



Finance Committee Agenda

City of Newton In City Council

Tuesday, February 19, 2019

7:15 PM

Room 205 Please note room change

Items scheduled for discussion:

- #63-19 Authorization to expend Byrne Memorial Justice Assistance Grant of \$19,741.60**
HER HONOR THE MAYOR requesting authorization to accept and expend the Edward J. Byrne Memorial Justice Assistance Grant in the amount of nineteen thousand seven hundred forty-one dollars and sixty cents \$19,741.60.

Referred to Programs & Services and Finance Committees

- #455-18 Ordinance amendments to the Plastic Bag Reduction Ordinance**
COUNCILORS LEARY, NORTON, AUCHINCLOSS, BROUSAL GLASER, DANBERG, KALIS, MARKIEWICZ proposing ordinance amendments to Chapter 12, Section 71 by revising the definition of “reusable bag”, revising the definition for retailers to include establishments of less than 3,500 sq. ft., and adding a 10-cent fee for paper bags provided by the retailer.
Programs & Services Approved as Amended 6-0 subject to second call on 02/06/19

All other items before the Committee will be held without discussion.

Respectfully submitted,
Leonard J. Gentile, Chair

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



City of Newton, Massachusetts
Office of the Mayor

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RUTHANNE FULLER
MAYOR

RECEIVED
NEWTON CIVIC CENTER
2019 JAN 28 PM 4:07
January 28, 2019

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

Councilors:

I write to request that your Honorable Council docket for consideration a request to authorize the acceptance and appropriation of a grant in the amount of \$19,741.60 from the Governor's "Local Law Enforcement Equipment and Technology" grant opportunity from the Edward Byrne Memorial Justice Assistance Grant Program.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor



City of Newton Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679

Office of the Chief of Police
HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465

DAVID L. MACDONALD
CHIEF OF POLICE

February 8, 2019

Honorable City Council
Newton City Hall
1000 Commonwealth Ave.
Newton, Ma. 02459

Re: Local Law Enforcement Equipment and Technology Grant.

Dear Newton City Councilors,

Through the Governor's Safer Communities Initiative, money became available this fall for municipal police agencies to seek a grant award for law enforcement related equipment and technology for up to \$20,000. Due to the contemporary reality of active shooters in our society, there had been much dialogue within the Newton Police department prior to this opportunity about upgrading out tactical equipment. As a group, we decided to apply to upgrade the ballistic helmets and plate carriers that are assigned to every frontline cruiser. The men and women who operate these cruisers would be the first officers called upon in such a scenario. They are deserving of having equipment that can give them confidence.

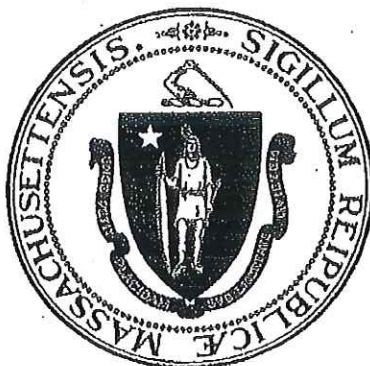
We are grateful to the Executive office of Public Safety and Security for considering our application and awarding us \$19,741.60. This money represents the vast majority of the \$21,375.90 that we will need to replace the older gear in all frontline Patrol and Patrol Supervisor cars.

Respectfully,

David L. MacDonald
Chief of Police



**Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Office of Grants and Research
Availability of Grant Funds**



Governor's Safer Communities Initiative

***Local Law Enforcement
Equipment and Technology Grant Opportunity***

**Charles Baker
Governor**

**Karyn Polito
Lieutenant Governor**

**Daniel Bennett
Secretary**

**Angela Davis
Executive Director**

Commonwealth of Massachusetts
Executive Office of Public Safety and Security
Office of Grants & Research

Governor's Safer Communities Initiative
Availability of Grant Funds
Edward J. Byrne Memorial Justice Assistance Grant Program

Local Law Enforcement Equipment and Technology Grant Opportunity

~~Due Wednesday, October 17, 2018~~

Introduction

The Executive Office of Public Safety and Security's (EOPSS) Office of Grants and Research (OGR) will make available approximately \$1,000,000 from the Edward J. Byrne Memorial Justice Assistance Grant (JAG) Program for local units of government/Police Departments to competitively solicit one-time federal funding to address local law enforcement equipment and technology related needs. Priority will be given to Departments proving greatest need AND propose items that will enhance overall law enforcement officer safety or enhance school safety.

