

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, SEPTEMBER 24, 2012

7 PM  
Room 222

**ITEMS SCHEDULED FOR DISCUSSION:**

#279-12 HIS HONOR THE MAYOR appointing Nicholas Read Chief Procurement Officer, effective September 10, 2012, pursuant to §3-3 of the City Charter. (30 days 10/23/12). [09-10-12 @ 6:55 PM]

***Below item recommitted on September 19, 2012:***

#103-12(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five thousand dollars (\$75,000) from Forestry Services Full Time Salaries to Forestry Services – Forestry Services – Forestry/Tree Services. [08/23/12 @ 4:34 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]

#205-12 HIS HONOR THE MAYOR requesting an amendment to the F.A. Day Middle School Construction Project Appropriation Schedule included in Board Order #115-12 approved June 18, 2012 by reducing the amount of thirty-five thousand three hundred thirty-four dollars (\$35,334) from the appropriation for “General Contractor” and adding that sum to the “Undistributed Project Budget.” [07/02/12 @ 5:03 PM]

#56-07(5) HIS HONOR THE MAYOR requesting that Board Order #56-07(2) be amended by reducing the amount to be used from borrowing by fifty-three thousand four hundred forty-six dollars (\$53,446) and appropriating the fifty-three thousand four hundred forty-six dollars (\$53,446) from the Capital Stabilization Fund for the purpose of closing out the project. [09/12/12 @ 2:15 PM]

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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 Guditiz, 617-796-1156, via email at [TGuditiz@newtonma.gov](mailto:TGuditiz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

- #278-12 HIS HONOR THE MAYOR requesting adoption of Chapter 40, Section 21E of the Massachusetts General Laws authorizing municipalities to set interest rates for any overdue charges or bills. [09/10/12 @ 6:44 PM]

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

**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]
- #280-12 ALD. CROSSLEY, ALBRIGHT, JOHNSON requesting that (A) the City accept G.L. c. 59 section 5N of the Acts of 2012 and (B) create an ordinance establishing a program to allow veterans to volunteer to provide services in exchange for a reduction in real property tax obligation. [09-10-12 @ 6:44 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]

#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 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(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]

- #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]  
**PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Lennon not voting) on 10/18/11**  
**PROGRAMS & SERVICES APPROVED 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&TRANS & 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

#279-12

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(617) 796-1100

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(617) 796-1089

E-mail  
swarren@newtonma.gov

September 10, 2012

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 a request to confirm Nicholas Read as the City of Newton Chief Procurement Officer effective September 10, 2012 pursuant to Section 3-4 of the City Charter. This position is a Grade H12/Step 2 and earns an annual salary of \$86,837.

Through an extensive interview process and evaluation of the experience Mr. Read brings to this position, he has demonstrated to me that he is well qualified to lead the Department. Based on the recommendations of those who served on the selection committee, I am convinced that he is the right person for the job ahead. I look forward to your review of this important matter.

Sincerely,

Setti D. Warren  
Mayor

Encl: resume

cc David Olson, City Clerk  
Bob Rooney, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer  
Dolores Hamilton, Director of Human Resources

RECEIVED  
Newton City Clerk  
2012 SEP 10 PM 6:55  
David A. Olson, CMC  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

## NICHOLAS READ

## EMPLOYMENT:

Office of the Inspector General, Commonwealth of Massachusetts, Boston Massachusetts, Deputy General Counsel (2005- ).

The Office of the Inspector General is charged by the Legislature to detect and prevent fraud, waste and abuse in state and local government. As Deputy General Counsel I assist the Inspector General and the General Counsel with respect to all legal matters, particularly Massachusetts construction and designer selection laws, the Uniform Procurement Act, and the municipal finance laws, with the drafting of proposed legislation. In addition I teach continuing education courses to municipal and local officials under the Massachusetts Certified Public Purchasing Official program.

Boston Safe Deposit and Trust Company, Boston, Massachusetts  
Senior Counsel (1994-2004); Counsel (1987-1994).

Until 2003 Boston Safe (now BNY Mellon) was a state-chartered trust company and provider of financial services to wealthy individuals. I was responsible for the design, delivery, and management of trust, investment management, loan, and deposit products, either through the state-chartered bank or a subsidiary limited purpose national bank (Mellon Private Trust Company, N.A.). I worked with line and management officers identifying and resolving general legal questions on lending, deposit, and investment management matters, participated in the design of new products, monitored regulatory compliance, prepared special documentation for transactions, and acted as counsel (either alone or with outside attorneys) in collection and litigation matters. I advised the bank and its officers with respect to Massachusetts banking laws generally, other states' laws as-needed, and applicable federal statutes and regulations.

I was chief corporate counsel for the bank and its affiliated private trust company, dealing with regulators on periodic examinations, handling corporate transactions, advising management on a full range of legal matters, and managing Board meetings, including preparing its votes and minutes.

New England Merchants Leasing Corporation, Boston, Massachusetts  
Counsel (1985-1987).

Craig and Macauley Professional Corporation, Boston, Massachusetts  
Associate (1982-1985).

