



# **Finance Committee Agenda**

## **City of Newton** **In City Council**

**Monday, November 25, 2019**

**Following the Committee of the Whole  
Room 211**

### **Items scheduled for discussion:**

***City Council referred the following item back to the Finance Committee on 11/18/19***

#### **Referred to Public Facilities and Finance Committees**

**#391-19      Authorization to revise White Goods and Bulky Items City Ordinances**

HER HONOR THE MAYOR requesting authorization to revise ordinances pertaining to solid waste and recycling definitions, management of bulky waste items, management of white goods, including amendments to the fees and management of residential moveouts and cleanouts.

**Finance Approved 5-0 on 11/13/2019**

**Public Facilities Approved 5-0-1 (Councilor Lappin abstaining and Councilor Gentile not voting) on 10/06/2019**

#### **Referred to Zoning & Planning and Finance Committees**

**#384-19      Appropriate \$15,000 for a grant to the Newton Conservators**

COMMUNITY PRESERVATION COMMITTEE requesting the appropriation of fifteen thousand dollars (\$15,000) to the Planning & Development Department for a grant to the Newton Conservators, for the costs associated with holding the required conservation restriction on open space acquired with community preservation funds at Kessler Woods.

**Zoning and Planning Approved 8-0 on 11/14/19**

#### **Referred to Public Facilities and Finance Committees**

**#418-19      Appropriate \$3,000,000 for the City's Pavement Management Program**

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three million dollars (\$3,000,000) from Certified Free Cash for the purpose of funding the City's Pavement Management Program.

**Public Facilities Approved 7-0 (Councilor Laredo not voting) on 11/20/19**

***Chairs Note: The Commissioner of Public Works and the Director of Transportation will give the Committee an update on the design of the Washington Street corridor (#161-19)***

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

**#413-19      Rescinding of curb betterments**

HER HONOR THE MAYOR requesting authorization to rescind the assessment of the curb betterments at 77 Pembroke Street and 86 Waban Hill Road dated November 5, 2018, Council Order #532-18

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
77 Pembroke Street	Vitagliano Kenneth & Mccann-Vitagliano Nancy	32580/290	72021 0005	\$1,632.50
86 Waban Hill Road	Grossman David M & Sisk Marja J	Certif. 258417 1465/41	63008 0037	\$1,165.00

**Referred to Public Facilities and Finance Committees**

**#416-19      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

(0140123-527301)..... \$500,000

**Public Facilities Approved 7-0 (Councilor Laredo not voting) on 11/20/19**

**Referred to Public Facilities and Finance Committees**

**#417-19      Appropriate \$12,334,366 for renovations for Newton Early Childhood Program**

HER HONOR THE MAYOR requesting authorization to appropriate twelve million three hundred thirty-four thousand and three hundred sixty-six dollars (\$12,334,336) from bonded indebtedness for the purpose of funding renovations of the Newton Early Childhood Program, 687 Watertown Street and authorization to apply any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing, and marketing them, and any accrued interest received upon the delivery of the bonds or notes

**Public Facilities Approved 7-0 (Councilor Leary not voting) on 11/20/19**

**Referred to Public Safety & Transportation and Finance Committees**

**#420-19      Transfer \$1,900,000 and \$600,000 for the retroactive pay of Newton Police**

HER HONOR THE MAYOR requesting authorization to transfer the sum of one million and nine hundred thousand (\$1,900,000) from Prior Year Carry Forward for Wage Reserve and six hundred thousand dollars (\$600,000) from Current Year Wage Reserve to pay for the retroactive salaries and stipends due to the members of Newton Police Superior Officers' for the period covering July 1, 2014 through FY2020.

**Public Safety & Transportation Approved 5-0 (Councilor Downs not voting) on 11/20/19**

**Referred to Programs & Services and Finance Committees**

- #415-19      Transfer \$69,000 for the cost of six months of the City Council's new salary**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of \$69,000 from Acct# 0110498-579000 Current Year Budget Reserve to Acct# 0110111-511103 City Council Officials with Benefits to cover the costs of six months of the City Council's new salary.  
**Programs and Services Approved 7-0 on 11/20/19**
- #414-19      Reappointment of Susan Dzikowski as Comptroller**  
PRESIDENT LAREDO, VICE PRESIDENT KALIS AND COUNCILOR GENTILE, pursuant to Section 2-7 of the City Charter, recommending that the City Council reappoint Susan Dzikowski as Comptroller; said term will begin on January 1, 2020 for a term of two years or until a successor is duly qualified.
- #421-19      Appropriate \$85,000 to settle a discrepancy**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of eight-five thousand dollars (\$85,000) from Certified Free Cash to settle a discrepancy in the amount of 2017 Massachusetts State Income Taxes paid versus the amount owed.

**Respectfully submitted,**

**Leonard J. Gentile, Chair**

City of Newton



**DEPARTMENT OF PUBLIC WORKS**  
**DIVISION OF SUSTAINABLE MATERIALS MANAGEMENT**  
 1000 Commonwealth Avenue  
 Newton Centre, MA 02459-1449

Ruthanne Fuller  
 Mayor

To: James McGonagle, DPW Commissioner  
 From: Waneta Trabert, Sustainable Materials Management Director  
 Subject: **DRAFT Policy to Define Bulky Waste and White Goods Items**  
 Date: 11/22/19

The proposed ordinance changes to the Bulky Waste and White Goods collection policies would establish a user fee of \$25 per item for each of these programs. The purpose of this ordinance change is to encourage waste reduction and reuse of bulky items, reduce costs in the FY20-FY24 hauling contract with Waste Management, and reduce disposal costs through an anticipated drop in collected tonnage.

**Proposed definition of a Bulky Waste Item:**

- Any single item that is too large to fit into the blue cart and is not recyclable through an existing City program. Items that contain over 50% metal, home entertainment and office electronics, and 100% rigid plastic items are recyclable through existing City programs at the Newton Resource Recovery Center.
- Carpet and loose scrap wood must be tied in a roll or bundle that is no more than four feet in length and weighs no more than fifty pounds. Each roll or bundle counts as one item. *(Existing policy)*
- One mattress, regardless of size, counts as one item. This includes children's mattresses, futon mattresses, foam mattresses, and spring mattresses.
- One complete box spring or a pair of split box springs counts as one item.
- A wooden futon frame counts as one item.
- One couch, including all sections of a sectional couch and any loose couch cushions counts as one item.
- All pieces of a wooden bed frame, including headboard, footboard, and rails counts as one item.
- All pieces of a wooden furniture item that has been dismantled counts as one item. This could include a wooden bookshelf or desk that has been dismantled into a set of pieces.
- A dining table with up to 4 matching chairs count as one item.
- One pair of skis counts as one item.

**Proposed definition of a White Goods Item:**

- Any single large item that is recyclable through the scrap metal, electronics, or rigid plastics recycling program at the Newton Resource Recovery Center.
  - All items in this category except TVs and computer monitors are accepted via drop-off at the Newton Resource Recovery Center at no cost.
  - TVs and computer monitors have a \$25 fee for pickup or drop-off.
- Any loose scrap metal must be tied in a bundle that is no more than four feet in length and weighs no more than fifty pounds. Each bundle counts as one item. For example, metal garden stakes.
- All pieces of a metal bedframe count as one item.
- A metal futon frame counts as one item.



Massachusetts Department of Environmental Protection  
 FY16, Round 2 In-Kind Technical Assistance Project for City of Newton  
**Assessment of Newton Bulky Waste Policy and Practices**

August 2017

Prepared by:

Waneta Trabert, Director of Environmental Affairs for Newton DPW

Carolyn Dann, MassDEP Municipal Assistance Coordinator for NE3

### **Background**

The City of Newton (City) was awarded technical assistance from a Massachusetts Department of Environmental Protection (MassDEP) Municipal Assistance Coordinator to evaluate their Bulky Waste program. The goals of the City for this project were to:

- Recommend ways to reduce the amount of bulk waste (BW),
- Reduce disposal costs,
- Reduce administrative and operational burden, and
- Reduce service abuse.

Bulk waste (BW) collection is included in weekly trash service for residents along with weekly automated curbside collection of trash and single stream recycling utilizing 64-gallon carts. The existing bulky waste pickup policy allows residents to request the collection of up to five bulky items per household per week at no charge. The BW service is available to residents by appointment only. Requests are entered and tracked using a work order management system (WebQA). Residents are encouraged to enter requests themselves using an app or the City's website, or they can call Customer Service. Bulk items are manually picked up by a truck specifically assigned to the bulk waste route on each collection day. This service is included in the City's current waste hauling contract through June 30, 2020.

Metal items, home electronics, appliances (i.e., white goods) and rigid plastic items are not considered bulk items because they can be recovered for recycling at the Newton Resource Recovery Center. There are some preparation regulations (ex. scrap wood and carpeting must be bundled in lengths less than 4ft and weigh less than 50lbs) for BW. The City takes enforcement action in response to complaints and otherwise relies on the hauler for enforcement. The degree to which these regulations are consistently implemented and enforced by the City's trash collection service provider varies. In addition, City staff have observed some properties making frequent requests, which potentially indicates the transfer of waste from neighboring municipalities.

The objectives of the assessment of the current bulk waste collection policy were to:

- 1) Determine the breakdown of bulk items requested for pickup (percentage of mattresses, wood furniture, carpeting, wood scrap, etc.);
- 2) Determine an estimated cost to the City for the bulk collection service;
- 3) Determine the extent of abuse of this service, particularly by rental property owners;
- 4) Develop data-based recommendations to increase reuse and resource recovery while reducing waste and disposal costs; and
- 5) Devise strategies to implement one or more of the program improvement recommendations.

### **Assessment Approach**

Over 41,000 BW requests that were entered by residents and Customer Service into the WebQA system from 2014 through 2016 were analyzed. Tonnage data for BW, as well as collection cost estimates for BW from the contracted waste hauler, Waste Management, Inc. (WM) and disposal cost information from the contracted disposal facility, Wheelabrator, were also compiled.

### **Summary of Findings**

**Objective 1 – Breakdown of BW.** The breakdown of BW requested for pickup (percentage of mattresses, wood furniture, carpeting, wood scrap, etc.) was difficult to obtain due to the input in the WebQA system being a text

field, which leads to a lack of uniformity in responses, thus making it difficult to sort. Out of just over 41,000 requests analyzed from three years of data, there were an estimated 76,000 items discarded. Highlights of the breakdown include an estimated:

- 7,000 mattresses (9%),
- 3,000 box springs (4%),
- over 17,000 items of “wood furniture” (23%), and
- nearly half the requests had undetermined items listed making tracking impossible; the description listed “furniture” or “bulky waste.”

The requests include a wide range of oversized items, such as couches, rugs/carpet, furniture, mattresses and box springs, toilets, tires, and other. It is difficult to identify the most common items because residents entered their own descriptions into the WebQA system. By sorting using key words the items listed in Table 1 were pulled out. In instances when the resident indicated a specific number of items, the number was reflected in the counts. Where there were generic responses such as “furniture,” the count includes an assumption of 2 items, *which may result in significantly underestimating the totals.*

Further analysis (See Appendix A) of the use of the program found that:

- Of the 41,000 requests from 2014-2016, 73% were completed as requested and:
  - 17% of stops where the driver found nothing out at the curb, which indicates that either the resident failed to set the item out by 7am or the item was set out and taken by passersby prior to the hauler’s attempted pickup
  - 7% of BW requests were closed by City staff before being sent to the hauler due to the items listed not following regulation – most commonly these requests were closed for metal items/appliances, excess cardboard, and large rigid plastic items
  - 3% of requests were closed as having more than five items set out at the curb. In this circumstance, the hauler takes five items while at the stop and leaves the rest behind.
- Tuesday is the route day with the highest bulk waste requests.
- While bulk requests per month are cyclical (higher in summer, lower in winter), the tonnage of bulk waste per month varies greatly between 85 tons and 120 tons.

**Objective 2 – Estimated Cost.** The pounds per household served metric is currently considered the most reliable means of comparing trash generation levels between municipalities. This metric is computed using the Solid Waste and Recycling Survey, which is requested by MassDEP annually. Survey data are posted on the MassDEP website at <http://www.mass.gov/eea/agencies/massdep/recycle/reports/waste-reduction-and-recycling.html>. Using FY16 data, Newton generated 1,248 pounds per household served. This compares to a low of 846 pounds per household served in Cambridge and a high of 2,405 in Waltham (see Appendix B). This metric combines both the general trash generated as well as BW.

Total trash tonnage and BW tonnage collected in Newton between 2014 and 2016 is reflected in the table below. During this time, overall trash tonnage trended downward, while bulk waste tonnage trended upward.

	Total trash tons	BW tons	% BW in trash stream
2014	21,348	1,219	5.7%
2015	20,468	1,227	6.0%
2016	19,802	1,264	6.4%

In Newton, the BW tonnage is tracked by WM and was provided by WM for this report. The estimated disposal cost for the average 1,236 tons per year of BW (\$65/ton average over the 3 year period) was \$80,370 annually. According to the Waste Management Director of Public Sector Solutions, the cost of collection by WM using a separate truck that is specifically assigned to the BW route is approximately \$260,000. **The estimated annual average cost to manage bulk waste for the City of Newton from 2014-2016 was \$340,370.**

**Objective 3 – Extent of Program Abuse.** The analysis determined there is abuse of this service, but was not able to determine the full extent of abuse. This is due to the limited ways that abuse can be identified and the administratively burdensome task of manually determining whether or not a property has multiple units. One type of abuse identified included multi-family property owners and/or residents placing one request for 10 items for a multi-family property. This is an example of abuse because the request is in conflict with the Newton Trash & Recycling ordinance, which specifies that “up to 5 bulky waste items per household” may be removed. However, there are not clear regulations to define this program and specifically prohibit this practice. Instances of household cleanouts/moveouts were also found, which is also specifically prohibited in the ordinance. Addresses making multiple requests were uncommon, however it is feasible that a significant portion of the BW stream results from households making multiple requests:

- 12,940 unique addresses placed requests (45% of households served)
  - 11% made more than 6 requests
  - 0.3% made more than 24 requests

By looking at the requests made per address, then viewing each property using the Assessor’s database (publicly available online), it was found that 6 of the top 21 heaviest users of the service are 2- or 3-family properties. When the data was analyzed looking at the individual who placed pickup requests, 5 of the top 10 users placed requests for more than one address and for at least one multi-family property.

Further analysis of abuse is needed to better understand the extent and put an estimate on the subsequent tonnage and cost. Alternatively, development of regulations and changes to how requests are made would deter abuse and ultimately cut costs.

**Objective 4 - Recommendations.** Newton was compared to 16 neighboring and comparable communities including: Boston, Brookline, Needham, Watertown, Wellesley, Weston, Waltham, Medford, Cambridge, Lexington, Burlington, Milton, Dedham, Winchester, Lowell, and Framingham. Most of these communities either have a lower limit on BW or have fees per items. Some have the entire service handled by their trash hauler (payment of fees and scheduling of pick-ups). The full analysis is available in Appendix B. Some notable differences between Newton and these communities are as follows:

- 6 communities have no limits and no fees: Boston, Brookline, Burlington, Medford, Wellesley, and Weston.
- 2 communities have both fees and a limit: Milton and Somerville.
- 5 communities have no limits but do have fees: Cambridge, Framingham, Lowell, Needham, Winchester.
- 4 communities have no fees but have limits of 1 or 2 items per household per week: Dedham, Lexington, Watertown, Waltham.
- Of the 13 communities that have curbside service, 6 have their BW limits enforced by the hauler and 6 have the fees administered by the hauler.
- Two are transfer station communities with fees for BW paid at transfer station (Needham, Winchester)
- Two have city-operated collection systems for trash, recycling and BW (Cambridge and Framingham).

It should also be noted that the differences between having fees or limits and not having them is overwhelmed by other factors such as pay-as-you-throw policies and general trash limits making it challenging to identify the impact of fees on BW tonnage.

**Recommendations for Improvement.** Eight approaches were considered in terms of advantages, disadvantages, cost impacts, implementation challenges, and likelihood of having political support as compared to maintaining the status quo (Appendix C). These 8 approaches were then ranked on each factor and the ranking was summarized into an assessment of recommendations to improve the overall BW program. This analysis resulted in three recommendations that ranked equally beneficial and feasible:

- 1) Maintain the current system but reduce the weekly collection limit to one item/household/week
- 2) Change the system to be administered by WM, remove the weekly household limit and replace it with a fee of at least \$5 per item.
- 3) Maintain system nearly as is, but on the collection side divert recoverable materials to one or more specialized collectors.

Aside from recommendations to improve the overall BW program, the following measures should be considered to improve the existing program by increasing clarity, consistency, and efficiency, with an overall goal to reduce BW tonnage.

- Formally enhance the bulky waste regulation and policy clarity
  - Clarify and enforce the existing ordinance language that states BW service is for residents – not property owners using it for rentals
  - Clarify and enforce that BW service is not for clean-outs/move-outs, as stated in the City ordinance
  - Update regulations and request management system to require a detailed description of items or provide a defined list of items from which residents would select
- Arrange for and promote other options where available, potentially including mattresses, furniture, carpeting, bundled wood
- Clarify regulations pertaining to collection of construction and demolition waste and promote recycling of these materials
- Improve BW request entry and tracking using the WebQA software
- Add the ability to charge fees for some items in the City ordinance

**Objective 5 - Implementation.** Consideration of the recommendations should be discussed among appropriate stakeholder groups and allow for adequate time to determine operational changes, costs, implementation, and communication to residents. The timeline should also take into consideration the current WM contract, which expires on June 30, 2020. Any overall program changes implemented prior to this time may require a contract amendment.

Discussion among the Solid Waste Commission and the Public Facilities Committee of City Council may yield a favored option among the top three recommendations. The Environmental Affairs Division of Newton DPW would then develop an implementation plan.

### **Final Thoughts**

Newton's bulk waste program item limit of five items per week is likely contributing to its relatively low pounds per household served metric as compared to other communities as shown in Appendix B. However, there is no way to determine to what extent the bulky waste limit or the 64-gallon cart limit for household trash is contributing to Newton's relatively low pounds per household served metric.

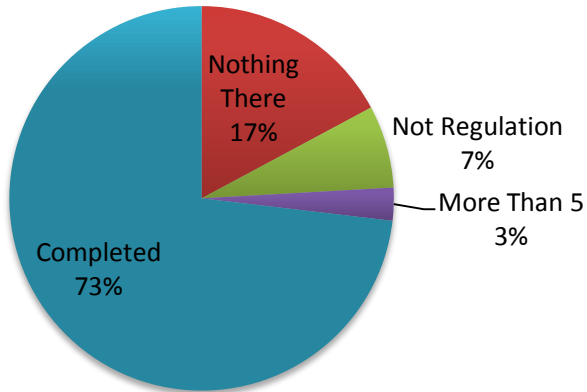
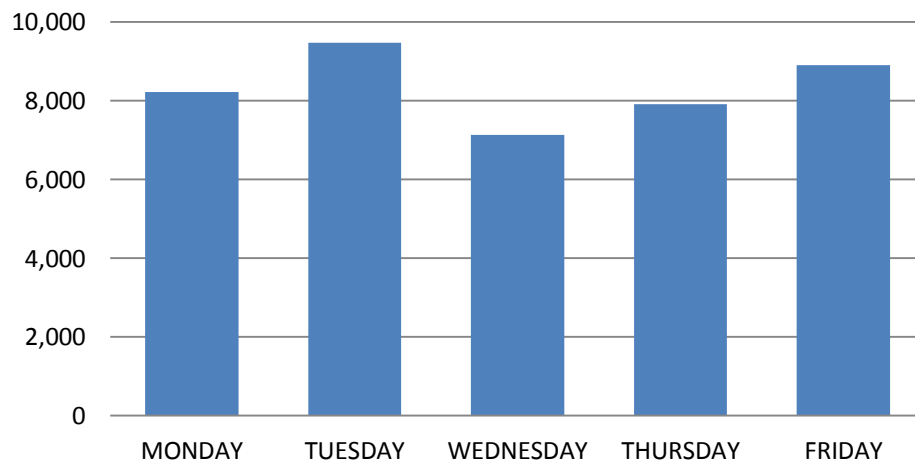
MassDEP incentivizes municipalities to charge a minimum fee of \$5 per bulk item through the Recycling Dividends Grant Program – in 2017 Newton would have been eligible for an additional \$4,000 in grant funds that can be used for overall program improvement if a fee had been in place for BW. The fee is a small barrier that encourages residents to seek alternative outlets for large items when disposal is avoidable and discourages transfer of materials from one municipality to another.

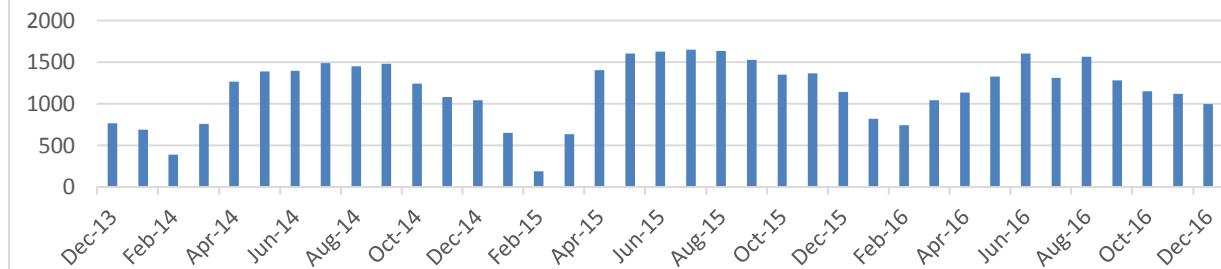
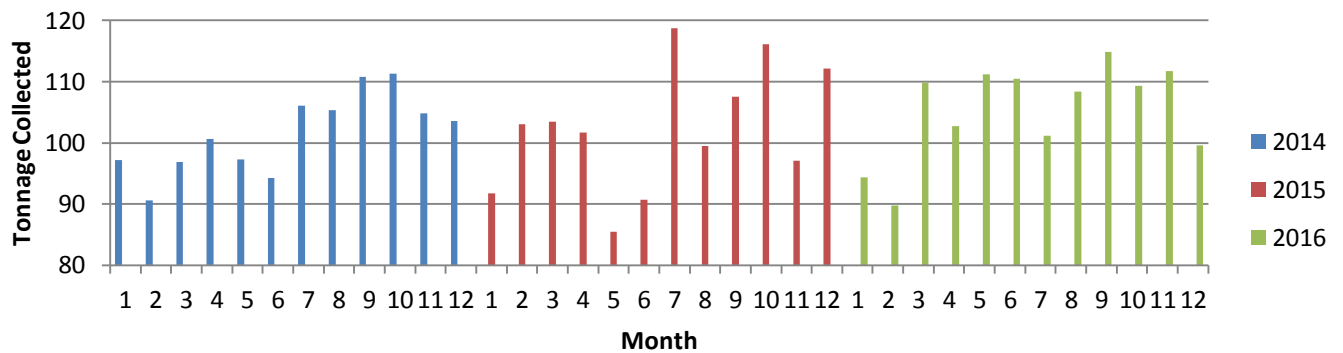
There are materials currently being collected as bulk items that can and should be diverted from the waste stream to potentially decrease costs, preserve resources, and enhance Newton's overall environmental sustainability. Materials that have the greatest potential to be removed from the bulky waste stream for reuse or recycling include: usable furniture, mattresses, box springs, untreated wood, tires, and toilets. In FY18, Newton DPW has set a goal of reducing the pounds of trash collected per household from its FY16 level of 1248

pounds to a level below 1,100 pounds. Any changes to the bulk waste program with the goal of reducing tonnage could significantly contribute to reaching this goal.

