

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

WEDNESDAY, OCTOBER 1, 2014

Present: Ald. Gentile (Chairman), Ciccone, Norton, Rice, Blazar, and Fuller

Absent: Ald. Lappin; 1 vacancy;

Also present: Ald. Albright, Crossley, Johnson, Laredo, Leary, Lennon, and Yates

City staff present: Maureen Lemieux (Chief of Staff/Chief Financial Officer)

#255-14 HIS HONOR THE MAYOR recommending that 1316 Beacon Street, 1330 Beacon Street, and 1338 Beacon Street, including trees and structures on the properties, be acquired through purchase or by friendly takings ~~eminent domain~~ for the purpose of expanding the Zervas Elementary School site. [06/16/14 @11:17 AM]

ACTION: **APPROVED AS AMENDED 4-2 (Blazar and Norton opposed)**

NOTE: The above item to acquire three properties to expand the Zervas School site was approved by the Finance Committee by a vote of five in favor and one abstention (Norton) on June 23, 2014. At the Board of Aldermen meeting in July, the Finance Chairman asked that the item be referred back to Committee, as he felt that further discussion was needed on this item and should be discussed and voted with the related item for funding the costs associated with acquiring the properties. The Board of Aldermen voted to recommit the item to the Finance Committee by voice vote.

It is important that the Committee take action on both items. The design team, the Zervas School Building Committee, the Zervas Working Group, and the Design Review Committee need to know whether the City will be acquiring the properties in order to move forward with their work. In addition, two of the properties have been under agreement for some time and it is unfair to hold these property owners up any longer than necessary. Unfortunately, the purchase and sales on the corner property (1338 Beacon Street) has expired and the property owner has decided not to extend the agreement. City officials have had phone conversations and a meeting with the property owner to try to reach an agreement on the property; however, those conversations have not been fruitful. Therefore, the city will not currently be acquiring 1338 Beacon Street, which is not to say the City will not be acquiring that property in the future. With that, Ald. Rice moved approval as amended to remove the request to acquire 1338 Beacon Street, which carried by a vote of four in favor and two opposed.

#256-14 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two million seven hundred thousand dollars (\$2,700,000) from the Capital Stabilization Fund-Operating Override Account Fund for purposes of funding all costs associated with the acquisition of 1316 Beacon Street, 1330 Beacon Street, and 1338 Beacon Street including any relocation obligations the City may have pursuant to Massachusetts General Law Chapter 79A. [06/16/14 @11:17 AM]

ACTION: APPROVED AS AMENDED 4-2 (Blazar and Norton opposed)

NOTE: The requested amount needs to be amended to reflect that the City is acquiring only the two properties at 1316 and 1330 Beacon Street at a cost of \$1,600,000. The city may acquire 1338 Beacon Street in the future. Chief of Staff provided a possible alternative site plan (attached) that could be developed without the acquisition of that property.

Architect David Finney of Design Partnership of Cambridge explained that the alternative site plan has not been fully vetted and that there are other alternative site plans. The original site plan with the acquisition of all three properties is not compromised if 1338 Beacon Street is acquired, except for a loss of parking. Depending on what alternative site plan works there will be a loss of 32 or 20 parking spaces. The Zervas Working Group will discuss a neighborhood parking plan to address loss of parking spaces. All of the alternative plans will need to be fully vetted by the design team, the Zervas School Building Committee, and the Design Review Committee before a determination on which plan is the best for the site. The Design Review Committee and the Zervas School Building Committee are expected to vote on a final site plan for the Zervas Elementary School on October 9, 2014.

The Design Review Committee feels that the site plan board order can be written to include additional tree preservation on the three acquired properties and to address alternatives to the parking plan on the site.

Ald. Rice moved approval of the item as amended to reduce the requested amount to \$1,600,000 as the City will not currently be acquiring 1338 Beacon Street. Ald. Ciccone supports the requests but would like it on record that the City should be as diligent in finding parking for each elementary schools as the capital plan for each school moves forward. The Committee voted four in favor and two opposed to support the motion for approval as amended.

The Committee adjourned at 7:15 PM. Draft Board Orders for the above items are attached.

Respectfully submitted,

Leonard J. Gentile, Chairman



5.8 Acres (4.0 Useable)
78.8k SF Building

60k SF Play Areas
+ Outdoor Classroom
+ Outdoor Gardens

8k SF Plaza/Gathering
36+ Bike Storage
Dumpsters/Service

55 Parking Spaces
4 Bus Drop-Off
20 Car Drop-Off
(added drop-off lane)

SF Over 100' Setback*
(including Beacon properties)
11.2k Building (vs. 5.2k)
5.4k Imperv. (vs. 19.8k)
9.2k Porous

25.8k Total (25k exists)
Full Building is Kept Out of 50'
All Paving is Kept Out of 25'
*Based on Flagged Wetlands

SCHEMATIC DESIGN – SITE (without 1338 Beacon study2)

Zervas Elementary School – Newton, MA

October 1, 2014



CITY OF NEWTON
IN BOARD OF ALDERMEN

October 6, 2014

ORDER OF TAKING
FOR SCHOOL PURPOSES
1316 BEACON STREET

WHEREAS, in the opinion of the Board of Aldermen the public necessity and convenience require the acquisition by eminent domain of the parcel of land, together with improvements thereon, known as 1316 Beacon Street ("the Parcel"); and

WHEREAS, the Parcel consists of approximately 10,958 square feet with buildings thereon, as described in a foreclosure deed dated February 6, 2012, and recorded on February 27, 2012, with Middlesex County Registry of Deeds, at Book 58559 Page 73 and more particularly described in a deed dated December 1, 1998, and recorded in said Registry of Deeds at Book 29456, Page 270; and

