit issued to newton north high school staff or residents of housing units abutting Hull Street or Elm Road shall be considered a visitor permit for the purpose of sections 19-202(b)(2) and 19-201C(5).

(g) The chief of police shall determine the effective dates of each Tiger Permit. Upon notice to the permit holder, the chief of police may revoke or suspend a Tiger Permit issued to a student for good cause. Good cause may include school disciplinary actions. Tiger Permits issued to staff and students shall automatically be revoked in the event that the permit holder ceases to be a staff member or student.

(h) On school days from 7:00 a.m. to 4:00 p.m. parking on the following streets or portions of such streets shall be reserved for the Tiger parking district. On school days between the hours of 7:00 a.m. and 4:00 p.m., no person shall allow a vehicle registered in his name to stand or park upon such street or portion of street, except in accordance with the terms of a Tiger Permit issued under the Tiger parking district.

Elm Road, portion directly abutting NNHS school property;
Hull Street;

Lowell Avenue, west side from a point 100 feet south of Craigie Terrace to a point 360 feet north of Arden Road;

Lowell Avenue, west side from Highland Avenue to Austin Street; and

Lowell Avenue, east side from Hull Street to a point 100 feet south of Elm Road.

(b) *Issuance of neighborhood parking district parking stickers and permits.*

- (1) *Resident parking permits.* Upon establishment of a restricted area by the traffic council, the city engineer shall determine those addresses at which registered vehicles shall be eligible to receive resident parking stickers, and forward a list of such addresses to the chief of police and to the board of assessors. The board of assessors shall provide a description of the use at each address including the existing number of dwelling units as it appears in the assessing records, and forward that information to the chief of police. Such resident parking stickers shall otherwise be issued and enforced by the chief of police in accordance with the provisions, regulations, and fee established in 19-201 B. (3), (4) and (5).
- (2) *Visitor parking permit.* Visitor parking permits shall be issued as per section 19-201C.
- (3) *Non-resident parking stickers or permits.*
 - a) A limited number of non-resident parking stickers or permits may be made available for use on streets within a neighborhood parking district in accordance with such rules and regulations for that district. Traffic council may establish rules governing the maximum number of parking stickers or permits allocated to non-residents on each particular street, and rules related to where on the street a non-resident sticker or permit may be applicable, and which shall be included in the traffic and parking regulations.
 - b) The chief of police may establish acceptable documentation required to obtain a non-resident sticker or permit.
 - c) Non-resident parking stickers or permits shall be valid for a one year period. The chief of police may establish the month of the year in which the permit expires for any given neighborhood parking district.
 - d) Any outstanding fines for parking violations attributable to the motor vehicle for which a non-resident parking sticker or permit is requested must be paid in full before said sticker is issued.
 - e) Non-resident parking stickers or permits shall show the registration number of the vehicle to which it is assigned, the sticker or permit's effective year, and the area in which it is effective.
 - f) Non-resident parking stickers or permits shall cost twenty five dollars (\$25.00) per year.
 - g) Upon establishment of a neighborhood parking district by the traffic council, the city engineer or parking manager shall prepare a parking plan and report describing the non-resident parking permit or sticker rules applicable on a particular street, and shall forward these to the chief of police.
 - h) The chief of police may establish rules governing the distribution of non-resident stickers or permits.
 - i) The chief of police may establish rules governing the display of non-resident parking stickers or permits.

(c) *Exemptions.*

- (1) Visitor parking permits for a neighborhood parking district may be issued by the chief of police or his

CITY OF NEWTON

IN CITY COUNCIL

2019

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard J. Gentile, the authorization to accept and expend a grant in the amount of fifty thousand four hundred sixty-four dollars (\$20,464) from the Massachusetts Office on Disability for the purpose of acquiring and installing accessible pedestrian signals at intersections in the City, 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

ORDINANCE NO. B-

2019

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

That the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Chapter 29, Section 80** as follows:

1. Delete **Sec. 29-80(a)** in its entirety
2. Insert in place thereof "(a) Estates whose building sewers discharge directly or indirectly into public sewers of the city, shall pay a charge for the use of sewage works in proportion to water consumption except that a charge for the use sewage works shall not be made for water consumption registered on or attributable to outdoor meters installed at residential properties in accordance with section 29-24 of this chapter. Notwithstanding the foregoing, seasonal water takers not eligible for an outdoor meter under said section 29-24, shall pay a charge for the use of sewage works in proportion to water consumption.

Approved as to legal form and character

ALLISA O. GIULIANI

City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

22 yeas 0 nays 2 absent (Councilors Markiewicz and Noel)

EXECUTIVE DEPARTMENT

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 Committee and Finance Committee through their respective Chairs Deborah J. Crossley and Leonard J. Gentile, a transfer of funds in the amount of five hundred thousand dollars (\$500,000) from Budget Reserve-Snow and Ice Removal to the Department of Public Works to fund snow and ice operations, be and is hereby approved as follows:

FROM:	Budget Reserve Snow & Ice (0110498-5794).....	\$500,000
TO:	DPW Overtime (0140111-5513001)	\$150,000
	DPW Rental Vehicles/Contractors (0140110-5273).....	\$350,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____

composition. Once an individual is screened, a personalized wellness plan is developed with a goal of improving overall health and injury prevention. All participants get access to online portal that provides information on workouts, nutrition, diet and mental health. In addition, gives participants access to specialists that include nutritionists, physical therapists, physical trainers, and mental health professionals.

Participation in this program is voluntary. The contractor will do one testing session during each shift at every station and do a couple of make-up sessions for any personnel that missed their testing session. The testing takes about ½ hour. The union is very supportive of this program and is encouraging all personnel to participate. Several fire departments in the area have used this contractor with positive results. The number of injuries and medical costs associated with injuries and overtime have decreased in those departments and Chief Proia is hoping for similar results.

The Committee was pleased with both grant programs. It was suggested that the Chief check with health care companies to see if they would be willing to provide the matching funds for the programs. The Chief agreed to do this. Councilor Cote moved approval, which carried by a vote of five in favor and none opposed.

#343-18**Ordinance amendment to divest of funds from fossil fuel companies**

COUNCILOR NORTON proposing an ordinance amendment to divest the City of direct or indirect holdings in fossil fuel companies.

Action: Finance Held 4-0-1 (Norton abstaining)

Note: Councilor Norton explained that this item was held at the Finance Committee meeting on September 24, 2018 for Treasurer Jim Reardon to participate in the discussion and answer questions related to divesting from fossil fuel investments. Councilor Norton previously met with the Treasurer to discuss which funds would be eligible for divestment and learned that there are only two investment accounts under the City's direct control where there is the opportunity to divest from fossil fuel holdings. Although it is a small subset of accounts, Councilor Norton believes that it is important from a symbolic standpoint for the City to divest from fossil fuel investment wherever possible.

Treasurer Jim Reardon stated that the two eligible account are the Workers Compensation Account and the Newton North High School Fund. The total value of both accounts is approximately \$12,681,000. The divestment of fossil fuels in these two accounts equates to \$320,000 worth of equities. Both accounts are under the same investment manager, Bank of New York Trust, who is using a portfolio that includes nine equities in the energy sector. It would be a simple process to ask the investment manager to divest from the fossil fuel investments and replace those holdings with other equities. The divestment of these equities in the accounts is not something that is going to cause any problems or issues for the City. The Treasurer cannot guarantee but is almost certain that any investment manager that the City uses would have screened out all companies that are tangentially involved with fossil fuels. The City would need to rely on the brokers to tell the City what companies the City needs to divest from.

The Committee reviewed the attached draft ordinance. There was concern that if the state law changes related to stabilization funds, the divestment of fossil fuels could potentially limit what the City could invest in, such as the Standard and Poors (S&P) 500. The City could end up pushing itself into higher cost funds because of the limitation. A Committee member pointed out that it is almost impossible to divest from companies with indirect holdings in fossil fuels. Mr. Reardon felt that an investment manager could find appropriate substitutions like a telecommunications mutual fund, which would be similar in rating and yield.

Several Committee members were concerned with the indirect holdings language. It is very hard to beat the S&P especially in excess of the fees an investment manager is charging. There is concern that this ordinance would prevent the City from investing in low-cost index funds in the future. It was pointed out that it is worth a small amount of money in an over \$400 million budget to divest the City from fossil fuels wherever possible. It is the bare minimum of what the City should be doing to minimize its reliance on fossil fuels. In addition, hundreds of other municipalities are taking the step to divest from fossil fuel holdings. There is concern that it may not be possible to adhere to what the ordinance states related to the indirect holdings language. There is also a possibility that there could be significant costs to the city in the future. Several members would support the ordinance without the indirect holdings limitation or with a further understanding of what the ramifications are to future investments and the costs to the City if this ordinance is approved.

The Chair asked for public comment on the item. David Backer, Page Road, stated that it seems like there is only a small percentage of the City's investments that would be affected. He urged the committee to support the ordinance amendment. It is an important step. Cory Alperstein, 19 Hibbard Road, added that there are a couple of things to keep in mind when thinking about this proposed amendment. Fossil fuels is not a good place to invest. She is not concerned that the City will lose money by removing itself from these types of investments. There are several entities doing evaluations and making recommendations on alternative investments. This ordinance is a step beyond symbolism, it is part of a larger picture, which Newton is moving towards. It is going to cost us as a city and community to move forward but we need to be united in the decision that there is nothing else that matters as much as this.

The Chair suggested consulting with the City's Law Department and the Investment Advisory Committee before taking any action on the proposed ordinance. The Committee would like responses to the following questions:

What impact would this ordinance have on the investment policy?

What constitutes investment in indirect holdings?

What are the consequences related to the indirect holdings language in the ordinance?

What financial impact does this ordinance have?

How does this ordinance limit the City in terms of what funds the City can invest in? For example, would it preclude the City from investing in the S&P 500?

If possible, the Committee would like a member of the Investment Advisory Committee to attend the next Committee discussion of this item. With that, Councilor Noel moved hold, which carried by a vote of four in favor and one abstention.

#534-18 Appropriate \$28,804 for McKinney-Vento Homeless Student Transportation
SCHOOL COMMITTEE requesting that the City Council approve authorizing the Mayor to appropriate the state reimbursement of twenty-eight thousand eight hundred four dollars (\$28,804) for McKinney-Vento Homeless Student Transportation from the general fund to the School Department.

Action: Finance Approved 5-0 (Gentile not voting)

Note: Comptroller Sue Dzikowski presented the request to appropriate \$28,804 from the City’s General Fund to the School Department’s Budget. The funds are an annual reimbursement from the State for the transportation of homeless students to and from shelters or temporary housing, which the School Department uses to offset bus transportation costs. The City receives a reimbursement of approximately 30% of the cost of that transportation.

Per the McKinney Vento Assistance Act, students have the right to continue attending their “school of origin”. The “school of origin” is the school where the student was last enrolled or the school the student was attending when they became homeless. If the student is still in the same district as the school of origin, the school district must provide transportation. If the student is not living within the district of the school of origin, the district of origin and the district where the student is living must determine how to share transportation costs and responsibility. If the districts cannot come to an agreement, then the districts share equally in the costs and responsibility.

Councilor Grossman moved approval, which carried unanimously.

#532-18 Assessment of Curb Betterments
COMMISSIONER OF PUBLIC WORKS requesting approval of the following mentioned sidewalk/driveway apron and/or curb betterments; said betterments to be levied under the provisions of MGL Chapter 83, Sec. 26, authorizing the assessment of betterments for construction:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
51 Avalon Road	Rittenhouse Nancy E & Larson Dale N	1226/153	53014 0014	\$5,220.00
25 Ballard Street	Feder Miriam	65077/563	73030 0001	\$4,992.50
36 Brooks Avenue	Denison Sherman F & Susan Tars (Denison Realty Trust)	66381/362	21032 0008	\$2,185.00
33 Duxbury Road	Jennings Bruce E & Sybicki Joan	17325/397	62027 0001	\$2,347.50

September 24, 2018 Report

#343-18 **Ordinance amendment to divest of funds from fossil fuel companies**
COUNCILOR NORTON proposing an ordinance amendment to divest the City of direct or indirect holdings in fossil fuel companies.

Action: **Held 7-0 (Rice not voting)**

Note: Chief Financial Officer Maureen Lemieux explained that she would join the Committee for this discussion, as the Treasurer was unable to attend the meeting. Councilor Norton explained that the idea of this docket item is to have the City to divest itself from investments in fossil fuels in any way it can. The City would then not be investing in something that is considered one of the biggest threats to the environment and climate change. Councilor Norton previously met with Treasurer Jim Reardon to discuss how to proceed with divesting from fossil fuels. The City's largest investment of funds is with the State's Pension Reserve Investment Trust. Unfortunately, the City cannot dictate to how the State invests those funds. Mr. Reardon explained to Councilor Norton that the City could only divest itself from fossil fuel investments where accounts are under the direct control of the City.

Ms. Lemieux informed the Committee that there are currently two investment accounts under the City's control. The first is the Workers Compensation Account, which currently holds approximately \$13,000,000, with 5.9% invested in energy companies and the second is the Newton North High School Fund, which contains approximately \$875,000 with about \$12,000 invested in energy companies. Ms. Lemieux does not know how difficult is to divest itself from the investment in the energy companies. Councilor Norton stated that she asked Mr. Reardon, who believes that it would not be too difficult to divest and that it would not have a material effect on the rate of return. He would contact that fund manager and state that the City wants a portfolio with no investments related to fossil fuels.

A Committee member pointed out that there may be a challenge in remaining divested from fossil fuels as investment managers buy and sell stock each day. It would require the Treasurer to monitor the investments on a regular basis to ensure that the City remains divested. There was a suggestion that the City provide investment companies with a list of identifying specific companies not to invest in rather than making a blanket statement to investment companies not to invest in fossil fuel companies. Committee members would like to know what the best way is to define and identify what the City is divesting from, as many energy companies also provide clean energy like solar power that the City should encourage.

Committee members had a number of questions related to the item and would like to discuss the docket item with the Treasurer. Councilor Noel moved hold on the item until the Treasurer can join the Committee for the discussion. The motion was supported unanimously.

CITY OF NEWTON

IN 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. Gentile and Leonard J. Gentile, one million seven hundred fifty dollars (\$1,750,000) be and is hereby appropriated from Overlay Surplus and the sum of one million two hundred fifty million (\$1,250,000) be and is hereby transferred from the Capital Stabilization Fund for the purpose of supplementing funding for the Accelerated Roads Program, as follows:

From:	Overlay Surplus	
	(01-3220)	\$1,750,000
	Capital Stabilization Fund	
	(39-49703039).....	\$1,250,000
To:	Accelerated Roads Program	
	(C401077-5795).....	\$3,000,000

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

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
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, the authorization to accept and expend a gift of ten thousand dollars (\$10,000) from the Ruderman Family Foundation for the purpose of funding an accessible pathway at the Hyde Community Center Playground, be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date _____