Regardless of Newton's performance compared to other communities, there are feasible ways to improve the program within the existing program structure that can be implemented to reduce collection and disposal costs. For example, if the item limit was reduced to one item per household per week disposal costs would decrease significantly and this could potentially eliminate the need for a separate truck to manage BW, which would yield the City a minimum annual savings of \$260,000.

Developing regulations and/or policies regarding the bulk waste program to clarify the request and collection process would be helpful for data collection and customer service, enhance efficiency, and provide clear instructions and guidance to residents. In addition, program abuse would be further defined, investigated, and prevented.

**Appendix A. Analysis of general bulk pickup program use.****Figure 1. Bulky Waste Request Outcomes 2014-2016****Figure 2. 2014-2016 bulk waste requests by collection day.**

**Figure 3. Number of bulk waste pickup requests per month.****Figure 4. Bulk waste tonnage collected per month 2014-2016.****Table 1. Bulky item breakdown.**

Item Description	Count	Percentage
Upholstered chair	558	1%
Toilet	746	1%
Tire	1451	2%
Door	2131	3%
Box spring	3033	4%
Couch	3763	5%
Carpet	4255	6%
Mattress	6950	9%
Wood furniture	17198	23%
Other	35864	47%
<b>Total</b>	<b>75949</b>	<b>100%</b>

**Appendix B. Comparison of BW Policies of Neighbors and Comparable Communities**

- Neighbors: Boston, Brookline, Needham, Watertown, Wellesley, Weston, Waltham
- Comparables: Medford, Cambridge, Lexington, Burlington, Milton, Dedham, Winchester, Lowell, Framingham

Questions:

- Is there a limit on Bulky Waste (BW)? If so, what?
- Are there fees for BW? If so, what is the range?
- Are there other fees for trash, trash limits or access to trash (TS sticker fees, PAYT)?
- What is the net trash generation (lbs/hh using the DEP CY15 data or CY16, marked \*, if needed)?
- How do they administer the BW fees? (stickers, phone payments)
- How do they administer the BW limits (muni or hauler, enforced or not)?

City/Town	BW Limit?	BW fees?	Other?	FY16 Lbs/Hh SW+BW	Admin of Limits?	Admin of Fees?	Other Fees or Procedures?
Cambridge	No	Yes	No	846	NA	Muni collects	Online, in person or mail, \$25/item
Milton	1/wk	Yes	PAYT	1213	Town	Muni and Hauler	\$9 (3 \$3 stickers) for WG, CRTs at DO, \$30 for CS, \$6 (2 stickers) for BW pickup CS
Newton	5/wk	No	64-gal	1248	NA	NA	Use 311 to request pickup
Boston	No	No	No	1321	NA	NA	311
Dedham	1/wk	No	No	1401	hauler	NA	Call WMI to schedule
Brookline	No	No	PAYT coming	1416	NA	NA	Call, Town collects
Lexington	1/wk	No	No	1429*	Hauler	NA	WG, CRT, metal items by appt
Somerville	2/wk	Yes	No	1467	Hauler	Hauler	\$25 for WG, call to schedule CRTs, free BW
Burlington	No	No	64-gal	1614	NA	NA	Call Republic to schedule
Framingham	No	Yes	96-gal	1680	NA	Muni	Curbside or drop-off fees
Wellesley	No	No	No	1628*	TS	NA	\$20 fee for WG
Needham	No	Yes	PAYT	1859	NA	TS	\$5 - \$20 or \$140/ton
Medford	No	No	64-gal	1865 in CY16	NA	NA	Call WMI to schedule free pick up for BW, \$25 for WG, CRTs
Lowell	No	Yes	64-gal, \$125/yr	1959	Hauler	Hauler	Call WMI to schedule and pay, \$10-\$20 per item for BW, WG, CRTs, metal, burnables
Weston	No	No	TS fee	1959	NA	NA	Drop-off
Watertown	2/wk	No	64-gal	2054	Hauler	Hauler	No cleanouts, C&D, carpets
Winchester	No	Yes	TS fee	2144	NA	TS	\$5-\$15/item or \$102/ton
Waltham	2/wk	No	No	2405	Hauler	Hauler	CRTs, WG call to schedule
<b>Totals of 17 (not including Newton)</b>	11 No 6 Yes	7 Yes 10 No	3 PAYT, 5 cart limits, 7 No limits 2 TS Fee		6 Hauler 10 NA 1 TS	1 TS, 2 Muni 1 Muni + Hauler 5 Hauler 9 NA	

BW = Bulky Waste; SW – Solid Waste; WG – White Goods, appliances; CRTs – Cathode Ray Tubes (older monitors, TVs); WM – Waste Management, Inc.; Republic – Republic Services; NA = Not Applicable; TS = transfer station



### Appendix C. Assessment of Recommendations for Overall BW Program Improvement

The rankings are based on scores for each aspect ranging from positive (+2), somewhat positive (+1), no impact (0), somewhat negative (-1) and negative (-2).

- 1) Status Quo – continued high level of service,
  - Advantages/Challenges – Change is always difficult
  - Cost impacts – no change in costs
  - Implementation Concerns – none;
  - Political Feasibility – easy
- 2) Reduce allowed limit on BW, to 1/wk
  - Advantages/Challenges - Likely to reduce clean-outs and abuses; could expect complaints from heavy users, creates incentive to divert from waste stream
  - Cost impacts - No added cost, likely to reduce weight and cost of BW
  - Implementation Concerns – easy to implement by asking WM to only collect one item; enforcement easier for WM, may expect to receive more requests
  - Political Feasibility - Comparable to other communities
- 3) Reduce limit to less than 1/wk
  - Advantages/Challenges - Likely to reduce clean-outs and abuses; could expect complaints from heaviest users, creates incentive to divert from waste stream; creates greater inconvenience for residents
  - Cost impacts – Would reduce BW more than allowing 1/week
  - Implementation Concerns - Requires tracking, Recollect may have capacity to do but not yet
  - Political Feasibility – may be challenging unless the City can provide alternative disposal options
- 4) No limit but add fees collected by City
  - Advantages/Challenges – added revenue would offset cost of BW, reduce clean-outs/abuses, creating/communicating fee schedule, creates incentive to divert from waste stream, creates opportunities for City to divert creatively, high administritivia
  - Cost impacts - positive
  - Implementation Concerns - Requires new system to collect fees, increased confusion
  - Political Feasibility – Maybe challenging but easier than reducing limit with no options
- 5) No limit but add fees collected by WMI
  - Advantages/Challenges – cost reduction (no revenue, no cost); possible lower hauling cost, remove City from equation, resident pushback
  - Cost impacts- positive
  - Implementation Concerns- no new system required if done by WM, need to advertise clearly
  - Political Feasibility – Maybe challenging but easier than reducing limit with no options.
- 6) Specialized Collection Days (different collection days for different items, i.e. mattress Monday)
  - Advantages/Challenges – residents may like knowing items go to reuse or charities but they may find it confusing to know which items go with which collection days (if multiple items are allowed each week), confusing that collection may not be on trash day, increase diversion,
  - Cost impacts – no user fee, collection costs unclear, likely to save money on disposal, but increase fee cost to City for various materials for collection
  - Implementation Concerns - – requires planning and possibly contracting with new haulers; communication piece; need data analysis for planning collection days to make collection

most efficient, haulers in City one day only (however, this may not work depending on requested volume); manage more contracts/more communication

- Political Feasibility – slight decrease in resident convenience due to scheduling; slight advantage in feel good of diversion/reuse/donations
- 7) Find local Charity to divert reusable furniture and mattresses (WM + 1 donation hauler)
- Advantages/Challenges – would this be coupled with decreased limit or fees? would need to identify organization to work with, residents may like knowing items go to reuse or charities, increase diversion for reuse but not for recycling, could be local benefit
  - Cost impacts – potential to significantly reduce costs of disposal, likely to incur a collection fee
  - Implementation Concerns – dependent on charities, possibly do another TA project to define the needs and best options then submit a grant request for any funding required to create new local charity, a fee structure or limit would incentivize diversion over waste, administrative system to determine what goes where, manage at least one more contract
  - Political Feasibility – slight advantage in feel good of diversion/reuse/donations, could be significant local impact
- 8) Divert by categories to various collectors (wood, furniture, mattresses, CRTs, metal items, )
- Advantages/Challenges – divert as much as possible, need to categorize when making request, nearly invisible to user
  - Cost impacts – likely to reduce costs for disposal, increase for collection
  - Implementation Concerns - Conigliaro might do using list of appointments for items still usable, managing multiple haulers, room for confusion between bulk waste and other outlets, daily routes to multiple haulers
  - Political Feasibility – depends on other options for residents, increase feel good for diversion, could be local benefit

Options	Advantages/ Challenges	Impact on BW cost	Implementation Concerns	Political Feasibility	Total
1) Status Quo (5/wk)	0	0	0	0	0
<b>2) Reduce limit: 1 /wk</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>-1</b>	<b>1</b>
3) Reduce limit: <1/wk	1/-1	2	-2	-2	-2
4) No limit, Add fees	1/-2	2	-2	-2	-3
<b>5) No limit, add fees, collect by WMI</b>	<b>1/-2</b>	<b>2</b>	<b>2</b>	<b>-2</b>	<b>1</b>
6) Schedule collection days by category (metal, furniture, mattresses, tires, burnables)	2/-1	0	-2	-1	-2
7) Find local charity to work with to divert reusable furniture	2/-5	0	-1	-1 if coupled with limit; 0 if limit stay same; -2 if with a fee	-.5, .5, -1.5
<b>8) Divert by category to specialized collectors</b>	<b>2/0</b>	<b>0</b>	<b>-2</b>	<b>1</b>	<b>1</b>

**Rating Key:** The ratings are from -2 to 2 and are used as an arbitrary scoring system to measure the degree of difficulty and/or positive/negative impact to the City compared to the current system. For example, the score of +2 on cost impact means that the City's costs would have a significant positive impact (i.e., costs would be reduced).

**Appendix D. Analysis of addresses making frequent bulk item requests.**

<b>Table 2. Analysis of addresses that have made more than one bulk item pickup request between 2014-2016.</b>			
<b>Number of requests</b>	<b># of households</b>	<b>Cumulative Total</b>	<b>Percent</b>
68	1	1	0.01%
54	1	2	0.02%
41	1	3	0.02%
38	4	7	0.05%
35	1	8	0.06%
34	1	9	0.07%
32	1	10	0.08%
31	3	13	0.10%
30	2	15	0.12%
29	2	17	0.13%
28	3	20	0.15%
27	5	25	0.19%
26	7	32	0.25%
<b>25</b>	<b>5</b>	<b>37</b>	<b>0.29%</b>
24	4	41	0.32%
23	8	49	0.38%
22	10	59	0.46%
21	15	74	0.57%
20	12	86	0.66%
19	20	106	0.82%
18	17	123	0.95%
17	23	146	1.13%
16	23	169	1.31%
15	31	200	1.55%
14	47	247	1.91%
13	65	312	2.41%
12	82	394	3.05%
11	92	486	3.76%
10	170	656	5.07%
9	203	859	6.64%
8	258	1117	8.64%
7	369	1486	11.49%
6	568	2054	15.88%
5	785	2839	21.95%
4	1082	3921	30.32%
3	1720	5641	43.61%
2	2667	8308	64.23%

← Indicates threshold used to define “heavy user”

<b>Table 3. Analysis of heavy users.</b>		
<b>Address*</b>	<b>Requests</b>	<b>Notes</b>
1	68	SFH , sold 2007
2	54	2-family
3	41	2-family
4	38	Frequently listed "5 Bulky items", SFH, sold 2006
5	38	SFH, sold in 2016
6	38	SFH, sold 2016
7	38	SFH, sold in 1987
8	35	3-family, sold in 1978
9	34	Frequently listed "5 Bulky items", SFH, sold 2006
10	32	SFH, sold 2013
11	31	2-family
12	31	Frequently listed "5 Bulky items", SFH, sold 1989
13	31	SFH sold 1992
14	30	2-family
15	30	SFH, sold 2014
16	29	SFH, sold 2009
17	29	SFH, sold 2012
18	28	SFH, sold 2001
19	28	SFH, sold 2009
20	28	SFH, sold 2013
21	27	2-family, sold 2010

\*Individual addresses have been removed for privacy.



# Newton's Bulky Item Pickup Program Summary, 2014-2018

391-19



## Current Program:

Newton provides curbside collection of up to five bulky items per household per week. Bulky items include oversized items, such as couches, chairs, mattresses, tables, carpets (cut and rolled to lengths of 4 ft or less), wood (less than 4 ft long), etc. Appliances, metal, electronics, and rigid plastics are not accepted as bulk waste because these are recyclable materials. The collection of bulky items is available to residents by appointment only. Residents need schedule a pickup by 3:30pm on the business day before their collection day. Requests can be placed by calling Newton Customer Service; using Newton's online customer service system (311); or through *Recycle Right Newton*, the City's trash and recycling app. Residents are instructed to place their bulky items curbside by 7am on their trash day.

Each day, City of Newton staff create a bulky item pick up list, using Microsoft excel, and a map with the requested stops, using ArcMap, for the collection of these items. These steps currently take Newton staff an estimated 8-10 hours per week.

## Program Statistics:

Between calendar years 2014 to 2018, **77,188** bulky item pick up requests have been placed by Newton residents:

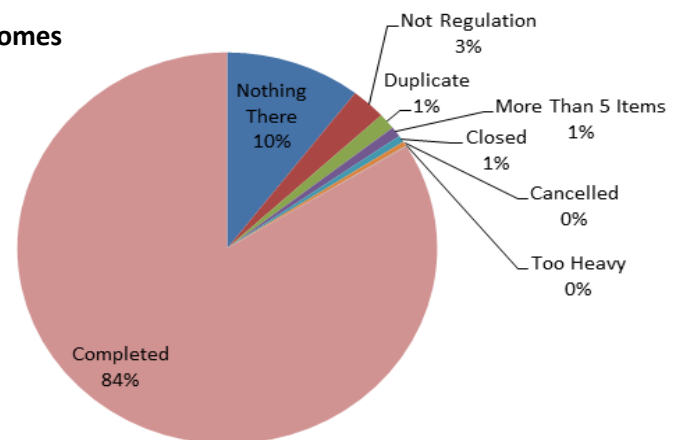
- 73,508 requests were entered using Newton's 311 system
- 3,680 requests entered using Recycle Right Newton App
  - First *Recycle Right Newton* request placed on 4/11/2018

## Request Outcomes

84% of Newton's bulky item pick up requests have been closed as complete.

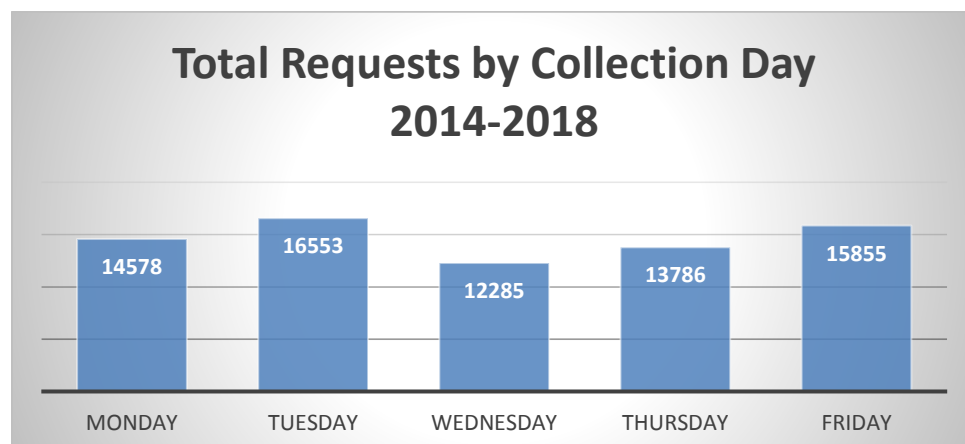
10% of requests have been noted as having nothing out at the curb at the time of the stop.

3% of requests have been indicated as not regulation because the resident set out items that did not comply with the City's regulations. These items were left behind by the driver and the resident was instructed further on how to properly manage the item.



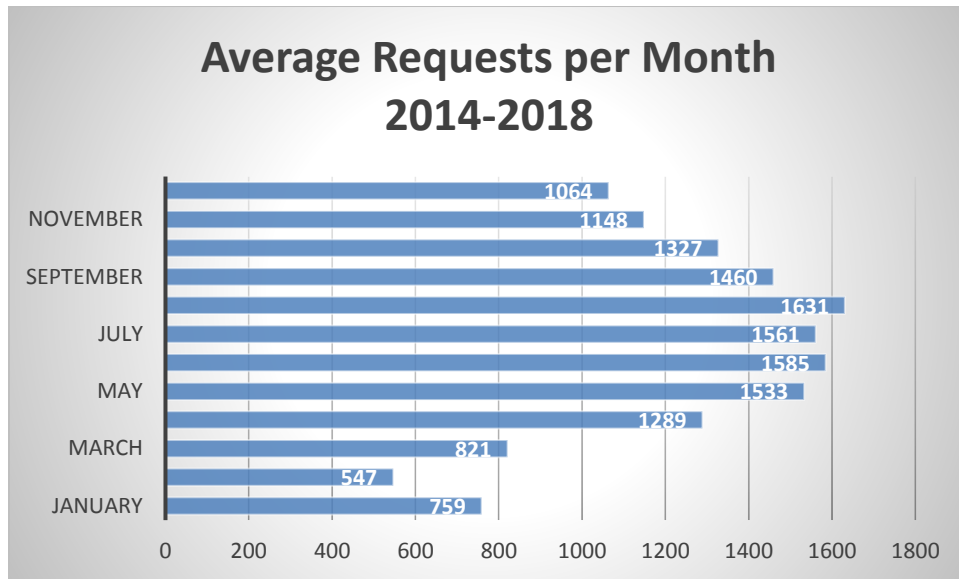
## Requests by Trash Day

The busiest day for bulk item collection is Tuesday, with 16,553 requests being placed since 2014. This is not surprising as the Tuesday route also has the largest number of households. Wednesday had the least, with 12,285 requests placed since 2014.

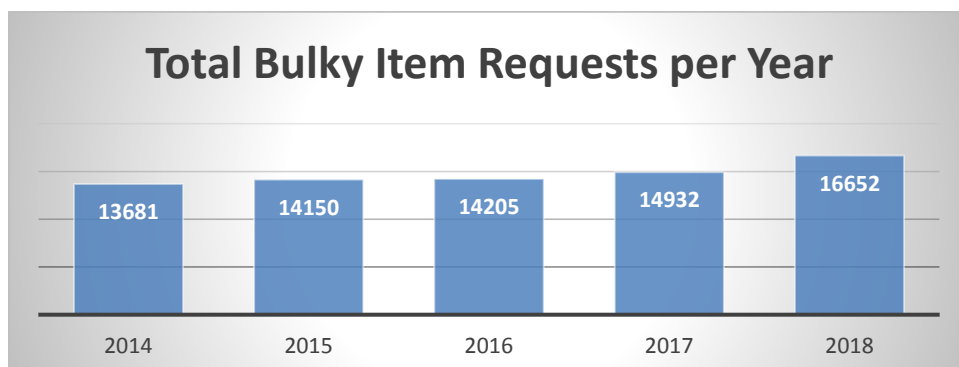
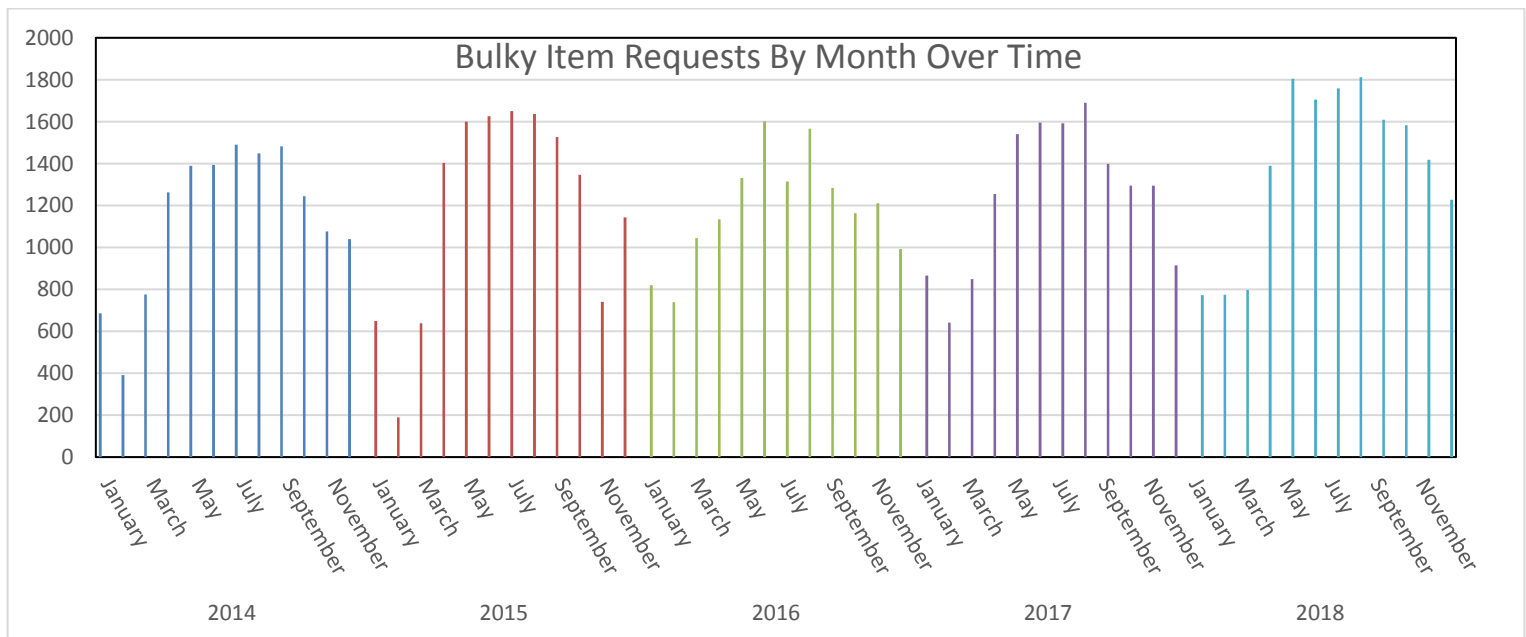


### Requests by Month

Newton's bulky item program is most popular in the summer, with August being the busiest month for the program. During the winter months the program slows down. Historically, residents request the fewest pickups in February.

