

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, SEPTEMBER 23, 2013

7:00 PM
Room 222

ITEMS TO BE DISCUSSED:

#313-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five thousand dollars (\$5,000) from the Pedestrian Safety Grant Program offered by the Executive Office of Public Safety and Security for the purpose of enhancing effective pedestrian, and bicycle related enforcement. [09/09/13 @ 2:03 PM]

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#267-12 ALD. CICCONE, proposing that **Sec. 19-309. Requirements as to vehicles generally. and 19-332. Procedure for obtaining licenses.** be amended to include limousines and that **Sec. 19-338 Limousine Permits** be amended to include an annual fee of \$25 and an annual inspection. [08/21/12 @ 10:29 AM]
PS & T APPROVED 7-0 (Schwartz not voting)

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#194-12 ALD. CICCONE proposing that **Sec. 19-309. Requirements as to vehicles generally. and 19-332. Procedure for obtaining licenses.** be amended to include vans and that **Sec. 17-3. Fees for certain licenses and permits.** be amended to include a \$25 annual fee for vans. [06/21/12 @ 11:28AM]
PS & T APPROVED 7-0 (Schwartz not voting)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#83-10(2) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of six hundred forty-one thousand dollars (\$641,000) from the Community Preservation Fund to the Public Buildings Department to complete the revised Museum Archives, Accessibility, and Fire Suppression project, as described in the Committee's July 2013 recommendation, in addition to the \$101,345 appropriated for the project through Board Orders # 147-08 and #83-10. [07/23/13 @ 1:46 PM]
PUBLIC FACILITIES APPROVED 7-0

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact the Newton ADA Coordinator, Joel Reider, at least two days in advance of the meeting: jreider@newtonma.gov . or 617-796-1145. For Telecommunications Relay Service dial 711.

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #316-12(2) COMMUNITY PRESERVATION COMMITTEE recommending the
(#55-13) appropriation of four hundred seventy-five thousand dollars (\$475,000) to the Planning and Development Department to continue the Newton Homebuyer Assistance Program as described in the proposal amended in December 2012. [01/25/13 @ 12:33 PM]
ZONING & PLANNING APPROVED 6-0 ON 02/11/13

REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES

- #286-13(2) HIS HONOR THEY MAYOR requesting authorization to appropriate the sum of thirty-seven million five hundred thousand dollars (\$37,500,000) from bonded indebtedness for the purpose of funding the replacement of the A.E. Angier Elementary School. [09/09/13 @ 2:03 PM]
PROG & SERV APPROVED 6-0-1 (Sangiolo abstaining; 1 vacancy)
PUBLIC FACILITIES APPROVED 5-0

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #322-12(4) HIS HONOR THE MAYOR requesting authorization to amend the Fiscal Year 2014 Budget Board Order #322-12(2) for the Public Buildings Department by reducing the Municipal Building Maintenance – Building Improvements line item by one hundred fifty thousand dollars (\$150,000) and increasing the Municipal Building Maintenance – Public Buildings R&M by one hundred fifty thousand dollars (\$150,000) in order to create a non-lapsing account for small capital projects. [08/05/13 @ 1:59 PM]
- #102-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from cable contract receipts for the purpose of constructing Phase I of III to connect all city facilities with high-speed fiber infrastructure for continued reliance on the IT network. [04-09-12 @ 3:40 PM]

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

- #281-12 HARRY SANDERS requesting creation of an ordinance to allow pawnbrokers in the City of Newton pursuant to G.L. c. 140 section 70 with potential for non-fixed location of business. Secured property storage would not entail retail walk-in; model would entail possible satellite locations enabling the possibility of integrating Newton students. [08-31-12 @ 12:25 PM]
PUBLIC SAFETY VOTED NO ACTION NECESSARY 7-0

ITEMS NOT TO BE DISCUSSED:**REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES**

- #314-13 NEWTON POLICE DEPARTMENT, proposing that **Sec. 19-336(a). License plates or medallions; fee for same; transfer to new vehicle.** be increased from \$50 to \$100, effective 2014. [09/12/13 @ 11:21 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #288-13 PUBLIC FACILITIES & FINANCE COMMITTEES requesting that the Administration update the Board of Aldermen when a funding source is determined for the Zervas Elementary School Feasibility Study. [07-11-13 @ 10:10 AM]
- #132-13 ALD. HESS-MAHAN & YATES proposing a Resolution to request that the Mayor adopt the provisions of Massachusetts General Laws Chapter 59 Section 5C, which provides for a local property tax exemption of up to 20% of the average assessed value of residential properties, which are the principal residences of taxpayers. [03/13/13 2:29 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #41-13 ALD. CROSSLEY, FULLER AND SALVUCCI requesting a discussion with the administration to review how the city inventories, plans for, budgets and accounts for needed smaller capital expenditures (currently set at under \$75,000), which are excluded from the Capital Improvement Plan (CIP); how to make these non-CIP capital maintenance items visible, and how to integrate them with the overall planning, CIP, and budgeting processes. [01/14/13 @ 5:02 PM]
- #15-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of the revised City of Newton Investment Policy. [12/18/12 @ 9:31 AM]

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #428-12 ALD. CICCONE & FULLER requesting a discussion with the Executive Office and the Police Department regarding police staffing and overtime costs. [12/07/12 @ 1:34 PM]

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

- #273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09-10-12 @ 1:17 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton. [07/18/12 @4:34 PM]
- #248-12 RECODIFICATION COMMITTEE recommending that **ARTICLE IV. PURCHASES AND CONTRACTS, Secs. 2-182 through 2-205**, be amended to make it consistent with state law.
- #247-12 RECODIFICATION COMMITTEE recommending that Chapter 18 MEMORIAL FUNDS AND TRUSTS be reviewed relative to the consequences and practices of special legislation passed by the General Court in 2007, Chapter 75 of the Acts of 2007, in which the City sought and was granted an exemption from G.L. Chapter 44 §54, which intent was to allow the City greater flexibility in terms of investments.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #185-12 ALD. BAKER, BLAZAR, SANGIOLO, LINSKY, ALBRIGHT & DANBERG requesting that the Board of Aldermen adopt a RESOLUTION to His Honor the Mayor asking that, when the Mayor seeks future Board approval for bonding the cost of additional capital facilities or equipment for the schools, he include in that funding request, as well as in the city-wide Capital Improvement Plan, the estimated costs needed for funding the capital technology needs of the Newton Schools, including the appropriate portions of the estimated project costs of the School Committee's three-year district-wide technology plan not anticipated to be funded by the Information Technology Department budget; the anticipated technology grants from Boston College for the elementary schools; and/or estimated revenue from the E-rate Technology Reimbursement Program. [06/11/12 @ 11:23 PM]
PROG & SERV APPROVED 6-0 on 07/11/12
- #140-11 ALD. HESS-MAHAN requesting acceptance of MGL Chapter 59 §5c which allows communities to shift the tax burden away from homeowners who live in lower than average valued single and multi-family homes to owners of higher valued homes, second homes, and most apartment buildings. {04-15-11 @ 3:07 PM]

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

- #102-11 ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]
ZAP APPROVED 6-0 on 06/10/13

REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES

- #95-11 ALD. HESS-MAHAN proposing an ordinance requiring that a notice of conversion to condominium ownership be filed with the Inspectional Services Department and that the property be inspected to determine compliance with all applicable provisions of the state and local codes, ordinances and the rules and regulations of all appropriate regulatory agencies. [03-24-11 @ 9:30AM]
ZAP APPROVED 6-0 on 06/10/13

REFERRED TO LAND USE AND FINANCE COMMITTEES

- #276-10 ALD. FULLER, CROSSLEY, DANBERG, LINSKY requesting a review of guidelines for mitigation fund provisions to maximize the use of such funds on behalf of the city together with mechanisms by which the city can better track such funds to ensure they are used in a timely fashion.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

Respectfully submitted,

Leonard J. Gentile, Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#313-13

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

September 9, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to accept and appropriate the sum of \$5,000 from the Pedestrian Safety Grant Program.

The funding will be used for specialized police services bicycle and crosswalk enforcement.