WHEREAS, the City has authorized and received an appraisal of the value of the Parcel in the form of the FY15 tax assessment of the Parcel; and

THEREFORE, by vote of the Board of Aldermen, acting on behalf of the City of Newton under General Laws Chapter 79 of the Massachusetts General Laws, it is hereby

ORDERED: That the Parcel be and hereby is taken in fee, together with all rights, title and interest in the Parcel. So far as is known to the Board, the record owner and mortgagee and foreclosed owner for the Parcel are as follows:

Record Owner: Wells Fargo Bank, N.A., as Trustee for Securitized Asset Backed Receivables LLC Trust 2004-OP2, Mortgage Pass-Through Certificates, Series 2004-OPT2, Book 58559 Page 73, and to the extent of her interest, Jerilynn Okamura, Book 29456, Page 270

Mortgagees: Wells Fargo Bank, N.A., as Trustee for Securitized Asset Backed Receivables LLC Trust 2004-OP2, Mortgage Pass-Through Certificates, Series 2004-OPT2 having been assigned the mortgage held by Option One Mortgage Corporation, Book 42734, Page 288, and to the extent of his interest, Christopher Padden, Book 50269, Page 484

Foreclosed Owner: Jerilynn A. Okamura

In accordance with General Laws Chapter 79, it is further

ORDERED: That the award of damages in the amount of Five Hundred Seventy-Five Thousand Dollars (\$575,000.00) is hereby made as a result of this eminent domain taking, to be paid to the persons entitled thereto; and it is further

ORDERED: That in accordance with General Laws Chapter 79 Section 1, the trees upon and structures affixed to said Parcel are hereby included as part of this taking; and it is further

ORDERED: That the Parcel is taken for school use; and that custody and management of the Parcel is hereby assigned to the Newton Public Schools.

Under Suspension of Rules
Readings Waived

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 6, 2014

ORDER OF TAKING
FOR SCHOOL PURPOSES
1330 BEACON STREET

WHEREAS, in the opinion of the Board of Aldermen the public necessity and convenience require the acquisition by eminent domain of the parcel of land, together with improvements thereon, known as 1330 Beacon Street ("the Parcel"); and

WHEREAS, the Parcel consists of approximately 10,000 square feet with buildings thereon, as described in a deed dated December 15, 2010, and recorded on December 16, 2010, with Middlesex County Registry of Deeds, at Book 56082 Page 123; and

WHEREAS, the City has authorized and received an independent professional appraisal of the value of the Parcel; and

THEREFORE, by vote of the Board of Aldermen, acting on behalf of the City of Newton under General Laws Chapter 79 of the Massachusetts General Laws, it is hereby

ORDERED: That the Parcel be and hereby is taken in fee, together with all rights, title and interest in the Parcel. So far as is known to the Board, the owner and mortgagee for the Parcel are as follows:

Record Owner: Carol Rosenblith, as Trustee of the Eric Rosenblith 1996 Trust
Bk 56082 Pg 123

Mortgagee: RBS Citizens, N.A.
Bk 61297 Pg 426; Bk 59679 Pg 74

In accordance with General Laws Chapter 79, it is further

ORDERED: That the award of damages in the amount of Nine Hundred Forty Six Thousand Dollars (\$946,000.00) is hereby made as a result of this eminent domain taking, to be paid to the persons entitled thereto; and it is further

ORDERED: That in accordance with General Laws Chapter 79 Section 1, the trees upon and structures affixed to said Parcel are hereby included as part of this taking; and it is further

ORDERED: That the Parcel is taken for school use; and that custody and management of the Parcel is hereby assigned to the Newton Public Schools.

Under Suspension of Rules
Readings Waived

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

DRAFT

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 6, 2014

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the Mayor is authorized to enter into an agreement with the owner of real property located at 1330 Beacon Street to pay damages up to a maximum amount of nine hundred ninety-five thousand dollars (\$995,000) for the taking of the real property located at 1330 Beacon Street which damages include relocation costs payable to said owner pursuant to G.L. c. 79A

AND

That the transfer of funds in the amount of Nine Hundred Ninety-Five Thousand Dollars (\$995,000) from the Capital Stabilization Fund – 2013 Override Projects to the Zervas Land Taking Account for the purpose of funding said agreement be and is hereby approved as follows:

FROM:	Capital Stabilization Fund 2013 Override Project (39H104-593032C2).....	\$995,000
TO:	Zervas Land Taking (32C2A15-5810).....	\$995,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

DRAFT

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 6, 2014

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the Mayor is authorized to enter into an agreement with the current and foreclosed owners of real property located at 1316 Beacon Street to pay damages up to a maximum amount of Five Hundred Ninety Thousand Dollars (\$590,000) for the taking of the real property located at 1316 Beacon Street which damages may include potential relocation costs payable pursuant to G.L. c. 79A

AND

That the transfer of funds in the amount of Five Hundred Ninety Thousand Dollars (\$590,000) from the Capital Stabilization Fund – 2013 Override Projects to the Zervas Land Taking Account for the purpose of funding said agreement be and is hereby approved as follows:

FROM:	Capital Stabilization Fund 2013 Override Project (39H104-593032C2).....	\$590,000
TO:	Zervas Land Taking (32C2A15-5810).....	\$590,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

DRAFT

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 6, 2014

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, that the transfer of funds in the amount of fifteen thousand dollars (\$15,000) from the Capital Stabilization Fund – 2013 Override Projects to the Zervas Land Taking Account for the purpose of funding costs associated with the acquisition of 1316 Beacon Street and 1330 Beacon Street by the City for school purposes be and is hereby approved as follows:

FROM:	Capital Stabilization Fund 2013 Override Project (39H104-593032C2).....	\$15,000
TO:	Zervas Land Taking (32C2A15-5810).....	\$15,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____