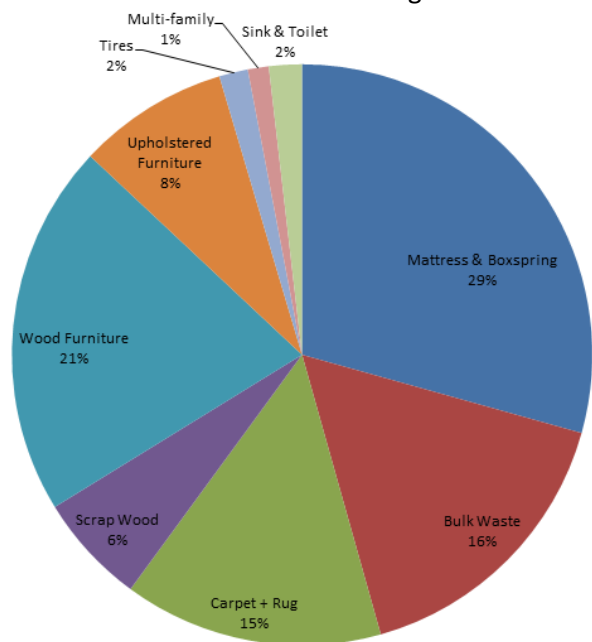


Since 2014, the number of requests placed each year has steadily increased. There is a noticeable trend in pickups per season.



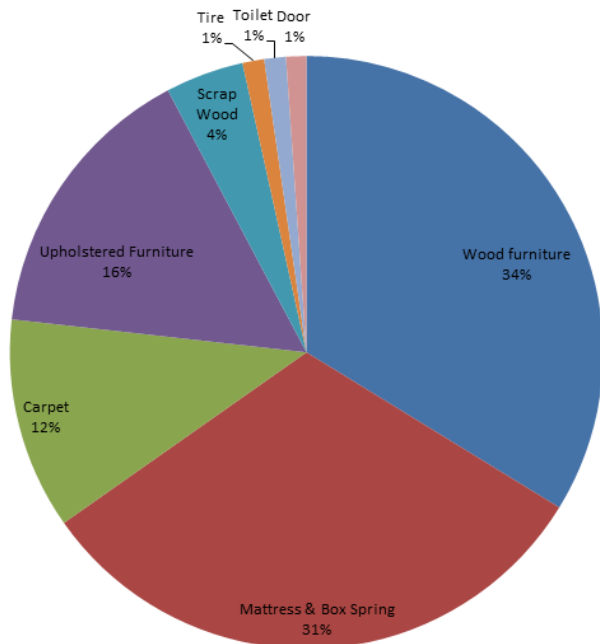
### Material Breakdown

Newton residents have used **Newton's 311 system** to place bulky item pick up requests since 2014. In that time, residents have requested the collection of the following items:



- Mattress & Box Spring: 14694 requests
- Bulk Waste: 8160 requests
- Carpet and Rug: 7230 requests
- Scrap Wood: 3086 requests
- Wood Furniture: 10394 requests
- Upholstered Furniture: 4216 requests
- Tires: 802 requests
- Multi-family: 585 requests
- Sink & Toilet: 918 requests

Since April 2018, Newton residents have been able to use the *Recycle Right Newton* to place bulky item pick up requests. In that time, residents have requested the collection of the following items:



- Wood Furniture: 916 requests
- Mattress & Box Spring: 854 requests
- Carpet and Rug: 313 requests
- Upholstered Furniture: 420 requests
- Scrap Wood: 116 requests
- Tire: 32 requests
- Door: 918 requests

## Chapter 11

## RECYCLING AND TRASH\*

Art. I. In General, §§ 11-1—11-33

Art. II. Public Landfills and Recycling Depots, §§ 11-34—11-36

ARTICLE I.  
IN GENERAL

## Sec. 11-1. Definitions.

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

*Bulky waste items:* Bulky waste items are large items that are burnable, such as discarded or broken furniture, large toys, mattresses, rugs, and other large or unwieldy refuse that cannot be placed in the assigned receptacle. Hard plastic and metal items are not bulky items.

~~*Clean and uncontaminated paper:* Paper that has not been exposed to foreign substance or substances, or conditions rendering it unusable for recycling.~~

~~*Commercial rubbish:* Any refuse and recyclable materials generated by the use of property for non-residential purposes, including, but not limited to, hotels, motels, institutions, offices, businesses and industry. The term "institution" includes, but is not limited to, hospitals, schools, and educational and benevolent organizations.~~

*Construction Material:* Items from building construction, deconstruction, renovations, repairs, etc. This is not considered residential trash and will not be collected by the city.

*Garbage:* Putrescible waste matter, animal or vegetable, from tables, kitchens, markets and stores. Also known as organics.

*Non-profit rubbish:* Any ~~refuse-trash~~ and recyclable materials generated by the use of property for residential and non-residential non-profit institutions. The term "institution" includes, religious, and charitable organizations that do not pay city real estate tax.

*Recyclable materials:* ~~Clean and uncontaminated~~ Printed paper; cardboard and paperboard; glass; rigid plastic containers; ~~eans~~; aluminum containers; leaf and yard wastes; ~~plasties~~; scrap metals and other such materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the commissioner of public works may determine.

~~*Refuse:* Generally refers to common household waste, as well as office and retail wastes, but excludes recyclable materials, industrial, hazardous, and construction wastes. Also known as trash. All non-putrescible household solid wastes except those which constitute recyclable materials as defined herein.~~

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\***Editor's note:** Ordinance T-92, adopted June 18, 1990, changed the title of this chapter from "Garbage, Trash and Refuse" to "Recycling and Trash".

**Cross references**—Health and human services, Ch. 12; secondhand and junk dealers, Ch. 20, Art. VI



*Leaf and yard wastes:* Leaves, grass clippings, wood chips, shrub trimmings, plant cuttings and other materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the commissioner of public works may determine.

*Moveouts and cleanouts:* Large amounts of bulky waste that may also include excess trash and whitegoods that resulting from turnover of a residential property, which most commonly occurs from rental property turnover, residential downsizing, and estate management.

*Organics:* Putrescible waste matter (animal or vegetable) and compostable paper from tables, kitchens, markets and stores. Also known as garbage.

*Packaging:* Recyclable materials that consist of primarily of food and consumer goods packaging, including cardboard boxes, paperboard boxes (i.e., cereal boxes, tissue boxes, etc.) and rigid containers (i.e., bottles, cans, jars, jugs, tubs) made of glass, plastic, and metal.

*Packaging and printed paper:* The recyclable material stream that is able to be collected in a curbside collection program and mixed together in the collection truck instead of being sorted into separate commodities by the generator; includes printed paper, cardboard, paperboard and rigid containers made of plastic, glass, and metal.

~~*Plastics:* High density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastics as the commissioner of public works may determine.~~

*Plastic containers:* Rigid bottles, cans jars, jugs, tubs, made of high density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastic resins as the commissioner of public works may determine; excludes flexible plastic film (i.e., shipping air pillow), plastic bags (i.e. plastic shopping bags, bags packaged around new durable goods, etc.), and plastic wrap (i.e., cellophane, case wrap, paper towel wrap).

*Printed Paper:* Paper that has not been exposed to foreign substance or substances, or conditions rendering it unusable for recycling; includes, but is not limited to, office paper, documents, magazines, newspaper, junk mail and other paper as the commissioner of public works may determine.

*Recycling depot:* A site designated on a permanent or temporary basis for drop-off and collection of certain recyclable materials.

*Receptacle:* Any container that the commissioner of public works may determine to be acceptable to utilize for the collection of trash and / or recyclable materials and or any other material that the commissioner of public works may determine.

*Trash:* Generally refers to common household waste, as well as office and retail wastes, but excludes recyclable materials, industrial, hazardous, and construction wastes. Also known as refuse.

~~*All trash, including, garbage and refuse from residential premises which receive municipal trash disposal services. Sometimes also called "rubbish" or "residential rubbish."*~~

*Single Stream Recycling:* Also known as fully commingled recycling, refers to a system in which all paper materials and co-mingled containers are mixed together in a collection truck, instead of being sorted into separate commodities (newspaper, cardboard, plastic, glass, etc.) by the resident and handled separately throughout the collection process.

*Waste Bans:* Materials as listed under the Commonwealth of Massachusetts Regulation 310 CMR 19.017: Waste Disposal Ban Regulation. All items as listed will either not be collected or collected as a special collection per the commissioner of public works.

*White goods:* Large household appliances such as washing machines, clothes dryers, refrigerators, stoves, and the like, formerly finished with white enamel but now often with varied finishes, as well as electronic devices such as televisions and computers.<sup>22</sup>

(Rev. Ords. 1973, § 8-34; Ord. No. 11, 8-15-74; Ord. No. R-56, 3-17-80; Ord. No. R-105, 12-15-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10; Ord. No. Z-87, 05-16-11; Ord. No. A-62, 08-10-15)

**Cross reference**—Rules of construction and definitions generally, § 1-3

#### **Sec. 11-2. Department of public works—To have charge of removal, processing and disposal.**

The department of public works, or its contractor, shall remove and process or dispose of all refuse, recyclable materials and garbage from residential premises, except those residential premises which are required pursuant to special permit or other zoning requirements to make their own private arrangements therefor, which are properly placed in accordance with the requirements of this chapter. (Rev. Ords. 1973, § 8-35; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

#### **Sec. 11-3. Same—Employees, contractors and agents not to enter premises to remove; exception.**

Employees, contractors and agents of the department of public works shall not enter upon private property to remove, garbage, refuse or recyclable materials, except when and where directed by the commissioner of public works or his duly authorized agent. (Rev. Ords. 1973, § 8-36; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10)

#### **Sec. 11-4. Reserved.**

#### **Sec. 11-5. Trash, Garbage—Permit required to transport; recycling services required.**

All persons transporting trash or garbage through the public ways of the city from places within or to destinations within the city shall first obtain from the health department a permit therefor. All persons offering these services are required to offer full recycling services to all places where such collection of trash or garbage occurs within the city. All persons shall show evidence of such recycling plan of services, which plan must be approved by the commissioner of public works or his/her designee and recommended to the commissioner of health and human services at the time of the annual permit request. All such permits shall expire at the end of the calendar year in which they are issued. No permit may be transferred without approval of the health and human services department. (Rev. Ords. 1973, § 8-38(a); Ord. No. 59, 2-20-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 05-26-05; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13)

**Cross reference**—Licensing and permits generally, Ch. 17; G.L. c. 111 sec. 31A.

#### **Sec. 11-6. Collection, processing, and disposal of non-profit rubbish for a fee.**

Non-profit rubbish from religious and charitable organizations may be set out for collection for a fee that reflects the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. All non-profit rubbish shall be placed for collection in accordance with this chapter. All non-profit rubbish collected by the city under this section shall comply with all requirements of this chapter. (Ord. No. Z-68, 06-21-10)

#### **Sec. 11-7. How trash to be placed for collection; weight of receptacles.**

(a) The city shall provide, or cause to be provided, one receptacle to each residential premises which receives municipal rubbish disposal services. The receptacle size shall be determined by the commissioner of public works. The receptacle shall be owned by the city. The residents of each such premises shall:

- (1) take proper care to protect such receptacle from misuse, loss, and damage as the city may require the resident to pay for any replacement receptacle due to such misuse, loss and/or damage; and
- (2) return such receptacle to the city, or its contractor, upon request of the commissioner of public works; and
- (3) in the event that they vacate the premises, shall leave such receptacle with the premises for use by the subsequent residents or if taken the city may require payment for such receptacle; and
- (4) not remove the assigned receptacle from the premises unless granted permission by the commissioner of public works; and
- (5) not be in possession of any receptacle not assigned to his or her premises.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the commissioner of public works. Only city authorized receptacles will be accepted for collection.

(c) Residents may also purchase trash bags, designated by the city for the sole purpose of trash collection, at a cost per bag established by the commissioner of public works. Only city authorized bags will be accepted for collection. Bags shall not exceed fifty (50) pounds in weight.

(d) All material set out for collection must be in the city supplied receptacle, additional city supplied receptacle, as requested, or designated bags. Loose material will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(e) Receptacles and designated bags shall be placed for collection in a manner and on days of the week as designated by the commissioner of public works or his/her designee which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the city, and/or in such a place as the commissioner of public works, or his/her duly authorized agent, may designate or permit.

(f) The commissioner of public works may determine if a multiple residential site (apartment building, condominium units, townhouses, etc.) currently being collected from will require a dumpster. The commissioner will determine the size and location of the dumpster. Multiple unit locations will abide by the same standards as for collection in single residential sites.

(g) No person except those individuals and companies authorized by the commissioner of public works shall collect or pick up or cause to be collected or picked up, trash which has been placed for collection pursuant to Section 11-7. (Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

**Cross reference** – general fines, §17-21; civil fines, §17-23

#### **Sec. 11-8. How recyclable materials to be placed for collection.**

(a) The city shall provide, or cause to be provided, one recycling receptacle to each residential premises which receives municipal rubbish disposal services. The receptacle size shall be determined by the commissioner of public works. Only city authorized receptacles will be accepted for collection. The residents of each such premises shall:

- (1) take proper care to protect such recycling container from misuse, loss and damage as the city may require the resident to pay for any replacement carts due to such misuse, loss and/or damage; and
- (2) return such recycling container to the city, or its contractor, upon request of the commissioner of public

works; and

(3) in the event that they vacate the premises, shall leave such recycling container with the premises for use by the subsequent residents or if taken the city may require payment for such cart; and

(4) not remove the assigned receptacle from the premises unless granted permission by the commissioner of public works; and

(5) not be in possession of any receptacle not assigned to his or her premises.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the commissioner of public works. Only city authorized receptacles will be accepted for collection.

(c) Recyclable materials are to be set out in containers as directed by the rules and regulations of the commissioner of public works.

(d) Leaf and yard waste is to be set out in containers as directed by rules and regulations of the commissioner of public works.

(e) All recyclable material set out for collection must be in the city supplied receptacle. Loose material will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(f) Receptacles shall be placed for collection in a manner and on days of the week as designated by the commissioner of public works or his/her designee which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the city, and/or in such a place as the commissioner of public works, or his/her duly authorized agent, may designate or permit.

(g) The commissioner of public works may determine if a multiple residential site (apartment building, condo units, townhouses, etc.) currently being collected from will require a dumpster for single stream recycling. The city will determine the size and location of the dumpster. Multiple unit locations will abide by the same standards as for collection in single residential sites.

(h) No person except those individuals and companies authorized by the commissioner of public works shall collect or pick up or cause to be collected or picked up, recyclable materials which have been placed for collection pursuant to Section 11-8. (Rev. Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

**Cross reference** – general fines, §17-21; civil fines, §17-23.

#### **Sec. 11-9. Participation in and enforcement of recycling and trash program; hardship exemption.**

(a) All persons whose trash is collected by the city shall comply with the provisions of this chapter when placing materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply with sections 11-7, 11-8, 11-10, 11-14, 11-15, or 11-16 shall result in the imposition of a written warning for the first offense, fifty dollar (\$50.00) civil fine for the second offense, and seventy-five dollar (\$75.00) civil fine for the third and subsequent offenses occurring in any three hundred sixty-five (365) day period. The written warning for each first offense shall be attributable to the dwelling unit occupied by the offending party. Any subsequent offense by any occupant of said dwelling unit shall result in the fine referred to above and shall be attributable to the head of the household or the owner of the premises.

**Cross reference** – general fines, §17-21; civil fines, §17-23(f).

(b) If compliance with the requirements of subsection (a) imposes undue hardship upon a person, that person may request an exemption from this ordinance from the commissioner of public works. (Ord. No. R-105, 12-15-80; Ord. No. S-249, 3-16-87; Ord. No. T-92, 6-18-90; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

**Sec. 11-10. When trash and recyclable materials to be placed for collection; collection vehicles to pass through streets only once.**

(a) Trash and recyclable materials shall be placed for collection on such day or days as may be designated for collection by the commissioner of public works. The commissioner of public works may designate the specific days of collection for particular areas of the city and/or types of trash and/or recyclable materials. Trash and recyclable materials shall be placed for collection between 4:00 p.m. of the day preceding collection and 7:00 a.m. of the day of collection. Collection vehicles having passed through the street will not be sent back to collect any such materials placed for collection after 7:00 a.m.

(b) All empty receptacles, barrels, cans or rubbish containers of any kind shall be removed from the area of collection and returned to the private property of the person(s) who owns or is assigned to the specific receptacle(s) prior to midnight of the day of collection.

(c) Any occupant of a building who places or causes to be placed trash or recyclable materials for collection at times other than those designated in subsection (a) of this section or fails to remove said trash containers or recycling containers or receptacles from the area of collection prior to midnight of the day of collection shall be subject to penalties provided in section 9(a), provided, however, that when the collection of trash or recyclable materials is delayed due to weather conditions, holidays, or other causes, no penalty shall be imposed for placement thereof in accordance with the time periods established for collection as set forth in subsection (a) above.

- (1) For the first offense—a written warning;
- (2) Second offense-fifty dollars (\$50.00);
- (3) Third and subsequent offenses-seventy-five dollars (\$75.00)

The written warning for each first offense shall be attributable to the dwelling unit occupied by the offending party. Any subsequent offense by any occupant of said dwelling unit shall result in the fine referred to above and shall be attributable to the head of the household.

Provided, however, that when the collection of trash or recyclable materials is delayed due to weather conditions, holidays, or other causes, no penalty shall be imposed for placement thereof in accordance with the time periods established for collection as set forth in subsection (a) above. (Rev. Ords. 1973, § 8-42; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-56, 3-17-80; Ord. No. S-1, 7-11-83; Ord. No. T-92, 6-18-90; Ord. No. T-168, 9-3-91; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13; Ord. No. A-62, 08-10-15)

**Cross reference**—Licensing and permits generally, Ch. 17; general fines §17-21; civil fines, §17-23.

**Sec. 11-11. Registration for transporting garbage through Newton.**

All persons transporting garbage on public ways of the city from points outside the city and to destinations outside the city shall register with the city health and human services department pursuant to Mass. Gen. Laws c. 111, § 31A. Such garbage shall be transported in accordance with such rules and regulations as the health and human services department shall make. (Rev. Ords. 1973, § 8-43; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. X-175, 5-26-2005; Ord. No. Z-68, 06-21-10; Ord. No. A-14, 03-18-13)

**Sec. 11-12. Definition of pickup point, placement of refuse for collection from mixed-use buildings, persons responsible for fee.**

For buildings utilizing dumpsters, each dumpster location shall constitute a pickup point. Refuse from non-residential and residential units shall not be placed into the same dumpster for collection. For receptacle or bag collection, each street address shall constitute a pickup point, provided however, that in the case of multi-unit buildings, each unit shall constitute a pickup point, and provided further, that the refuse and recycling generated by each non-residential unit in such building shall not be set out for collection.

Nothing herein shall be deemed to render any person liable for charges incurred by a previous owner. (Rev. Ords. 1973, § 8-45; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. R-105, 12-15-80; Ord. No. R-201, 12-7-81; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10)

**Sec. 11-13. Tipping over, etc.; slippery substances.**

No person shall willfully or maliciously disturb or handle the contents of or tip over or upset containers or receptacles standing upon the sidewalk or within the street limits or throw or place upon any sidewalk, crosswalk, street or way any banana skin, orange peel or other slippery substance. (Rev. Ords. 1973, § 8-48; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10)

**Sec. 11-14. Bulky waste items.**

(a) Bulky waste items may be removed from the curb and disposed of by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item. All materials set out for curbside removal shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.

(b) The commissioner of public works in his/her sole discretion may remove and dispose of bulky waste items that have been set out for collection without application and in accordance with section 16. Failure to apply for removal of bulky waste items shall be subject to penalties provided in section 9(a).

~~(a) The department of public works may remove and dispose of up to five (5) bulky waste items per household per week without charge. All the materials put out for removal shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.~~

~~—(b) The commissioner of public works in his sole discretion may remove and dispose of more than five (5) bulky waste items per household per week in accordance with the provisions relating to cleanouts and moveouts.—(Rev. Ords. 1973, § 8-49; Ord. No. 11, 8-15-74; Ord. No. 90, 10-6-75; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10; Ord. No. A-62, 08-10-15)~~

**Sec. 11-15. White goods.**

(a) White goods may be removed at the curb and properly managed by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item. All white goods set out for curbside removal by application shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city.