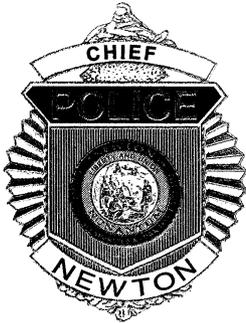
Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2013 SEP -9 PM 2:03
David A. Olson, Clerk
Newton, MA 02459





City of Newton Police Department



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

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

HOWARD L. MINTZ
CHIEF OF POLICE

September 5, 2013

Hon. Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton, Massachusetts 02459-1449

Re Request to Receive and Expend Grant Funds

Dear Mayor Warren:

Respectfully request authorization to expend funds in the amount of \$5,000.00 from the **Pedestrian Safety Grant Program**. These reimbursable grant funds awarded by the Massachusetts Executive Office of Public Safety and Security (EOPSS) will be used for specialized police services bicycle and crosswalk enforcement per the enclosed budget worksheet.

Thank you very much for your consideration of this matter. Please contact me at extension 2101 if I may provide you any additional information.

Very truly yours,

For: Howard L. Mintz
Chief of Police

enclosures



Sec. 17-3. Fees for certain licenses and permits.

Notwithstanding any contrary provision in any other section of these Revised Ordinances, there shall be paid a fee on an annual basis or unless otherwise noted to the city clerk for each of the following applications, permits, licenses or charges, the sum set forth as follows:

- (1) Motor vehicle dealer's license first, second and third class..... \$100.00
- (2) Billiard, pool tables, bowling centers (non coin operated)..... \$15.00 each
- (3) Dealer in second-hand articles (antique, consignment or pawn broker shops) \$50.00
- (4) Storage of inflammables; public and private
 - a) 500 gals or less \$10.00
 - b) 501 gals to 5,000 \$30.00
 - c) 5001 gals to 10,000 \$40.00
 - d) 10,000 gals to 20,000 \$50.00
 - e) over 20,000 gals \$60.00
- (5) Blasting bond permits (G.L. c. 148, § 19) \$10.00
- (6) Junk collector's license \$100.00
- (7) Junk dealer's license (storage yards)..... \$100.00
 - a) Dealers in secondhand articles..... \$50.00
- (8) Lodging house and dormitory licenses
..... \$50.00
- (9) Musical instrument performers and street singers
 - a) Commercial applicants per event..... \$20.00
 - b) Non-profit applicants per event \$5.00
- (10) Public Auto/[Van](#)/Limousine permit fee, each vehicle \$25.00
- (11) Taxi license, each vehicle \$25.00
 - a) Taxi license, each driver \$25.00

LAW DEPARTMENT MEMORANDUM

#267-12
#194-12

To: Members of the Public Safety and Transportation Committee

From: Marie M. Lawlor, Assistant City Solicitor

Date: September 10, 2013

Re: Docket Items #267-12 and #194-12 Pertaining to licensing and inspections of vans and limousines

Attached please find a redlined copy of the latest revisions pertaining to the above docket items.

Please note that although a complete copy of the Division 1 of Article XIL (Vehicles for Hire) is attached for completeness and reference, the only redlines are to the following sections and occur on the pages noted:

Sec. 19-309 *Requirements as to vehicles generally* on Pages 3-4

Sec. 19-338 *Limousine permits* on Page 11

Sec. 19-339 *Van license* on Pages 12-13

(g) The board of aldermen shall review the status of taxi stands every year. The board of aldermen reserves the right to assign more than one taxi cab company or holder of a taxi license to a taxi stand location.

(h) *Transfer of taxi stands*: No taxi stand designated or assigned to a particular person pursuant to this section shall be transferred unless such transfer is approved by the board of aldermen.

(i) The open public taxi stand located at Newton Corner shall not be used by any vehicle which has been assigned a special license pursuant to paragraph 19-333 (c) of this ordinance. (Rev. Ords. 1973, § 21-6; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. Z-111, 06-18-12)

Sec. 19-306. Refusal to carry passenger.

No person in charge of a taxi shall refuse unreasonably to carry a passenger. (Rev. Ords. 1973, § 21-18)

Sec. 19-307. Operators to be respectful to passengers.

The operator of any vehicle licensed pursuant to this chapter shall be respectful to passengers at all times. (Rev. Ords. 1973, § 21-19)

Sec. 19-308. Picking up passenger after taxi is occupied or engaged.

No person having charge of a taxi shall take up or carry any passenger after the taxi has been occupied or engaged by a prior passenger without the consent of such prior passenger. (Rev. Ords. 1973, § 21-20)

Cross reference—Health generally, Ch. 12

Sec. 19-309. Requirements as to vehicles generally.

(a) Vehicles licensed or permitted pursuant to this ordinance shall be kept in good condition, the interior shall be kept clean and suitable for occupancy and mechanically fit for the safety of passengers, as determined by the chief of police. No commercial advertising shall be permitted on the outside of such vehicles except the name or trade name and number of the person owning such vehicle.

(b) *Annual inspection of ~~taxicabs and public automobiles~~ vehicles*: All vehicles ~~licensed~~ pursuant to the provisions of this ordinance which are used for transporting persons to which medallions have been assigned shall be inspected annually by the chief of police in March ~~and~~ October of each year, and at such other times as deemed necessary by the chief of police. Each inspection shall include, but not be limited to the following:

- (1) inspection of the interior and exterior of the vehicle for appearance, cleanliness, and mechanical fitness;
- (2) recording the odometer reading of each vehicle, and verifying that the vehicle identification number (VIN), the taximeter serial number and the number of the taxi medallion or public automobile corresponds with such information as listed on the license assigned to the vehicle;
- (3) verification that the vehicle has a properly operating odometer, as determined by the chief of police. A vehicle with an inoperable or faulty odometer shall fail inspection; and
- (4) verification that each vehicle has a valid inspection sticker issued by the Commonwealth of

Massachusetts indicating that the vehicle has passed said inspection. A vehicle which does not have such a sticker shall fail inspection.

(5) verification that the vehicle is equipped with working seatbelts in open view and available for use in all seating areas used by passengers

(c) Effective January 1, 1995 and thereafter, no vehicle shall be approved for use as a taxicab or public automobile or van in the city when the vehicle is ten (10) years old or older, the age of each vehicle to be determined from the year of manufacture to the year for which the vehicle license is to issue. (Rev. Ords. 1973, § 21-22; Ord. No. 88, 10-6-75; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. X-54, 5-19-03)

Sec. 19-310. Vehicle identification card, identity light and markings on taxis.

(a) All taxis in the city shall display an identity light on top of the taxi which shall be visible from the front and rear and shall be illuminated at night. Such identity light shall be of such color and the word "taxi" or company name shall be lettered thereon in such color and size as the chief of police shall approve. The cylinder for the identity light shall be at least ten (10) inches long. All taxis licensed in the city shall have the name or trade name of the owner and the word "Newton" painted on both sides of the body of the taxi in standard letters not less than four (4) inches high and one-half inch wide.

(b) All taxis in the city shall display a vehicle identification card, issued by the chief of police, which bears the owner's name, telephone number, and the medallion number of the taxi. Such vehicle identification card shall be displayed in the passenger compartment of each taxi in such a manner as to be visible to passengers at all times. (Rev. Ords. 1973, § 21-23; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93; Ord. No. Z-99, 11-21-11)

Sec. 19-311. Taxicab seat belts.

All taxicabs and public automobiles licensed by the board of aldermen to do business in the city shall be equipped with working seatbelts in open view and available for use in all seating areas used by passengers. (Rev. Ords. 1973, § 21-24; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Sec. 19-312. Requirement of taximeters.

(a) All taxicabs in the city shall be equipped with a taximeter. All taximeters in the city shall be inspected by the sealer of weights and measures not less often than annually and in any case shall be approved by said sealer of weights and measures as of the date the medallion is issued for each taxicab licensed pursuant to this ordinance. A taximeter with a broken seal shall be replaced and inspected at the time such taximeter is installed.

(b) Tampering or breaking a seal on a taximeter shall be cause for revocation of the license. In the event that the sealer of weights and measures determines that a seal on a taximeter has been broken or tampered with, the sealer of weights and measures shall report the name of the licensee of the vehicle in which said taximeter was installed to the chief of police and clerk of the board of aldermen. The board of aldermen may take such action as deemed necessary, including revocation of the license following a hearing which shall be held upon no less than seven (7) days prior notice to the licensee. The vehicle medallion shall be surrendered upon revocation of the license. (Rev. Ords. 1973, § 21-25; Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

the licensee shall surrender the medallion to the chief of police.