## EDUCATION:

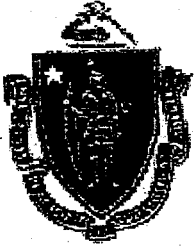
Certified Public Purchasing Official Certification, 2006.  
New England School of Banking, Williamstown, Massachusetts, Trust  
Program, 1998-99.  
University of Virginia, Charlottesville, Virginia, School of Law, J.D., 1982.  
Editorial Board, *Virginia Journal of International Law*, 1980-1981;  
Managing Editor, 1981-1982  
Lile Moot Court Competition, 1981  
University of Virginia, Charlottesville, Virginia, M.A., Modern European  
History, 1979.  
University of North Carolina, Chapel Hill, North Carolina, B.F.A. 1974.

## LEGAL PUBLICATIONS:

"Third-Party Beneficiary Theory Does Not Apply to Payee of a Check," 102 *Banking Law Journal* 66  
(1985) / Case Comment.

"Foreign Sovereign Immunity and the Seventh Amendment: Recognizing the Right to Jury Trials in  
Suits Against Foreign States and State-Owned Corporations," 21 *Virginia Journal of International Law*  
521 (1982) / Note.





The Commonwealth of Massachusetts  
Office of the Inspector General

GREGORY W. SULLIVAN  
INSPECTOR GENERAL

JOHN W. MCCORMACK  
STATE OFFICE BUILDING  
ONE ASHBURTON PLACE  
ROOM 1311  
BOSTON, MA 02108  
TEL: (617) 727-8140  
FAX: (617) 722-2334

June 12, 2012

Nicholas Read, Deputy General Counsel  
Office of the Inspector General  
One Ashburton Place, Room 1311  
Boston, MA 02108

Dear Mr. Read:

I am pleased to inform you that your application for recertification of your **MCPPO** Designation was approved on **6/12/2012**. Recertification of your designation reflects your full commitment to excellence in public procurement. Please keep in mind the requirement to maintain your public purchasing knowledge and skills through continuing education. In order to maintain your designation you must apply for recertification in three years (June 2015).

**Please** check our website at [www.mass.gov/ig](http://www.mass.gov/ig) for new and updated information regarding future seminars offered by this office and any changes in recertification requirements. This information will also be published in our *Procurement Bulletin*.

If you have any questions please feel free to call me at 617.722.8835.

Congratulations on your recertification!

Sincerely,

A handwritten signature in cursive script that reads "Joyce McEntee Emmett".

Joyce McEntee Emmett  
Director  
MCPPO Program



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



September 20, 2012

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

**APPROVED**

Dear Mayor Warren,

I am writing to respectfully request that you docket with the Honorable Board of Aldermen for consideration a request to amend docket item #103-12(2) authorizing the transfer of seventy-five thousand dollars (\$75,000) from Forestry Services Full Time Salaries to Forestry Services – Forestry Services – Forestry/Tree Services. This item was passed through the Finance Committee on September 10, 2012 by a vote of 8-0.

The proposed amendment is to reduce this amount to \$40,000 from the current \$75,000. In light of the verbal commitment from two candidates for the Forestry Tree Specialist positions, resulting in an earlier anticipated start date, there is a need to leave additional money in full-time salaries.

The breakdown of the allocation will be as follows:

\$40,000 from Account # 01602011 511001 (Forestry Services – Full Time Salaries) to Account # 01602011 5243 (Forestry Services – Forestry/Tree Services)

The transfer of these funds will allow the Parks & Recreation Department to bring in a contractor to work on identified tree removals throughout the city.

Thank you for your consideration in this matter.

Sincerely,

*Robert J. DeRubeis*

Robert DeRubeis,  
Parks & Recreation Commissioner

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

RECEIVED  
Newton City Clerk  
2012 SEP 20 PM 5:20  
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, VICE-CHAIR  
WARD 8 – VACANT  
SECRETARY-ROBIN MCLAUGHLIN

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



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#103-12(2)

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E-mail  
swarren@newtonma.gov

August 23 2012

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 transfer the sum of \$75,000 from Acct # 01602011-511001 – Forestry Services Full Time Salaries to Acct # 01602011-5243 Forestry Services – Forestry/Tree Services.

As you know the FY13 budget included funding for 3 full time permanent employees in the Forestry Division. Unfortunately, we have not as yet been able to fill these positions. Therefore, this transfer will enable the City to pursue a parallel track of addressing identified tree removals throughout the fall, while continuing to pursue the ultimate goal of reestablishing an in-house crew.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren  
Mayor

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Newton City Clerk  
2012 AUG 23 PM 4: 34  
David A. Olson, CMC  
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

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SETTI D. WARREN  
MAYOR

# NEWTON PARKS AND RECREATION DEPARTMENT

124 Vernon St, Newton, MA 02458  
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parks@newtonma.gov



**NEWTON**  
Parks & Recreation  
ROBERT J. DERUBEIS  
COMMISSIONER

August 23, 2012

Honorable Mayor Setti D. Warren  
Newton City Hall  
1000 Commonwealth Avenue  
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 the transfer of funds within the Parks and Recreation Department current budget as follows:

\$75,000 from Account # 01602011 511001 (Forestry Services – Full Time Salaries) to Account # 01602011 5243 (Forestry Services – Forestry/Tree Services)

The transfer of these funds will allow the Parks & Recreation Department to bring in a contractor to work on identified tree removals throughout the city.

Thank you for your consideration in this matter.

Sincerely,

*Robert J. DeRubeis*

Robert DeRubeis,  
Parks & Recreation Commissioner

cc: Robert Rooney, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer  
Marc Welch, Superintendent of Forestry

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, VICE-CHAIR  
WARD 8 – VACANT  
SECRETARY-ROBIN MCLAUGHLIN

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



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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Candace Havens  
Director

---

**M E M O R A N D U M**

Date: September 21, 2012

TO: Aldermen Gentile, Chair of Finance Committee  
Members of the Board of Aldermen

FROM: Candace Havens, Director of Planning and Development   
Eve Tapper, Chief Planner for Current Planning

SUBJECT: Petition # 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.

MEETING DATE: September 24, 2012

Cc: Anne Phelps, Senior Environmental Planner

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**RECOMMENDED ACTION:**

Staff recommends the Finance Committee approve this request to appropriate twenty thousand dollars (\$20,000) for use by the Conservation Commission for improvements at Norumbega Park.

**BACKGROUND:**

When Special Permit #385-08 for the Newton Marriott was approved on February 17, 2009, Condition #26 required the Marriott to provide a \$40,000 letter of credit to pay for a crosswalk and pedestrian-activated warning signal in front of the Marriott on Commonwealth Avenue. The condition further provides that if the necessary approvals from the City's Traffic Council were not received within four years of the approved special permit, the Marriott would not be required to pay for the signal and crosswalk but would be required to provide \$20,000 to the Conservation Commission for improvements at Norumbega Park. On February 2, 2012, the Traffic Council denied the request for a crosswalk and pedestrian signal at

the prescribed locations. Therefore, the City returned the letter of credit to the **#127-12** Marriott and the Marriott issued a check for \$20,000, as required.

On May 14, 2012, the Finance Committee discussed this docket item. At that time, Comptroller David Wilkinson stated that the City had already received the funds from the Marriott and the money would be held in the receipts reserve fund until the Board acts on this matter. The Committee requested additional information on how the money would be spent in Norumbega Park and voted to hold this item until the Executive Office provided this additional information.

On September 11, 2012, the Conservation Commission submitted a letter to the Committee Chairman explaining several improvement projects that could be accomplished with the funds. These include:

- Improving the trails that lead from the Marriott to Normubega Park
- Shoring up the river bank on the north side of the park
- Installing interpretive signs to highlight the historic use of the area as an amusement park during the early 20<sup>th</sup> century
- Repairing the kiosk near Woodbine Road

Planning staff reviewed this information with the Executive Office and recommends that the Finance Committee approve the appropriation.

September 11, 2012

Alderman Lennard J. Gentile, Chair  
Finance Committee  
City of Newton Board of Aldermen  
1000 Commonwealth Avenue  
Newton, MA 02459

Dear Alderman Gentile,

The City of Newton has received from the Newton Marriott the sum of \$20,000 to be used, pursuant to the Board Order (copy attached), “ 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...” The Order provides that the funds shall be contributed to the Newton Conservation Commission: “The petitioner will provide funds towards the installation of a pedestrian-activated crossing signal in front of the subject property in order to improve pedestrian access across Commonwealth Avenue; but if the City determines that the signal should not be installed, then a portion of said funds will be contributed to the Newton Conservation Commission to be used to improve recreation opportunities at Norumbega Park.” As discussed below, we have developed a plan for the use of the money at Norumbega Park and are open to further input from the committee and others in Newton. We understand this matter is on the agenda for the September 24, 2012 meeting and we will attend to discuss.

In order to develop an appropriate plan, two members of the Commission, Norm Richardson and Jane Sender, along with our associate Commissioner Nathan Robbins walked from the Newton Marriott to Norumbega Conservation Area on Friday, August 2 and discussed project options that could enhance either the conservation value and/or recreational enjoyment of the park as well as ideas concerning preservation of some of the rich archeological features of this historic site. A number of potential needs were identified and some consideration given on how to maximize the value to the park of the generous donation. The Commission has adopted this proposal including a preliminary budget range for each component, which is as follows:

(1) There are many trails, some well defined and some not so well defined which lead from the Marriott to Norumbega, some of which access the shoreline and some that simply link the Marriott property to the park. Some of the paths can be seen here: <http://www.newtonconservators.org/map1norumbega.htm>. Before any work is initiated, we recommend that a proposal be drafted, with consultation with Marriott managers and park users as appropriate, about which paths should be improved. The Conservation Commission is willing to prepare a proposal for consideration by the Land Use Committee. If it is decided to go forward with one or more trail improvement project(s), the Commission suggests, depending on the nature of the necessary improvements and project scale, that some might be of interest to local Boy Scout troops as potential

Eagle Scout Community Service projects. As the Committee is aware, the Commission has worked with the local scouting organization for decades and has provided oversight on many similar projects that have been successfully completed. If a particular trail improvement project was determined to require professional services, the Commission would work with the Planning Department to scope and then solicit and review bids for such work. Depending on the number of trails, the project scope and the suitability as scout projects this category could range from \$2,000 - \$10,000.

(2) Part of the bank down to the river on the north side of the park, closest to the property at 166 Islington Road, is severely eroded by overuse posing a public safety hazard as well as creating an environmentally degraded section of the bank. We propose that this might be suitable as another Eagle Scout project that would include the shoring up of the bank and planting of low-bush blueberry, to stabilize the soil. Although heavily shaded, we observed blueberry bushes growing well on the part of the bank which is not used. Now the bare soil washes into the river during rain events. Without attention, this bank will continue to erode continuing to impact water quality in the Charles River and threatening the loss some of the mature canopy evergreens. Norm Richardson has agreed to be the liaison to the Eagle Scouts for these two projects and would work with Anne Phelps, the Senior Environmental Planner, to coordinate the planning and implementation phases of these projects. Approximately \$1,500 - 2,500 would be required for purchase of the plants

(3) There should be some discussion about a memorial marker for the historic Norumbega Park and Totem Pole Ballroom. Many Newtonites still remember this site fondly and it is our belief many would welcome a marker preserving the historic nature of this site. Some of the \$20,000 could be used for this. In addition, to the purchase and installation of a memorial marker, other ideas including removing vegetation that have obscured historically significant stone walls and improving the visibility and general awareness of historical lighting features). The funding towards such improvements could be scaled to the budget remaining after other projects have been implemented ranging from \$5,000 - \$10,000.

(4) The Kiosk closest to Woodbine Road is in serious need of repair. Approximately \$500 - \$1,000 could be set aside for this.

As stated above, we look forward to discussing this at the September 24 meeting.

Sincerely yours,

Newton Conservation Commission

By:

Norm Richardson

Jane Sender

Nathan Robbins

Cc Candace Havens, Director of Planning





SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#127-12

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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: 

Conditional Letter of Credit  
For Benefit of the City of Newton

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

Page 2 of 2

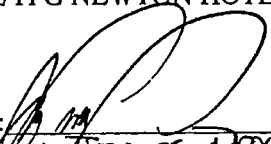
The date of approval of the above-mentioned Board Order was February 17, 2009. The obligation herein shall therefore expire and terminate upon the earlier of February 17, 2013 or the satisfaction of the above-stated provision of said Board Order, as may be applicable (hereinafter, the "Expiration Date"). 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

#205-12

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(617) 796-1100

Facsimile  
(617) 796-1113

TDD/TTY  
(617) 796-1089

E-mail  
swarren@newtonma.gov

July 02, 2012

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

RECEIVED  
Newton City Clerk  
2012 JUL -2 PM 5:03  
David A. Olson, CMC  
Newton, MA 02459

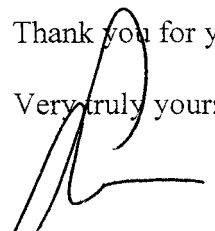
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to amend Board Order #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* by reducing the amount of \$35,334 from the appropriation for "General Contractor" and adding that sum to the "Undistributed Project Budget".

As you know, we were able to work with the low bidder to include alternates 1 and 2 which pertained to adding the Science Lab. In addition we are able to add \$35,334 to the project's contingency. I have attached the original bid comparison sheet, as well as the original project budget.

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



CITY OF NEWTON, MASSACHUSETTS  
PURCHASING DEPARTMENT  
COMPARISON OF BIDS

INVITATION #12-86  
F.A. Day Renovation & Additions

Bid Opening: June 26, 2012 at 10:00 a.m.  
Public Buildings - Alex Valcarce

Bidders  
F.A. Day Renovation & Additions

	Colantonio Inc.	Boston Building & Bridge Corp.	Debulis Brothers Construction Co., Inc.	G.V.W., Inc.
\$	5,989,900.00	\$ 6,386,000.00	\$ 6,629,400.00	\$ 6,897,850.00
Alternate #1	\$140,000.00	\$37,000.00	\$40,300.00	\$75,000.00
Alternate #2	\$45,000.00	\$37,000.00	\$37,600.00	\$45,000.00
Alternate #3	\$230,000.00	\$264,000.00	\$295,800.00	\$184,000.00
	\$ 6,404,900.00	\$ 6,724,000.00	\$ 7,003,100.00	\$ 7,201,850.00

Base Bid & Alt #1  
Base Bid & Alt #1 and #2  
Base Bid & Alt #1, #2 & #3

Award Recommended To:

\_\_\_\_\_  
Alternate #1  
Date

\_\_\_\_\_  
Alternate #2  
Date

\_\_\_\_\_  
Alternate #3  
Date

\_\_\_\_\_  
Department Head  
Date

\_\_\_\_\_  
Chief Procurement Officer  
Date

\_\_\_\_\_  
Mayor or his designee  
Date

NOTES REGARDING SUBMITTED BIDS
Totals Corrected by Excel

CITY OF NEWTON  
IN BOARD OF ALDERMEN

2012

ORDERED:

That for the purpose of paying for the construction and administration of renovations and additions to F.A. Day Middle School, and all other costs associated therewith, there be and hereby is appropriated and authorized to be borrowed under and pursuant to Chapter 44 Section 7(3A) of the General Laws, as amended and supplemented, or pursuant to any other enabling authority, the sum of six million seven hundred fifty thousand dollars (\$6,750,000). Provided, however, that the term of any bonds issued under this order not be less than twenty (20) years and the legal level of control for budgetary expenditure purposes shall be as described in the attached schedule.