(b) White goods, except TVs and monitors, shall be accepted at no charge when dropped off by City of Newton residents at the Newton Resource Recovery Center during operating hours. TVs and monitors shall be accepted at the Newton Resource Recovery Center upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per item.

(c) The commissioner of public works in his or her sole discretion may remove and properly manage white goods items that have been set out for collection without application. Failure to apply for removal of white goods shall be subject to penalties provided in section 9(a).

~~—White goods may be removed and disposed of by the department of public works upon application to the commissioner of public works by the owner or occupant of a building or premises who shall pay a fee of twenty-five dollars (\$25.00) per stop, which will include one cathode ray tube item (TV or computer monitor). Each additional cathode ray tube item (TV and/or computer monitor) shall be charged an additional eighteen dollar (\$18.00) fee. All other white good items, as defined in Section 11-1 shall be included in each stop for no additional charge. All white goods offered for removal by application shall be of such form and so prepared and placed as the commissioner of public works may specify or accept, otherwise they shall not be removed by the city. (Ord. No. Z-87, 05-16-11; Ord. No. A-54, 01-20-15; Ord. No. A-64, 10-19-15)~~

#### **Sec. 11-16 Moveouts and cleanouts.**

Moveouts and cleanouts are not considered normal residential trash and will not be collected by the City. If, for whatever reason, the City finds it necessary to remove and dispose of a moveout or cleanout, the owner ~~or occupant~~ of the building or premises shall pay the City the total cost of removal and disposal as determined by the commissioner of public works or his/her duly authorized agent. Such removal may also be subject to fines as specified in Chapter 17-21. (Ord. No. A-62, 08-10-15)

#### **Sec. 11-17. Annual appropriation for publicizing recycling program.**

The recycling program shall receive an annual appropriation to be used to advertise the program on a regular basis and to inform citizens of their collection days. (Rev. Ords. 1973, § 8-50; Ord. No. 11, 8-15-74; Ord. No. S-1, 7-11-83; Ord. No. Z-68, 06-21-10; Ord. No. Z-87, 05-16-11; Ord. No. A-62, 08-10-15)

#### **Secs. 11-18—11-33. Reserved.**

### **ARTICLE II. PUBLIC LANDFILLS AND RECYCLING DEPOTS**

#### **Sec. 11-34. Control of operation and use.**

The commissioner of public works shall have custody and control and charge of the operation of all landfills and recycling depots maintained by the city. He is authorized, subject to the provisions of this article and to any other applicable order of the city council, to prescribe, and from time to time amend, rules and regulations governing the operation and use thereof. (Rev. Ords. 1973, § 8-56; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

#### **Sec. 11-35. Regulations of use.**

Use of landfills, transfer haul stations and recycling depots maintained and/or operated by the city or by a

contractor under contract with the city to do the same, by other than city employees acting within the scope of their employment, shall be limited to residents of the city, to owners or employees of commercial or industrial establishments located within the city and to such other persons as may establish to the satisfaction of the commissioner of public works that they are engaged in business activities within the city which require the disposal of trash or depositing of recyclable materials from such operations. All such use shall be upon permission of and in accordance with the rules of the commissioner of public works. No person shall dispose of any trash or deposit any recyclable materials originating outside the limits of the city to any such landfill, transfer haul station or recycling depot. All persons and commercial haulers, except city employees acting within the scope of their employment, using any such landfill, transfer haul station or recycling depot shall do so at their own risk. (Rev. Ords. 1973, § 8-57; Ord. No. 60, 2-18-75; Ord. No. 90, 10-6-75; Ord. No. T-92, 6-18-90)

#### **Sec. 11-36. Recycling depots.**

The commissioner of public works shall have custody and control and charge of the operation of recycling depots maintained by the city. The commissioner may use these recycling depots for the collection of recyclable materials such as office grade paper; corrugated cardboard; automobile batteries and other such materials as he shall determine. (Ord. No. T-92, 6-18-90)

**Cross reference**—Licenses and permits generally, Ch. 17





Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**384-19**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

Barney S. Heath  
Director

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## Community Preservation Committee Funding Recommendation for Conservation Restriction Grant to Newton Conservators

date: 20 September 2019

from: Community Preservation Committee

to: The Honorable City Council

### PROJECT GOALS & ELIGIBILITY

This request is for costs associated with monitoring and enforcing a permanent conservation restriction on the [Kessler Woods](#) parcels in south Newton acquired by the City of Newton with CPA funds in 2003-2004, as documented under [Proposals & Projects](#) at [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa).

This restriction is required, and this funding is allowed, as follows by the Community Preservation Act:

MGL Ch. 44B, Section 12. (a): A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. **The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.**

The current request reflects the Conservators' past experience and expected costs associated with holding this restriction. The Conservators will manage and report on these CPA funds separately from their other operating funds.

### RECOMMENDED FUNDING

On 10 September 2019 by a vote of 6-0 (members Peter Sargent and Rick Kronish absent; member Dan Brody abstaining as a member of the Newton Conservators board) the Community Preservation Committee recommended appropriating the requested \$15,000 for this purpose, from the Community Preservation Fund's fy20 budget reserve for open space, to the control of the Planning & Development Department for a grant to the Newton Conservators.

### SPECIAL ISSUES CONSIDERED BY THE CPC

The Newton Conservators already hold the CPA-required restrictions on other properties acquired by the City of Newton using CPA funds. Most recently, in January 2019 the Council approved \$30,000 recommended by the

website [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa)

contact Alice E. Ingerson, Community Preservation Program Manager

email [aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) phone 617.796.1144

CPC for grants to the Conservators toward the costs of holding two other required restrictions on CPA-funded land acquisitions: [20 Rogers Street](#) (Crystal Lake) and [30 Wabasso Street](#) (Flowed Meadow Conservation Area, Auburndale). The Wabasso Street restriction has now been recorded at the Registry of Deeds. As of the date of this recommendation, the restrictions for Rogers Street and Kessler Woods have received most of their required local approvals and have been approved in final form by the Massachusetts Executive Office of Energy and Environmental Affairs. Only a few additional steps are required before these two restrictions can also be recorded at the Registry.

Finally, the state's standard language for conservation restrictions requires the landowner, in this case the City of Newton, to reimburse the restriction holder, in this case the Conservators, for the legal costs of enforcement if a court finds that a restriction has been violated. To supplement that requirement, the CPC has also recommended some specific provisions below for a combined grant agreement governing the CPA funds held by the Conservators for the restrictions on 30 Wabasso Street, 20 Rogers Street, and Kessler Woods.

#### **ADDITIONAL RECOMMENDATIONS** *(funding conditions)*

1. These funds should be appropriated to the Planning & Development Dept. for a grant to the Newton Conservators.
2. Funds should be released in full to the Newton Conservators upon execution of a grant agreement, which among other provisions should require the Conservators to track these funds separately for their intended, CPA-eligible uses and to report to the City periodically on these restricted funds.
3. While acknowledging the Conservators' legal right and responsibility to enforce this restriction, the grant agreement should also aim to minimize direct costs to the Conservators by requiring them to notify the City before either contracting for services by a third party, in case the City itself can provide these services, or taking legal action against a private abutter, to give the City itself as the landowner the opportunity to enforce the restriction. The agreement should also commit the City and the Conservators to participate in a dispute resolution process before any legal action is taken against the City itself.
4. The CPC assumes all recommended funds will be appropriated within 3 months, and this restriction will be recorded at the Registry of Deeds within 6 months, after the date of this recommendation. If either of these deadlines cannot be met, the City should request an extension of that deadline.
5. Any CPA funds appropriated but not used for the purposes stated herein will be returned to the Newton Community Preservation Fund.

#### **KEY OUTCOMES**

The Community Preservation Committee will evaluate this appropriation based on how well it meets goals 2, 3 and 4 above, and on how effectively the City collaborates with the Newton Conservators to prevent, and if necessary, to correct promptly, any violations of these conservation restrictions.

#### **ATTACHMENTS**

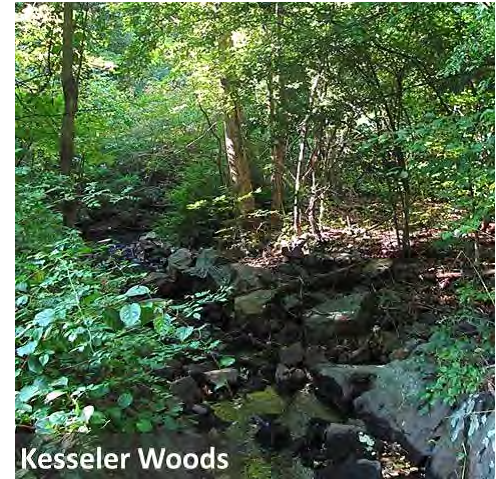
(delivered to the clerks of the Zoning & Planning and Finance Committees)

- Proposal submitted to the CPC, also available from [Proposals & Projects – Pending](#) at [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa), or from this direct link:  
<http://www.newtonma.gov/civicax/filebank/blobdload.aspx?t=42622.49&BlobID=98219>

*last updated 17 September 2019*

## **Kessler Woods Conservation Restriction-- Summary**

The Kessler Woods Conservation Restriction covers 4 parcels of land totaling 12.45 acres, located near Vine and LaGrange Streets in Newton (the “Premises”). One of the parcels, which is comprised of approximately 444 sq. ft., is located within the limits of the City of Boston. These parcels were acquired by the City of Newton from Boston Edison in 2004 using \$5,000,000 in Community Preservation Act Funds. The Conservation Restriction (“CR”) will be granted to the Newton Conservators, Incorporated, a nonprofit organization in Newton which promotes protection of natural areas. The parcels are open space and heavily wooded.



This CR insures that the parcels will be permanently maintained in a natural and scenic condition. Permitted activities include outdoor passive recreational activities such as hiking and nature study. Examples of prohibited activities are the construction of structures, cutting of vegetation, removal of soil and parking or storage of motorized vehicles. Nature trails will be upgraded and built.

As of 16 September 2019, the Conservation Restriction has been approved by the state’s Executive Office of Energy and Environmental Affairs (the “EEA”) and the Newton Conservators. It still needs local approvals from Newton’s Conservation Commission, City Council and Mayor. The EEA also requires Municipal Certifications approved and signed by Newton’s Conservation Commission and Boston’s Conservation Commission, respectively, certifying that the Conservation Restriction is in the public interest. Once these approvals are completed, it will be returned to the state for signature before being recorded at the Registry of Deeds.

The Community Preservation Committee’s recommendation to appropriate \$15,000 in CPA funds for a grant to the Newton Conservators, to cover their expenses in managing and monitoring this CR, has now been docketed with the City Council.

**For all Conservation Restrictions:** The Community Preservation Act, M.G.L c. 44B, § 12a, requires that property acquired using CPA funds be bound by a permanent conservation restriction. Conservation Restrictions (“CR”) for Newton’s CPA acquisitions are granted to the Newton Conservators. Past examples include Angino Farm (2005) and Waban Hill Reservoir (2015). Approval procedures are the same for all of these CRs.



July 26, 2019

**Officers**

Ted Kuklinski, President  
 Chris Hepburn, Vice President  
 AnnaMaria Abernathy, Secretary  
 Katherine Howard, Treasurer  
 Beth Wilkinson, Past President

**Board of Directors**

David Backer  
 Peter Barrer  
 Barbara Bates  
 Dan Brody  
 Bonnie Carter  
 Michael Clarke  
 Margaret Doris  
 Henry Finch  
 Robert Fizek  
 Maurice Gilmore  
 Daniel Green  
 William Hagar  
 Ken Mallory  
 George Mansfield  
 Nyssa Patten  
 Larry Smith

**Advisors**

Margaret Albright  
 Lisle Baker  
 John Bliss  
 Lee Breckenridge  
 Lalor Burdick  
 Lucy Caldwell-Stair  
 Michael Collora  
 Ann Dorfman  
 Bart Hague  
 Judith Hepburn  
 Alison Leary  
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 Don Lubin  
 Brooks Mathewson  
 Eric Olson  
 Anne Pearson  
 Richard Primack  
 Eric Reenstierna  
 Jon Regosin  
 Patricia Robinson  
 Jane Sender  
 William Shaevel  
 Willis Wang  
 Bruce Wenning

Newton Community Preservation Committee  
 Planning & Development Department  
 Newton City Hall  
 1000 Commonwealth Avenue  
 Newton, MA 02459

Dear CPC Committee Members,

The Board of Directors of the Newton Conservators attests that our nonprofit 501(c)(3) organization agrees to accept and to hold a permanent deed restriction on the following property owned by the City of Newton: Kessler Woods (0 Vine St, 200 LaGrange St, Newton, MA 02467).

Our acceptance is conditional upon receiving a total of \$15,000 for monitoring the land and for enforcing the restriction in perpetuity.

We request that the money be made in one payment amount that our organization can invest to help ensure that there will be sufficient funds in perpetuity to cover our expenses associated with Kessler Woods. We will use those funds only for monitoring or enforcement on that property (and other CPA-funded land acquisitions), will account for the funds separately, and will submit documentation to the City Solicitor for all expenses incurred in that work. The Newton Conservators will submit our monitoring reports to the environmental planners/Conservation Commission in the Planning Department.

Sincerely,

*Theodore T. Kuklinski*

Theodore Kuklinski, President

*Katherine Howard*

Katherine Howard, Treasurer

*on behalf of the Board of the Newton Conservators*

City of Newton

Ruthanne Fuller  
Mayor

# Newton, Massachusetts Community Preservation Program FUNDING REQUEST

☐

PRE-PROPOSAL

☒

PROPOSAL

(For staff use)  
date rec'd:

26 July 2019

Last updated June 2019.

Please submit this completed file directly – do not convert to PDF or other formats.

For full instructions, see [www.newtonma.gov/cpa](http://www.newtonma.gov/cpa) or contact us:

Community Preservation Program Manager,

City of Newton Planning &amp; Development Department, 1000 Commonwealth Ave., Newton, MA 02459

[aingerson@newtonma.gov](mailto:aingerson@newtonma.gov)

617.796.1144

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

<b>Project TITLE</b>	<b>Funding to Hold Conservation Restrictions on Newton CPA-Funded Land Acquisitions</b>			
<b>Project LOCATION</b>	Full street address (with zip code), or other precise location. <a href="#">Site title below links to CPC project webpage.</a> <a href="#">Kessler Woods:</a> 0 Vine St, 200 LaGrange St, Newton, MA 02467			
<b>Project CONTACTS</b>	Name & title or organization	Email	Phone	Mailing address
<b>Project Manager</b>	Ted Kuklinski, President, Newton Conservators	<a href="mailto:tkuklinski@aol.com">tkuklinski@aol.com</a>	617.763.3470	24 Henshaw Terrace West Newton, MA 02465
<b>Other Contacts</b>	Beth Wilkinson, Past President, Newton Conservators	<a href="mailto:bethwilkinson@mac.com">bethwilkinson@mac.com</a>	617.966.7491	14 Trowbridge Street, Newton, MA 02459
<b>Project FUNDING</b>	<b>A. CPA funds requested:</b> \$15,000	<b>B. Other funds to be used:</b> \$0	<b>C. Total project cost (A+B):</b> \$15,000	
<b>Project SUMMARY</b>	Explain how the project will use the requested CPA funds.			
<p>The Newton Conservators are requesting this grant for the costs associated with holding, monitoring and enforcing permanent conservation restrictions on the property listed above, which the City of Newton previously acquired with CPA funds for open space.</p> <p>The City has already granted the Conservators similar restrictions on other open space or outdoor recreation properties acquired with CPA funds in Newton, as required by the CPA statute [MGL Ch. 44B. Section 12. (a)]:</p> <p>“A real property interest that is acquired with monies from the Community Preservation Fund shall be bound by a permanent restriction, recorded as a separate instrument, that meets the requirements of sections 31 to 33, inclusive, of chapter 184 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction shall run with the land and shall be enforceable by the city or town or the commonwealth. The permanent restriction may also run to the benefit of a nonprofit organization, charitable corporation or foundation selected by the city or town with the right to enforce the restriction. The legislative body may appropriate monies from the Community Preservation Fund to pay a non-profit organization created pursuant to chapter 180 to hold, monitor and enforce the deed restriction on the property.”</p> <p>Funds should be appropriated to the Planning Dept. for this grant. Among other provisions to be mutually agreed, the grant agreement should specify that these funds will be held directly by the Conservators. The Conservators will use the funds only for monitoring or enforcement on this property, will account for the funds separately, and will submit documentation to the City Solicitor for all expenses incurred in that work. The Newton Conservators also will submit their monitoring reports to the environmental staff/Conservation Commission in the Planning.</p>				

You may adjust the space for each question, but the combined answers to all questions on this page must fit on this page.

<b>Project TITLE</b>	<b>Funding to Hold Conservation Restrictions on Newton CPA-Funded Land Acquisitions</b>		
<b>USE of CPA FUNDS</b>	<b>OPEN SPACE</b>	<b>or</b>	<b>RECREATION LAND</b>
Acquire	✓		✓
<b>PROJECT BUDGET</b>			
<b>Uses of Funds</b>			
Kessler Woods— monitoring (est. 541,779 sq ft or 12.4 acres)			\$15,000
Note: Of the total est. 21 acres acquired with CPA funds at Kessler Woods, only 12.4 acres are owned in fee by the City of Newton, requiring a conservation restriction held by the Newton Conservators. The City itself holds conservation restrictions / public access easements on the remainder.			
<b>D. TOTAL USES</b> (should equal C. on page 1 and E. below)			<b>\$15,000</b>
<b>Sources of Funds</b>		<b>Status</b> (requested, expected, confirmed)	
CPA funding		Requested	\$15,000
<b>E. TOTAL SOURCES</b> (should equal C. on page 1 and D. above)			<b>\$15,000</b>
<b>Project TIMELINE</b>	<b>Phase or Task</b>		<b>Season &amp; Year</b>
	full proposal submitted & CPC funding vote		fall 2019
	City Council consideration of CPC recommendation		fall 2019
↓ Check off submitted attachments here.			
<b>REQUIRED</b>	✓	<b>PHOTOS &amp; MAPS</b>	of site
	<b>SPONSOR FINANCES &amp; QUALIFICATIONS, INSTITUTIONAL SUPPORT</b>		
	<b>from Newton Conservators:</b>		
	✓	cover letter confirming Board of Directors agreement to hold permanent deed restriction, briefly explaining internal procedures for use of these funds	
	✓	summary of most recent annual operating budget (revenue & expenses) or financial statement (assets & liabilities)	
	<b>from City of Newton:</b>		
	✓	summary of Kessler Woods CR, photos	
	✓	Kessler Woods site plans	
	✓	Board order appropriating CPA funds for land acquisition at Kessler Woods (2003)	

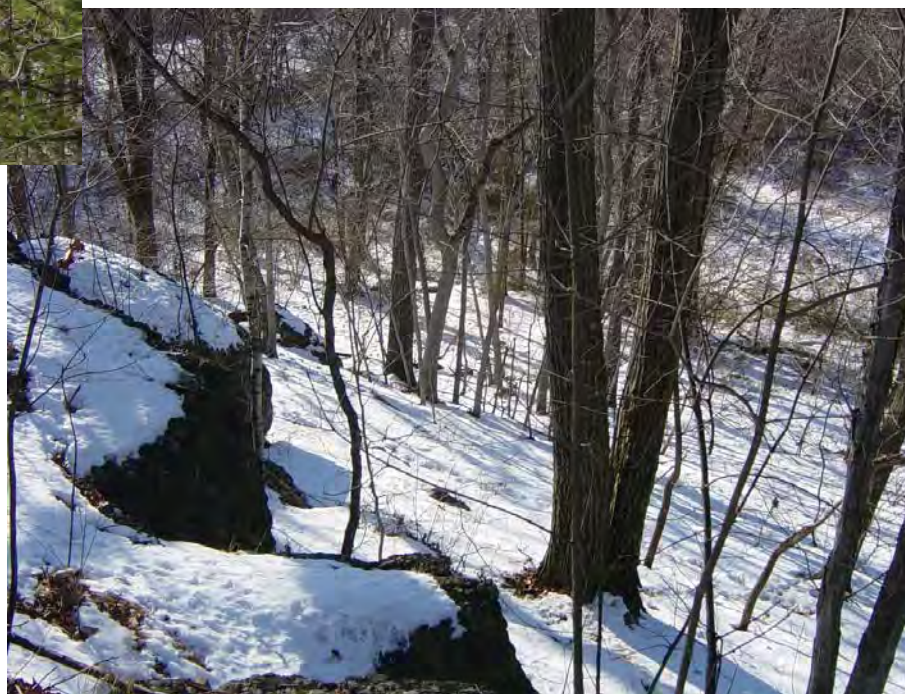
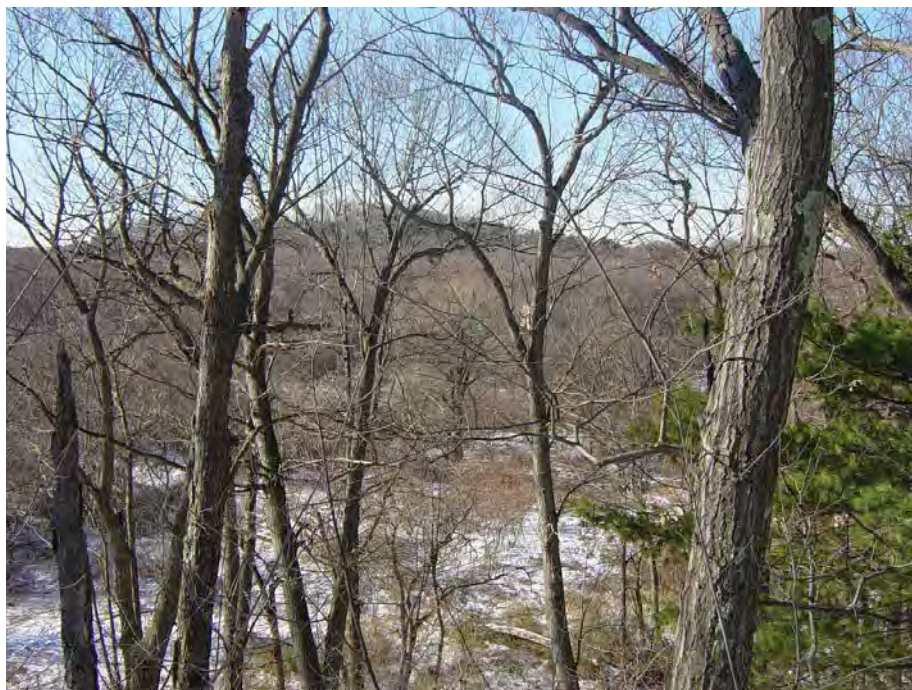


more Kessler  
Woods photos





more Kessler  
Woods photos





## DEED REFERENCE:

DEED BOOK 12521 PAGE 286 RECORDED  
AT THE MIDDLESEX COUNTY REGISTRY OF  
DEEDS.