(d) The chief of police shall notify the clerk of the board of aldermen of each medallion that has been confiscated in the manner provided in subsections (b) and (c) of this section and which has remained in the possession of the chief of police for more than thirty (30) consecutive days. Upon receipt of such notice, the public safety committee, or such other committee as may be designated by the board of aldermen, shall schedule a hearing to revoke the license of such vehicle and shall provide notice of the same to the licensee in the manner provided in subsection (a) of this section. Nothing herein shall be construed to prohibit a licensee from requesting a hearing upon the confiscation of a medallion as provided in subsections (b) and (c) of this section. (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Sec. 19-338. Limousine permits.

Every person who is engaged in the business of transporting persons for hire by means of a limousine, as defined herein, shall obtain a business permit from the city clerk. Said permit shall be issued upon receipt of a completed application form and upon payment of a non-refundable fee which shall not exceed the cost of administering the issuance of said permit, and which, in any event, shall not exceed twenty-five dollars (\$25.00) for each limousine owned and operated by the business. Said permit shall expire on December 31 in each year. Prior to the issuance of a permit in each year, the applicant must comply with the procedures in Sec. 19-309(b) and Sec. 19-332(d) pertaining to police department inspection for each limousine owned and operated by the business. The permit application form shall include, but not be limited to, the following information:

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- (1) the name and address of the business and the names of the corporate officers, if any;
 - (2) the name of the business manager or other person to contact in regard to complaints;
 - (3) the total number of limousines owned and operated by the business; ~~and~~
 - (4) a copy of the vehicle registration for each limousine. ~~(Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)~~
 - (5) Confirmation from the police department that the applicant has complied with the procedures in Sec. 19-309(b) pertaining to police department inspection for each limousine owned and operated by the business and that each limousine has passed such inspection.
- (Ord. No. T-66, 12-18-89; Ord. No. T-291, 8-9-93)

Editor's note: As amended in 1983, this section required such permits to be obtained within ninety days of its effective date.

Sec. 19-339. Van license.

(a) Except as otherwise provided in subsection (d), no person shall engage in the business of transporting persons or goods for hire by means of a van within the limits of the city unless:

- (1) said person has obtained for each such vehicle a van license, as applicable, pursuant to this section and said license has not been suspended, rescinded, surrendered, revoked or declared void for non-use; and

(2) the driver of said vehicle is licensed by the city in accordance with the provisions of section 19-346 of the Revised Ordinances and said license has not been suspended, rescinded, or revoked.

(b) Each license issued pursuant to this provision shall designate the vehicle registration number, the Vehicle Identification Number (VIN) and the odometer reading at the time the license is approved.

(c) Van licenses shall expire on December 31 of each year.

(d) Notwithstanding the provisions of subsection (a), nothing herein shall be construed as prohibiting a driver of a van which is licensed to operate in another city or town of the commonwealth from driving through Newton, or from accepting a passenger, passengers, packages or other merchandise within the city provided that:

- (1) said van is requested by or on behalf of said passenger or person requesting a package or merchandise pickup; and
- (2) said request is made by telephone, or by radio dispatch from the owner or operator's principal place of business which is located outside the city.

(e) For every license granted pursuant to this section there shall be paid, for the use of the city, the fee prescribed by section 17-3, which shall not exceed \$25.00 per van.

(f) *Procedure for obtaining first-time van license:* The city clerk shall send an application form for a van license to any person requesting the same upon receipt of a registration certificate for each vehicle for which a license is sought. Said form shall include all of the information set forth below. A separate license shall be required for each vehicle to be used by the applicant. Prior to the issuance of a license, applicant shall follow the procedures in Sec. 19-309(b) pertaining to police department inspection of each van to be licensed.

- (1) the name and address of the business and the names of the corporate officers, if any;
- (2) the name of the business manager or other person to contact in regard to complaints;
- (3) a copy of the business certificate from a municipality of the Commonwealth issued pursuant to G.L. c. 110, §5;
- (4) the total number of vans owned and operated by the business;
- (5) a copy of the vehicle registration for each van and a certificate of insurance indicating the amount of coverage for each van; the Vehicle Identification Number (VIN) and the odometer reading; and
- (6) Confirmation from the police department that the applicant has complied with the procedures in Sec. 19-309(b) pertaining to police department inspection for each van and that each such van has passed inspection.

~~confirmation that each van is:~~

~~a) equipped with working seatbelts in open view and available for use in all seating areas used by passengers; and~~

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~~b) kept in good condition, with the interior kept clean and suitable for occupancy and mechanically fit for the safety of passengers.~~

(g) *Procedure for renewal of van licenses:*

Beginning in September of each year, the city clerk shall send a renewal application form and a copy of this section, as may be amended from time to time, to each person who currently holds a van license. Said form shall include the following information for each vehicle: the vehicle registration number, the vehicle identification number (VIN) and odometer reading. A separate license shall be required for each vehicle to be used by the applicant. A copy of the registration certificate for each vehicle and a certificate of insurance indicating the amount of coverage for each vehicle shall accompany the application. Completed application forms shall be returned to the city clerk no later than September 30. The non-refundable fee for each license, as specified in section 17-3 of these Revised Ordinances, shall be paid to the city clerk at the time the completed license application is returned to the city clerk. Prior to the renewal of a license, applicant shall follow the procedures in Sec. 19-309(b) pertaining to police department inspection of each vehicle to be licensed

The public safety and transportation committee of the board of aldermen shall approve or deny each van license application at the first regularly scheduled meeting of said committee during the month of November of each year. The committee shall forward its recommendations for approval or denial to the full board of aldermen during the month of December of each year. The city clerk shall notify each applicant in writing as to the board's decision. (Ord. No. X-54, 5-19-03)

Sec. 19-340 Penalties.

Any person who violates any provision of sections 19-302 through 19-338, excluding section 19-330, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), and each day or part thereof during which a violation occurs or continues shall constitute a separate offense. (Ord. No. T-291, 8-9-93)

Secs. 19-340—19-345. Reserved.

Jackson Homestead Archives, Accessibility, and Fire Protection Project

- July 2008, \$37,500 approved for the design of the archives project
- 2009, Determined that accessibility is insufficient and needs to be brought up to current code
- May 2010, an additional \$63,845 approved to complete the design of the archives and accessibility project. Total project cost at this point was believed to be close to \$600,000.
- 2011, completed navigating through Mass Historic, MAAB, COD, CPC, and other internal departments.
- 2012-2013, completed the design, and in working with Newton History, the Fire Dept, and the CPC, we felt it was in the best interest to include a new Fire Protection System for the facility.

The total project cost is now \$845,897 and breaks down as follows:

\$101,345 already approved
\$640,552 amount currently requested
\$40,000 to be fundraised by Newton History
\$40,000 CDBG funds towards accessibility
\$24,000 private donations

The total project cost of \$845,897 is broken into three project areas as follows:

\$368,812 Archives
\$322,085 Accessibility
\$155,000 Fire Protection

In 2008, it was estimated that the Archives Project would cost close to \$375,000(construction), but this did not include Accessibility and Fire Protection. In 2010, it was estimated that the Archives and Accessibility Project would cost appx \$600,000(construction), but this did not include Fire Protection. In 2013, add in the \$155,00 for the Fire Protection, and the total design costs (\$101,345), and our estimates were always in line with the scope as it progressed.

Historic Newton/Jackson Homestead Accessibility, Archives Storage and Fire Suppression Project

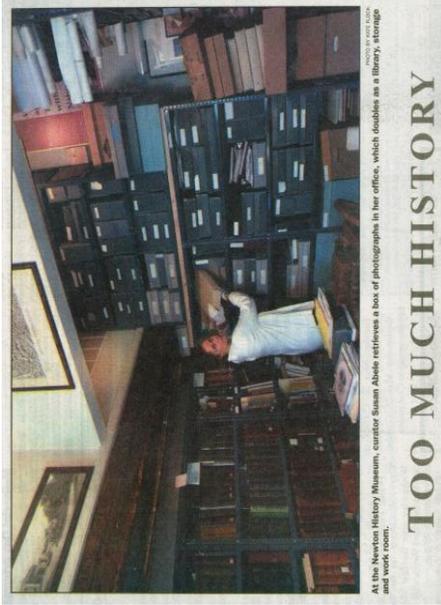
FY'14 Newton Community Preservation Proposal

Date: September 11, 2013



The Jackson Homestead and Museum

The Museum's Archival Collections are presently crammed into the 19th century post-and-beam wing of the Jackson Homestead, which lacks effective storage, handicapped access, climate control and fire protection.



