

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA
SPECIAL MEETING

MONDAY, SEPTEMBER 20, 2010

7:15 PM
Room 202

ITEM TO BE DISCUSSED:

#201-10 HIS HONOR THE MAYOR requesting authorization to transfer the unobligated balances held by the City in two special appropriation accounts, totaling fifty thousand nine hundred sixty-six dollars and twenty-six cents (\$50,966.26), from Bradford Development's Sedimentation Chamber Fund and Traffic Mitigation Fund [special permit nos. 514-99(2) and 515-99(2)) and board order nos. 131-05 and 289-03(5)] to the Law Department's Judgment and Settlement Account and authorization for the City Solicitor to settle a claim brought by the developer and its successor to recover the unexpended funds in these two special appropriation accounts in accordance with the above special permits. [6/14/10 @6:13PM]

All other items before the Committee will be held without discussion

Respectfully Submitted,

Leonard J. Gentile, Chairman

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 Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

LAW DEPARTMENT



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September 16, 2010

Via E-mail Only: wbrodie@whbrodielaw.com

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RE: *Cardinal Funding Group, LLC and Robert Fox v. City of Newton*
Refund of Mitigation Funds
Docket #201-01.

Dear Attorney Brodie:

I have discussed your letter dated September 14, 2010, with the Chairman of the Finance Committee, Alderman Gentile. He intends to call a special meeting of the Finance Committee, to be held at 7:15 p.m. prior to the full Board of Aldermen meeting on Monday, September 20, 2010, to consider Docket #201-01, as well as your letter of September 14, 2010. It is the Chairman's intention to have the Finance Committee vote on the item at the special meeting so that he may report the item to the full Board later that same evening. In addition, Alderman Gentile has asked this department to consider whether an emergency preamble is appropriate for this Docket item.


At the request of the Finance Committee, I asked the Public Works Commissioner for information regarding the cost of installing the traffic mitigation improvements at the intersection of Daniel Street and Jackson Road. While the work was done in-house, using materials on hand, Commissioner Daley estimated that the cost of this improvement was, at a minimum, \$15,000.00, and possibly more.

Given that the work was actually done with regard to the traffic improvement, albeit in the fall of 2009, not by February 13, 2007, I am asking your client to reconsider the offer contained in your letter of September 14, 2010, and allow the City to retain an additional \$12,000, for a total of \$15,000, to cover the cost of constructing the traffic mitigation improvement as originally anticipated under Special Permits ##514-99(2) and 515-99(2). If your client agrees to this, the balance being refunded from the Traffic Mitigation Fund would be \$2,516.26. The balance being refunded from the Sedimentation Chamber Fund would remain at \$33,450.00.

The circumstances that led to the delay in constructing the traffic mitigation improvements at this intersection reflect the City's willingness to work with a neighborhood to resolve traffic issues. To allow this approach to resolving traffic concerns to shift the cost of the improvement from a funding source already paid to the City for this purpose and onto the taxpayers is truly unfortunate even if within the letter of the Special Permit conditions establishing the Traffic Mitigation Fund.

Thank you for your consideration.

Very truly yours,



Ouida C.M. Young
Associate City Solicitor

cc: Ald. Gentile, Chairman, Finance Committee
All members, Finance Committee