PLAN REFERENCE:

PLAN OF LAND IN NEWTON, MASS. DATED JANUARY 21, 1965, SCALE 1"=60' BY BARNES ENGINEERING COMPANY RECORDED AS PLAN 841 (SHEETS A-D) OF 1967 IN DEED BOOK 11363 PAGE 245.

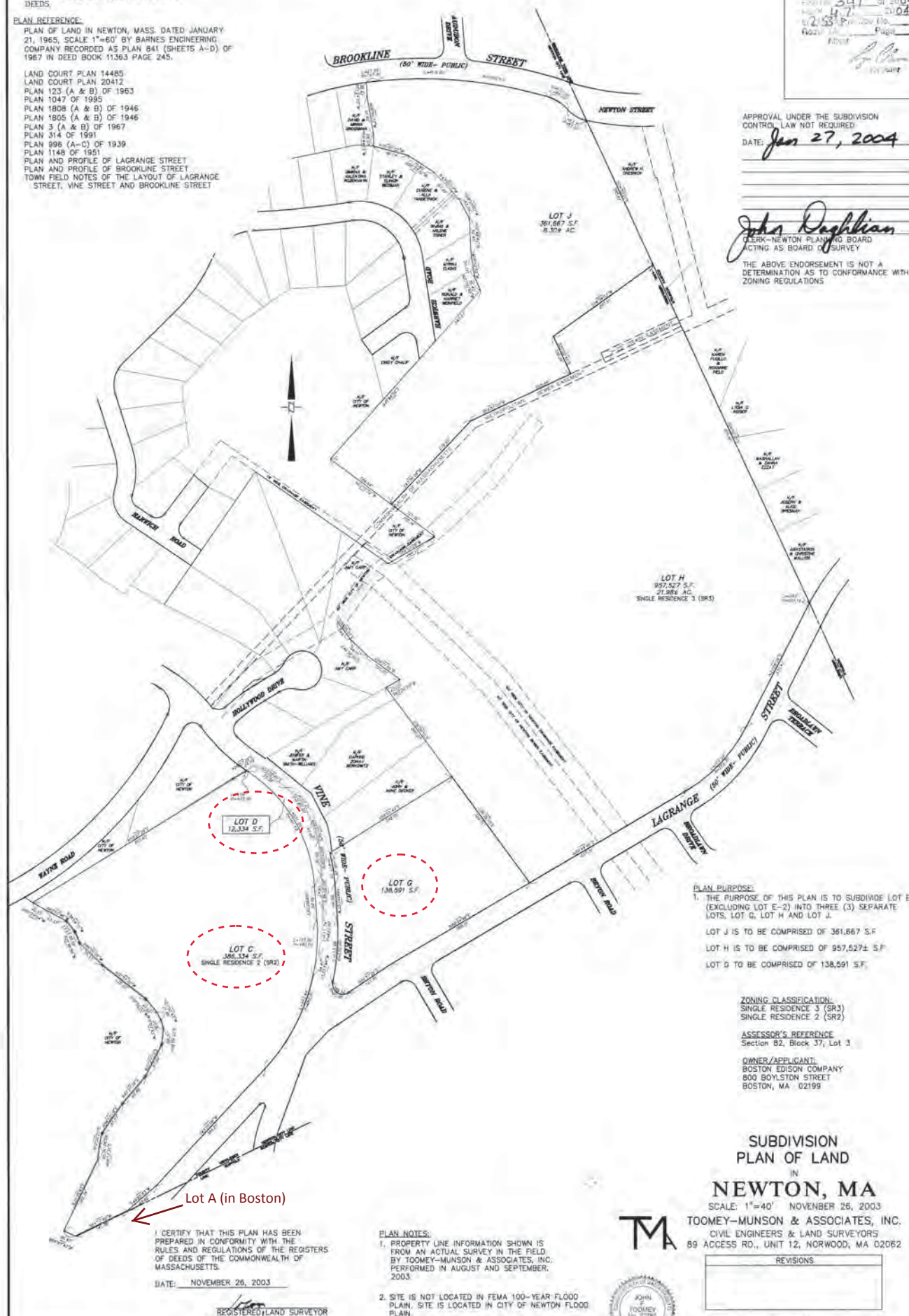
LAND COURT PLAN 14485  
LAND COURT PLAN 20412  
PLAN 123 (A & B) OF 1963  
PLAN 1047 OF 1995  
PLAN 1808 (A & B) OF 1946  
PLAN 1805 (A & B) OF 1946  
PLAN 3 (A & B) OF 1967  
PLAN 314 OF 1991  
PLAN 996 (A-C) OF 1939  
PLAN 1148 OF 1951  
PLAN AND PROFILE OF LAGRANGE STREET  
PLAN AND PROFILE OF BROOKLINE STREET  
TOWN FIELD NOTES OF THE LAYOUT OF LAGRANGE  
STREET, VINE STREET AND BROOKLINE STREET

APPROVAL UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED

DATE: Jan 27, 2004

*John Daglian*  
CLERK-NEWTON PLANNING BOARD  
ACTING AS BOARD OF SURVEY

THE ABOVE ENDORSEMENT IS NOT A  
DETERMINATION AS TO CONFORMANCE WITH  
ZONING REGULATIONS



I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMITY WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF MASSACHUSETTS.

DATE: NOVEMBER 26, 2003



REGISTERED LAND SURVEYOR

PLAN NOTES:

PLAN NOTES:  
1. PROPERTY LINE INFORMATION SHOWN IS FROM AN ACTUAL SURVEY IN THE FIELD BY TOOMEY-MUNSON & ASSOCIATES, INC. PERFORMED IN AUGUST AND SEPTEMBER, 2003.

2. SITE IS NOT LOCATED IN FEMA 100-YEAR FLOOD PLAIN. SITE IS LOCATED IN CITY OF NEWTON FLOOD PLAIN.

PLAN PURPOSE:  
1. THE PURPOSE OF THIS PLAN IS TO SUBDIVIDE LOT E (EXCLUDING LOT E-2) INTO THREE (3) SEPARATE LOTS, LOT G, LOT H AND LOT J.

LOT J IS TO BE COMPRISED OF 361,667 S.F.  
LOT H IS TO BE COMPRISED OF 957,527± S.F.  
LOT G TO BE COMPRISED OF 138,591 S.F.

ZONING CLASSIFICATION:  
SINGLE RESIDENCE 3 (SR3)  
SINGLE RESIDENCE 2 (SR2)

ASSESSOR'S REFERENCE  
Section 82, Block 37, Lot 3

OWNER/APPLICANT:  
BOSTON EDISON COMPANY  
800 BOYLSTON STREET  
BOSTON, MA 02199

SUBDIVISION  
PLAN OF LAND

NEWTON, MA

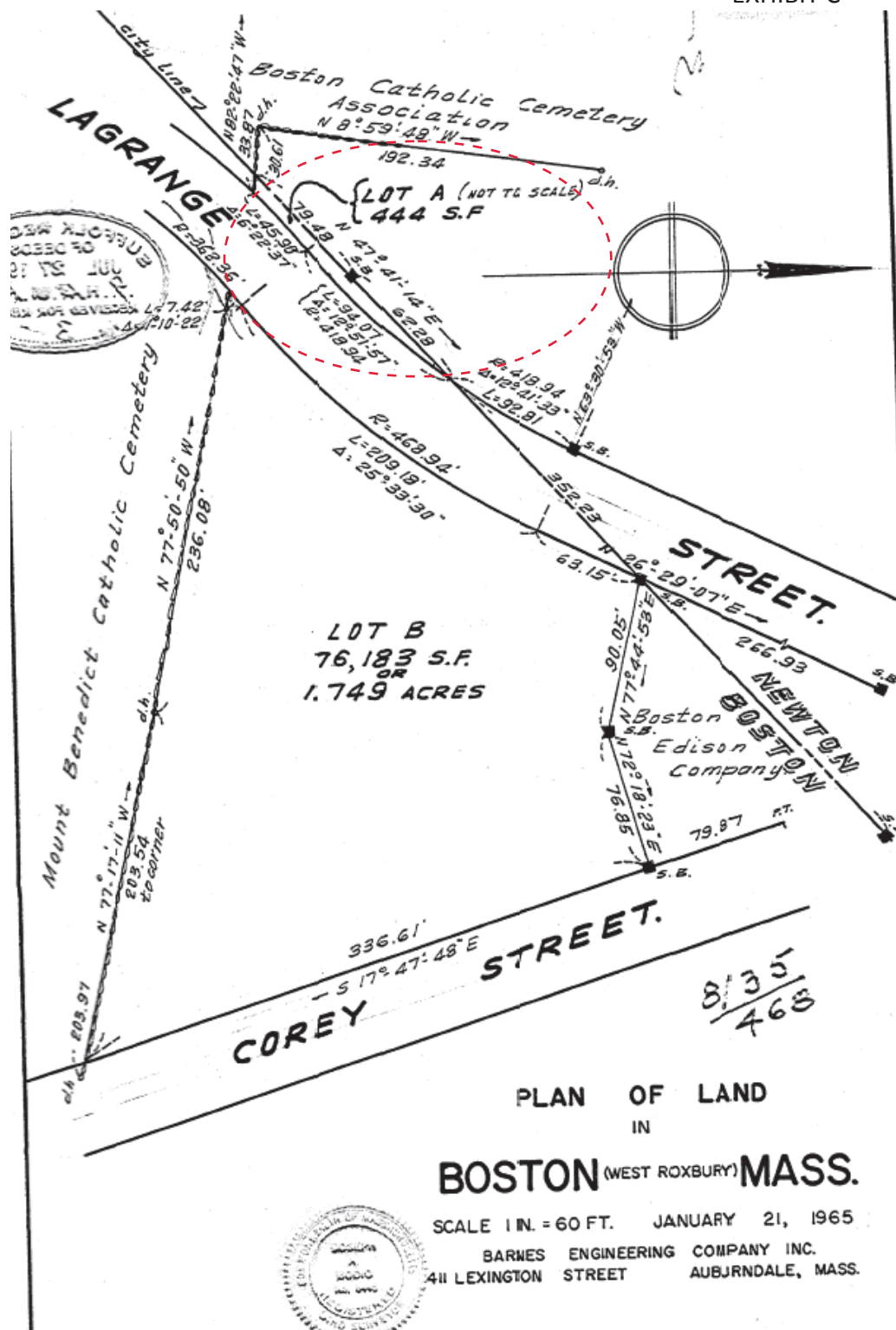
SCALE: 1"=40'    NOVEMBER 26, 2003

**TOOMEY-MUNSON & ASSOCIATES, INC.**  
CIVIL ENGINEERS & LAND SURVEYORS  
89 ACCESS RD., UNIT 12, NORWOOD, MA 02062

REVISIONS

A scale bar with two units. The top scale is in meters, with markings at 0, 25, 50, 100, 150, 200, 250, and 300. The bottom scale is in feet, with markings at 0, 50, 100, 150, 200, 250, and 300. The number 300 is prominently displayed at the end of both scales.

EXHIBIT C





CITY OF NEWTONIN BOARD OF ALDERMEN

June 2, 2003

## ORDERED:

That in accordance with the recommendations of the Community Preservation Committee, through its Chairman, Jeffrey Sacks; the Board of Aldermen Ad Hoc Community Preservation Committee, through its Chairman, Alderman Amy Sangiolo; and the Finance Committee through its Chairman, Alderman Paul Coletti: the sum of Five Million Dollars (\$5,000,000) is hereby appropriated, to be expended under the direction and control of His Honor the Mayor for purposes of funding a portion of the proposed bid to Boston Edison for acquisition of the property known as Kessler Woods (parcels ##82-41-22 and #82-37-3) as detailed in the application (dated 12 May 2003) and in the Community Preservation Committee recommendation (dated 14 May 2003), and further, that to meet this appropriation, the Treasurer with the approval of the Mayor is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) of the General Laws or pursuant to any other existing authority, and to issue bonds or notes of the City therefor. While any bonds or notes issued pursuant to this order will constitute general obligations of the City as required by law, and a pledge of the City's full faith and credit, it is, nevertheless, the expectation of the City that any such bonds or notes issued pursuant to this order shall be repaid from Community Preservation Funds raised by the City in each year.

And be it further ORDERED that the Mayor is hereby authorized to take all steps necessary to carry out the purchase of real estate now owned by Boston Edison, located on and near Lagrange Street, as follows: fee purchase of the southern parcel (Assessors' parcel #82-41-22) and the southern portion of the northern parcel (Assessors' parcel #82-37-3) consisting of approximately 2.4 acres; and conservation easements, restrictions and/or such other real estate interests in the remaining areas of the northern parcel as the Mayor deems appropriate.

Under Suspension of Rules

Readings Waived and Adopted

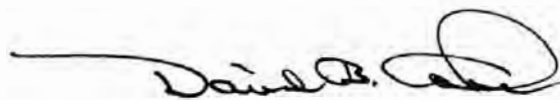
22 yeas 1 nay (Ald. Salvucci) 1 excused (Ald. Fischman)

EXECUTIVE DEPARTMENT

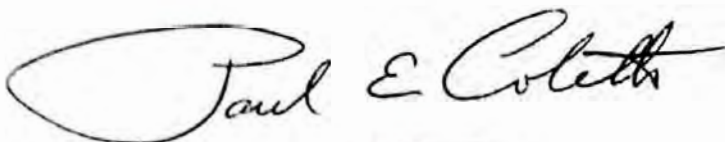
Approved: June 4, 2003

(SGD) EDWARD G. ENGLISH

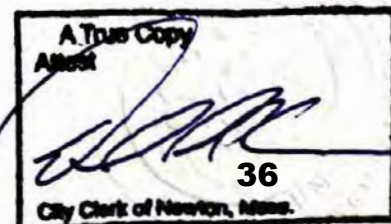
City Clerk


(SGD) DAVID B. COHEN

Mayor


(SGD) PAUL E. COLETTI

Chairman, Finance Committee





RUTHANNE FULLER  
MAYOR

**City of Newton, Massachusetts**  
**Office of the Mayor**

**418-19**

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

RECEIVED  
Newton City Clerk  
2019 NOV 12 PM 3:20  
David A. Olson, CMC  
Newton, MA 02459

November 12, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of three million dollars (\$3,000,000) from June 30, 2019 Certified Free Cash for the purpose of funding the City's Pavement Management Program.

Approval of this item prior to the end of this calendar year will enable the City to solicit pavement bids shortly after the first of the year, when we have been very successful in recent years in securing favorable prices.

This will be year four in the City's ten year accelerated pavement program.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

413-19

Telephone  
(617) 796-1100  
Fax  
(617) 796-1113  
TDD/TTY  
(617) 796-1089  
Email  
rfuller@newtonma.gov

RECEIVED  
Newton City Clerk  
2018 NOV 12 PM 3:20  
David A. Olson, OMC  
Newton, MA 02459

November 12, 2019

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

Honorable City Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to rescind the assessment of the curb betterments at 77 Pembroke Street and 86 Waban Hill Road dated November 5, 2018, Order #532-18. Please see the attached memo from Commissioner McGonagle for further details.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller, Mayor

Cc: James McGonagle, DPW Commissioner






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

Ruthanne Fuller  
Mayor

November 7, 2019

To: Maureen Lemieux, Chief Financial Officer

From: James McGonagle, Commissioner of Public Works 

Subject: Request to Rescind Docket Item 532-18  
Assessment of Curb Betterment for 77 Pembroke Street  
Assessment of Curb Betterment for 86 Waban Hill Road

On November 5, 2018, the Honorable City Council issued Order 532-18, assessment of curb betterments. Due to an engineering division clerical error (a cut and paste error), the properties at 77 Pembroke Street and 86 Waban Hill Road were erroneously included in this Order. The owners paid the city in full for these curb betterments, so no betterment assessment is necessary.

The Department of Public Works (DPW) respectfully request the Honorable Mayor docket for consideration the rescinding of the assessment of curb betterments on the property at 77 Pembroke Street and 86 Waban Hill Road, dated November 5, 2018, as follows:

“The Commissioner of Public Works is requesting approval of the rescinding of assessment of the curb betterment at 77 Pembroke Street and 86 Waban Hill Road dated November 5, 2018, Order 532-18.”

Thank you.

Attachment: 1 doc.

cc: Shawna Sullivan, DPW Chief of Staff  
Susan Dzikowski, Comptroller  
David Olsen, City Clerk  
Jack Cowell, DPW Budget and Finance  
Louis M. Taverna, P.E., City Engineer




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

Ruthanne Fuller  
Mayor

November 6, 2019

To: Maureen Lemieux, Chief Financial Officer

From: James McGonagle, Commissioner of Public Works 

Subject: Request to Rescind Docket Item 532-18  
Assessment of Curb Betterment for 77 Pembroke Street

On November 5, 2018, the Honorable City Council issued Order 532-18, assessment of curb betterments. Due to an engineering division clerical error (a cut and paste error), the property at 77 Pembroke Street was erroneously included in this Order. The owners paid the city in full for this curb betterment, so no betterment assessment is necessary.

The Department of Public Works (DPW) respectfully request the Honorable Mayor docket for consideration the rescinding of the assessment of curb betterments on the property at 77 Pembroke Street, dated November 5, 2018, as follows:

“The Commissioner of Public Works is requesting approval of the rescinding of assessment of the curb betterment at 77 Pembroke Street dated November 5, 2018, Order 532-18.”

Thank you.

Attachment: 1 doc.

cc: Shawna Sullivan, DPW Chief of Staff  
Susan Dzikowski, Comptroller  
David Olsen, City Clerk  
Jack Cowell, DPW Budget and Finance  
Louis M. Taverna, P.E., City Engineer





2018 00190348  
Ba: 72010 Pg: 3 Doc: ORD  
Page 1 of 2 12/14/2018 11:45 AM

#532-18

CITY OF NEWTONIN CITY COUNCIL

November 5, 2018

ORDERED:

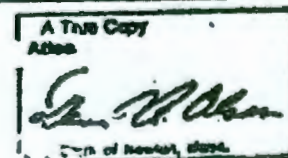
That, in accordance with the recommendation of the Commissioner of Public Works and the Finance Committee, the following mentioned sidewalk/driveway apron and/or curb betterments to be graded and constructed and assessments to be levied under the provisions of MGL Chapter 83, Sec. 26, be and are hereby authorized:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
51 Avalon Road	Rittenhouse Nancy E & Larson Dale N	Certd 21903 1226/153	53014 0014	\$5,220.00
25 Ballard Street	Feder Minam	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
77 Pembroke Street	Vitagliano Kenneth & Mccann-Vitagliano Nancy	32580/290	72021 0005	\$1,632.50
85 Rowena Road	Moran Michael J & Farrell Kathleen C	17830/502	62016 0045	\$2,230.00
66 Waban Hill Road	Kiley Manley J Jr & Leahy Mary M	64001/532	63008 0041	\$2,445.00
86 Waban Hill Road	Grossman David M & Sisk Marja J	Certd 258417 1465/41	63008 0037	\$1,165.00
101 Waban Hill Road	Varna-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$3,505.00
101 Waban Hill Road	Varna-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$1,625.00
1093 Walnut Street	Brail Leslie H Tr (Trust Agrmt Of Les H Brail)	68706/594	52009 0010	\$3,030.00
208 Auburn Street	Ardini Andrew J & Stacey B	64194/525	43014 0001	\$6,812.50

ISSUED FY 19

PRE PAID  
7/30/19

City of Newton  
Law Dept.  
100 Commonwealth Ave  
Newton Centre, MA 02459





The Commonwealth of Massachusetts  
City of Newton  
Office of the Collector of Taxes  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

*Cell phone*  
617 285 4039

BILL #: 2019009

Date of Notice: 10/29/2019

BOARD ORDER: #532-18

Due Date: 11/29/2019

VITAGLIANO KENNETH  
MCCANN-VITAGLIANO NANCY

77 PEMBROKE ST  
NEWTON MA 02458

You are hereby notified that a betterment assessment is assessed to you as follows:

Year: **2019** Type: **SIDEWALK** Board Order: **#532-18** Amount: **\$1,632.50**

Property Address: **77 PEMBROKE ST**Parcel Identification: **72021 0005**Treasurer's ID: **720210000500**

For information regarding betterment assessments, inquire of the Board instituting the improvement; if application for abatement is made, it must be filed with the Board of Aldermen within six months of the date of this notice. Interest at 5% per year begins thirty days from the date of this notice.

Interest begins on 11/29/2019 Rosemarie A. Woods, Treasurer/Collector of Taxes

By statute, this bill may be apportioned into not more than twenty (20) yearly payments with interest at 5% per annum. No portion can be less than \$5.00. Apply to the Board of Assessors at once if you wish to have the bill apportioned. If you choose to apportion the bill, no payment is necessary at this time.

Taxes payable at the Collector's Office, City Hall. Hours: 8:30 AM to 5:00 PM, Monday through Friday and Tuesday evenings until 8:00 PM. Checks or money orders must be made payable to "The City of Newton".

**\*For Questions, please contact the Assessors Office at (617) 796-1160\***

Please select your option (A or B) below, tear along line, and return to "Newton Treasurer's Office", 1000 Commonwealth Ave., Newton, MA 02459.