Under Suspension of Rules  
Readings Waived and Approved  
21 yeas 0 nays 3 absent (Aldermen Fischman, Merrill, and Swiston)

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

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



City of Newton, Massachusetts  
Office of the Mayor

#56-07(5)

Telephone  
(617) 796-1100

Facsimile  
(617) 796-1113

TDD/TTY  
(617) 796-1089

SETTI D. WARREN  
MAYOR

E-mail  
swarren@newtonma.gov

September 11, 2012

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

RECEIVED  
Newton City Clerk  
2012 SEP 12 PM 2:15  
David A. Oison, CMC  
Newton, MA 02459

Ladies and Gentlemen:

As a result of the hard work and dedication of Alderman Leonard Gentile, Chief Operating Officer Bob Rooney, Alderman Sydra Schnipper and the other members of the High School Building Committee, I am pleased to report to the Honorable Board that the final North High School Construction Costs have been projected to be \$6,000,028.69 less than the April 22, 2008 Final Approved Budget Board Order # 56-07(2).

As is standard operating procedure, the Massachusetts School Building Authority (MSBA) has been holding 5% (or \$2,328,858 of \$46.6 million) of the City's Total Grant Funding until project completion. Following close-out and audit of the project those funds will be available for release.

Additionally, the City of Newton had been approved for a low interest (2%) loan for the last \$14,724,617 of project funding. In June 2011, the City borrowed \$11,000,000 of the \$14.7 million. As a result of the projected cost savings, the City did not need to borrow \$2,275,412 of that \$11 million. Following close-out of the project the City will be in a position to repay those funds. In an effort to streamline the transfer of funds between the City and State, and to reduce interest costs to the City, we would like to apply the entire amount of the hold back to the advance repayment of the loan. This would require the City to prepay \$53,446 of loan proceeds to the State.

Therefore, I respectfully request that the Honorable Board amend the funding source for the North High School Project by subtracting \$53,446 from the amount to be used from borrowing and appropriating the same amount from the Capital Stabilization Fund.

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

CITY OF NEWTON, MASSACHUSETTS  
HIGH SCHOOL IMPROVEMENT FUND  
NEW NORTH HIGH SCHOOL NEW CONSTRUCTION PROJECT  
AMENDED APPROPRIATION BOARD ORDER  
LEGAL LEVEL OF CONTROL

#56-07(5)

	Original Budget {1}	Current Amended Budget {2}	Recommended Revisions	Final Budget as Amended
ADMINISTRATIVE SUPPORT SALARIES	\$ 383,213.37	\$ 299,459.93	-	299,459.93
WORK BY OTHER DEPARTMENTS	-	4,736.20	-	4,736.20
PUBLIC PROPERTY - REPAIR AND MAINTENANCE	-	10,000.00	52,500.00	62,500.00
RENTAL - EQUIPMENT	550,000.00	345,199.40	(18,594.35)	326,605.05
SOLID WASTE DISPOSAL	-	104,790.07	(1,111.15)	103,678.92
RENTAL-STORAGE CONTAINERS	-	17,000.00	(1,404.63)	15,595.37
RENTAL-SANITARY FACILITIES	-	18,000.00	(3,850.00)	14,150.00
CONSULTANTS	200,000.00	2,288,759.99	(26,356.43)	2,262,403.56
ARCHITECTURAL SERVICES	7,000,000.00	16,790,380.51	(87,457.32)	16,702,923.19
CONSTRUCTION CLERK OF THE WORKS	275,000.00	275,000.00	-	275,000.00
BUILDING SYSTEM COMMISSIONING	350,000.00	350,000.00	-	350,000.00
CONSTRUCTION PROJECT MANAGEMENT	2,500,000.00	4,395,071.00	-	4,395,071.00
CONSTRUCTION MANAGER AT RISK	119,358,690.33	164,325,203.44	(2,593,398.91)	161,731,804.53
BLUEPRINTING	49,548.50	6,900.25	-	6,900.25
LEGAL SERVICES	250,000.00	275,469.79	(8,618.40)	266,851.39
LEGAL SETTLEMENT	-	100,000.00	-	100,000.00
REGISTRATION AND RECORDING FEES	-	50.00	-	50.00
POSTAGE	100.00	164.26	-	164.26
PRINTING	51.50	22.00	-	22.00
ADVERTISING/PUBLICATIONS	300.00	-	-	-
ATHLETIC TRANSPORTATION	350,000.00	422,000.00	(21,449.28)	400,550.72
UNALLOCATED CONTINGENCY	-	140,212.19	(140,212.19)	-
OWNERS CONTINGENCY {3}	6,225,107.69	3,000,000.00	(3,000,000.00)	-
BUILDING IMPROVEMENTS	497,500.00	497,500.00	(123,539.09)	373,960.91
COMPUTER SERVER HARDWARE	925,000.00	-	-	-
INFORMATION TECHNOLOGY EQUIPMENT	-	1,850,000.00	(3,196.03)	1,846,803.97
AUDIO-VISUAL EQUIPMENT	925,000.00	26,741.31	-	26,741.31
FURNISHINGS, FIXTURES & EQUIPMENT	-	1,562,500.00	(6,882.15)	1,555,617.85
CLASSROOM FURNITURE	1,387,500.00	421,101.05	(16,458.76)	404,642.29
<b>TOTAL PROJECT EXPENDITURE BUDGET (#56-07(4))</b>	<b>\$ 141,227,011.39</b>	<b>\$ 197,526,261.39</b>	<b>\$ (6,000,028.69)</b>	<b>\$ 191,526,232.70</b>

{1} Original budget thru board order #56-07 (04/04/2007)

{2} Amended budget thru board order #43-11: February 22, 2011.

{3} Transfers from the Owners contingency require prior approval of the Board of Aldermen

The Mayor is authorized to make unlimited transfers from the Unallocated Contingency.

	Original Budget {1}	Current Amended Budget {2}	Recommended Revisions	Final Budget as Amended
PROCEEDS FROM THE SALE OF BONDS	79,649,845.39	\$ 135,921,511.39	\$ -	\$ 135,921,511.39
PROCEEDS FROM STATE LOANS	15,000,000.00	14,724,617.00	(3,724,617.00)	11,000,000.00
MSBA CONSTRUCTION ASSISTANCE GRANTS	46,577,166.00	46,577,166.00	(2,328,858.00)	44,248,308.00
VENDOR REBATES	-	276,217.00	-	276,217.00
TRANSFER FROM OTHER FUNDS	-	26,750.00	53,446.31	80,196.31
<b>TOTAL PROJECT FINANCING BUDGET (#56-07(5))</b>	<b>\$ 141,227,011.39</b>	<b>\$ 197,526,261.39</b>	<b>\$ (6,000,028.69)</b>	<b>\$ 191,526,232.70</b>

CITY OF NEWTON  
IN BOARD OF ALDERMEN

April 22, 2008

ORDERED:

That for the purpose of paying additional costs of constructing, equipping and furnishing a new Newton North High School, to be located at 457 Walnut St., Newton, MA, which building will consist of approximately 413,000 square feet, and for the payment of all other costs incidental and related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, there is hereby appropriated the sum of \$56,272,500, which shall result in a total appropriation for this project of \$197,500,008, to be expended at the direction of the Mayor, in accordance with the attached schedule of appropriations, which amount shall be borrowed under and pursuant to Chapter 44, Section 7(3) and Chapter 70B of the General Laws, or pursuant to any other enabling authority; that the amount appropriated hereunder, shall be in addition to the \$141,227,508 appropriated for this project to-date by the following Bond Orders of this Board: Order No 268-00(B) approved on April 17, 2001, as amended on June 27, 2006 (\$1,895,758), Order No. 320-04 approved on October 4, 2004 (\$3,800,000), Order No. 230-06(A) approved on September 5, 2006 (\$1,076,250), Order No. 230-06(B) approved on February 5, 2007 (\$2,572,500), and Order No. 56-07 approved on April 4, 2008 (\$131,883,000. The City acknowledges that the Massachusetts School Building Authority's ("MSBA") grant program is a non-entitlement, discretionary program based on need, as determined by the

MSBA, and any project costs incurred by the City in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the City. The City further acknowledges that any grant that it may receive from the MSBA on account of the project described in this vote shall not exceed \$46,577,262. The total amount authorized to be borrowed for this project shall be reduced by any amounts received from the MSBA on account of this project prior to the issuance of any bonds or notes under this vote.

That the City Treasurer, upon the recommendation of the Board of Aldermen and the concurrence of the Mayor, is authorized to file an application with The Commonwealth of Massachusetts' Municipal Finance Oversight Board to qualify under Chapter 44A of the General Laws any and all bonds or notes of the City authorized by this Order; for a term not to exceed 30 years, and in connection therewith, to provide such information and execute such documents as the Municipal Finance Oversight Board of The Commonwealth of Massachusetts may require.

Under Suspension of Rules  
Readings Waived and Approved  
17 yeas, 5 nays (Ald. Brandel, Johnson, Mansfield, Parker, Swiston),  
2 absent (Ald. Harney, Sangiolo)

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

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

(SGD) PAUL E. COLETTI  
Chairman, Finance Committee

CITY OF NEWTON, MASSACHUSETTS  
 HIGH SCHOOL IMPROVEMENT CAPITAL PROJECT FUND  
 NEWTON NORTH HIGH SCHOOL NEW CONSTRUCTION PROJECT APPROPRIATION SCHEDULE - LEGAL LEVEL OF CONTROL {4}  
 BO #56-07(2)

	Original Budget	Budget Revisions	Amended Budget	Current Project Budget {1}	Revisions	Project Budget {4}	Docket Item #56-07(2) Revised Project Budget {4}
ADMINISTRATIVE SUPPORT SALARIES	\$ 383,213.37	\$ -	\$ 383,213.37	\$ 383,213.37	\$ 668.00	\$ 383,881.37	
WORK BY OTHER DEPARTMENTS	-	2,500.00	2,500.00	2,500.00	-	2,500.00	2,500.00
RENTAL - EQUIPMENT (Moving)	550,000.00	-	550,000.00	550,000.00	-	550,000.00	550,000.00
RENTAL-STORAGE CONTAINERS	-	3,500.00	3,500.00	3,500.00	-	3,500.00	3,500.00
RENTAL-SANITARY FACILITIES	-	2,000.00	2,000.00	2,000.00	-	2,000.00	2,000.00
CONSULTANTS	200,000.00	-	200,000.00	200,000.00	850,000.00	1,050,000.00	1,050,000.00
ARCHITECTURAL SERVICES	7,000,000.00	8,860,193.51	15,860,193.51	15,860,193.51	(487,193.00)	15,373,000.51	15,373,000.51
CONSTRUCTION CLERK OF THE WORKS	275,000.00	-	275,000.00	275,000.00	-	275,000.00	275,000.00
BUILDING SYSTEM COMMISSIONING	350,000.00	-	350,000.00	350,000.00	-	350,000.00	350,000.00
CONSTRUCTION PROJECT MANAGEMENT	2,500,000.00	367,850.00	2,867,850.00	2,867,850.00	526,579.00	3,394,429.00	3,394,429.00
CONSTRUCTION MANAGER AT RISK {2}	119,358,690.33	(3,055,636.00)	116,323,054.33	116,323,054.33	48,676,946.00	165,000,000.33	165,000,000.33
BLUEPRINTING	49,548.50	-	49,548.50	49,548.50	-	49,548.50	49,548.50
LEGAL SERVICES	250,000.00	30,000.00	280,000.00	280,000.00	50,000.00	330,000.00	330,000.00
REGISTRATION AND RECORDING FEES	-	50.00	50.00	50.00	-	50.00	50.00
POSTAGE	100.00	150.00	250.00	250.00	-	250.00	250.00
PRINTING	51.50	-	51.50	51.50	-	51.50	51.50
ADVERTISING/PUBLICATIONS	300.00	-	300.00	300.00	-	300.00	300.00
ATHLETIC TRANSPORTATION	350,000.00	(5,500.00)	344,500.00	344,500.00	155,500.00	500,000.00	500,000.00
OWNERS CONTINGENCY {3}	6,225,107.69	(6,225,107.51)	0.18	0.18	5,000,000.00	5,000,000.18	5,000,000.18
UNALLOCATED CONTINGENCY {4}	-	-	-	-	1,500,000.00	1,500,000.00	1,500,000.00
BUILDING IMPROVEMENTS	497,500.00	-	497,500.00	497,500.00	-	497,500.00	497,500.00
COMPUTER SERVER HARDWARE	925,000.00	-	925,000.00	925,000.00	-	925,000.00	925,000.00
AUDIO-VISUAL EQUIPMENT	925,000.00	-	925,000.00	925,000.00	-	925,000.00	925,000.00
CLASSROOM FURNITURE	1,387,500.00	-	1,387,500.00	1,387,500.00	-	1,387,500.00	1,387,500.00
<b>TOTAL</b>	<b>\$ 141,227,011.39</b>	<b>-</b>	<b>\$ 141,227,011.39</b>	<b>\$ 141,227,011.39</b>	<b>\$ 56,272,500.00</b>	<b>\$ 197,499,511.39</b>	

{1} Current project budget as of April 17, 2008.  
 {2} Construction Manager at Risk line includes \$13 million of the \$19.5 in contingencies identified in the Mayor's April 4, 2008 communication to the Board of Aldermen.  
 The Owner's contingency, identified in the April 4, 2008 communication from the Mayor is divided between the Owners contingency and Unallocated contingency in this schedule.  
 {2a} Including \$480,000 reserved for landscaping.  
 {3} Transfers from the Owners contingency require prior approval of the Board of Aldermen.  
 {4} Mayor is authorized to make unlimited transfers from the Unallocated Contingency. All other account transfers require approval of the Board of Aldermen.

COMPTROLLER'S OFFICE  
CITY OF NEWTON, MASSACHUSETTS  
[dwilkinson@newtonma.gov](mailto:dwilkinson@newtonma.gov)  
(617) 796-1305

September 21, 2012

TO: Finance Committee

FROM: David Wilkinson

SUBJECT: **Docket Item #56-07(5)**

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Earlier this week the Board of Aldermen approved docket item #56-07(4), which reduced the expenditure budget for the Newton North High School new construction project by \$6,000,028.69 to **\$191,526,232.70**. The objective of docket item #56-07(5) is to amend the final financing plan for the **\$191,526,232.70** project so that we can minimize interest costs associated with project financing.

- As of mid-day today, \$191,433,789.77 of the \$191,526,232.70 project budget has been expended, leaving a balance of \$92,442.93 that is expected to be expended to close out the project.
- The City has realized \$191,472,786.39 in revenue against the \$191,526,232.70 project budget, leaving \$53,446.31 that remains to be funded.
- Absent approval of docket item #56-07(5), the \$53,446.31 balance will be financed from a \$2,328,858 MSBA construction grant retainage that will be released to the City upon the payment of all final invoices (and a possible project audit by the MSBA). MSBA and Massachusetts Department of Revenue regulations require that the balance of the grant retainage, not needed to fund project costs, be used to subsidize project debt service requirements over the outstanding term of bonds issued for this project.
- As an alternative to subsidizing North High School project debt service over the next 27 years, management would recommend that the entire MSBA construction grant retainage be used to immediately retire an equivalent amount of the \$11 million subsidized project loan that the City took out from the MSBA in fiscal year 2011. This action will not only free up debt capacity, but will save the City slightly more than \$650,000 in interest costs over the next 27 years.
- Docket item #56-07(5) recommends that the Board substitute \$53,446.31 in capital stabilization fund financing for MSBA grant financing so that we can immediately arrange for an even conversion of the grant retainage to a loan pre-payment. If this can be arranged promptly, savings for fiscal year 2014 alone will be \$46,500.





SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#278-12

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(617) 796-1100

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(617) 796-1113

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RECEIVED  
Newton City Clerk  
2012 SEP 10 PM 6:44  
David A. Olson, CMC  
Newton, MA 02459

September 10, 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 enact legislation to adopt Chapter 40, Section 21E of the Massachusetts General Laws authorizing municipalities to set interest rates for any overdue charges or bills.

I believe this legislation would be advantageous to the City in its efforts to collect payment for services rendered by the City, in particular for special police and fire details and fire inspections.

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

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS  
CITY HALL

1000 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
TELEPHONE (617) 796-1240  
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CITY SOLICITOR  
DONNALYN B. LYNCH KAHN

ASSOCIATE CITY SOLICITOR  
OUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS

MARIE M. LAWLOR  
ANGELA BUCHANAN SMAGULA  
ROBERT J. WADDICK  
MAURA E. O'KEEFE  
JEFFREY A. HONIG  
ALAN D. MANDL  
JULIE B. ROSS

September 10, 2012

The Honorable Setti Warren, Mayor  
City of Newton  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

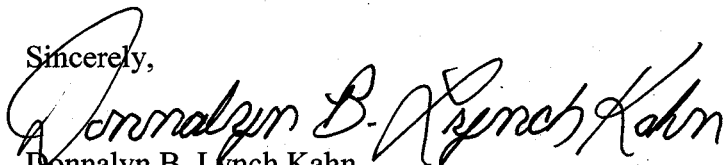
Dear Mayor Warren:

Chapter 40, Section 21E of the General Laws authorizes municipalities to establish via ordinance or by-law due dates for the payment of municipal charges and bills, as well as set interest rates for any overdue charges or bills. The interest that municipalities may charge, however, may not exceed the interest rate for overdue property taxes established under General Laws, Chapter 59, § 57, which is currently 14 percent per year.

This legislation could be advantageous to the City in its collections efforts for services provided by the City, for example, special police and fire details, and fire inspections. The City of Somerville recently enacted legislation allowed by G.L. c. 40, s. 21E, and has successfully used the new statute to collect interest on debts due and owing to the City, in addition to the principal.

I have attached a copy of the current statute and the proposed ordinance. I ask that you docket this matter for the next meeting of the Board of Aldermen.

Sincerely,

  
Donnalyn B. Lynch Kahn  
City Solicitor

**Current Statute:**

**M.G.L. c. 40, Section 21E.**

**Municipal Charges and Bills; Due Dates; Interest**

Any city or town may, by ordinance or by-law, and any district by vote of the district meeting, establish due dates for the payment of municipal charges and bills, and may fix a rate at which interest shall accrue if such charges remain unpaid after such due dates; provided, however, that the rate of interest shall not exceed the rate at which interest may be charged on tax bills under the provisions of section fifty-seven of chapter fifty-nine.

**Effect of the Proposed Ordinance:**

This ordinance that would allow the City to establish due dates for the payment of municipal charges and bills including but not limited to special police and fire details, and fire inspections, as well as allowing the City to fix an interest rate for any charges remaining unpaid after said due date.

**Proposed Ordinance:**

**Municipal Charges and Bills; Due Dates; Interest**

The City may establish due dates for the payment of municipal charges and bills, and may fix a rate at which interest shall accrue if such charges remain unpaid after such due dates; provided, however, that the rate of interest shall not exceed the rate of interest which may be charged on tax bills under the provisions of section fifty-seven of chapter fifty-nine.

#278-12



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

**TITLE VII** CITIES, TOWNS AND DISTRICTS

**CHAPTER 40** POWERS AND DUTIES OF CITIES AND TOWNS

**Section 21E** Municipal charges and bills; due dates; interest

Section 21E. Any city or town may, by ordinance or by-law, and any district by vote of the district meeting, establish due dates for the payment of municipal charges and bills, and may fix a rate at which interest shall accrue if such charges remain unpaid after such due dates; provided, however, that the rate of interest shall not exceed the rate at which interest may be charged on tax bills under the provisions of section fifty-seven of chapter fifty-nine.