Public Buildings with support from the Museum has requested **\$640,552** from the CPA funds to:

- 1) Provide building wide fire suppression
- 2) Make the building handicapped accessible
- 3) Renovate/Expand the Homestead wing to create a climate controlled, fire protected storage area for the preservation of the Museum's archival collections

Why are the Museum's Collections important?

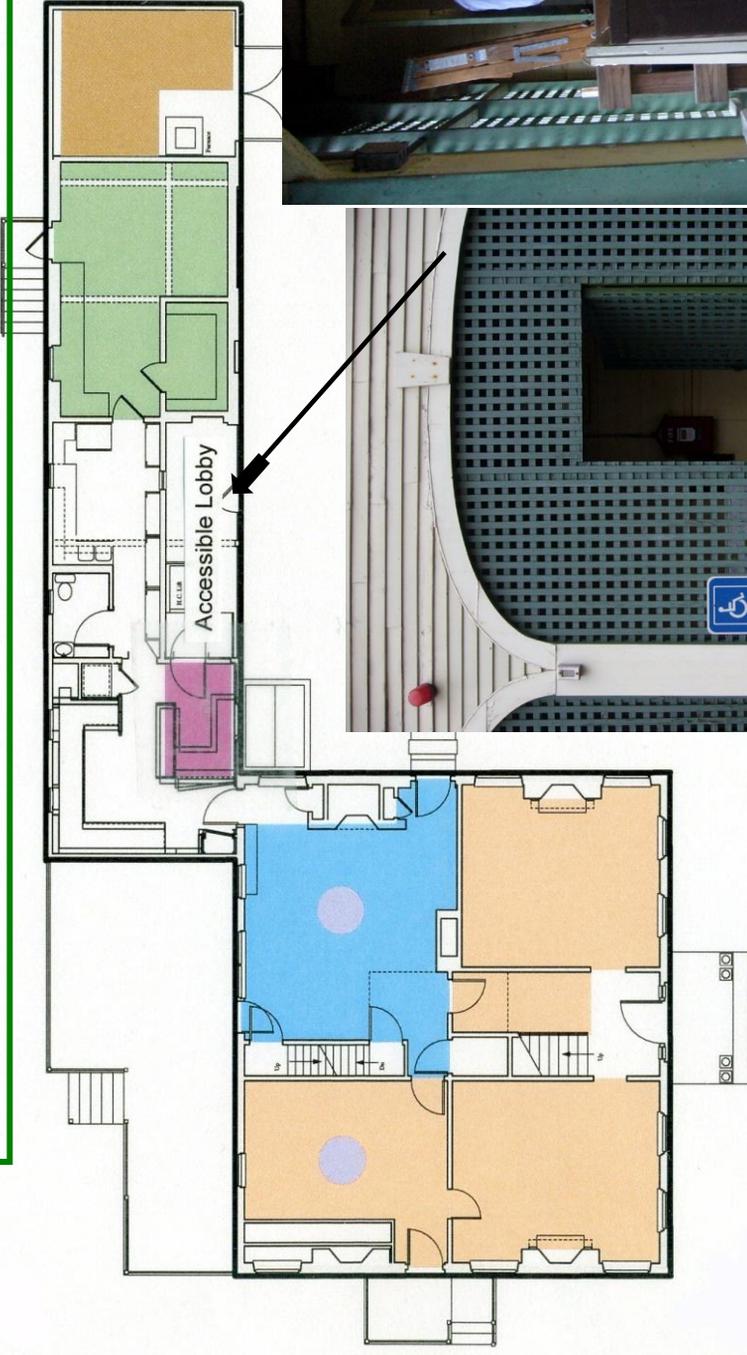
The Museum's Collections include public and private materials relating to the development of the City and its social, cultural, economic, and political life and used by a variety of citizens such as:

- Educators, scholars, high school students and genealogists
- Architects, builders, and real estate professionals
- Researchers working on exhibitions and academic, popular and news publications

The Collections include but are not limited to...

- 8,000 Historic Property Survey Files
- A complete collection of 19th- and early 20th-century Newton maps and atlases
- More than 5,000 photographs and over 10,000 slides including images of streetscapes, landscapes and historic locations
- Extensive post card and ephemera collection
- Family and business papers
- Genealogical records

Existing Conditions



Existing space use:

Green - Archives

Brown - Storage Garage

Pink- Exterior Accessible Lobby



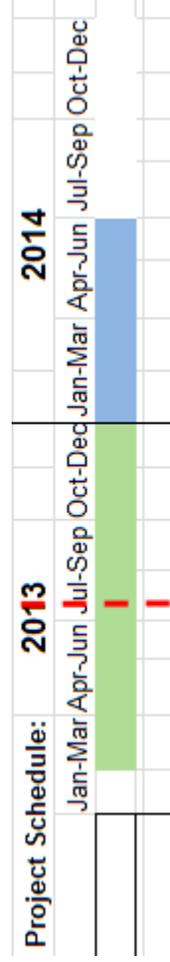
Blue - Multipurpose Room
Tan - Exhibit/Meeting Rms

The current accessible lobby will be enclosed to provide a clean, well-lighted, welcoming entrance to the Museum and to the Archives.

Historic Newton/Jackson Homestead Accessibility, Archives Storage and Fire Suppression Project

CPA funds: previously approved-	\$101,345
Total CPA Request for Rehabilitation project-	\$641,000
Matching funds:	
Newton History Fundraising Initiative-	\$40,000
CDBG funds toward Accessibility(ramp)-	\$40,000
<u>Anonymous contribution-</u>	<u>\$24,000</u>
Total Project Cost	\$845,897

If approved, the Museum's Archives and Access Project would begin in Jan'14 and will be completed in the early summer of 2014.



CAPITAL REQUEST (additional breakdown)

Historic Newton/Jackson Homestead Accessibility, Archives Storage & Fire Suppression					
Funding Sources					
	Totals:	CPA	CDBG	OTHER (private donations & grants)	NOTES
Design Costs	\$155,632			*	
Accessibility	\$65,316	\$65,316			
Archives	\$65,316	\$65,316			
Fire Suppression	\$25,000	\$25,000			
Construction inc. Contingency	\$612,765			*	
Accessibility	\$256,769	\$216,769	\$40,000		<i>Committed</i>
Archives	\$225,996	\$225,996			
Fire Suppression	\$130,000	\$130,000		*	
Other	\$77,500			\$24,000	<i>Committed</i>
Collections storage & moving	\$27,500	\$3,500			
FFE- Furniture, Fixtures & Equipment	\$50,000	\$10,448		\$39,552	<i>raised by JH</i>
Project Totals:	\$845,897	\$742,345	\$40,000	\$63,552	
Funds Previously Appropriated:		(\$101,345)			
Funding Recommendation:		\$641,000			

JULY 11, 2013 RECOMMENDATION:

By a vote of 6-0, the Community Preservation Committee recommended appropriating #83-10(2) \$641,000 from the Community Preservation Fund to the Public Buildings Department for the purposes described in the above budget summary.



Setti D. Warren
Mayor

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

Commission on Disability

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www.newtonma.gov

Candace Havens
Director

September 10, 2013

The Honorable Anthony Salvucci
Chair, Public Facilities Committee
Members, Public Facilities Committee
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Alderman Salvucci and Members of the Public Facilities Committee:

On behalf of the Commission on Disability, we are voicing our support for approval of the additional requested Community Preservation Act funding for the Jackson Homestead/Newton History Museum Archives, Accessibility, and Fire Suppression project.

The Commission on Disability has invested significant funding and time into this important project, and believes that the project must proceed. We are the primary advisory committee on Community Development Block Grant (CDBG) funding for architectural access projects. We supported this project and recommended that \$40,000 in CDBG funds go toward building an accessible ramp into the Jackson Homestead/Newton History Museum building. Mayor Warren approved the use of funds for the ramp, which is one of the many accessibility upgrades that are included in the Archives, Accessibility, and Fire Suppression project scope. We then worked with the Public Buildings Department in their request for several variances from the regulations of the Massachusetts Architectural Access Board related to the project, finding appropriate solutions to ensure accessibility within an historic property.

The additional funds the Public Buildings Department is requesting will allow the necessary Jackson Homestead/Newton History Museum Archives, Accessibility, and Fire Suppression project to be completed. We hope that you will support the request and agree with the Commission on Disability that this project is critical to ensuring that all people can visit the Museum and learn about our City's proud history.

Please do not hesitate to contact us if you have any questions or concerns about the contents in this letter.

Sincerely,



Robert Caruso, Co-Chair
Commission on Disability



Girard A. Plante, Co-Chair
Commission on Disability

CITY OF NEWTON
IN BOARD OF ALDERMEN

?? September 2013

ORDERED:

That, in accordance with the recommendations of the Community Preservation Committee (CPC) through its Chairman, Leslie Burg; the Public Facilities Committee through its Chairman Alderman Anthony Salvucci; and the Finance Committee through its Chairman Alderman Leonard J. Gentile, the transfer of previously appropriated funds and an additional appropriation of six hundred forty-one thousand dollars (\$641,000) from the historic resources fund balance of the Community Preservation Fund as shown below, to be expended under the direction of the Public Buildings Department to complete the Museum Archives, Accessibility & Fire Suppression project, as detailed in the CPC's July 2013 funding recommendation to the Board of Aldermen.

Part A. Balance and encumbrances as of the effective date of this order:

From: Museum Archives Preservation (21B60304-5301)
To: Museum Archives, Accessibility & Fire (21B6011504)

Part B. Newly appropriated funds:

From: CPA historic resources fund balance (21-3321B)\$641,000
To: Museum Archives, Accessibility & Fire (21B6011504).....\$641,000

CITY OF NEWTONIN BOARD OF ALDERMENFINANCE COMMITTEE REPORT

MONDAY, JULY 8, 2013

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Blazar, Fuller, and Lappin

Absent: Ald. Rice

Also present: Lou Taverna (City Engineer) Reiko Hayashi (Housing Planner), Rob Muollo (Housing Planner), Jim Robertson (Community Preservation Committee Member), Bruce Proia (Fire Chief), and Maureen Lemieux (Chief Financial Officer)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#227-13 HIS HONOR THE MAYOR requesting authorization to enter into an Inter-Municipal Agreement with the Town of Wellesley detailing Wellesley's obligation to fund half of the construction contract costs associated with structural repairs to the jointly owned Wales Street Bridge. [06/10/13 @ 6:54 PM]

ACTION: **APPROVED 7-0**

NOTE: The Committee reviewed the request to authorize an agreement with Wellesley for the repair of the Wales Street Bridge, which is jointly owned by Newton and Wellesley. The agreement states that the Town of Wellesley is responsible for half of the construction costs for the repair of the bridge.

The Committee asked for the total estimated cost of the project. City Engineer Lou Taverna responded that the cost is expected to be about \$650,000. Mr. Taverna also informed the Committee that the Town of Wellesley has capped their share of the project at \$400,000. The Committee expressed a concern about the hard cap of \$400,000 in the event bids come in higher. City Engineer Lou Taverna will speak with the Town of Wellesley to discuss the possibility that bids could come in higher resulting in a more expensive project. With that, Ald. Ciccone moved approval, which carried unanimously.

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#316-12(2) COMMUNITY PRESERVATION COMMITTEE recommending the
(#55-13) appropriation of four hundred seventy-five thousand dollars (\$475,000) to the Planning and Development Department to continue the Newton Homebuyer Assistance Program as described in the proposal amended in December 2012. [01/25/13 @ 12:33 PM]

ZONING & PLANNING APPROVED 6-0 on 02/11/13**ACTION:** **HELD 7-0**

NOTE: The Docket request was discussed in February 2013 and held as several Committee members had questions regarding the asset requirements. Housing Planner Reiko Hayashi reviewed the request for \$475,000 to recapitalize the Newton Homebuyer Assistance

Program with the Committee. The funds would be used to assist three homebuyers, increase the subsidy from \$115,000 to \$150,000, and create an asset limit, which had not existed previously. The asset limit would be consistent with the State's limit of \$75,000.

At the previous meeting, the Committee requested that the Law Department provide information on whether the City could legally use an asset limit lower than the \$75,000 used by the State and whether the City is required to include retirement accounts in their income and assets determination for eligibility. The Law Department provided the attached memorandum, which states that the City can have a lower asset limit but the State's Department of Housing and Community Development (DHCD) does not advise it. The DHCD set the \$75,000 as the asset limit as it would allow a homebuyer a cushion for repairs and replacements related to the home.

The memorandum also includes a response to the question of whether retirement accounts can be excluded from income and asset calculations. The City cannot exclude retirement assets from asset determination without decreasing the State's calculation of the number of affordable housing units in Newton. The City follows the federal and state requirements in order to have the affordable units calculated as part of the subsidized housing inventory.

The Chairman was still troubled that the City could be giving a homebuyer up to \$150,000 and that homebuyer could have \$75,000 in the bank. On the other hand, it seems like retirement accounts should not be included, as you want people to save for retirement. There was also concern among the Committee members regarding a sentence in the memo that inferred that there was a possibility that a housing unit that was purchased with Homebuyer Assistance Program funds could be removed from the subsidized housing inventory if sold. It is the Committee's understanding that once a unit is designated as affordable, it remains affordable in perpetuity. The Committee asked under what circumstances a unit could be removed from the subsidized housing inventory Ms. Hayashi explained that when an owner notifies the Planning Department that they are selling the property, the department requires them to sell the housing unit as an affordable unit in accordance with the deed restriction. The Committee would like to ask the Associate City Solicitor Marie Lawlor about that sentence in the memorandum to determine what she meant.

Housing Planner Rob Muollo added that it would be a rare occasion that the City would not find a subsequent buyer that meets the guidelines for affordable housing to continue to use the housing as affordable housing. If the City were unable to find a buyer that meets the guidelines, the City does have safeguards in place. If a buyer cannot be found on resale, the City has the authority to purchase the property for a short time period until a buyer who meets the qualifications can be found.

The Chairman asked if Attorney Lawlor's memorandum is referring to a possible quick sale because of a default of mortgage. The deed restriction that is recorded with the Registry of Deeds gives the City 120 days, then another 60 days and then if a buyer cannot be found there is an opportunity to sell to a non-profit. There has never been a case where the City has had to take responsibility for a unit but that would be a last resort to keep the unit as affordable. The City operates the program on first come basis but there is a pre-screening process to ensure that they

are eligible to buy. There are currently six first time homebuyers that have been pre-qualified; however, the pre-qualification expires after six months. Ms. Hayashi provided the attached handout that includes details of three real cases of program participant financials and the homebuyer process.

In one of the sample cases, the program participant provided a 10% down payment and the Committee members asked if the Planning Department had asked that person to make a 10% down payment. Ms. Hayashi explained that the bank asked that the homebuyer provide a 10% down payment, as the homebuyer had a smaller income but a healthy savings account and by putting 10%, it would reduce the monthly mortgage payment.

The Chairman stated that he has no problem with the income guidelines but is still concerned with the asset limit. The Chairman would feel better about the program if the Planning Department were looking at a potential homebuyer's asset situation and if the assets are healthy, encouraging that there be a 10% down payment instead of a 5% down payment without changing the homebuyer assistance requirements. The Chairman would like the item held in order to have an opportunity to discuss with the Director of Planning and Development and the City Solicitor whether the encouragement of a larger down payment is appropriate. With that, Ald. Ciccone moved hold, which carried unanimously.

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#226-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of two hundred thousand dollars (\$200,000) from Fire/Rescue Salaries to a capital account for Fire Department Equipment. [06/10/13 @ 6:54 PM]

PS&T APPROVED 6-0 on 06/19/13

ACTION: APPROVED 7-0

NOTE: The Committee is being asked to authorize a transfer of \$200,000 within the Fire Department from salary savings to a new account for capital equipment. Chief Proia explained that the funds would be used to buy a piece of equipment to improve the efficiency and operation of the department. The Chief would like to purchase a mobile cascade system with the funds, which would be used to fill firefighters' self-contained breathing apparatus. Currently, there is a fixed cascade system housed at Station 3. If there is a fire and the supply of bottles of air is depleted, the firefighters must go to Station 3 to fill the bottles. While the firefighters are without filled air bottles, they are not eligible to respond to a call. The mobile rig would be transported to the scene of an incident and firefighters would fill their air bottles on site. Ald. Ciccone moved approval, which carried unanimously.

Appointment by President Lennon

#213-13(2) ALDERMAN RUTHANNE FULLER appointed pursuant to the City of Newton Other Post-Employment Benefits Trust Agreement (OPEB) established in #209-10(4) as the Board of Aldermen representative to the OPEB Trust Fund for a term of office to expire June 30, 2015. [06-13-13 @5:03 PM]

ACTION: APPROVED 6-0 (Fuller recused)



Setti D. Warren
Mayor

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

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Candace Havens
Director

Community Preservation Committee
MEMORANDUM

Docket Item
55-13

date: 10-17 September 2013
from: Rieko Hayashi, Housing Planner, Planning & Development Dept.
Alice Ingerson, Community Preservation Program Manager
to: Board of Aldermen, Finance Committee
cc: Candace Havens, Director of Planning & Development
about: **Newton Homebuyer Assistance Program:**
financial reserves advice to provided applicants in required education/counseling

All applicants for this program are required to complete both a First-Time Homebuyer class and a Post-Purchase Homebuyer class as a prerequisite for receiving Newton CPA funds These courses teach the fundamentals of purchasing a home as well as financial and credit counseling and foreclosure prevention, including the following advice about financial reserves:

- Pre-purchase Homebuyer Counseling encourages buyers to have at least 3 months of living expenses in addition to downpayment and closing costs as a financial cushion when purchasing a home.
- Buyers are encouraged not to liquidate any retirement accounts until they meet with the bank and see what they will be pre-approved for and what is their financial gap.
- Post-purchase homebuyer counseling encourages new homeowners to put away reserves for emergency maintenance and repairs. Some counseling agencies encourage setting aside at least 1 to 3 months of salary and others encourage putting away at least 1% of the sales price. For condominium purchases, this is on top of the reserve funds that are included the condo fees.
- Most buyers also continue with post-purchase one-on-one financial counseling, which advises them on putting savings in tax-deferred accounts for retirement, college and health care.

The CPC hopes the Finance Committee would be comfortable reporting this item out to the full Board with a framework statement reflecting the concerns the Committee has expressed in its discussions, perhaps based on this draft:

The Finance Committee supports continued funding of the Newton Homebuyer Assistance program based on the understanding that the Planning Department will offer each applicant the minimum feasible financial assistance from Newton CPA funds, while allowing applicants to retain, within the program's new asset limit:

- the minimum financial reserves for future home repairs, loss of employment, etc. recommended by the homebuyer education and financial counseling that applicants are required to complete,
- plus any savings the applicant has set aside in tax-deferred accounts for retirement, college, or similar long-term needs.

website www.newtonma.gov/cpa

contact Alice E. Ingerson, Community Preservation Program Manager

email aingerson@newtonma.gov phone 617.796.1144

#286-13(2)



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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E-mail
swarren@newtonma.gov

September 9, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to authorize the appropriation of \$37,500,000 and authorize a general obligation borrowing of an equal amount for the purpose of funding the replacement of the A.E. Angier Elementary School.

As you know, the citizens of the City of Newton approved a Debt Exclusion Ballot Question on March 12, 2013, by a count of 9,904 "Yes" votes to 7,893 "No" votes, to allow the City of Newton to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bonds issued in order to renovate or replace the A.E. Angier Elementary School.

The Massachusetts School Building Authority is scheduled to vote on the Project Scope and Budget on October 2, 2013. Per MSBA requirements, the total amount of the project must be authorized. The Total Project Budget is estimated not to exceed \$37,500,000 with an anticipated minimum MSBA Facilities Grant of \$10,000,000, for an estimated maximum local share of \$27,500,000.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Setti D. Warren".

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2013 SEP -9 PM 2:03
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov

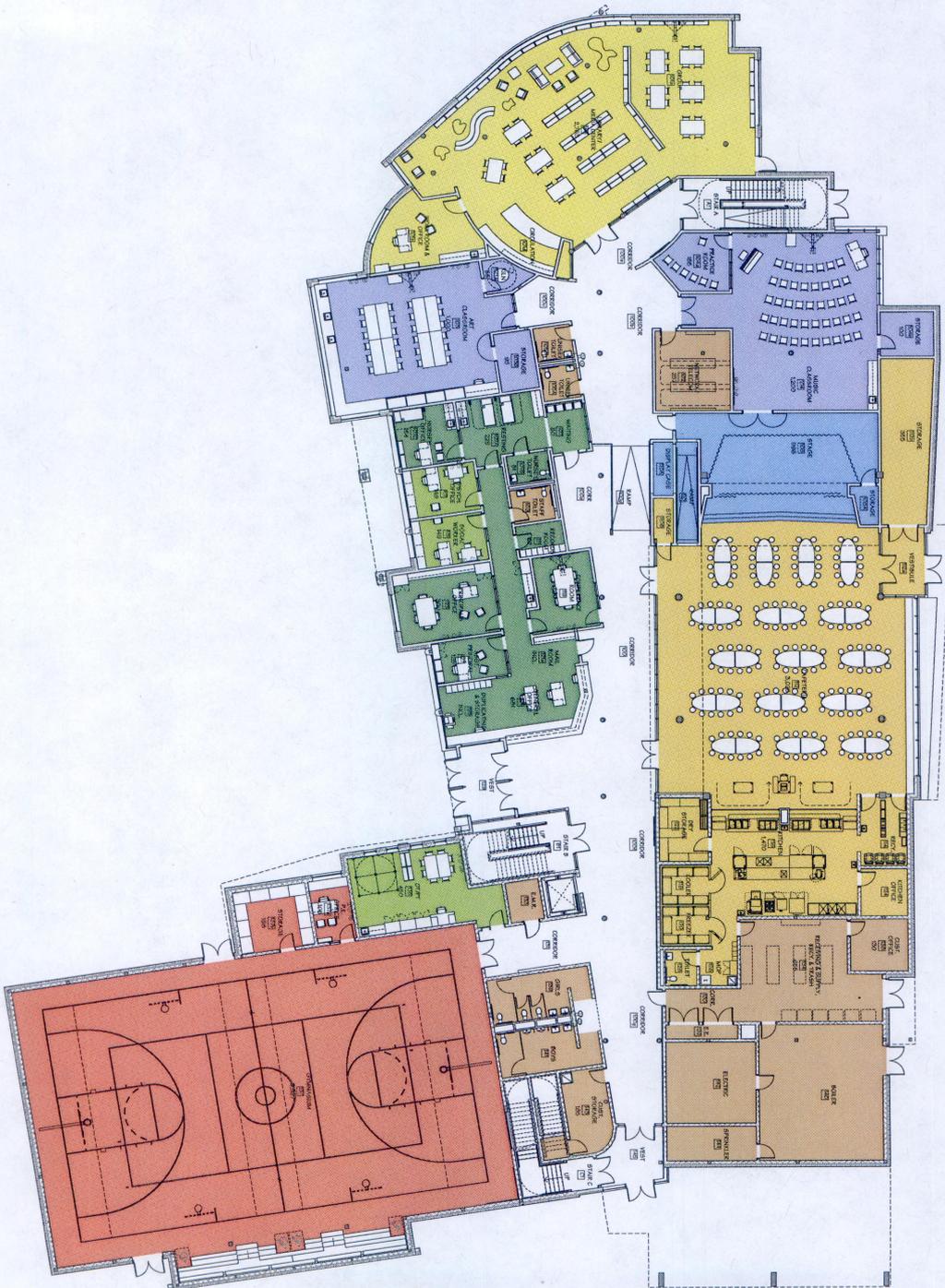


DEDICATED TO COMMUNITY EXCELLENCE

Overall Site Plan

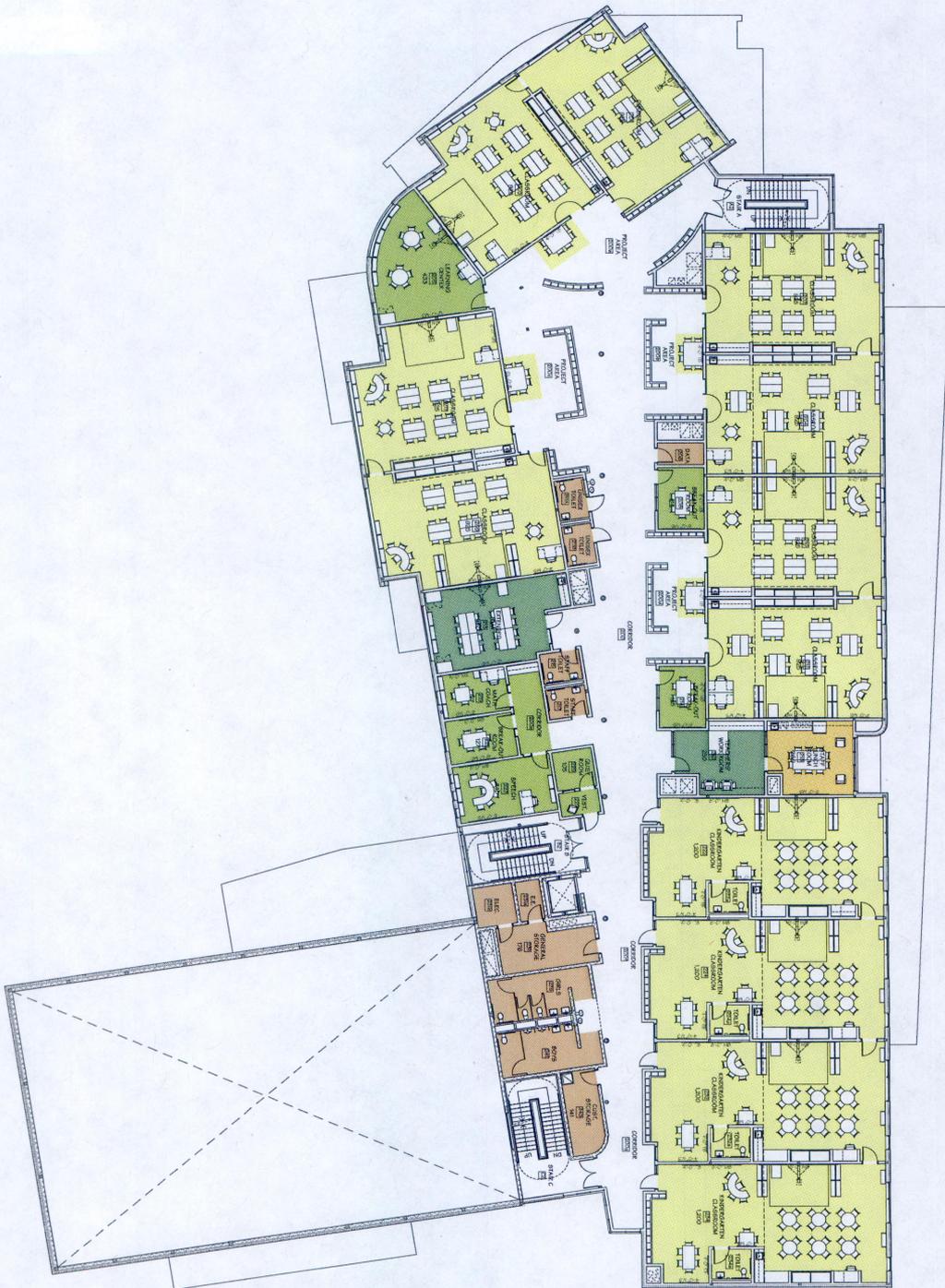


First Floor Plan



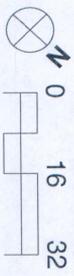
LEGEND	
CLASSROOM	YELLOW
STAGE	GREEN
MEDIA CENTER	BLUE
ART / MUSIC	BROWN
GYMNASIUM	RED
CAFETERIA / KITCHEN	ORANGE
ADMINISTRATION	PINK
BUILDING SERVICES	GREY
CIRCULATION	WHITE

Second Floor Plan



LEGEND

CLASSROOM
STAGE
GYMNASIUM
CAFETERIA / KITCHEN
ADMINISTRATION
BUILDING SERVICES
CIRCULATION



Third Floor Plan



LEGEND

CLASSROOM
STAGE
MEDIA CENTER
ART / MUSIC
GYMNASIUM
CAFETERIA / KITCHEN
ADMINISTRATION
BUILDING SERVICES
CIRCULATION



Aerial View



CITY OF NEWTON, MASSACHUSETTS
 NEW ANGLIER ELEMENTARY SCHOOL CAPITAL PROJECT FUND
 PROJECT BUDGET - LEGAL LEVEL OF CONTROL

	Original Budget BO# 40-12	Revisions	Pending #286-13(2)	Amended Budget
TRANSFER - GENERAL FUND	\$ 750,000.00	-	\$ 36,750,000.00	\$ 750,000.00
BOND SALE PROCEEDS {1}	-	-	-	36,750,000.00
Total Financing Budget	750,000.00	-	36,750,000.00	37,500,000.00
FEASIBILITY STUDY	750,000.00	-	(32,341.00)	717,659.00
PROJECT ADMINISTRATION	-	-	970,000.00	970,000.00
ARCHITECTURE & ENGINEERING	-	-	2,491,100.00	2,491,100.00
PRE-CONSTRUCTION SERVICES	-	-	123,600.00	123,600.00
CONSTRUCTION	-	-	26,231,698.00	26,231,698.00
SITE IMPROVEMENTS	-	-	836,069.00	836,069.00
OFF-SITE IMPROVEMENTS	-	-	3,112,190.00	3,112,190.00
FURNITURE/FIXTURES/EQUIPMENT	-	-	1,116,000.00	1,116,000.00
OTHER PROJECT COSTS	-	-	230,000.00	230,000.00
CONSTRUCTION CONTINGENCY {2}	-	-	1,311,474.00	1,311,474.00
OWNER'S CONTINGENCY {3}	-	-	360,210.00	360,210.00
Total Expenditure Budget	750,000.00	-	36,750,000.00	37,500,000.00

{1} To be reduced by MSBA grant reimbursements.

{2} Transfers from the construction contingency may be made with the prior approval of the Mayor.

{3} Transfers from the owners contingency may be made upon the recommendation of the Mayor and approval of the Board of Aldermen

#322-12(4)



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
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August 5, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to adjust the FY2014 Budget Board Order for the Public Buildings Department by making the following adjustment:

Reduce Capital Expenditures by \$150,000

0111502-5825 Municipal Building Maintenance – Building Improvements \$150,000

and

Increase Expenditures by \$150,000

0111502-52407 Municipal Building Maintenance – Public Buildings R&M \$150,000

This transfer will correct the original intent to create a non-lapsing account for small capital projects.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2013 AUG -5 PM 1:59
David A. Olson, CMC
Newton, MA 02459



#281-12

from
Harry Sanders
09/17/13

eCommerce Pawnbroker License

Today's youth are surprisingly more advanced technologically than previous generations. The opportunity of engaging Newton's youth in e-commerce such as eBay and craigslist creates global marketability for unexplored parochial product resource. Our observations have found a gap between generations internet proclivity with senior citizens shying away, while youth are aggressively pursuing ecommerce opportunities

What is a pawnbroker? N. *pawnbroker* - a person who lends money at interest in exchange for personal property that is deposited as security.

The idea of collateralizing a loan is a personal decision; optioning for either loan or outright sale is attractive in today's economy. Terms of collateralization vary with a standard minimum of 30 days, municipalities can regulate the period. With the internet, potential sale can begin before expiration of reclaim period, expediting cash flow sale receipts. Items which are in secure storage are not for viewing by the general public, are law enforcement accessible and secured by 24/7 security.

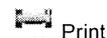
Mass. General Law chapter 140 sec70 provides: *The police commissioner of Boston, the license commission of Lowell, the aldermen of any other city, or the selectmen of any town, if ordinances or by-laws therefor have been adopted in such city or town, may license suitable persons to carry on the business of pawnbrokers in such city or town, subject to sections two hundred and two to two hundred and five, inclusive, and may revoke such licenses at pleasure.* The traditional pawnbroker license relies upon a fixed location, which would not be in keeping with community values. Imagine a pawn shop at the crossroad of Beacon & Langley, a controversial location to say the least. With the digital age the general licensing of the person rather than the place of business delves into municipal trust and affirmation of character building, mirroring intrinsic values of the community.

Engaging Newton youth in ecommerce with an ecommerce pawnbroker license provides financial support for college bound students, an assurance of quality transactions for at-home seniors, and a waste stream reduction. Many of Newton's Senior citizens have valuable and marketable hidden treasure and are fearful of engaging an internet scammer in fraudulent internet transactions. The ability for elders and the general populous of Newton to convert items into cash could certainly be an asset.

Our entrepreneurial program recognizes global 'supply & demand' technique in a struggling economy. The EPB is a novel approach for the integration of government supported restrictions, enhanced internet commerce practice, and an incentive for instilling moral values in our free enterprise society.

Implications for recovering stolen property: The Newton Police Department property locker is burdened with recovered items. Unclaimed items are displayed on a national website designed for law enforcement. Youth savvy of underground dealings would be in a position to aid law enforcement in many different ways by turning those unclaimed items into potential funds for the City of Newton. The state's internet sales tax calls for a taxing plan without any apparent benefit or reward to the participant. The EBP is a step in recognizing the vitality of international commerce brought home to the local level.

RECEIVED
Newton City Clerk
SEP 17 AM 8:10
Davis A. Quinn, Clerk
Newton, MA 02459



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140 LICENSES

Section 70 Licensing of pawnbrokers; governing statutes; revocation

Section 70. The police commissioner of Boston, the license commission of Lowell, the aldermen of any other city, or the selectmen of any town, if ordinances or by-laws therefor have been adopted in such city or town, may license suitable persons to carry on the business of pawnbrokers in such city or town, subject to sections two hundred and two to two hundred and five, inclusive, and may revoke such licenses at pleasure.



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140 LICENSES

Section 71 Retention of articles; sale; disposition of proceeds; notice; other disposition; personal apparel

Section 71. Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least four months after the date of deposit, if not of a perishable nature; and, if perishable, for at least one month after said date. After the expiration of the applicable period of time, he may sell the articles by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand; provided, that no such sale of any article which is not of a perishable nature shall be made unless not less than ten days prior to the sale a written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus as aforesaid, addressed to his residence, as appearing in the records of such pawnbroker. No article taken in pawn by such pawnbroker exceeding twenty-five dollars in value shall be disposed of otherwise than as above provided, any agreement or contract between the parties thereto to the contrary notwithstanding. Articles of personal apparel shall not be deemed to be of a perishable nature within the meaning of this section.



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140 LICENSES

Section 72 Interest rate; penalty

Section 72. The authorities which issue such licenses may fix the rate of interest which such pawnbrokers may receive on loans, and may fix different rates which may be received for different amounts of money lent; and no licensed pawnbroker shall charge or receive a greater rate of interest than that so fixed. Any such pawnbroker who violates any provision of this or the preceding section shall be punished by a fine of not more than fifty dollars.



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 140 LICENSES

Section 73 Entry upon premises; investigation; examination of articles, books and inventories

Section 73. The chief of police of a city, the selectmen of a town, any officer authorized by either of them, or a state police officer may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto. Every such pawnbroker, his clerk, agent, servant or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books and inventories.



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Section 74 Obstruction of entrance or examination by officer; failure to exhibit items demanded

Section 74. A licensed pawnbroker, clerk, agent or other person in charge of such premises who refuses to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who wilfully hinders, obstructs or prevents such officer from entering the premises or from making the examination authorized in the preceding section, shall be punished by a fine of not more than two hundred dollars or by imprisonment for not more than one year, or both.



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Section 75 Unlicensed business

Section 75. Whoever, not being licensed, carries on such business or is concerned therein within such town, or, being licensed, carries on such business or is concerned therein in any other place or manner than that designated in his license or after notice to him that his license has been revoked shall be punished by a fine of not more than fifty dollars.



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Section 76 Loans on personal property; purchases on condition of reselling; exceptions

Section 76. No person shall, in any city or in any town of ten thousand or more inhabitants, engage in or carry on the business of loaning money upon mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property, or of purchasing such property on condition of selling it back again at a stipulated price, unless he is licensed as a pawnbroker; but this and the six following sections shall apply only if such property is deposited with the lender, and shall not apply to loans made upon stock, bonds, notes or other written evidences of ownership of property or of indebtedness to the holder or owner of any such securities.



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Section 77 Fee; bond

Section 77. The fee for a license as a pawnbroker or renewal thereof shall be established in a town by town meeting action and in a city by city council action, and in a town with no town meeting by town council action, by adoption of appropriate by-laws and ordinances to set such fees, but in no event shall any such fee be greater than one hundred dollars. The licensee shall, at the time of receiving such license, file with the authorities who issue the license a bond to such city or town, in the sum of three hundred dollars, with two sureties approved by such authorities, and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.



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Section 78 Regulations; interest rate

Section 78. The authorities who grant licenses to pawnbrokers shall establish regulations, to the satisfaction of the commissioner of banks, relative to the business carried on and the rate of interest to be charged by them, and a pawnbroker shall not charge or receive upon any loan a greater rate of interest than that fixed by the licensing authorities.



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Section 79 Record book; information furnished to authorities

Section 79. Every pawnbroker shall keep a book in which, at the time of making a loan, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers, of the articles pawned, the amount of money loaned thereon, the time of pawning them, the rate of interest to be paid on such loan, and the name and residence of the person pawning such articles, and shall furnish a correct record of such transactions, containing all such information, once a week, or oftener if required, to the licensing authorities or to any person designated by them. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with said books as part of his records.



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Section 80 Memorandum for pawner; charge

Section 80. Every such pawnbroker shall, at the time of making such loan, deliver to the person who pawns any article a memorandum or note signed by him and containing the substance of the entry required by the preceding section. No charge shall be made or required by any pawnbroker for such entry, memorandum or note.



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Section 81 Inspection of books

Section 81. Said book shall at all reasonable times be open to the inspection of the mayor, of the members of the board of police, of the superintendent of police and deputy superintendents, of the chief inspector of police, of any officer of the state police or of any person authorized by them in writing for that purpose who exhibits such written authority to such pawnbroker.



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Section 82 Penalty

Section 82. Whoever violates any provision of the six preceding sections shall be punished by a fine of not less than fifty nor more than three hundred dollars or by imprisonment for not more than two months, or both.

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Section 82A Violations of Sec. 79; liability of pawnbroker

Section 82A. Any pawnbroker who violates the provisions of section seventy-nine in reference to articles pawned which are found to be stolen articles shall be liable for the loss incurred by the loan, and the pawned article may be reclaimed by the owner of the same.



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Section 83 Tools; purchase or pawn; record book; signature of seller or pawner

Section 83. When a licensed pawnbroker buys or takes in pawn any tool such as is used by contractors, builders or mechanics, he shall enter in a book kept for that purpose a description of the same and the amount paid for or loaned upon the same, and shall cause the person offering such tool for sale or for pawn to sign his name and address therein. The pawnbroker shall also write therein the name and address of the said person.



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Section 84 Wrong name or address of seller or pawner

Section 84. Any person thus offering any tool for pawn or for sale who signs a wrong name or address shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than six months. Any pawnbroker who knowingly writes the wrong name or address of a person thus offering a tool for sale or for pawn, or knowingly permits the signing of such wrong name or address, shall be fined one hundred dollars for the first offence, and upon a second offence his license shall be revoked, and he shall not be permitted to conduct the business of pawnbroker in the commonwealth for one year.

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Section 85 Statutes not applicable

Section 85. The provisions of sections eighty-six to one hundred and twelve, inclusive, shall not apply to licensed pawnbrokers.



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Section 202 Signature on, record, contents and term of licenses; fees

Section 202. Licenses granted elsewhere than in Boston to dealers in junk, old metals and second hand articles, junk collectors, pawnbrokers and keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, roller skating rinks, carousels, inclined railways, Ferris wheels, outdoor exhibitions of fire fighting for the amusement of the public and picnic groves shall be signed by the clerk of the city or town where they are granted. Every such license shall, before being delivered to the licensee, be recorded by such clerk, in a book kept for that purpose. Such license shall set forth the name of the licensee, the nature of the business, and the building or place in such city or town in which it is to be carried on, and shall continue in force until May first following unless sooner revoked. The board or officer issuing such a license shall, except as provided in section seventy-seven, receive for the use of the city or town such amount, not less than two dollars for each license, as the board or officer considers reasonable. In Boston licenses for billiard saloons, pool or sippio rooms or tables, bowling alleys and picnic groves shall be signed by the licensing board and recorded by its clerk and licenses for roller skating rinks, carousels, inclined railways, Ferris wheels and outdoor exhibitions of fire fighting for the amusement of the public shall be signed by the mayor and recorded by his clerk; the other licenses referred to in this section shall be signed by the police commissioner and recorded by his clerk.



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Section 205 Revocation of license; record; notice

Section 205. Upon the revocation of such a license, such clerk shall note the revocation upon the face of the record thereof, and shall give written notice to the licensee by delivering it to him in person or by leaving it at the place of business designated in the license.