

CITY OF NEWTON

IN BOARD OF ALDERMEN

SPECIAL JOINT MEETING

PUBLIC FACILITIES AND FINANCE COMMITTEES REPORT

MONDAY, JULY 14, 2014

Finance Committee members present: Ald. Gentile (Chairman) Ciccone, Norton, Blazar, Fuller; and Lappin; Finance Committee members absent: Ald. Rice; 1 vacancy
Public Facilities Committee members present: Ald. Crossley (Chairman), Lennon, Albright, Gentile, Danberg, Laredo and Lappin; 1 vacancy
City staff present: Robert Waddick (Assistant City Solicitor) and John Daghlian (Associate City Engineer)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#259-14 HIS HONOR THE MAYOR recommending that the Board of aldermen acquire a permanent and temporary drain and sewer easement through an eminent domain taking in the private land of Lasell College from Aspen Avenue to Seminary Avenue, a distance of 320' ±, and award damages to Lasell College in the amount of five thousand five hundred dollars (\$5,500) to be appropriated from the Law Department Settlements and Judgments Account.

AMEND ITEM TO PART A AND PART B

A) TAKING ORDER AND DAMAGES

**B) AUTHORIZATION TO ENTER AGREEMENT WITH LASELL AND
TRANSFER OF \$50,000 FROM SEWER RESERVE ACCOUNT TO
SEWER LEGAL SETTLEMENTS ACCOUNT TO FUND THE \$5,500
IN DAMAGES RELATED TO TAKING AND A MAXIMUM OF
\$44,500 FOR PHOTOVOLTAIC SOLAR SYSTEM FOR LASELL
VILLAGE BUILDING PER AGREEMENT**

ACTION: **PUBLIC FACILITIES APPROVED AS AMENDED 7-0**
FINANCE APPROVED AS AMENDED 6-0

NOTE: The original item was docketed and discussed and approved by the Public Facilities Committee on June 18, 2014. During that meeting, it was explained that there was substantial disagreement between the City and Lasell College regarding the value of the land to be taken. The City's appraiser valued the land at \$5,500 and the college's appraiser valued the land at \$250,000. Before docketing the request, the Mayor and the Chair of the Finance Committee met with the President of Lasell College to try to negotiate an agreement on the value of the easement. Unfortunately, an agreement was not reached, as the two sides could not agree on how much the City should compensate Lasell College and the Mayor decided to move forward with the taking.

Since the Public Facilities Committee meeting, a representative of the college approached the City with a possible agreement before the Finance Committee discussion, which was

scheduled for June 23, 2014. The Finance Committee held the item at the June 23, 2014 meeting in order for the City to meet and discuss an agreement. The City and Lasell College have reached a tentative agreement regarding compensation for the temporary and permanent easements.

The agreement stipulates that the City will award damages of \$5,500 for the taking of both easements and pay up to fifty percent of the cost of a photovoltaic solar system for a Lasell Village building up to a maximum of \$44,500. In addition, the City will connect one Lasell College building and one Lasell Village building to the new sewer mains when they are constructed. The funding of the \$5,500 for damages and the \$44,500 will be transferred from the Sewer Fund Operating Reserve to the Sewer Legal Settlements Account. The original docket request stated that the \$5,500 was to be appropriated from the Law Department Settlements and Judgments Account.

The City's maximum monetary exposure is \$50,000 and the cost of labor to connect the two Lasell buildings. The agreement negates any need for the City to build a pumping station at a cost of approximately \$500,000 and it eliminates any possibility of Lasell College filing a claim against the City. In addition, the agreement resolves a possible hostile situation with Lasell College.

There were questions about how the \$50,000 amount was reached. Assistant City Solicitor Bob Waddick informed the Committees that Chief of Staff Maureen Lemieux was the best person to answer that question. He added that if the Committees wanted to discuss the agreement, he would advise that the Committees have the discussion in an executive session. The Chair of Finance provided some background information on the \$50,000. After he and the Mayor met with the President of Lasell College, the Mayor discussed offering more than the \$5,500 award for damage but it was determined that even the increased offer would not be enough to sway the President of Lasell College.

Members of both Committees concurred that the agreement was reasonable and appropriate for both the City and Lasell College. Ald. Albright moved substitution of the Public Facilities Committee's original recommendation of approval and moved approval as amended by splitting the item into Part A and Part B. Part A is the taking of the temporary and permanent easements and the award of \$5,500 damages. Part B authorizes the Mayor to enter into the agreement with Lasell College, transfer the \$50,000 from Sewer Reserve Account to Sewer Legal Settlements Account to fund the \$5,500 in damages related to taking and a maximum of \$44,500 for photovoltaic solar system for a Lasell Village building and connect the two Lasell buildings to the City sewer per agreement. The motions for substitution and approval of the item as amended carried unanimously. A motion for approval as amended was made and carried unanimously in the Finance Committee.

All other items before the Committees were held without discussion.

Respectfully Submitted,

Deborah Crossley, Public Facilities Chairman
Leonard J. Gentile, Finance Chairman