Applicant Eligibility

Only a Police Department from a Massachusetts municipality (local unit of government) is eligible to apply. Both the Chief Executive Officer (Mayor, City Manager, or Town Administrator) and Police Chief/Commissioner of the municipality seeking a grant award must sign and date the application being submitted. Applications received without the required signatures will be deemed invalid and will NOT be considered for an award. Only (1) application per municipality is permitted for consideration of funding.

Federal Award Background

The Edward J. Byrne Memorial JAG Program, administered by the U.S. Department of Justice, Bureau of Justice Assistance, and authorized under Public Law 109-162, is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides Massachusetts and other states, tribes, and local governments with critical funding to support a range of program areas including law enforcement, prosecution and court, prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, and technology improvement, and crime victim and witness initiatives. The EOPSS/OGR is the State Administering Agency (SAA) for JAG funds awarded to the Commonwealth of Massachusetts.

The JAG Program Law requires that states *pass-through* a federally predetermined percentage of funds to local units of government and has additional requirements for funds that must be allocated specifically for what are known as *variable less than \$10,000 jurisdictions*. This AGF will permit Massachusetts to meet its federally mandated *variable pass-through* obligation.

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I. Important Highlights

Key Dates

Application Posted: On or about Monday, September 24th, 2018

Applications Due: Wednesday, October 17th, 2018 by 4:00 pm

Anticipated Award Announcements: On or about Thursday, November 1st,

2018 Anticipated Grant Period: November, 2018 through February 28th, 2019

Purpose

This grant opportunity is designed for municipal police departments that can demonstrate greatest need for law enforcement related equipment and technology deemed instrumental for not only combating crime but for increasing officer safety and/or enhancing the safety and security of the perimeters within or around one's public school building(s).

Our nation's law enforcement officers constantly face extraordinary new challenges with often very limited resources. They are our country's front line in the fight against crime and perform such duty with the upmost integrity, skill and dedication. At EOPSS, we believe it is imperative that the Commonwealth continue do all that it can to outfit our officers with the latest technology and equipment resources available to not only protect our communities but to protect those who protect and serve us each and every day.

Equally important is protecting our children and youth at our schools from random acts of violence. It is impossible to stop every type of situation but we can do more to prevent or minimize such acts by providing law enforcement departments with the financial resources needed to assist their local public schools with addressing previously identified needs and gaps by supplying the district with equipment and technology to better secure the school premise(s) and building(s).

For the purpose of this competitive grant opportunity, funding will be prioritized for proposals that seek to address the critical safety needs that enhance protection and safety for our law enforcement officers (bulletproof vests, tasers, interoperable radios, etc.) and/or prioritized for proposals that address the school safety and security needs of a district (cameras to be installed at entryways, metal detectors, emergency communication system, etc.).

Allowable Equipment and Technology Related Costs

Local Law Enforcement Departments may apply for up to \$20,000.00 in funding to address their equipment/technology needs. The following are some additional examples of the types of purchases allowable under this application process:

- Ballistic Resistant and Stab Resistant Body Armor (Bulletproof Vests)
- School Site Alarm and Protection Systems

- Metal detectors, surveillance video cameras;
- Fingerprint scanners, tasers and protective gear;
- **Interoperable communications;
- ***Systems upgrades (hardware/software), including potential upgrades necessary for local police departments to come into compliance with the FBI's UCR Redevelopment Project (UCRRP); and
- Vehicle laptop computers, license plate readers;

***Bulletproof Vests**-JAG funds may also be used to purchase vests for sworn law enforcement personnel that are currently not approved/participating in the federal Bulletproof Vest Partnership (BVP) Program. If a department has received reimbursement from the federal government for an officer's vest in the past 5 years, you may not seek JAG funding to purchase an additional vest for that same officer. Unlike BVP, JAG funds used to purchase vests do not require a 50 percent match. JAG funds can be used to pay for 100% of the cost of the vest purchased.

Vests purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, vests purchased must be American-made. Information on the latest NIJ standards can be found at: <https://www.nij.gov/topics/technology/body-armor/pages/safety-initiative.aspx>

As is the case in BVP, grantees who wish to purchase vests with JAG funds must certify that law enforcement agencies receiving vests have a written "mandatory wear" policy in effect. This policy must be in place for at least all uniformed officers before any JAG funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. A copy of a Department's mandatory wear policy must be submitted with this application. The certification must be signed by the certifying official and must be attached to the application. An example certification type related to a mandatory wear policy can be found at: <https://www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf>

****Interoperable Communications** -Grantees that are using JAG funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission (FCC) Waiver Order) must ensure:

- Compliance with the *FY 2014 SAFECOM Guidance on Emergency Communications Grants* (including provisions on technical standards that ensure and enhance interoperable communications); and
- Adherence to the technical standards set forth in the FCC Waiver Order, or any succeeding FCC orders, rules, or regulations pertaining to broadband operations in the 700 MHz public safety band.

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ's Global Justice Information Sharing Initiative (DOJ's Global) guidelines and recommendations

for this particular grant. Grantees shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: <https://it.ojp.gov/GSP> Grantees shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

Additional Interoperable Communications Compliance Requirements

Applications that requests funds for *interoperable communications components*, such as the purchase of radios, or other communication system components are subject to an additional approval process per Massachusetts Executive Order 493, by the Statewide Interoperability Executive Committee (SIEC) or a representative thereof.

In order to receive approval to utilize JAG funds for *interoperable communications components*, a department must also complete and submit an additional document called "Interoperable Communications Investment Proposal" (ICIP) as part of this application process. The ICIP form is Attachment D.

*****Systems Upgrades**-JAG funding may be utilized in support of systems upgrades (hardware/software), including potential upgrades necessary for units of local government to come into compliance with the FBI's UCR Redevelopment Project (UCRRP). For more information on the UCRRP visit: <https://ucr.fbi.gov/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/aboutucrmain>

Unallowable Costs

JAG Local Law Enforcement Equipment and Technology grant funds cannot be used directly or indirectly for security enhancements or equipment for nongovernmental entities not engaged in criminal justice or public safety. Additionally, for the purposes of this application, JAG funds may not be used for any of the following:

- Personnel salary or benefits;
- Standard firearms or ammunition;
- Construction, office furniture, or other like purchases;
- Vehicles, vessels or aircraft including unmanned aerial vehicle/unmanned aircraft, aircraft system, or aerial vehicles (UA/UAS/UAV);
- Extended warranty above and beyond the cost of the item (after the contract end date).

II. Grant Compliance Details

Fund Disbursement

This is a cost reimbursement grant. Reimbursement requests will be submitted to OGR on a quarterly basis. Details about the reimbursement process will be addressed in greater detail after award notifications are made.

Subgrantee Requirements

Subrecipients must abide by the grant requirements below as well as all OGR Subrecipient Grant Conditions to be provided at the time of contracting.



The Commonwealth of Massachusetts
Executive Office of Public Safety & Security

Office of Grants & Research
Ten Park Plaza, Suite 3720
Boston, Massachusetts 02116

Tel: (617)725-3301

Fax: (617)725-0260

www.mass.gov/eops

Charles D. Baker
Governor

Daniel Bennett
Secretary

Karyn Polito
Lieutenant Governor

Angela F.F. Davis
Executive Director

November 1, 2018

David MacDonald, Chief
Newton Police Department
1321 Washington Street
Newton, MA 02465

Dear Chief MacDonald:

Congratulations! We are pleased to inform you that the **Newton Police Department** has been awarded **\$19,741.60** for the Governor's "Local Law Enforcement Equipment and Technology" grant opportunity from the Edward Byrne Memorial Justice Assistance Grant Program offered by the Executive Office of Public Safety and Security, Office of Grants and Research (OGR).

Additional correspondence, including all the necessary documents required to make this award official will be forthcoming from OGR.

In the meantime, if you have any questions, please feel free to contact Kevin Stanton at kevin.stanton@mass.gov or on the telephone at 617-725-3363.

Once again, congratulations on your award and we look forward to working with you and your community on this important public safety initiative.

Sincerely,

Handwritten signature of Charles D. Baker in black ink.

Governor Charles D. Baker

Handwritten signature of Karyn E. Polito in black ink.

Lieutenant Governor Karyn E. Polito

From: [Alison M. Leary](#)
To: [Karyn Dean](#)
Cc: [John Rice](#); [Barbara Brousal-Glaser](#); [Susan Albright](#); [Maria Scibelli Greenberg](#); [Joshua Krintzman](#); [Gregory R. Schwartz](#); [R. Lisle Baker](#); [David Kalis](#)
Subject: Plastic Bag Reduction Ordinance Draft Ordinance #455-18
Date: Friday, February 15, 2019 8:56:23 AM
Attachments: [Plasti Bag 455-18 Law Reviewed DRAFT COUNCIL ORDER.docx](#)

Dear Programs & Services Committee,

Please find attached the Law Department reviewed draft of the revised plastic bag ordinance.

The ordinance includes a change that the Committee did not consider, but I would like to propose on the floor of the Council. The change is the with regard to the effective date language. I am proposing that smaller retailers, with retail space of 3,500 square feet or less (who are currently exempt) will have a full year before they must comply with the ordinance, while the larger retailers will have a 6 month time frame. It does not seem reasonable to allow the retailers who are currently complying with the plastic bag reduction ordinance to wait a full year to add a fee on paper and to stop using the thicker 4 mil plastic bags that are currently legal but do not comply with the spirit or intent of this ordinance.

The changes include:

1. Added the words “whether for or not for profit” in the retail establishment definition
2. Please see the “effective date” language;
3. Slightly reworded the severability section (not a substantive change – just stylistic)

Thank you for your consideration of this proposal.

This email is informational only and not for discussion purposes due to OML rules.

Kind regards,

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

#455-18 DRAFT

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

February , 2019

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON that the Revised Ordinances of Newton, Massachusetts, 2017, as amended, be and are hereby further amended with respect to **Article IX** of **Chapter 12 PLASTIC BAG REDUCTION** as follows:

DELETE Section 12-71 in its entirety, effective September 1, 2019, and insert in its place the following language:

Sec. 12-71 Plastic Bag Reduction Ordinance

(a) Declaration of findings and policy-Scope.

The City Council hereby finds that the reduction in the use of plastic bags by commercial entities in the city is a public purpose that protects the marine environment, advances solid waste reduction and protects waterways. This ordinance seeks to reduce the number of plastic bags that are being used, discarded and littered, and to promote the use of reusable checkout bags by retail stores located in the city. Further, this ordinance seeks to increase the use of reusable bags.

(b) Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

"Department" means the city's department of health and human services.

"Commissioner" means the Commissioner of Health & Human Services or his/her designee.

"Checkout bag" means a carryout bag provided by a store to a customer at the point of sale. Checkout bags shall not include:

- (i) bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of a retail establishment;
- (ii) laundry or dry-cleaner bags;
- (iii) newspaper bags.

"Recyclable Paper Bag" means a paper bag that is (1) 100 percent recyclable including the handles; (2) contains at least 40% post-consumer recycled paper content; and, (3) displays the words "recyclable" and "made from 40% post-consumer recycled content" (or other applicable amount) in a visible manner on the outside of the bag.

"Reusable checkout bag" means a sewn bag with stitched handles that (1) can carry 25 pounds over a distance of 300 feet; (2) is either (a) made of cloth or other machine washable fabric; or (b) made of plastic other than polyethylene (HDPE, LDPE, PETE, etc.) or polyvinyl chloride that is durable, non-toxic, and generally considered a food-grade material that is more than 4 mils thick.

"Retail establishment" means any commercial entity, whether for or not for profit, with retail space located in the City of Newton including but not limited to a restaurant, food or ice cream truck, convenience store, retail pharmacy, supermarket, or seasonal and temporary businesses. "Retail establishment" shall not include Meals on Wheels food delivery services to home bound persons with disabilities or home bound seniors.

(c) Requirements

(1) If any retail establishment provides a checkout bag to customers, the bag shall be either a recyclable paper bag or a reusable checkout bag.

(2) A retail establishment that provides any type of checkout bag shall sell it for no less than ten cents (\$0.10). All moneys collected pursuant to this ordinance shall be retained by the retail establishment.

(3) Any charge for a Checkout Bag shall be separately stated on a receipt provided to the customer at the time of sale and shall be identified as the "Checkout Bag Charge" thereon.

(4) The Commissioner may promulgate rules and regulations to implement this section.

(d) Effective date.

This ordinance shall take effect September 1, 2019 for any retail establishment with retail space of 3500 square feet or larger or with at least two (2) locations under the

same name within the city with retail space that totals 3500 square feet or larger; and shall take effect March 1, 2020 for all other retail establishments.

(e) Exemptions

No exemptions shall be allowed.

(f) Penalties and enforcement.

(1) Fine. Any retail establishment which violates any provision of this section or any regulation established by the commissioner shall be liable for a fine as follows: First offense, warning; second offense, \$100.00; third offense, \$200.00; fourth and subsequent offenses, \$300.00. Each day a violation occurs shall constitute a separate offense.

(2) Whoever violates any provision of this section or any regulation established by the commissioner may be penalized by a noncriminal disposition as provided in G.L. c. 40, §21D. For purposes of this section, the commissioner of the health and human Services, or his or her designee, shall be enforcing persons.

(g) Severability.

Each separate provision of this section shall be deemed independent of all other provisions herein, and if any provision of this section be declared to be invalid by a court of competent jurisdiction, the remaining provisions of this section shall remain valid and enforceable.

Approved as to legal form and character:

ALISSA O. GIULIANI
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved: