

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, MAY 14, 2012

7 PM
Room 222

ITEMS TO BE DISCUSSED:

- #129-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of forty-five thousand dollars (\$45,000) from B.A.A. Marathon Receipts for the purpose of purchasing \$20,000 of Fibar and playground equipment to replace worn, defective, or unsafe playground equipment and parts and to purchase \$25,000 of playground equipment at Reverend Ford Playground and Emerson Playground. [04-30-12 @ 5:07 PM]
- #130-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two thousand five hundred five dollars and seventy-two cents (\$2,505.72) from the Newton Highlands Veterans Memorial Account for the purpose of purchasing materials needed for the installation of irrigation lines on the Little League field at the Hyde Playground. [04-30-12 @ 3:45 PM]
- #127-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of twenty thousand dollars (\$20,000) from the Newton Marriott Norumbega Park Maintenance Account for the purpose of improvements at Norumbega Park per Condition #26 of Special Permit #385-08, approved on February 17, 2009, for the Newton Marriott. [04/30/12 @5:09 PM]
- #128-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of eleven thousand dollars (\$11,000) from Wage Reserve to the Planning Department's salaries account the sum of six thousand dollars (\$6,000) and to the Treasury Department's salaries account the sum of five thousand dollars (\$5,000). [04/30/12 @5:09 PM]
- #311-10(B2) HIS HONOR THE MAYOR requesting that Board Order #311-10(B) be amended by rescinding the forty thousand dollar (\$40,000) bond authorization and appropriating the forty thousand (\$40,000) from FY12 Free Cash for the purpose of funding design work for the Manet Road Emergency communications Equipment Building. [04-30-12 @ 3:46 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

#367-10(C) HIS HONOR THE MAYOR requesting that Board Orders #367-10(B1), #367-10(B2A), #367-10(B2B), and #367-10(B2D) be amended as follows:

- Rescind the sum of \$375 from Board Order 367-10(B1)
- Rescind the sum of \$45 from Board Order 367-10(B2A)
- Rescind the sum of \$117 from Board Order #367-10 (B2B)
- Rescind the sum of \$194 from Board Order 367-10(B2D)

The bonds are issued in thousand dollar increments, consequently the above listed amounts were not included in the bond sale. [04-30-12 @ 3:46 PM]

#131-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from the Fire Department's Salaries to Fire Department Expenses for the purpose of covering additional electrical and heating oil expenses as a result of the temporary Station #7 facility on Elliot Street. [04-30-12 @ 3:45 PM]

ITEMS NOT TO BE DISCUSSED:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#133-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty-seven thousand one hundred thirty-six dollars (\$67,136) from the Water Enterprise Funds to the Mass Water Resource Authority Assessment as follows:

- \$40,000 from Work by Other Departments
- \$20,000 from Hydrants & Hydrant Parts
- \$7,136 from Current Year Reserve [04/30/12 @ 5:08 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#132-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred twelve thousand six hundred sixty-six dollars (\$212,666) from 2011-2012 E-Rate Reimbursements Funds for the purpose of school technology purchases. [04/30/12 @ 5:08 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#144-05(3) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one hundred thirty-four thousand dollars (\$134,000) to the Department of Public Works for specifications and construction to restore the City-owned Civil War Monument located in Newton Cemetery, as described in the proposal submitted by the Department of Public Works Engineering Division and the Planning and Development Department. [04/30/12 @ 11:53 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #115-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six million seven hundred fifty thousand dollars (\$6,750,000) from bonded indebtedness for the purpose of funding construction and administration of renovations and additions to F.A. Day Middle School. [04-09-12 @ 3:40 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #114-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding Phase I of a multi-phase project for energy efficiency upgrades at multiple buildings. [04-09-12 @ 7:04 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #112-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from bonded indebtedness for the purpose of funding the design and construction of mechanical upgrades at the Burr Elementary School. [04-09-12 @ 7:04 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #111-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of sixty thousand dollars (\$60,000) from bonded indebtedness for the purpose of funding the repair of masonry and related surfaces at the Bowen Elementary School. [04-09-12 @ 3:40 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #110-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from bonded indebtedness for the purpose of upgrading mechanical systems at Lincoln-Eliot Elementary School. [04-09-12 @ 3:40 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #109-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of ninety thousand dollars (\$90,000) from bonded indebtedness for the purpose of repairing and replacing windows at Fire Station #4. [04-09-12 @ 3:40]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #108-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred twenty thousand dollars (\$320,000) from bonded indebtedness for the purpose of funding design and Phase I construction and administration for replacement of a portion of the roof and repair of exterior masonry at the welding shop at the Crafts Street Garage. [04-09-12 @ 3:40]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #107-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty-two thousand dollars (\$252,000) from bonded indebtedness for the purpose of funding the design and repair of masonry and related surfaces at the Public Works Utilities Building. [04-09-12 @ 3:40]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #106-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred sixty thousand dollars (\$160,000) from bonded indebtedness for the purpose of purchasing a street sweeper. [04-09-12 @ 3:39]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #104-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of design and installation of an accessible ramp and renovations to the City Hall Veterans' Wing. [04-09-12 @ 2:48 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #103-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of fifty thousand dollars (\$50,000) from Free Cash and two hundred fifty-eight thousand dollars (\$258,000) from receipts reserved for the purpose of purchasing the necessary capital equipment to establish a 3-man tree maintenance crew. [04-09-12 @ 2:48 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]
- #101-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of twenty-five thousand dollars (\$25,000) from Free Cash for the purpose of funding design costs as part of a larger construction project for Lower Falls Community Center required to bring the structure into compliance with accessibility requirements. [04-09-12 @ 3:40 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #85-12 ALD. LENNON & LAPPIN requesting a review and possible ordinance amendment to review and adjust the salary of the Clerk Clerk/Clerk of the Board of Aldermen pursuant to Article XI of the *Rules and Orders of the Board of Aldermen 2012-2013* [03/26/12 @ 10:25 PM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #79-12 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of nine hundred thirty eight thousand sixty-three dollars (\$938,063) to the Planning & Development Department for the creation of seven units of affordable rental housing at 12 and 18-20 Curve Street, West Newton, as described in the proposal submitted by Myrtle Village, LLC. [03/01/12 @ 5:00 PM]

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

- #78-12 HIS HONOR THE MAYOR proposing amendments to Sections 19-9 and 19-199 of the City of Newton Revised Ordinances, 2007 to increase the penalties for handicap parking violations in Section 19-9 and to clarify that handicap parking violation penalties apply not only to spaces on public ways but also to handicap spaces on private property open to public access in accordance with Section 19-199; to update language in Section 19-199 regulating minimum width of handicap spaces; to add language pertaining to cross-hatch areas as required by state law; and to reference governing Architectural Access Board regulations. [03/12/12 @4:09 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #39-12 HIS HONOR THE MAYOR requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #383-11(3) HIS HONOR THE MAYOR submitting recommended FY2013 Water and Sewer Rates for implementation on July 1, 2012. [04/11/11 @5:59 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #383-11(4) HIS HONOR THE MAYOR recommending that Section 29-80 (b)(1) of the City of Newton Revised Ordinances, 2007 be amended by revising the stormwater rates as follows: single-family residences \$25 per year, two-family residences \$37.50 per year, and multi-family (3 units or more), commercial, industrial, and institutional properties (to include non-profits) would be charged at a rate of \$25 per Equivalent Residential Unit of 2,600 square feet of impervious surface on the property to take effect on July 1, 2012. [04-09-12 @ 2:39 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #374-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from FY11 Free Cash for the purpose of repairing/replacing a broken jail cell door and track at Police Headquarters. [10/31/11 @ 2:49 PM]
- #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 PROG & SERV, PUB FACIL. & FINANCE COMMITTEES

- #130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]
PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 5-0-3(Fischman, Baker, Blazar abstaining) on 03/21/12
- #130-11(A) PROGRAMS & SERVICES COMMITTEE requesting the Finance Committee review alternate proposed Home Rule Legislation language related to the creation of a Capital Preservation Fund.
PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining) on 03/21/12

REFERRED TO PUBLIC SAFETY&TRANSPORTATION & FINANCE COMMITTEES

- #363-10(2) ALD. ALBRIGHT proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [02-10-12 @9:13 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]
Architectural Design and Engineering/ Next Scheduled Fire Station \$400,000
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

REFERRED TO LAND USE & 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

#129-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swwarren@newtonma.gov

April 30, 2012

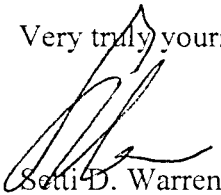
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate and expend the sum of \$45,000 from B.A.A. Marathon Receipts. Per the attached request from Commissioner DeRubeis \$20,000 will be utilized for the purchase of replacement Fibar and playground equipment to replace worn, defective or unsafe playground equipment and parts. The other \$25,000 will be utilized to purchase playground equipment at Reverend Ford Playground and Emerson Playground, with each site receiving an appropriation of \$12,500.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2012 APR 30 PM 5: 07
David A. Olson, Clerk
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



SETTI D. WARREN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

124 Vernon St, Newton, MA 02458
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



NEWTON
Parks & Recreation
ROBERT J. DERUBEIS
COMMISSIONER

April 23, 2012

Honorable Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Ave
Newton, MA 02459

Dear Mayor Warren:

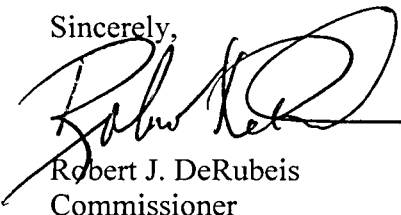
I am writing to respectfully request that you docket with the Honorable Board of Aldermen for consideration a request to appropriate and expend \$45,000 from Marathon receipts.

Of the total appropriation, \$20,000 will be used for the purpose of purchasing replacement Fibar, a material that provides a safe surface under existing play structures on which children can play and for making additional purchases of playground equipment and miscellaneous hardware to replace worn, defective or unsafe playground equipment and parts, as identified by the Parks & Recreation Department.

The remaining \$25,000 of the appropriation will be utilized to purchase playground equipment at Reverend Ford Playground and Emerson Playground, with each site receiving an appropriation of \$12,500. As has been the case with appropriations of Marathon funds in the past, these funds will be used as seed money and will be combined with future fundraising from local community groups to enhance the playgrounds.

Thank you for your consideration in this matter.

Sincerely,


Robert J. DeRubeis
Commissioner

cc: Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer

COMMISSION
MEMBERS

WARD 1 - BETHEL CHARKOUDIAN
WARD 2 - ARTHUR MAGNI, CHAIRMAN
WARD 3 - PETER JOHNSON

WARD 4 - FRANCIS J. RICE
WARD 5 - WALTER S. BERNHEIMER II
WARD 6 - ANDREW STERN

WARD 7 - RICHARD TUCKER
WARD 8 - KATHLEEN A. HEITMAN, VICE-CHAIR
SECRETARY-ROBIN MCLAUGHLIN

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE, DONALD FISHMAN



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#130-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

April 23, 2012

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 appropriate and expend the sum of \$2,505.72 from Acct # C602057 Newton Highlands Veterans Memorial to purchase the materials needed for the installation of irrigation lines on the Little League field at the Hyde Playground.

Per the attached request by Commissioner Robert DeRubeis, Newton South Little League and the Hyde Center will fund the installation of the system as well as the annual seeding, fertilizing, aerating and watering of the fields.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2012 APR 23 PM 3:45
David A. Olson, OMC
Newton, MA 02459





SETTI D. WARREN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

124 Vernon St, Newton, MA 02458
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617)-796-1089
parks@newtonma.gov



ROBERT J. DERUBEIS
COMMISSIONER

Wednesday, April 17, 2012

Honorable Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton, Mass. 02459

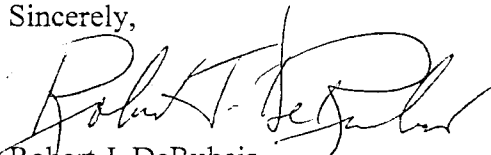
Dear Mayor Warren:

I am writing to respectfully request that you docket with the Honorable Board of Aldermen for consideration a request to appropriate and expend \$2,505.72 from Account #C602057-Newton Highlands Veterans Memorial.

This appropriation will be utilized to pay for the materials needed in the installation of irrigation lines on the Little League field at the Hyde Playground. Newton South Little League and the Hyde Center will fund an additional \$2,500 for the installation of the system.

Newton South Little League has agreed to seed, fertilize and aerate the field on a yearly basis. The Hyde Center has committed to watering of the fields as well.

Sincerely,


Robert J. DeRubeis

cc: Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer

RECEIVED
Newton City Clerk
2012 APR 23 PM 3:55
David A. Olson, CMC
Newton, MA 02459

COMMISSION
MEMBERS

WARD 1 - BETHEL CHARKOUDIAN
WARD 2 - ARTHUR MAGNI, CHAIRMAN
WARD 3 - PETER JOHNSON

WARD 4 - FRANCIS J. RICE
WARD 5 - WALTER S. BERNHEIMER II
WARD 6 - ANDREW STERN

WARD 7 - RICHARD TUCKER
WARD 8 - KATHLEEN A. HEITMAN, VICE-CHAIR
SECRETARY-ROBIN MCLAUGHLIN

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE, DONALD FISHMAN



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#127-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

April 30, 2012

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 appropriate and expend the sum of \$20,000 from Acct # 14K101W-423015 Newton Marriott Norumbega Park Maintenance pursuant to special permit #365-08.

Originally, the special permit required funding be set aside toward the installation of a crosswalk and pedestrian-activated traffic light. However, in February of this year, Traffic Council voted to deny installation of the signal at this location.

As a further condition of the special permit, if the City did not receive the necessary approvals for this traffic improvement the Newton Marriott would instead be required to pay the City \$20,000 toward public improvements at Norumbega Park.

The Newton Marriott has requested return of its letter of credit toward the traffic signal and has proffered a check in the amount of \$20,000.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2012 APR 30 PM 5:09
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



Setti D. Warren
Mayor

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


#127-12
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

MEMORANDUM

DATE: April 18, 2012

TO: Mayor Setti D. Warren
Board of Aldermen

FROM: Candace Havens, Director of Planning and Development 

SUBJECT: Appropriation of funds for Norumbega Park pursuant to special permit #385-08

CC: Maureen Lemieux, Chief Financial Officer
Eve Tapper, Chief Planner for Current Planning
Anne Phelps, Senior Environmental Planner

Pursuant to condition #26 of Special permit #365-08, representatives of the Newton Marriott have submitted a check for \$20,000 to be used for *"public improvements in Norumbega Park, such as for a study and/or implementation of pathways to access the shoreline or other features that enhance its use as a public conservation area."* (See attached explanation from Ouida Young, dated March 30, 2012; excerpt from Special Permit #385-08 cited in Conditional Letter of Credit, dated December 9, 2009; and Traffic Council action on TC29-09, February 2, 2012). In order to make these funds available for the improvements described, I wish to request an appropriation of these funds into a mitigation account from account 14K101W-423015. Thank you for your consideration.

**CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM**

DATE: March 30, 2012

TO: John Lojek, Commissioner of Inspectional Services
Candace Havens, Director of Planning and Development
Anne Phelps, Sr. Enviro. Planner
David Wilkinson, Comptroller

FROM: Ouida C.M. Young, Associate City Solicitor

RE: Newton Marriott Special Permit #385-08
Condition 26 - Payment



Condition 26 of the above referenced special permit required the Newton Marriott to provide a letter of credit in the amount of \$40,000 to pay for installation of a crosswalk and pedestrian-activated traffic light across Commonwealth Avenue "... in front of the subject property." This condition further provided that if the City did not receive all necessary approvals for this traffic improvement within four (4) years from the date of approval of the special permit (February, 2013), the Newton Marriott would not be obligated to pay for the traffic improvement and, instead, would be required to pay the City \$20,000 towards public improvements at Norumbega Park.

The Newton Marriott posted the \$40,000 letter of credit and waited. I've attached a copy of the letter of credit which recites Condition 26 for your information.

Since then, Traffic Council has considered the issue of a pedestrian signal at this location on Commonwealth Avenue. In February, Traffic Council voted to deny installation of the signal at this location. This decision has not been appealed to the Board of Aldermen and is now final. I've attached a copy of the Traffic Council's decision on this matter for your information.

Accordingly, the Newton Marriott has requested return of its \$40,000 letter of credit and has proffered a check in the amount of \$20,000 to be used for improvements at Norumbega Park.

I am transmitting this date the \$20,000 check to the Comptroller for deposit. I am also returning the \$40,000 letter of credit to Attorney Jason Rosenberg.

Please let me know if you have any questions. Thank you.

CR/TPG NEWTON HOTEL, LLC

C/O Charles River Realty Investors LLC
2310 Washington Street
Newton, MA 02462

Conditional Letter of Credit

December 9 2009

ISSUER: **CR/TPG NEWTON HOTEL, LLC**
BONA FIDE HOLDER: **CITY OF NEWTON**

To The City of Newton, Massachusetts:

CR/TPG NEWTON HOTEL, LLC, a Delaware Limited Liability Company with its principal office at C/O Charles River Realty Investors LLC, 2310 Washington Street, Newton, MA 02462, (hereinafter, sometimes referred to as "Issuer" and as "petitioner") hereby establishes its conditional credit in favor of the **CITY OF NEWTON**, a municipal corporation with its principal office at 1000 Commonwealth Avenue, Newton, MA 10259 (hereinafter, sometimes referred to as "Bona Fide Holder"), and in connection with, and to satisfy the obligations of, the Issuer in condition #26 set forth in the Board Order #385-08, which was granted by the City of Newton Board of Aldermen, for the property located at 2345 Commonwealth Avenue, Newton, Massachusetts, which condition is restated hereinbelow, said conditional credit to be in the amount of not more than **FORTY THOUSAND (\$40,000.00) DOLLARS** payable in United States of America currency, which the Issuer shall duly honor.

This Conditional Letter of Credit is issued due to and subject to the following provision #26 in said Board Order:

"The petitioner shall issue a letter of credit to the City for an amount not to exceed forty thousand (\$40,000) dollars to be used towards the installation of a painted crosswalk and pedestrian-activated traffic light(s) across Commonwealth Avenue in front of the subject property. The City shall seek to file for and install such signal(s) in an expeditious manner and shall have not longer than four years from the date of approval of this Board Order to obtain the necessary approvals from the City Traffic Engineer, Traffic Council, and other appropriate bodies for installation of such improvements. If within said four years, there is no final determination to install those improvements or if there is a determination that such an installation would be at an unsafe location for a pedestrian crossing, then (a) the petitioner shall provide the sum of twenty thousand (\$20,000) dollars to the City, which shall be used for public improvements in Norumbega Park, such as for a study and/or implementation of pathways to access the shoreline or other features that enhance its use as a public conservation area; and (b) and the letter of credit in the amount of forty thousand (\$40,000) dollars shall be returned to the petitioner and of no further effect with respect to any obligation of the petitioner to the City of Newton. If the City receives approval for installation of the crosswalk and traffic light, the petitioner shall pay the City the \$40,000 within thirty (30) days of receiving a written request for such payment from the Director of Planning and Development. Any funds not expended for the crosswalk and traffic light shall be refunded to the petitioner."

Initials of Issuer: *[Signature]*

Conditional Letter of Credit
For Benefit of the City of Newton

Date: ~~November~~ 9, 2009
~~December~~

Page 2 of 2

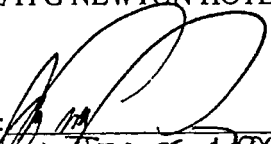
The date of approval of the above-mentioned Board Order was February 17, 2009. The obligation herein shall therefore expire and terminate upon the earlier of February 17, 2013 or the satisfaction of the above-stated provision of said Board Order, as may be applicable (hereinafter, the "Expiration Date"). The Bona Fide Holder's written notice for payment of said \$40,000.00, or such lesser amount if the Bona Fide Holder has not received the necessary approval for the installation of the crosswalk and traffic light must be received by the Issuer no later than January 17, 2013.

This Conditional Letter of Credit is non-negotiable, non-assignable, and non-transferable to any third party without the express written consent of the Issuer.

Prior to the Expiration Date, this Conditional Letter of Credit is irrevocable unless with the express written consent of the City of Newton.

Very truly yours.

CR/TPG NEWTON HOTEL, LLC


By: 
(name) James Proccaccianti
(title) Manager

JAR:arj

See Attached Vote of Authorization.

See Also Attached City of Newton Special Permit Board Order #385-08, approved February 17, 2009.

Approved as to form



Ouida CM Young, Associate City Solicitor
City of Newton Law Department
Date:

Ald. Harney said that Ald. Sangiolo docketed this item due to constituents concerns regarding parking issues, speeding, traffic congestion and site distance difficulties at Groveland and Maple Streets. He suggested extending the restricted parking from the corner of Groveland and Maple Streets to help with site distance. Another concern is the traffic flow on Berkeley Place that is under review. Mr. Danila provided Council members with the various parking restrictions on Groveland, Maple and Central Streets. Groveland Street is 23' wide with typically 8-10 cars parked on the eastern end of Groveland Street.

Mr. Koses opened the discussion for public comment. Two residents were present for this discussion. The discussion stressed their concerns regarding inadequate site distance, limited parking, traffic and speeding. Suggestions were made to consider the implementation of a two-hour parking restriction but not to further restrict parking on the street. They also suggested restricting parking from the corner of Groveland and Maple Streets to help with site distance.

Mr. Danila suggested installing a correct 2-hour limit sign, 8:00 a.m. to 6:00 p.m. except Saturday, Sunday and holidays because the current sign does not list days. This may deter people from parking long-term. Mr. Koses suggested implementing a 2-hour limit. Sgt. Babcock agreed that parking should be restricted at the corner of Maple and Groveland Streets at the 'T' intersection. Ald. Ciccone said that cars that park on residential streets act as traffic-calming devices. If parking is eliminated, he said, people would have the tendency to speed.

Mr. Danila made the motion for no action necessary. Administratively he will restrict parking up to 50' from corner of Groveland and Maple Street, south side. Council members agreed 4-0. It is the intention of the Ward 4 Aldermen to docket parking restrictions on Maple Street at the 'T' of Groveland Street.

TC29-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting installation of a pedestrian-activated warning signal on Commonwealth Avenue in front of the Marriott Hotel in Auburndale. (Ward 4) [08/04/09 @ 9:59 AM]
HELD (5-0) on 12/17/09. Item will be rescheduled at a time to be requested by Ward 4 Aldermen.

ACTION: DENY signal (4-0). Director of Planning Department to request funds from Marriott, to be sent to Conservation Commission, as allowed through Special Permit. This item may be appealed through the close of business February 22, 2012.

NOTE: Ald. Harney said that the Marriott Hotel's Special Permit includes and requires a payment to the City of \$40,000.00 specified for the installation of a pedestrian-activated warning signal on Commonwealth Avenue in front of the Marriott Hotel. He said that it is difficult for pedestrians to cross Commonwealth Avenue in this area with cars travelling at a high rate of speed.

Mr. Koses said that if this signal is denied, then the Marriot Hotel would be required to present \$20,000.00 to the Conservation Commission to be used for beautifying a neighborhood park.

Mr. Danila reviewed with Council members the current traffic and pedestrian counts during morning and evening peak hours. He said that previous counts proved that there are twelve boardings and three alightings at the Marriott-side bus stop on an average day. No data is available for the opposite stop. He then said that specific warrants must be met for the City to install a crosswalk. The installation of a pedestrian warning beacon would require the City to install ADA-compliant sidewalks, ramps, and

refuge areas. The total cost for design and construction would likely exceed \$60,000.00. He then said that installing and maintaining a signal at this location does not make sense to him.

Ald. Harney asked if the signal could be installed at Commonwealth Avenue and Auburn Street. Mr. Koses said that the City's Law Department reviewed the Marriott's Special Permit and determined it could not be because it is too far from the specified location. Ald. Ciccone suggested that in the future, Special Permits be less specific. Mr. Danila agreed and said that specific locations and specific language is difficult to work with.

Mr. Koses opened the discussion for public comment. One resident was present for this discussion. He stressed his concern of speeding cars, difficulty crossing Commonwealth Avenue and said that it is a very dangerous location. He agreed this location is not the best for installing a pedestrian beacon. He requested in the future that perhaps Traffic Council could consider other options for safe crossing.

Mr. Danila made the motion to deny this request. Council members agreed 4-0. Mr. Koses said that this item may be appealed through the close of business February 22, 2012.