**Betterment Assessment**

Bill Date: 10/29/2019

Bill Number: 2019009

Parcel ID: 720210000500

Original Amount: \$1,632.50

Location: 77 PEMBROKE ST

A) \_\_\_\_\_ Full Payment Enclosed. Full Payment Due By: **11/29/2019** Total Enclosed: \_\_\_\_\_

OR

B) Please Apportion For 5 10 15 20 years (Please circle the number of years)

If apportioning bill, no payment is necessary at this time. Apportioned amount will be added to Real Estate Tax Bill for the number of years selected. Non-response will apportion bill for 20 years. Please mail to: Newton Treasurer's Office, 1000 Commonwealth Ave., Newton, MA 02459





CITY OF NEWTON  
DEPARTMENT OF PUBLIC WORKS

APPLICATION NO.:

**BETTERMENT APPLICATION**

I hereby request that a proposal be provided to me for the cost of installing a sidewalk, driveway apron and/or curb to better the property I own at:

77 Pembroke St

(Property Address)

(If a corner lot please specify which street frontage)

(Please check the appropriate box(es) below, indicating the type of work requested)

**ASPHALT**

Sidewalk ☐  
Driveway Apron ☐

**CEMENT CONCRETE**

Sidewalk ☒  
Driveway Apron ☒

**CURB**

Granite Curb (w/corners when req'd) ☒  
Curb Removal for Drive opening ☐

Name: Ken VitaglianoAddress: 77 Pembroke StZip Code: 02458Tel. No.: Home: 617-965-6662 <sup>cell</sup> Work: 617-285-4039

Signature: [Signature] Date: 4-30-18  
(Please read the reverse side of this form before signing)

(FOR OFFICIAL USE ONLY)			
SEC	BLK	LOT	
BK	PG		

**COST PROPOSAL**

ITEMIZED COSTS (Note: Applied values are property owner's 50% share of the total cost)

41' LF straight Granite curb  
2 corner stones

Property owner's share of the total cost is:

\$1,632.50

Please read carefully the terms and conditions of this proposal found on the reverse side of this form. If you decide to have the work done you must select your payment plan option below. Please note that all cost proposals of less than \$2000.00 must be pre-paid under option A.

**A) PRE-PAYMENT**

Return this form to the Department of Public Works, together with a check in the full amount of the proposal made payable to the City of Newton. (Retain copy #2 for your files).

Enclosed is a check in the amount of \_\_\_\_\_,  
in full payment of the cost proposal specified above.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**B) BETTERMENT ASSESSMENT** SUBJECT TO APPROVAL BY THE CITY COUNCIL

The undersigned property owner petitions that a betterment in the amount of \_\_\_\_\_ be assessed against the property for the installation of curb and/or sidewalk under M.G.L. c. 83, S26.

The above betterment assessment shall bear interest at the statutory rate per annum. (M.G.L. c.80, S13.)

(Retain copy #2 for your files).

Signature: [Signature]Date: 5-4-2018

(Name of the property owner must be exactly as it appears on the Assessors records)

Return this form to: Department of Public Works, 1000 Commonwealth Avenue, Newton Centre, MA.02459

(DPW OFFICE COPY)

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



Citizens Bank

057-0012  
0115

514694969-7

May 16 2018

PAY \*\*\*\*\* \$1,632.50 \*\*\*\*\* DOLLARS

TO THE  
ORDER OF \* CITY OF NEWTON \*

Drawer: Citizens Bank, N.A.

Security  
Features  
Details on  
Back.

MEMO:

Betterment Application  
77 Pembroke St, Newton, MAHIM SA MA 644  
AUTHORIZED SIGNATURE

⑈514694969⑈ ⑆011500120⑆

20752164⑈



White Copy	Department Copy
Pink Copy	Treasurer's Copy
Yellow Copy	Comptroller's Copy

RECEIVED  
TREASURY



CITY OF NEWTON  
DEPARTMENT OF PUBLIC WORKS

APPLICATION NO.:

# BETTERMENT APPLICATION

I hereby request that a proposal be provided to me for the cost of installing a sidewalk, driveway apron and/or curb to better the property I own at:

77 Pembroke St

(Property Address)

(If a corner lot please specify which street frontage)

(Please check the appropriate box(es) below, indicating the type of work requested)

## ASPHALT

Sidewalk ☐  
Driveway Apron ☐

## CEMENT CONCRETE

Sidewalk ☒  
Driveway Apron ☒

## CURB

Granite Curb (w/corners when req'd) ☒  
Curb Removal for Drive opening ☐

Name: Ken VitaglianoAddress: 77 Pembroke StZip Code: 02458Tel. No.: Home: 617-965-6662 <sup>cell</sup> Work: 617-285-4039Signature: [Signature] Date: 4-30-18

(Please read the reverse side of this form before signing)

(FOR OFFICIAL USE ONLY)			
SEG	<input type="checkbox"/>	BLK	<input type="checkbox"/>
BK	<input type="checkbox"/>	PG	<input type="checkbox"/>

## COST PROPOSAL

ITEMIZED COSTS (Note: Applied values are property owner's 50% share of the total cost)

4'-1" straight granite curb  
2 corner stones

Property owner's share of the total cost is:

\$1,632.50

Please read carefully the terms and conditions of this proposal found on the reverse side of this form. If you decide to have the work done you must select your payment plan option below. Please note that all cost proposals of less than \$2000.00 must be pre-paid under option A.

### A) PRE-PAYMENT

Return this form to the Department of Public Works, together with a check in the full amount of the proposal made payable to the City of Newton. (Retain copy #2 for your files).

Enclosed is a check in the amount of \_\_\_\_\_,  
in full payment of the cost proposal specified above.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### B) BETTERMENT ASSESSMENT SUBJECT TO APPROVAL BY THE CITY COUNCIL

The undersigned property owner petitions that a betterment in the amount of \_\_\_\_\_ be assessed against the property for the installation of curb and/or sidewalk under M.G.L. c. 83, S26.

The above betterment assessment shall bear interest at the statutory rate per annum. (M.G.L. c.80, S13.)

Signature: [Signature]

(Retain copy #2 for your files).

Date: 5-4-2018

(Name of the property owner must be exactly as it appears on the Assessors records)

Return this form to: Department of Public Works, 1000 Commonwealth Avenue, Newton Centre, MA.02459

(DPW OFFICE COPY)





CITY OF NEWTON  
DEPARTMENT OF PUBLIC WORKS

APPLICATION NO. \_\_\_\_\_

**BETTERMENT APPLICATION**

I hereby request that a proposal be provided to me for the cost of installing a sidewalk, driveway apron and/or curb to better the property I own at:

77 Pembroke St  
(Property Address)

(If a corner lot please specify which street frontage)

(Please check the appropriate box(es) below, indicating the type of work requested)

**ASPHALT**Sidewalk ☐Driveway Apron ☐**CEMENT CONCRETE**Sidewalk ☒Driveway Apron ☒**CURB**Granite Curb (w/corners when req'd) ☒Curb Removal for Drive opening ☐Name: Ken VitaglianoAddress: 77 Pembroke StZip Code: 02458Tel. No.: Home: 617-985-6662Work: 617-285-4659Signature: [Signature]Date: 4-30-18

(Please read the reverse side of this form before signing)

(FOR OFFICIAL USE ONLY)

SEC ☐BLK ☐LOT ☐BK ☐PG ☐**BETTERMENT COST BASIS****ASPHALT**S.F. 2" SIDEWALK and/or APRON @ 111 /S.F. = 111S.Y. 2" WHEN EXIST. APRON WIDENED @ 1 /S.Y. = 1**CONCRETE**S.F. 4" SIDEWALK @ 1 /S.F. = 1S.F. 6" DRIVE APRON @ 1 /S.F. = 1**CURB****GRANITE**41 L.F. STRAIGHT GRANITE @ 32.50 /L.F. = 1,332.50L.F.      FOOT RADIUS GRANITE @      /L.F. =     2 EA. 2' RADIUS GRANITE COR. BLKS. @ 150 /EA. = 300.00**OTHER**L.F. CURB REMOVAL @      /L.F. =     L.F. RESET CURB @      /L.F. =     EA. RESET CORNER BLOCKS @      /EA. =     EA.      FT RAD. CONC. COR. BLK. @      /EA. =     **REMARKS:**TOTAL ESTIMATED COST: \$1,632.50ENGINEERING REQUIRED: Y (N)ESTIMATED BY: MM 4-2018 DATE: 5-1-18

(ENGINEERING DEPT. COPY)





2018 00190348  
Ba: 72018 Pg: 3 Doc: CRD  
Page 1 of 2 12/14/2018 11:45 AM

#532-18

CITY OF NEWTONIN CITY COUNCIL

November 5, 2018

ORDERED:

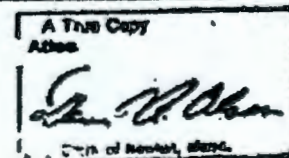
That, in accordance with the recommendation of the Commissioner of Public Works and the Finance Committee, the following mentioned sidewalk/driveway apron and/or curb betterments to be graded and constructed and assessments to be levied under the provisions of MGL Chapter 83, Sec. 26, be and are hereby authorized:

Address	Owner Name	Book/Page	Sec/Block/Lot	Total Cost
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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
* 77 Pembroke Street	Vitagliano Kenneth & Mccann-Vitagliano Nancy	32580/290	72021 0005	\$1,632.50
85 Rowena Road	Moran Michael J & Farrell Kathleen C	17830/502	62016 0045	\$2,230.00
* 66 Waban Hill Road	Kiley Manley J Jr & Leahy Mary M	64001/532	63008 0041	\$2,445.00
* 86 Waban Hill Road	Grossman David M & Sisk Marja J	Certd 258417 1465/41	63008 0037	\$1,165.00
101 Waban Hill Road	Varma-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$3,505.00
101 Waban Hill Road	Varma-Wilson Anisha & Wilson Marcus E	62215/317	63008 0009	\$1,625.00
1093 Walnut Street	Brail Leslie H Tr (Trust Agrmt Of Les H Brail)	68706/594	52009 0010	\$3,030.00
208 Auburn Street	Ardini Andrew J & Stacey B	64194/525	43014 0001	\$6,812.50

issued FY 19

PRE PAID  
7/30/19

City of Newton  
Law Dept.  
1000 Commonwealth Ave  
Newton Centre, MA 02459







CITY OF NEWTON

DEPARTMENT OF PUBLIC WORKS

APPLICATION NO.: \_\_\_\_\_

# BETTERMENT APPLICATION

I hereby request that a proposal be provided to me for the cost of installing a sidewalk, driveway apron and/or curb to better the property I own at:

86 Waban Hill Rd.

(Property Address)

(If a corner lot please specify which street frontage)

(Please check the appropriate box(es) below, indicating the type of work requested)

## ASPHALT

Sidewalk ☐Driveway Apron ☐

## CEMENT CONCRETE

Sidewalk ☐Driveway Apron ☐

## CURB

Granite Curb (w/corners when req'd) ☒Curb Removal for Drive opening ☐Name: DAVID M. GROSSMANAddress: 86 WABAN HILL RD, NEWTON MAZip Code: 02467Tel. No.: Home: 617-970-6261 Work: 617-591-2947Signature: [Signature] Date: 5/10/18

(Please read the reverse side of this form before signing)

(FOR OFFICIAL USE ONLY)

SEC	<input type="checkbox"/>	BLK	<input type="checkbox"/>	LOT	<input type="checkbox"/>
BK	<input type="checkbox"/>	PG	<input type="checkbox"/>		

## COST PROPOSAL

ITEMIZED COSTS (Note: Applied values are property owner's 50% share of the total cost)

22' LF straight granite curb  
3 corner stones

Property owner's share of the total cost is:

\$1,165.00

Please read carefully the terms and conditions of this proposal found on the reverse side of this form. If you decide to have the work done you must select your payment plan option below. Please note that all cost proposals of less than \$2000.00 must be pre-paid under option A.

### A) PRE-PAYMENT

Return this form to the Department of Public Works, together with a check in the full amount of the proposal made payable to the City of Newton. (Retain copy #2 for your files).

Enclosed is a check in the amount of 1165.00,  
in full payment of the cost proposal specified above.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

### B) BETTERMENT ASSESSMENT SUBJECT TO APPROVAL BY THE CITY COUNCIL

The undersigned property owner petitions that a betterment in the amount of \_\_\_\_\_ be assessed against the property for the installation of curb and/or sidewalk under M.G.L. c. 83, S26.

The above betterment assessment shall bear interest at the statutory rate per annum. (M.G.L. c.80, S13.)

Signature: [Signature]

(Retain copy #2 for your files).

Date: 5/10/18

(Name of the property owner must be exactly as it appears on the Assessors records)

Return this form to: Department of Public Works, 1000 Commonwealth Avenue, Newton Centre, MA 02459

(DPW OFFICE COPY)



DAVID GROSSMAN  
MARJA J SISK  
86 WABAN HILL RD.  
CHESTNUT HILL, MA 02467

09-15

5/10/18

DATE

397

54-7500/2114  
107PAY TO THE  
ORDER OF

City of Newton

\$ 1165.00

One thousand one hundred sixty-five and - 00/100

DOLLARS

Photo  
Safe  
Deposit®  
Details on back

FIRST REPUBLIC BANK

284 Washington Street  
Wellesley Hills, MA 02481  
(800) 392-1407 (24hr Cust Serv)

FOR WIRES &amp; ACH TRANSFERS USE ROUTING 321081089

FOR

Curb betterment

⑆ 211475000⑆ 80003257367⑆ 0397

50







CITY OF NEWTON  
DEPARTMENT OF PUBLIC WORKS

APPLICATION NO.:

**BETTERMENT APPLICATION**

I hereby request that a proposal be provided to me for the cost of installing a sidewalk, driveway apron and/or curb to better the property I own at:

86 Waban Hill Rd.

(Property Address)

(If a corner lot please specify which street frontage)

(Please check the appropriate box(es) below, indicating the type of work requested)

**ASPHALT****CEMENT CONCRETE****CURB**Sidewalk ☐Sidewalk ☐Granite Curb (w/corners when req'd) ☒Driveway Apron ☐Driveway Apron ☐Curb Removal for Drive opening ☐Name: DAVID M. GROSSMANAddress: 86 WABAN HILL RD, NEWTON MAZip Code: 02467Tel. No.: Home: 617-970-6261 Work: 617-591-2947Signature: [Signature] Date: 5/10/18

(Please read the reverse side of this form before signing)

(FOR OFFICIAL USE ONLY)

SEC	BLK	LOT
BK	PG	

**COST PROPOSAL**

ITEMIZED COSTS (Note: Applied values are property owner's 50% share of the total cost)

22' LF straight granite curb  
3 corner stones

Property owner's share of the total cost is:

\$1,165.00

Please read carefully the terms and conditions of this proposal found on the reverse side of this form. If you decide to have the work done you must select your payment plan option below. Please note that all cost proposals of less than \$2000.00 must be pre-paid under option A.

**A) PRE-PAYMENT**

Return this form to the Department of Public Works, together with a check in the full amount of the proposal made payable to the City of Newton. (Retain copy #2 for your files).

Enclosed is a check in the amount of 1165.00,  
in full payment of the cost proposal specified above.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**B) BETTERMENT ASSESSMENT** SUBJECT TO APPROVAL BY THE CITY COUNCIL

The undersigned property owner petitions that a betterment in the amount of \_\_\_\_\_ be assessed against the property for the installation of curb and/or sidewalk under M.G.L. c. 83, S26.

The above betterment assessment shall bear interest at the statutory rate per annum. (M.G.L. c.80, S13.)

Signature: [Signature]Date: 5/10/18

(Retain copy #2 for your files).

(Name of the property owner must be exactly as it appears on the Assessors records)



RUTHANNE FULLER  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

**416-19**

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

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

Councilors:

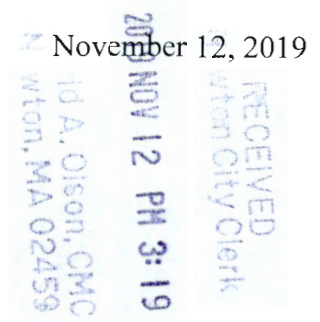
I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$500,000 from 0110498-579400 Current Reserve for Snow & Ice Removal to Acct # 0140123-527301 DPW Rental Vehicles/Subcontractors. Although there has not yet been any snow this year, each year the department has significant up-front vehicle repair costs, salt, and other expenditures associated with preparing the fleet for the winter ahead.

This is a preventative measure. As you know, all docket items will expire on December 16, 2019, following the Council's last meeting of this term. We will not be able to transfer any money until January 13, 2020. Consequently, we believe this is a prudent request.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor





**City of Newton, Massachusetts  
Office of the Mayor**

RUTHANNE FULLER  
MAYOR

Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

November 12, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of \$12,334,366 and authorize a general obligation borrowing of an equal amount for the cost of renovation of the Newton Early Childhood Program located at 687 Watertown Street.

Further, I request that your Honorable Council authorize any premium received upon the sale of the bonds or notes, less the cost of preparing, issuing and marketing them, and any accrued interest received upon the delivery of the bonds or notes be applied to the costs of the project being financed by the bonds or notes and to reduce the amount authorized to be borrowed for the project by a like amount.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor

RECEIVED  
Newton City Clerk  
2019 NOV 12 PM 3:20  
David A. Olson, CMC  
Newton, MA 02459





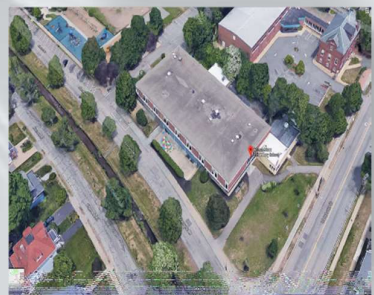
City of Newton  
**Lincoln Eliot – NECP Project**  
**Project Monthly Report**

**October 2019**



The Global Leader in Managing Construction Risk

**Hill International**





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- a. Project Schedule – November 7, 2019

### **3. FINANCIALS**

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- a. Arrowstreet - Work Plan revised October 8, 2019
- b. Design Review Committee Meeting Minutes, October 16, 2019 draft



# 1. Executive Summary

## Executive Summary

This Project Manager's Report for the City of Newton's Lincoln Eliot-NECP (LE-NECP) Project submitted by **Hill International (Hill)**, covers activities for the month of October 2019.

During the month of October 2019, Hill provided the City with budget utilization updates for the project, updated budget and CIP FY 2020 funding report for NECP at 687 Watertown St, schedule and work plan updates, and LE-NECP Projects web page content management.

On October 1, 2019, Schematic Design Phase for NECP at 687 Watertown Street was completed based on reconciliation of scope to budget and Newton Public Schools acceptance of adjusted project work areas.

On October 10, 2019, Design Development Phase for NECP at 687 Watertown Street was started with submission of Arrowstreet Contract Amendment #03 and Hill Contract Amendment #02 to the City for approval and execution.

On October 16, 2019, Newton's Design Review Committee was provided a progress presentation for NECP at 687 Watertown St. The presentation included review of floor plans, renderings of the main lobby and stair, and work area adjustments implemented during schematic design phase to reconcile scope to budget without impacting the NECP program and needed operational adjacencies. The presentation also confirmed that the project scope continues to follow the scope and conditions of NECP 5-58 Site Plan Approval.

On October 17, 2019, a working group meeting was held to review and obtain input on floor plans, circulation within and between spaces in the building, building access and control, operational adjacencies, concepts for a learning stair in the main lobby, interior designs concepts for the main lobby conceived to engage children, and building exterior design features and assemblies at the new main entrance. The working group was also provided a report on the October 16, 2019 Design Review Committee meeting and presentation.

On October 24, 2019, a Lincoln Eliot-NECP School Building Committee (SBC) meeting was held to provide a report on the October 16, 2019 Design Review Committee meeting and review design development progress. The design development progress report included review of floor plans, circulation within and between spaces in the building, building access and control, operational adjacencies, concepts for a learning stair in the main lobby, interior designs concepts for the main lobby conceived to engage children, and building exterior design features and assemblies at the new main entrance. Additionally, the SBC was provided a project schedule and milestone progress report and total project budget report.





On October 28, 2019, representatives for Hill, Arrowstreet, Arrowstreet's design consultants and Newton Public Buildings met to review NECP project scope adjustments accepted during schematic design and confirm the extent and scope of building repairs required to meet the program, building code, new building spaces and new structural/mechanical/electrical systems.

Throughout the month, Arrowstreet and Hill worked with Public Buildings to refine the project work plan and forecast future funding needs for continued work on both the NECP at 687 Watertown St. project and the Lincoln Eliot project.

Hill Invoice #PBO-02339.00-00000012 and Arrowstreet Invoice 726046 were submitted and processed for payment.

Additional project updates, presentation materials, and documentation may be obtained at the project web page: <http://lincolneliot-necp-projects.com/>

### **Progress and Milestones Achieved**

The following milestones was achieved during the month of October 2019:

- Design Development Phase started.

### **Key Objectives**

The key objectives and dates for the coming month are:

- Continue Design Development advancement for cost estimating process scheduled November 2019.
- Prepare documents and initiate Conservation Commission Storm Water and Riverfront Protection permit approval process.
- Meet with Newton Parks and Recreation to review Albemarle Park impacts and play structure adjustments needed for the NECP program at 687 Watertown St. property.
- City to execute OPM and Designer continued services amendments for design development phase of the NECP at 687 Watertown St. project.
- Initiate process for supplemental CIP funding for NECP phases Construction Documents, Bid, Construction and Closeout.

### **Financials**

The LE-NECP budget includes multiple appropriations that total \$1,570,000. Contracts commitments include: Hill International for Owner Project Management services totaling of \$213,970, Other Feasibility Study Cost totaling \$2,000 for legal notices, etc., and Arrowstreet for Designer Services totaling \$1,217,560.80. Total commitments to date equal \$1,433,530.80. Based on the \$1,570,000 total appropriation and contract commitments and expenditures to date, the project is under budget.



The Total Project Budget established for NECP at 687 Watertown Street is \$13.0mil with funding for phases Construction Documents, Bid, Construction and Closeout pending City Council FY 2020 CIP appropriation approval.

### **Schedule**

The next milestones for the project are:

- Process and execute design services amendment and OPM services amendment for NECP at 687 Watertown St. design development phase and conservation commission project permit process.
- Complete Design Development documentation and forward for independent cost estimate.
- Secure funding for NECP phases Construction Documents, Bid, Construction and Closeout.



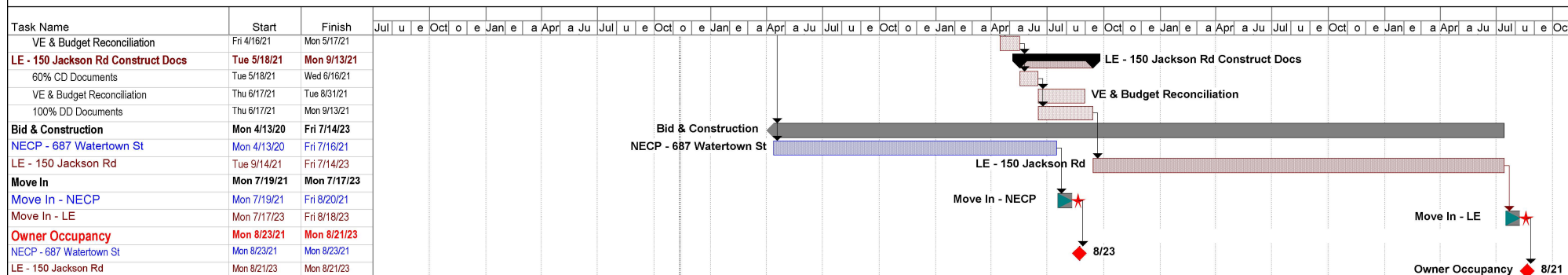
## 2. Schedule

Task Name	Start	Finish
<b>OPM Procurement</b>	Fri 7/6/18	Thu 9/6/18
OPM RFS	Fri 7/6/18	Mon 8/20/18
Execute OPM Contract	Tue 8/21/18	Thu 9/6/18
<b>Designer Procurement</b>	Mon 7/23/18	Wed 10/3/18
Designer RFS	Mon 7/23/18	Fri 9/7/18
Execute Designer Contract	Tue 9/4/18	Wed 10/3/18
<b>Program Kickoff</b>	Thu 10/4/18	Thu 10/4/18
<b>Preliminary Design Program LE/NECP</b>	Fri 10/5/18	Mon 12/31/18
Existing Conditions	Fri 10/5/18	Fri 11/9/18
Ed Plan & Visioning	Wed 10/17/18	Fri 11/9/18
Space Summary	Mon 11/12/18	Wed 11/21/18
Site Matrix & Options	Thu 11/22/18	Wed 12/12/18
Local Approval	Thu 12/13/18	Thu 12/13/18
PDP Submittal	Thu 12/13/18	Mon 12/31/18
<b>Feasibility Study Funding</b>	Thu 1/31/19	Thu 1/31/19
<b>Feasibility Study</b>	Fri 2/1/19	Fri 2/1/19
<b>NECP - 687 Watertown St</b>	Fri 2/1/19	Tue 7/9/19
Traffic Study	Fri 2/1/19	Fri 3/8/19
Site Survey	Fri 2/1/19	Tue 3/12/19
Options Development	Fri 2/15/19	Fri 3/8/19
<b>Preferred Alternative</b>	Mon 3/11/19	Fri 3/29/19
Preferred Solution & Cost Est	Mon 4/1/19	Fri 4/19/19
Site Plan Approval	Wed 3/13/19	Mon 7/8/19
PSR Submission	Tue 7/9/19	Tue 7/9/19
<b>LE - 150 Jackson Rd-Feasibility Study</b>	Mon 2/18/19	Fri 1/31/20
Site Survey	Mon 2/18/19	Mon 4/1/19
Traffic Study	Mon 2/18/19	Mon 4/1/19
Options Development	Thu 4/2/19	Thu 6/6/19
<b>Project Hold</b>	Fri 6/7/19	Fri 1/31/20
<b>NECP - Schematic Design</b>	Thu 6/6/19	Fri 9/27/19
Schematic Design & Cost Est	Thu 6/6/19	Fri 8/9/19
VE & Budget Reconciliation	Fri 8/9/19	Fri 9/27/19
<b>NECP Design/Construction Funding Vote</b>	Tue 12/31/19	Tue 12/31/19
<b>NECP -Design Development</b>	Mon 9/30/19	Fri 1/17/20
Design Development	Mon 9/30/19	Fri 12/6/19
Conservation Commission	Mon 11/18/19	Mon 12/30/19
VE & Budget Reconciliation	Mon 12/9/19	Fri 1/17/20
<b>NECP Construction Documents</b>	Mon 1/20/20	Fri 4/10/20
60% CD Documents	Mon 1/20/20	Fri 2/28/20
VE & Budget Reconciliation	Mon 3/2/20	Fri 3/20/20
100% CD Documents	Mon 3/2/20	Fri 4/10/20
<b>LE - 150 Jackson Rd - Feasibility Study Cont.</b>	Mon 2/3/20	Tue 9/1/20
Options Development - Continued	Mon 2/3/20	Fri 5/1/20
Preferred Alternative	Mon 5/4/20	Fri 7/31/20
Preferred Solution & Cost Est	Mon 8/3/20	Fri 8/28/20
PSR Submission	Mon 8/31/20	Tue 9/1/20
<b>LE - 150 Jackson Rd - Schematic Design</b>	Wed 9/2/20	Thu 1/14/21
Schematic Design & Cost Est	Wed 9/2/20	Tue 12/1/20
Site Plan Approval	Mon 9/7/20	Fri 12/11/20
LE - 150 Jackson Rd Local Approval	Thu 12/17/20	Thu 1/14/21
<b>LE Design/Construction Funding Vote</b>	Fri 1/29/21	Fri 1/29/21
<b>LE - 150 Jackson Rd Design Develop</b>	Mon 2/1/21	Mon 5/17/21
Design Development	Mon 2/1/21	Thu 4/15/21
Conservation Commission	Mon 2/15/21	Thu 4/15/21

City of Newton  
LE-NECP Schools Project



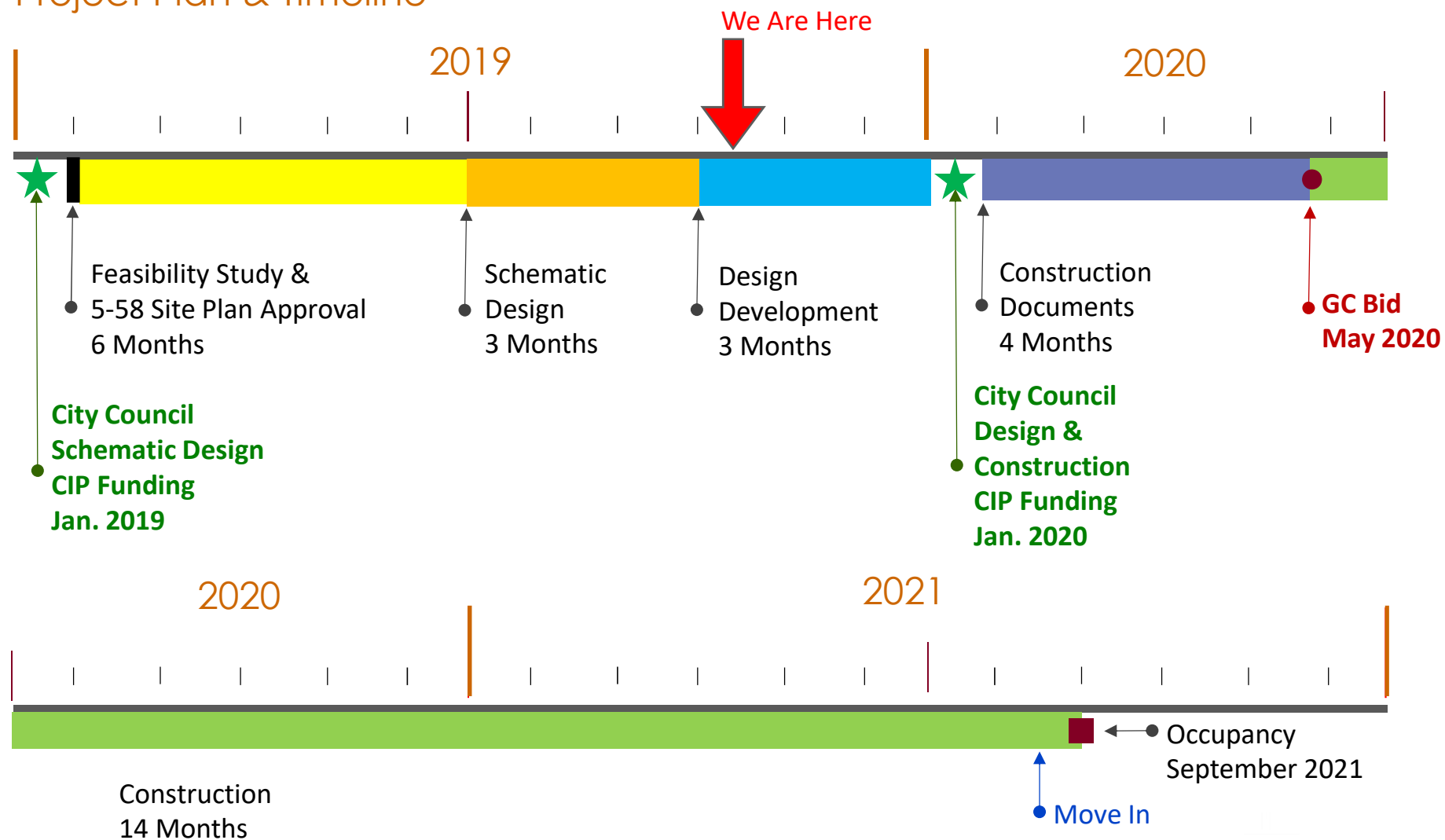
PROJECT WORK PLAN SCHEDULE





## CITY OF NEWTON | NECP PROJECT

### Project Plan & Timeline





## 3. Financials



**Project Budget and Cost Summary**

Description	Total Budget	BUDGET			COST			CASH FLOW	
		Baseline Budget	Authorized Changes	Current Budget	Committe d Costs	Uncommit ted Costs	Total Project	Expenditure s to Date	Balance To Spend
20 Construction									
PreConstruction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Escalation Contingency	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Estimating Contingency	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Construction	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Alternates	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
30 Architectural & Engineering									
Designer - Ed. Program Services	\$64,200	\$64,200	\$0	\$64,200	\$64,200	\$0	\$64,200	\$64,200	\$0
Designer - Ex. Conditions	\$96,000	\$96,000	\$0	\$96,000	\$96,000	\$0	\$96,000	\$96,000	\$0
A&E Feasibility Study	\$264,900	\$264,900	\$0	\$264,900	\$264,900	\$0	\$264,900	\$202,350	\$62,550
5-58 Site Plan Approval	\$121,320	\$121,320	\$0	\$121,320	\$121,320	\$0	\$121,320	\$56,440	\$64,880
Schematic Design	\$535,900	\$535,900	-\$286,641	\$249,259	\$249,259	\$0	\$249,259	\$243,160	\$6,099
Design Development	\$0	\$0	\$261,641	\$261,641	\$261,641	\$0	\$261,641	\$117,738	\$143,903
Construction Documents	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Bidding / Negotiations	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Construction Administration/Closeout	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Geotechnical Engineering	\$21,010	\$21,010	\$11,722	\$32,732	\$32,732	\$0	\$32,732	\$22,227	\$10,505
Geoenvironmental Engineering	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Site Survey	\$37,950	\$37,950	\$7,909	\$45,859	\$45,859	\$0	\$45,859	\$45,859	\$0
Site Approval	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Hazardous Materials Sampling	\$8,960	\$8,960	\$0	\$8,960	\$3,960	\$5,000	\$8,960	\$3,960	\$5,000
LSP Services	\$57,500	\$57,500	-\$19,631	\$37,869	\$16,264	\$21,605	\$37,869	\$0	\$37,869
Traffic Studies	\$67,690	\$67,690	\$0	\$67,690	\$52,690	\$15,000	\$67,690	\$33,866	\$33,824
Other Services	\$28,500	\$25,000	\$25,000	\$50,000	\$25,000	\$25,000	\$50,000	\$2,250	\$47,750
Printing (Over the Minimum)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Testing & Inspections	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Reimbursable Expenses	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$1,303,930	\$1,300,430	\$0	\$1,300,430	\$1,233,825	\$66,605	\$1,300,430	\$888,051	\$412,380
40 Administrative Costs									
OPM -Ed. Program Services	\$43,140	\$43,140	\$0	\$43,140	\$43,140	\$0	\$43,140	\$43,140	\$0
OPM Feasibility Study/Schematic Design	\$155,830	\$155,830	-\$30,000	\$125,830	\$125,830	\$0	\$125,830	\$33,088	\$92,743
OPM Design Development	\$0	\$0	\$30,000	\$30,000	\$30,000	\$0	\$30,000	\$2,030	\$27,970
OPM Construction Documents	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OPM Bidding	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OPM Construction Adm/Closeout	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
OPM: Cost Estimates	\$15,000	\$15,000	\$0	\$15,000	\$0	\$15,000	\$15,000	\$0	\$15,000
OPM Reimbursables & Site Approval Services	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Commissioning	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other Admin Costs	\$2,000	\$2,000	\$0	\$2,000	\$757	\$1,243	\$2,000	\$757	\$1,243
Utility Fees	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Legal	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Construction Testing & Inspections	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$215,970	\$215,970	\$0	\$215,970	\$199,727	\$16,243	\$215,970	\$79,014	\$136,956
50 Furniture, Fixtures and Equipment									
Furniture, Fixtures and Equipment	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Technology	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Subtotal	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Project Sub-Total									
	\$1,519,900	\$1,516,400	\$0	\$1,516,400	\$1,433,552	\$82,848	\$1,516,400	\$967,065	\$549,336
70 Project Contingency									
Construct Contingency (Hard Cost) (5%)	\$0	\$0	\$0	\$0	Remaining				\$0
Owner's Contingency (Soft Cost) (5%)	\$50,100	\$53,600	\$0	\$53,600		\$53,600	\$53,600		\$53,600
Subtotal	\$50,100	\$53,600	\$0	\$53,600		\$53,600	\$53,600		\$53,600
Project Total									
	\$1,570,000	\$1,570,000	\$0	\$1,570,000	\$1,433,552	\$136,448	\$1,570,000	\$967,065	\$602,936



## 4. Supplemental Documentation

- a. Design Review Committee Meeting Minutes  
draft for October 16, 2019
- b. Arrowstreet Updated NECP Work Plan



## Newton Lincoln Eliot School - NECP Project

**Design Review Committee (DRC) – NECP at 687 Watertown Street  
October 16, 2019, 6:00pm, Newton Public Library, 1<sup>st</sup> floor Conference Room**

Attendees: Carol Schein\*, Amy MacKrell\*, Jonathan Kantar\*, Marc Resnick\*, Peter Barrer\*, Ellen Light\*, Stephanie Gilman\*, Andrea Kelley, Steven Siegel, Anne Cedrone, David Gillespie, Maria Leo, Robert Hnasko, and John Mulligan

\* - Denotes Voting Member

Professional Team:	Meryl Nistler, Jessica Bessette	-	Arrowstreet (AST)
	Mary Mahoney	-	Hill International, Inc.
	(Hill)		

Guests: Alejandro Valcarce, City of Newton, Public Buildings

***Action Items are denoted in bold/italic font.***

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Meeting opened at 6:10pm.

Items Discussed:

1. Introduction of attendees.
2. AST reported that NECP at 687 Watertown St Schematic Design Phase is complete. Work on the project since the last Design Review Committee (DRC) meeting focused on reconciling the schematic design cost estimate to the project construction budget. The reconciliation process included traditional value engineering exercises then, working with NECP's Director, adjustment to building floor plans to create better efficiencies in space layout and reduce the area and extent of building renovations. The adjusted floor plans meet the NECP program.
3. AST reviewed space arrangement concepts applied to the lower level floor plan that create three zones within the project work area/grouping including: Public/Parent Area, Staff/Admin. Area, and Student/Teacher areas.
4. Lower Level adjusted floor plan was reviewed:
  - a. The revised layout reduces corridor space while maintaining adjacencies and needed access points.
  - b. Existing storage spaces to the northwest and southeast will be existing to remain – no work to be performed.
  - c. Left (north) of the new stair are (2) large meeting rooms.
  - d. Right (south) of the new stair is the Main Office with service counter and interior admin area that connects to the Director and Asst. Director Offices. A smaller meeting room is located behind the Director and Asst. Director Offices. Main office space is open concept with furniture used to delineate admin stations.



- e. Through the Main Lobby to the west side of the building is the staff student area with spaces for OT, PT, and the Multipurpose Room.
- f. South of the Main Office is the Therapist Area. The area has limited access to natural light so the space is designed in an open concept with furniture used to delineate work area/stations.
5. Mid-Level adjusted floor plan was reviewed:
  - a. The existing Main Office suite will retain much of the existing layout and include office space for the Team Specialist, Psychologist, and Social Worker with a shared vestibule also serving the adjacent Medical area.
  - b. Two infill classrooms are separated to the north and south of the vaulted space from the lower level.
  - c. The toilet rooms at the north end of the corridor (Park access) area provide facilities access for adjoining classrooms and from the corridor for students at the outdoor play area.
6. Upper-Level adjusted floor plan was reviewed:
  - a. Special Small Group spaces are created within an existing classroom with the three learning spaces to be delineated with furnishing. The proposed layout provides flexibility for classroom future use and saves costs by not building out walls and installing doors/hardware etc.
7. AST presented preliminary design concept renderings of the lower level Lobby and Stair.
8. AST presented a space summary report that compared the program following Ed Visioning Nov. 2018 to the program provided with the adjusted plans. The current program meets the original program.
9. Hill reviewed the NECP design and construction schedule that was adjusted to a Summer 2021 opening due to CIP funding schedule.
10. Committee discussion ensued including:
  - a. What accommodations are there for baby stroller parking? – *AST reviewed area within the main entry lobby available for stroller parking and an area reserved on the second level for school buggy storage.*
  - b. Concern was raised regarding the use of moveable partitions in classroom for small group spaces including durability and acoustics – *AST reported that the proposed partitions will be the same as those installed throughout the Cabot School.*
  - c. Did any of the accepted value engineering (VE) items impact the energy efficiency of the proposed building envelop design? - *Accepted VE items did not include scope that would reduce the energy efficiency of proposed repairs to the existing envelope or proposed new construction. The project includes full roof replacement including code required insulating value.*
  - d. Will the building be fully air conditioned? – *All public/staff areas will be air conditioned. The HVAC system proposed will meet energy efficiency codes.*
  - e. Has the site plan changed? – *The site plan has not changed. Advancement of site designs were pending completion of a supplemental survey and geotechnical documentation. Documentation is now available, so the site plan will be advanced during Design Development Phase.*
  - f. Where will the chiller be located? – *Ground mount and roof mount options for the chiller are being review, including evaluating the costs for supporting construction for each option.*



- g. What are the ceiling heights in the newly created spaces? – *Ceiling height for the two story infill will be 7'-6" on both floors based on a 10" structure.*
11. Next meeting was scheduled December 11, 2019, 6pm, Media Center at the Cabot School. DRC requested meeting presentation materials two days before the meeting.
12. DRC requested a copy of the NECP Design Development documents once complete.

***Next meeting of the Working Group December 11, 2019, 6pm, Media Center, Cabot Elementary School.***

To the best of my knowledge, these notes are a fair representation of the items discussed at the meeting. Additional items or corrections should be brought to the attention of the writer. Submitted by: Mary Mahoney 10/17/19



Newton Early Childhood Program and Lincoln Eliot School  
4-Nov-19

	BO #283-18	BO #33-19	NECP Total Budget & Lincoln Eliot Site Plan	NECP
Construction			11,032,211.00	11,002,419.00
OPM	80,000.00	170,850.00	538,970.00	384,691.00
Designer	100,000.00	877,200.00	1,842,670.00	1,330,930.00
Other	-	58,000.00	92,000.00	92,000.00
Site/Environmental	20,000.00	193,950.00	398,515.00	189,960.00
	200,000.00	1,300,000.00	13,904,366.00	13,000,000.00
Prior Funding			904,366.00	665,634.00
<b>Current Request</b>				<b>12,334,366.00</b>



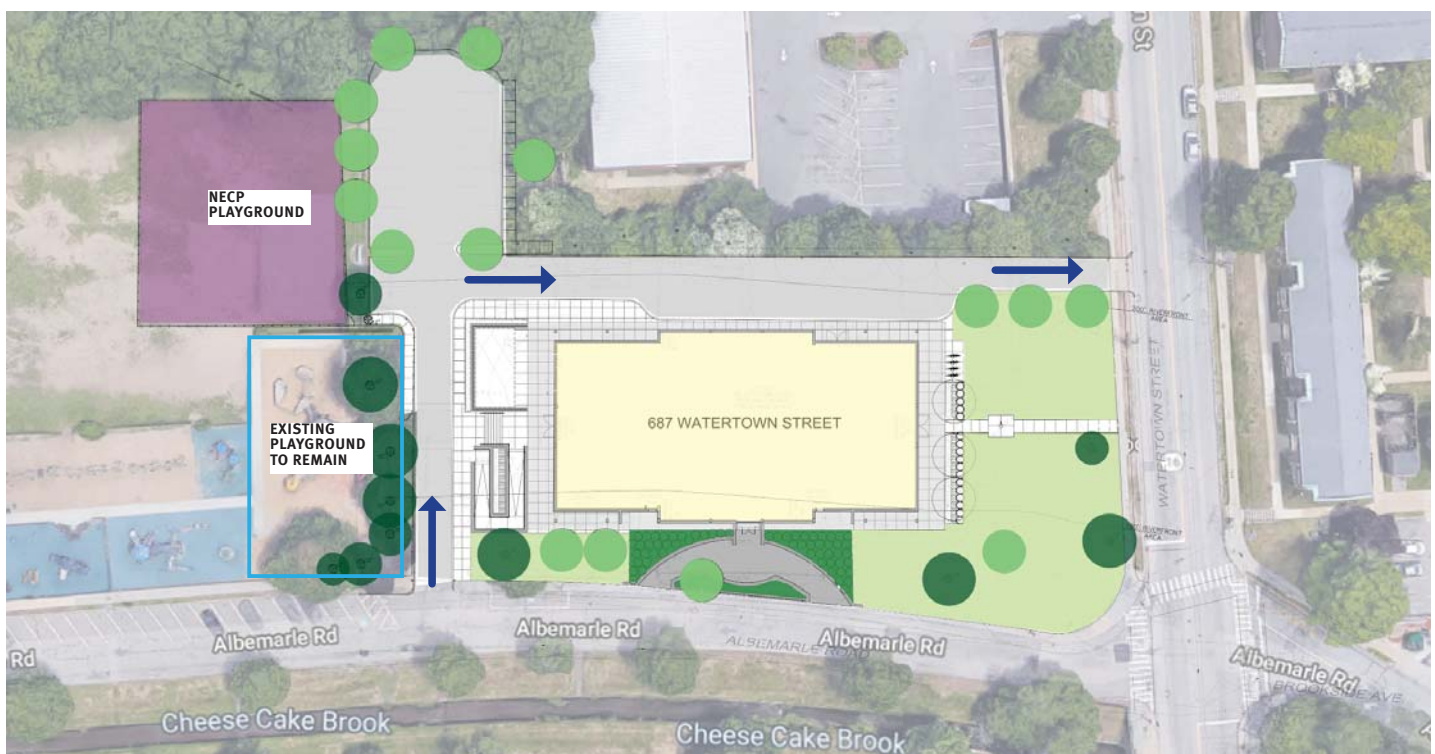
# NEWTON EARLY CHILDHOOD PROGRAM

SCHOOL BUILDING COMMITTEE PROJECT UPDATE

NEWTON, MA  
24 OCTOBER 2019

SITE PLAN  
FLOOR PLAN UPDATES  
LOBBY  
EXTERIOR ELEVATION

## SITE PLAN CURRENT LAYOUT



## LOWER LEVEL PROPOSED LAYOUT



ARROWSTREET NEWTON EARLY CHILDHOOD PROGRAM / 687 WATERTOWN STREET

SCHOOL BUILDING COMMITTEE / 24 OCTOBER 2019

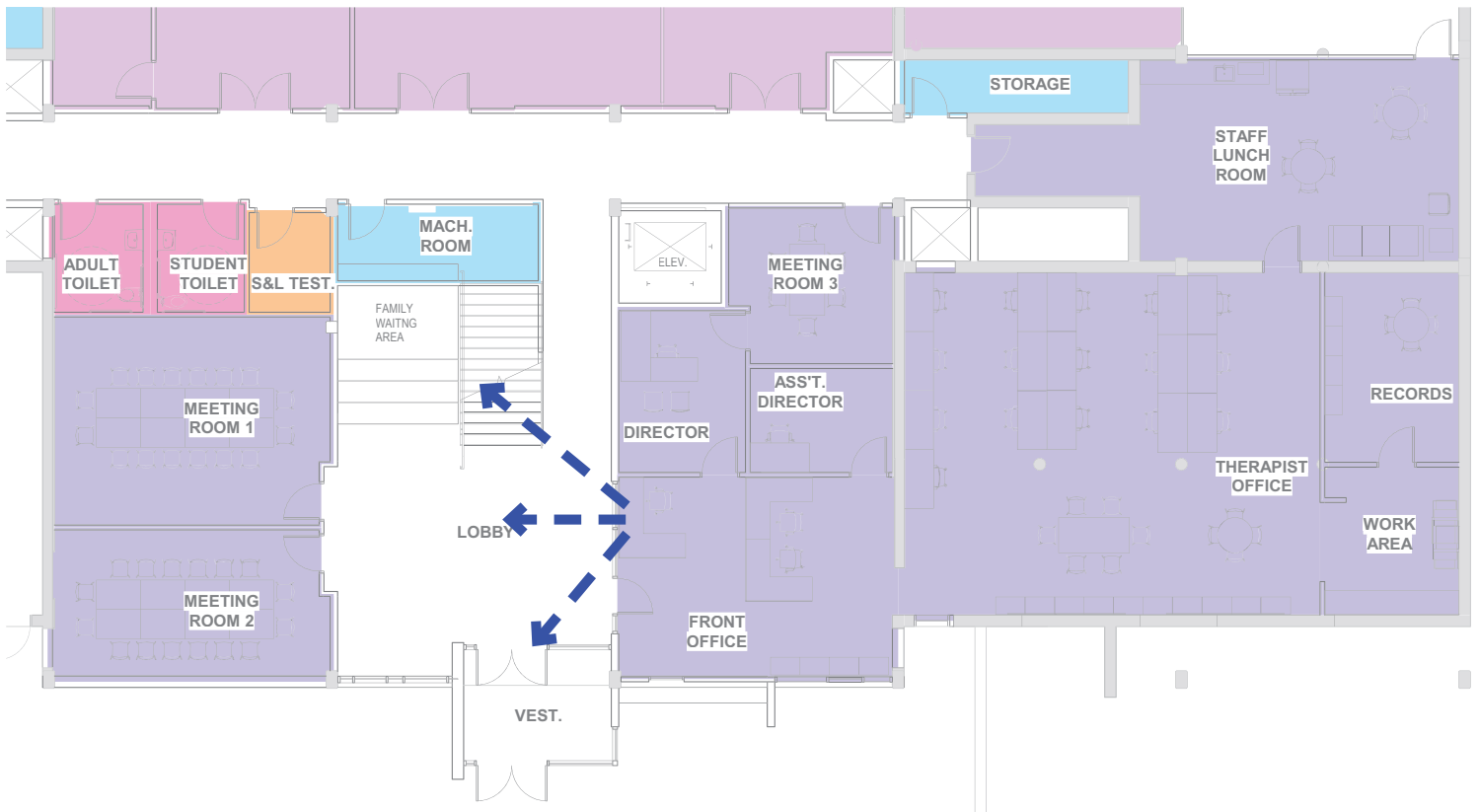
## LOWER LEVEL ADMIN SUITE



ARROWSTREET NEWTON EARLY CHILDHOOD PROGRAM / 687 WATERTOWN STREET

SCHOOL BUILDING COMMITTEE / 24 OCTOBER 2019

## LOWER LEVEL SIGHT LINES



ARROWSTREET NEWTON EARLY CHILDHOOD PROGRAM / 687 WATERTOWN STREET

SCHOOL BUILDING COMMITTEE / 24 OCTOBER 2019

## LOWER LEVEL CIRCULATION



ARROWSTREET NEWTON EARLY CHILDHOOD PROGRAM / 687 WATERTOWN STREET

SCHOOL BUILDING COMMITTEE / 24 OCTOBER 2019

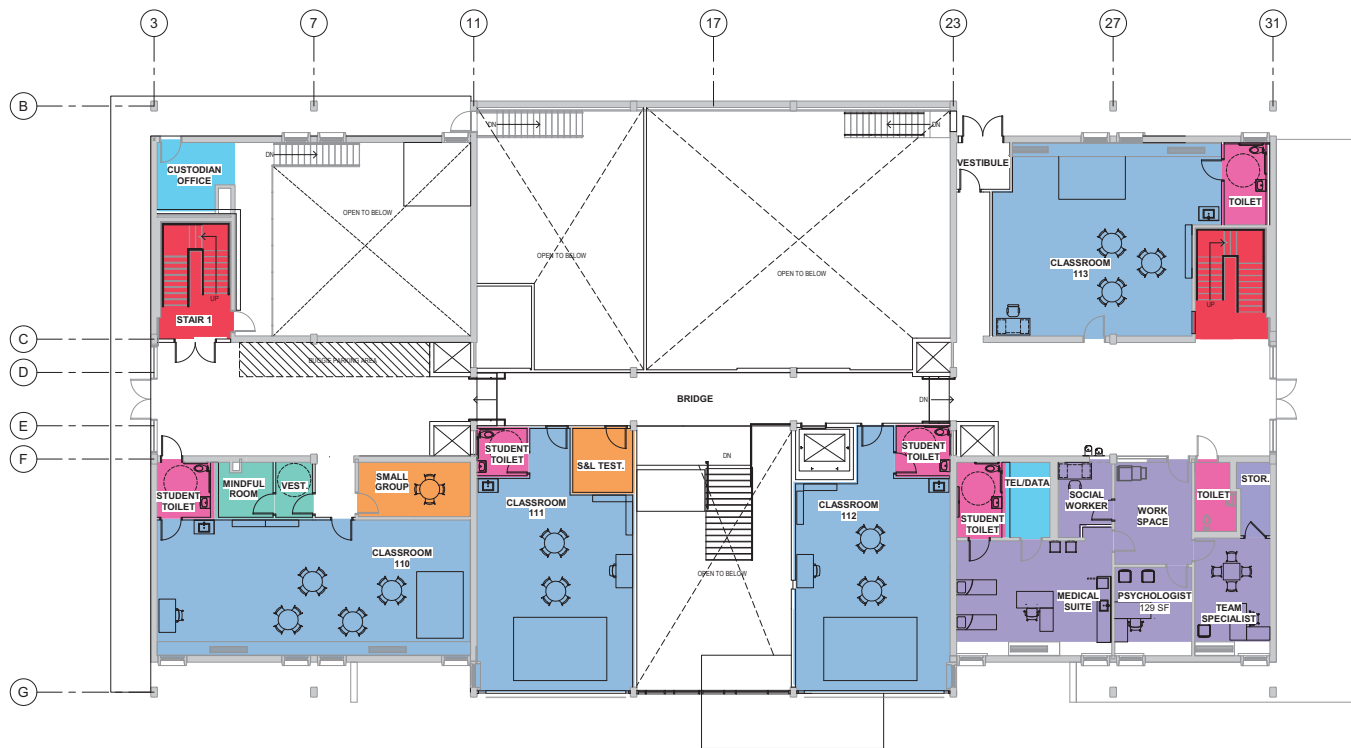
## MIDDLE LEVEL CIRCULATION



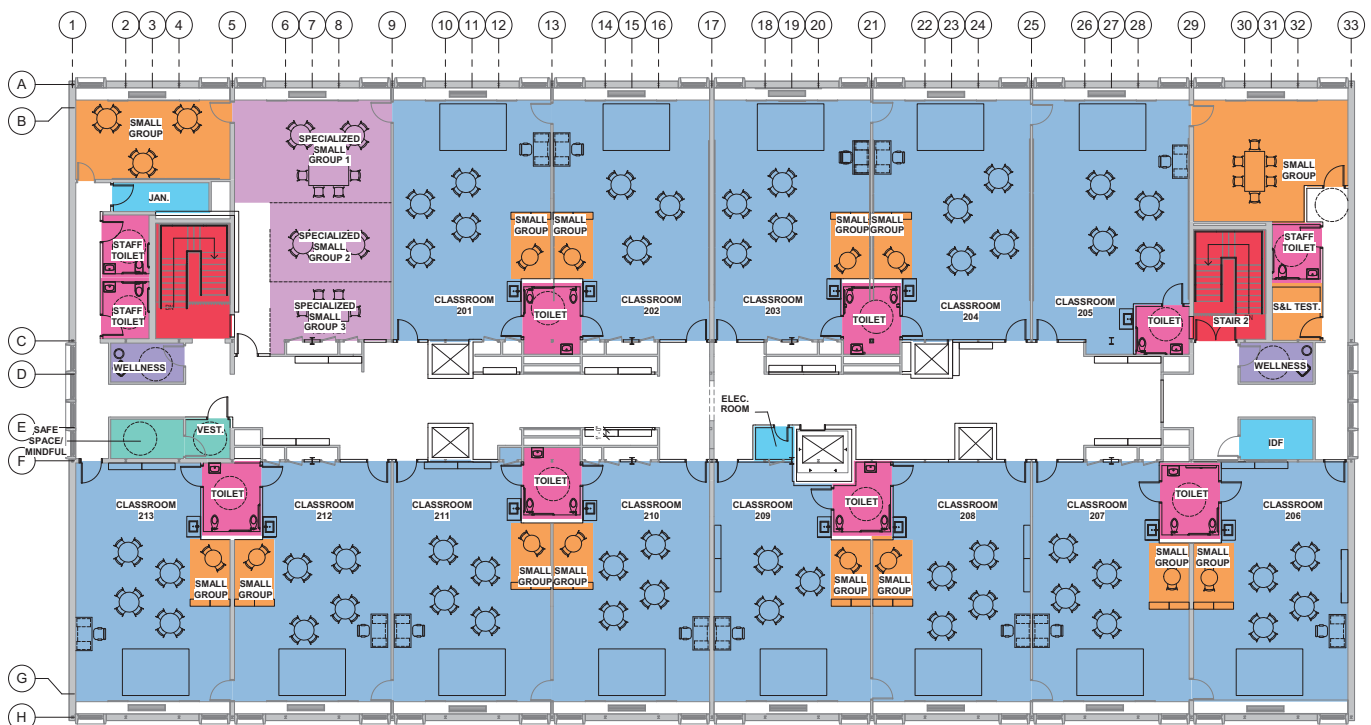
## LOWER LEVEL ENTRY LOBBY



## MIDDLE LEVEL



## UPPER LEVEL





**EXTERIOR ELEVATION**  
ALBEMARLE ENTRY



ARROWSTREET NEWTON EARLY CHILDHOOD PROGRAM / 687 WATERTOWN STREET

SCHOOL BUILDING COMMITTEE / 24 OCTOBER 2019

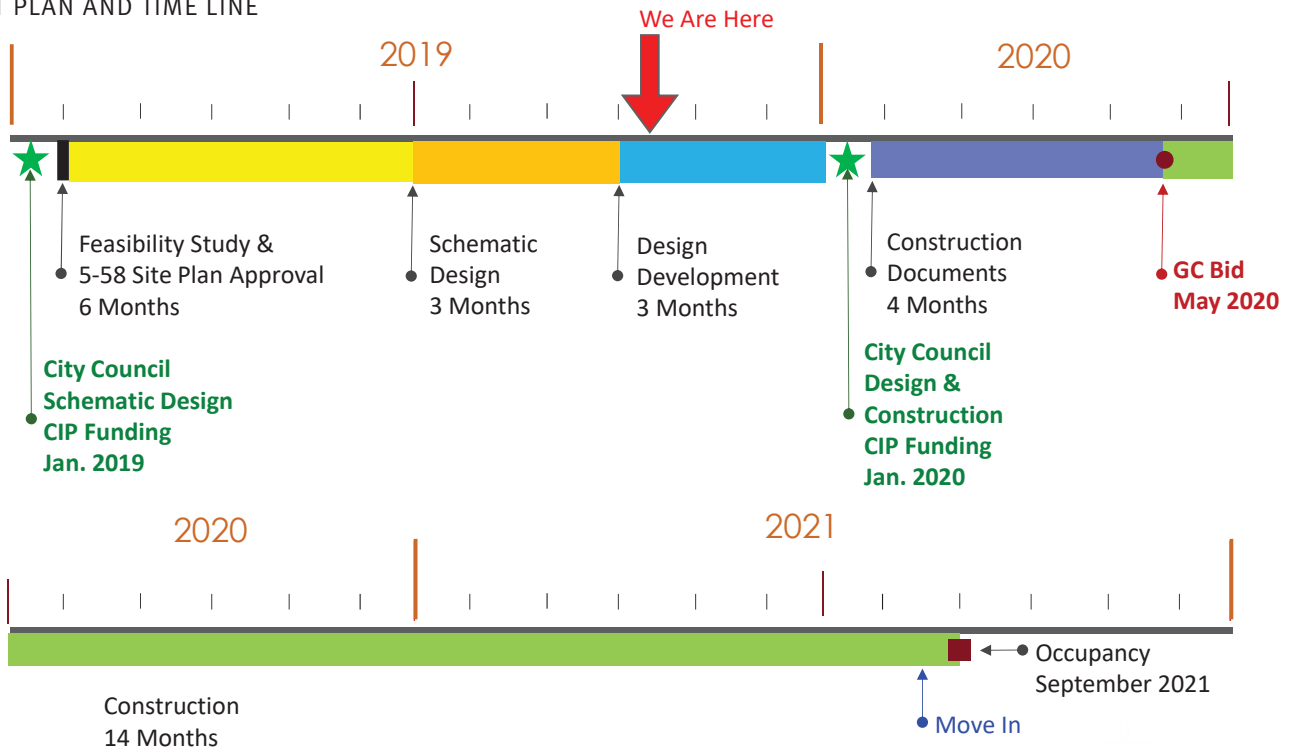
**EXTERIOR ELEVATION**  
ALBEMARLE ENTRY



ARROWSTREET NEWTON EARLY CHILDHOOD PROGRAM / 687 WATERTOWN STREET

SCHOOL BUILDING COMMITTEE / 24 OCTOBER 2019

## NECP PROJECT PLAN AND TIME LINE



LE-NECP SBC Meeting - October 24, 2019



## NECP PROJECT BUDGET AND COST SUMMARY



Description	NECP TPC Budget	NECP TPC Budget & LE thru Site Plan Approval
Construction-NECP	\$10,465,631	\$10,465,631
Construction - LE	\$0	\$0
Construction Contingency - NECP	\$536,788	\$536,788
Owner Contingency	\$0	\$29,792
<b>30 Architectural &amp; Engineering</b>		
Designer - Ed. Program Services	\$32,100	\$64,200
Designer - Ex. Conditions	\$48,000	\$96,000
A&E Feasibility Study	\$126,000	\$264,900
Schematic Design	\$243,160	\$535,900
Design Development	\$261,641	\$261,641
Construction Doc	\$341,297	\$341,297
Bid/Construction Administration/Closeout	\$236,641	\$236,641
Other Services -Con Comm Approval	\$20,000	\$20,000
A&E Sub Consultants	\$30,000	\$30,000
Geotechnical Engineering - Design Phase	\$22,227	\$22,227
Geotechnical Engineering - Construction	\$13,278	\$13,278
Site Survey	\$23,342	\$37,950
Hazardous Materials & LSP	\$28,369	\$116,051
Traffic Studies	\$26,345	\$67,690
5-58 Site Plan Approval	\$56,400	\$121,320
Printing (Over the Minimum)	\$12,091	\$12,091
Testing & Inspections	\$5,000	\$5,000
Reimbursable Expenses	\$0	\$0
Subtotal	\$1,525,891	\$2,246,186

**NECP**  
PROJECT BUDGET AND COST SUMMARY

Description	NECP TPC Budget	NECP TPC Budget & LE thru Site Plan Approval
<b>40 Administrative Costs</b>		
OPM -Ed. Program Services	\$12,942	\$43,140
OPM Study/Schematic Design	\$46,749	\$155,830
OPM Design/Construction Adm/Closeout	\$300,000	\$300,000
OPM: Cost Estimate NECP	\$15,000	\$15,000
OPM: Cost Estimate LE	\$0	\$15,000
City/OPM Reimbursables	\$2,000	\$2,000
Commissioning	\$10,000	\$10,000
Move/Other Admin Costs	\$35,000	\$35,000
Utility Fees	\$25,000	\$25,000
Construction Testing & Inspections	\$25,000	\$25,000
Subtotal	\$471,691	\$625,970
<b>50 Furniture, Fixtures and Equipment</b>		
Furniture, Fixtures and Equipment	\$0 *	\$0 *
Technology	\$0 *	\$0 *
Subtotal		
*Re-Use of Existing Furnishing & Tech - NPS to FUND Added Needs	\$0	\$0
<b>Project Total</b>	<b>\$13,000,000</b>	<b>\$13,904,366</b>
<b>Project Funding</b>		
CIP Funding to Date	\$665,634	\$1,570,000
Supplemental CIP Funding Required	\$12,332,366	\$12,332,366



RUTHANNE FULLER  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

**416-19**

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[rfuller@newtonma.gov](mailto:rfuller@newtonma.gov)

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

Councilors:

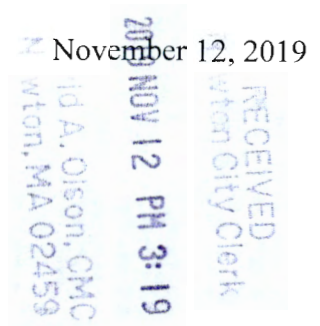
I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$500,000 from 0110498-579400 Current Reserve for Snow & Ice Removal to Acct # 0140123-527301 DPW Rental Vehicles/Subcontractors. Although there has not yet been any snow this year, each year the department has significant up-front vehicle repair costs, salt, and other expenditures associated with preparing the fleet for the winter ahead.

This is a preventative measure. As you know, all docket items will expire on December 16, 2019, following the Council's last meeting of this term. We will not be able to transfer any money until January 13, 2020. Consequently, we believe this is a prudent request.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor





RUTHANNE FULLER  
MAYOR

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**Office of the Mayor**

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RECEIVED  
Newton City Clerk  
2019 NOV 12 PM 3:20  
David A. Olson, CMC  
Newton, MA 02459

November 12, 2019

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$69,000 from Acct # 0110498-579000 Current Year Budget Reserve to Acct # 0110111-511103 City Council Officials with Benefits to cover the costs of six months of the City Council new salary (\$15,500 vs \$9,750).

On September 26, 2019, in accordance with the provisions of Section 3-8 of the Newton City Charter entitled Adoption of Measures; Mayor's Veto., I submitted my veto of City Ordinance #208-19(A)(B) & (C) adopted by the City Council on September 16, 2019.

As you know, on October 7, 2019 the Council voted to override my veto. This transfer will cover the six month period remaining in FY2020.

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller  
Mayor





RUTHANNE FULLER  
MAYOR

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to appropriate and expend the sum of \$85,000 from June 30, 2019 Certified Free Cash to settle a discrepancy in the amount of 2017 Massachusetts State Income Taxes paid versus the amount owed. Funds should be appropriated as follows:

<u>Account #</u>	<u>Description</u>	<u>Amount</u>
6300-2130000	Agency Fund Liability – State Income Tax	\$70,849
0110745-5763000	Interest & Penalties Owed	\$14,151

Because the City was running a credit balance the State Department of Revenue issued a refund check (\$70,849) to the City. The Treasury Department deposited that check. However, when submitting our payments through the State's online system, we also "took" the credit. Following notification from the state and after a significant amount of research, we have been able to ascertain that we do in fact owe the \$70,849 plus interest back to the State. These funds ultimately "closed" to the June 30, 2019 Certified Free Cash.

We intend to continue to research gross wages paid and states taxes owed for 2018 and 2019 to determine whether any other discrepancies exist. We will inform you of the results of that research.

Thank you for your consideration of this matter.

Sincerely,

*Ruthanne Fuller*

Ruthanne Fuller  
Mayor

RECEIVED  
Newton City Clerk  
November 13, 2019  
2019 NOV 13 PM 3:04  
David A. Olson, CMC  
Newton, MA 02459