Respectfully submitted,

David Koses, Traffic Council Chair



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#128-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

April 30, 2012

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

RECEIVED
Newton City Clerk
2012 APR 30 PM 6:43
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$11,000 from Acct # 0110301-5197 Wage Reserve to the following accounts:

Planning Department	\$6,000
Treasury Department	\$5,000

An appropriation for Regular Overtime was inadvertently omitted from the FY2012 Budget. However, the City is required to pay overtime if desired under certain Collective Bargaining Agreements. This request has been held until this time in case any salary savings were generated through attrition this year. Unfortunately, the department has not generated sufficient savings to cover this cost.

The Treasury Department currently has an employee who is out on a medical leave and is not expected to return for several weeks. Therefore, this \$5,000 transfer will provide funding for overtime and/or temporary services to enable the department to remain current.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

#311-10(B2)

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

April 23, 2012

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 year end housekeeping request to rescind the following Board Authorization:

- A) Rescind the sum of \$40,000 voted under Board Order #311-10(B) and appropriate \$40,000 from Free Cash

The original request of Docket #311-10 was for the design and construction of a new Manet Road Emergency Communications Equipment Building. That docket item was subsequently split and \$40,000 was authorized for design work. In view of the fact that construction funds have not yet been requested, this \$40,000 was not sold as part of the bond sale earlier this month.

Thank you for your consideration of this matter.

Very truly yours,

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

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2012 APR 23 PM 3:46
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

CITY OF NEWTON, MASSACHUSETTS
 SCHEDULE OF AUTHORIZED AND UNISSUED LONG TERM BONDS

	Beginning Balance	New Authorizations	Issued	Ending Balance
Energy Audits - Various Public Buildings (#59-09)/(#59-09(2))	\$ 167,400	\$ -	\$ -	\$ 167,400
Sewer I& I Removal - MW PAT (#195-98)	2,995,073	-	-	2,995,073
Sewer System Improvements MWRA (#149-07)	102,155	-	-	102,155
Sewer System Improvements MWRA (#361-09)	1,009,800	-	(575,300)	434,500
Sewer System Improvements (#191-11)	2,277,000	-	(2,277,000)	-
Water Meter Replacement (#118-08)	2,528,000	-	-	2,528,000
Water Main Rehabilitation - MWRA (#18-12)	-	13,602,000	-	13,602,000
Elementary School Modularity (#367-10(B-1))	-	923,375	(923,000)	375
Elementary School Modular Design (#367-10(B-2A))	-	86,545	(86,500)	45
Elementary School Modular Design (#367-10(B2B))	-	102,117	(102,000)	117
Elementary School Sprinkler Systems (#367-10(B2D))	-	1,474,194	(1,474,000)	194
Fire Engine #10 Replacement (#369-11)	-	600,000	(600,000)	-
Gath Pool Electrical & Mechanical Repairs (#363-11)	-	100,000	(100,000)	-
Bobby Braceland Playground Improvements #364-11)	-	150,000	(150,000)	-
Public Works Equipment Replacement (#381-11)	-	300,000	(300,000)	-
Public Works Equipment Replacement (#407-11)	-	90,000	(90,000)	-
City Hall Electrical, Mechanical & Boiler Improvements (#382-11)	-	300,000	-	300,000
Manet Rd Emergency Communications Equipment Building (#311-10(B))	-	40,000	-	40,000
F A Day Middle School Renovations (#367-10((B2C))	-	643,500	(643,500)	-
School Accessibility Upgrades (#376-11)	-	300,000	(300,000)	-
School Masonry Repairs (#380-11)	-	485,000	-	485,000
School Mechanical Upgrades (#379-11)	-	450,000	(450,000)	-
School Emergency Generator Upgrades (#378-11)	-	315,000	(315,000)	-
School Electrical Upgrades (#377-11)	-	200,000	(200,000)	-
North High School Construction (#56-07(2))	6,329,692	-	-	6,329,692
Authorized and Unissued Debt	\$ 15,409,120	\$ 20,161,731	\$ (8,586,300)	\$ 26,984,551

{1} Rescind and appropriate from free cash

Governmental - General Fund
Governmental - Community Preservation Fund
Sewer Utility Fund
Water Utility Fund
Total Authorized and Unissued Debt by Funding Source:

\$ 7,322,823
 3,531,728
 16,130,000
 \$ 26,984,551

#311-10(B2)



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#367-10(C)

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

April 23, 2012

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 year end housekeeping request to rescind the following Board Authorizations:

- A) Rescind the sum of \$375 voted under Board Order #367-10(B-1)
- B) Rescind the sum of \$45 voted under Board Order #367-10(B2A)
- C) Rescind the sum of \$117 voted under Board Order #367-10(B2B)
- D) Rescind the sum of \$194 voted under Board Order #367-10(B2D)

Bonds were issued in thousand dollar increments, consequently the above listed amounts were not were not included in the bond sale.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2012 APR 23 PM 3:46
David A. Olson, CMC
Newton, MA 02459



CITY OF NEWTON, MASSACHUSETTS
 SCHEDULE OF AUTHORIZED AND UNISSUED LONG TERM BONDS

	Beginning Balance	New Authorizations	Issued	Ending Balance
Energy Audits - Various Public Buildings (#59-09)/(#59-09(2))	\$ 167,400	\$ -	\$ -	\$ 167,400
Sewer I& J Removal - MW PAT (#195-98)	2,995,073	-	-	2,995,073
Sewer System Improvements MWRA (#149-07)	102,155	-	-	102,155
Sewer System Improvements MWRA (#361-09)	1,009,800	-	(575,300)	434,500
Sewer System Improvements (#191-11)	2,277,000	-	(2,277,000)	-
Water Meter Replacement (#118-08)	2,528,000	-	-	2,528,000
Water Main Rehabilitation - MWRA (#18-12)	-	13,602,000	-	13,602,000
Elementary School Modularity (#367-10(B-1))	-	923,375	(923,000)	375
Elementary School Modular Design (#367-10(B-2A))	-	86,545	(86,500)	45
Elementary School Modular Design (#367-10(B2B))	-	102,117	(102,000)	117
Elementary School Sprinkler Systems (#367-10(B2D))	-	1,474,194	(1,474,000)	194
Fire Engine #10 Replacement (#369-11)	-	600,000	(600,000)	-
Gath Pool Electrical & Mechanical Repairs (#363-11)	-	100,000	(100,000)	-
Bobby Braceland Playground Improvements #364-11)	-	150,000	(150,000)	-
Public Works Equipment Replacement (#381-11)	-	300,000	(300,000)	-
Public Works Equipment Replacement (#407-11)	-	90,000	(90,000)	-
City Hall Electrical, Mechanical & Boiler Improvements (#382-11)	-	300,000	-	300,000
Manet Rd Emergency Communications Equipment Building (#311-10(B))	-	40,000	-	40,000
F A Day Middle School Renovations (#367-10((B2C))	-	643,500	(643,500)	-
School Accessibility Upgrades (#376-11)	-	300,000	(300,000)	-
School Masonry Repairs (#380-11)	-	485,000	-	485,000
School Mechanical Upgrades (#379-11)	-	450,000	(450,000)	-
School Emergency Generator Upgrades (#378-11)	-	315,000	(315,000)	-
School Electrical Upgrades (#377-11)	-	200,000	(200,000)	-
North High School Construction (#56-07(2))	6,329,692	-	-	6,329,692
Authorized and Unissued Debt	\$ 15,409,120	\$ 20,161,731	\$ (8,586,300)	\$ 26,984,551

{1} Rescind and appropriate from free cash

Governmental - General Fund	\$ 7,322,823
Governmental - Community Preservation Fund	-
Sewer Utility Fund	3,531,728
Water Utility Fund	16,130,000
Total Authorized and Unissued Debt by Funding Source:	\$ 26,984,551

#367-10(C)



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#131-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

RECEIVED
Newton City Clerk
1012 APR 23 PM 3:45
David A. Olson, CMC
Newton, MA 02459

April 23, 2012

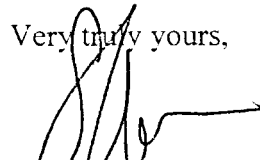
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$35,000 from Acct # 0121001-5197 Wage Reserve to Acct # 0121005-5210 Electricity and the sum of \$40,000 from Acct # 0121001-5197 Wage Reserve to Acct # 0121005-5412 Heating Oil for the purpose of covering additional expenses incurred as a result of operating the temporary Station 7 facility throughout most of the fiscal year.

Thank you for your consideration of this matter.

Very truly yours,


Seth D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE