

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, JUNE 8, 2009

7:45 pm
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

Re-appointment by His Honor the Mayor

#116-09 MARIA BIANCHI ROSEN, 41 Aspen Avenue, Auburndale, re-appointed as a Constable for the City of Newton for a term to expire May 1, 2012.
(60 days: 06/20/09) [04/13/09 @ 1:04 PM]

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMS

#158-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of thirty one thousand one hundred seventeen dollars twenty cents (\$31,117.20) for the purpose of testing, clothing, and equipping eight new Fire Department recruits. [05/26/09 @ 5:52 PM]
PUBLIC SAFETY & TRANSPORTATION APPROVED 6-0 (Ald. Harney and Vance not voting) on 06-03-09

REFERRED TO PUB SAF & TRANSPORTATION AND FINANCE COMMS.

#117-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty-eight thousand dollars (\$88,000) from Free Cash for the purpose of supplementing the Fire Department overtime account. [04/14/09 @ 5:33 PM]
PUBLIC SAFETY APPROVED 6-0 on 5-20-09

#157-09 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a PSAP Training Grant in the amount of thirty-one thousand one hundred eleven dollars (\$31,111) to provide dispatch training, fees and overtime costs. [05/26/09 @ 5:53 PM]

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMS

#159-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of fifty-five thousand dollars (\$55,000) for the purpose of supplementing the Police Department overtime account. [05/26/09 @ 5:52 PM]
PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0 (Ald. Ciccone, Harney and Vance not voting) on 06-03-09

- #149-09 HONOR THE MAYOR requesting a transfer of twelve thousand dollars (\$12,000) from Unemployment in Human Resources to Legal Services and an additional four thousand dollars (\$4,000) from Unemployment to the Human Resources Consultants. These transfers will allow Human Resources to pay legal and consulting fees related to multiple pending arbitrations through FY09. [05-12-09 @ 5:02 PM]
Note: A letter from His Honor the Mayor was received on 05/26/09 requesting to increase the transfer from Unemployment in Human Resources to legal and consulting in Human Resources from \$16,000 to \$25,000.
HELD 6-0 on 06-01-09
- #128-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of ten thousand dollars (\$10,000) for the purpose of installing an additional heating coil in the air handler at the Senior Center. [04/28/09 @ 6:04 PM]
- #154-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation Fund to the Parks and Recreation Revolving Fund for the purpose of funding scholarships for youth attending Parks and Recreation camp programs. [05-29-09 @ 12:33 PM]

REFERRED TO CMTE ON COMM. PRES & FINANCE COMMITTEE

- #132-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that one million eighty-two thousand five hundred dollars (\$1,082,500) be appropriated and expended from the Community Preservation Fund's historic and general reserves for the preservation and rehabilitation of Warren House. [04/27/09 @ 9:04 AM]
COMMUNITY PRESERVATION APPROVED 7-0 on 05-26-09

REFERRED TO CMTE ON COMMUNITY PRES. AND FINANCE COMMITTEE

- #91-09 COMMUNITY PRESERVATION COMMITTEE requesting to appropriate and expend \$37,750, including \$750 for legal costs, from the FY09 Community Preservation Fund's historic resources and general reserves, to survey undocumented archaeological resources throughout the City including a ground-penetrating radar survey of the East Parish Burying Ground, and produce a report of the findings. [03/06/09 @ 2:20 PM]
COMMUNITY PRESERVATION APPROVED (Ald. Parker abstaining; Ciccone not voting) on 5-26-09
- #343-08(2) HIS HONOR THE MAYOR requesting a RESOLUTION from the Board of Aldermen pursuant to a letter from the Mayor dated July 3, 2001 relative to setting a fee of \$50 per trench under the new Trench Excavation Safety Permit requirements of the Commonwealth and ordinance Z-33, dated November 3, 2008. [4/28/09 @ 6:03 pm]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#36-08(2) HIS HONOR THE MAYOR requesting to amend docket item #36-08 by appropriating an additional one hundred nine-thousand six hundred twenty-seven dollars (\$109,627) from Budget Reserve for the fuel tank replacements at the Elliot Street DPW yard. [04/28/09 @ 6:02 PM]

PUBLIC FACILITIES APPROVED 5-0-2 (Gentile and Lennon abstaining) on 5-20-09

#156-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Budget Reserve the sum of seventy-five thousand dollars (\$75,000) for the purpose of supplementing the Law Department Legal Assistance Account. [05/26/09 @ 5:52 PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

#155-09 HIS HONOR THE MAYOR requesting authorization for the Comptroller to transfer personnel funds as necessary between departments at year-end to prevent any departmental deficiencies in payroll accounts and to transfer up to one million dollars from departmental personnel savings to the wage reserve to fund the retroactive portion of any settlement with the two bargaining units with unsettled contracts. [05/26/09 @ 5:51 PM]

REFERRED TO CMTE ON COMMUNITY PRES AND FINANCE COMMITTEE

#151-09 THE COMMUNITY PRESERVATION COMMITTEE recommending that two million forty-six thousand dollars (\$2,046,000) be appropriated and expended from the Community Preservation Fund's community housing and general reserves to create ten permanently affordable homeownership units of community housing at 192 Lexington Street. [05/11/09 @ 2:04 PM]

COMMUNITY PRESERVATION HELD 7-0 on 05-26-09

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#130-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend from Cable Receipts the sum of twenty-four thousand nine hundred eighteen dollars (\$24,918) for the purpose of purchasing equipment to provide for archived web casting of the Board of Aldermen and School Committee meetings. [4/28/09 @ 6:02 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]

PROGRAM AND SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 04-15-09

REFERRED TO PUBLIC SAFETY & TRANSPORTATION COMMITTEE on 05-04-09**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES on 02-17-09**

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @1:01 PM]

ITEM RECOMMITTED TO PUB. FAC. AND FINANCE COMMITTEES ON 02-17-09**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #13-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred eighty-five thousand dollars (\$385,000) from bonded indebtedness to the Public Works Department for the purpose of replacing both the salt shed and the Quonset hut at Crafts Street. [12-30-08 @ 5:04 PM]
PUBLIC FACILITIES APPROVED 4-0-2 (Gentile and Mansfield abstaining) on 01-07-09
FINANCE APPROVED 2-1-3 (Gentile opposed; Parker, Lennon and Freedman abstaining) on 02-09-09
- #354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]
HELD 6-0 on 02-09-09
- #352-08 ALD. COLETTI requesting discussion monthly reports from the Chief Budget Officer and Comptroller on the status of the Health Insurance Trust Fund. [09-30-08 @ 1:54 PM]
HELD 7-0 (Johnson not voting) on 04-13-09
- #349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]
HELD 6-0 on 02-09-09
- #348-08 ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation. [09-30-08 @ 1:54 PM]
HELD 5-0 on 03-23-09

REFERRED TO POST AUDIT & OVERSIGHT AND FINANCE COMMITTEES

- #300-08 ALD. JOHNSON AND SWISTON requesting discussion with Mayor David Cohen and Superintendent Jeffrey Young as to the procedures that are in place to ensure accountability of their staff in respect to adherence to the authorization of purchasing and expenditures policy and procedures. [07-21-08 @ 9:03 AM]
POST AUDIT & OVERSIGHT HELD on 11-25-08
FINANCE HELD 8-0 on 01-12-09
POST AUDIT & OVERSIGHT HELD 6-0 (Harney not voting) on 04-16-09

- #299-08(2) HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the provisions of §19 of Chapter 32B (as amended) of the General Laws to allow all subscribers for whom the City provides health insurance to transfer to the Group Insurance Commission (GIC) pursuant to Section 19(e) of Section 32B, which authorizes the City to engage in so-called coalition bargaining re the issue of the City joining the GIC. [08-04-08 @ 12:35 PM]
HELD 6-0-2 (Freedman and Salvucci not voting) on 01-12-09

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07-17-08 @ 9:53 AM]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.
PUB. SAFETY AND FINANCE COMMITTEES**

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]
PUBLIC SAFETY & TRANSPORTATION HELD 6-0 (Cicccone not voting) on 09-03-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07-17-08 @ 9:53 AM]
PROGRAM & SERVICES HELD 5-0 (Freedman, Hess-Mahan and Merrill not voting) on 06-03-09

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07-17-08 @ 9:53 AM]

ITEM RECOMMITTED TO FINANCE COMMITTEE on 11-3-08
REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#265-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand five hundred eighty seven dollars (\$150,587) from capital stabilization for the purpose of restoration of the exterior of the Jackson Homestead. [7-8-08 @ 5:17 PM]

RECOMMITTED TO PUB FAC & FINANCE COMMITTEES ON 10-20-08
PUBLIC FACILITIES APPROVED 1-0-3 (Lennon, Albright and Mansfield abstaining, Salvucci and Gentile not voting) on 10-22-08
FINANCE APPROVED AS AMENDED 4-2-1 @ \$122,976 (Lennon and Gentile opposed; Johnson abstaining) on 10-27-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07-08-08 @ 1:29 PM]

PROGRAM AND SERVICES HELD 7-0 (Baker not voting) on 09-17-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#260-08 ALD. SANGIOLO proposing the establishment of a revolving account to receive contributions and rental income to go directly to fund branch libraries for each individual branch. [07-08-08 @ 1:29 PM]

PROGRAM AND SERVICES APPROVED AS AMENDED 5-0-3 (Baker, Freedman and Hess-Mahan abstaining) on 09-03-08
HELD 6-0 (Johnson not voting) on 09-22-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07-08-08 @ 1:28 PM]

PROGRAM AND SERVICES HELD 7-0 (Baker not voting) on 09-17-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07-08-08 @ 1:29 PM]

PROGRAM & SERVICES HELD 7-0 (Freedman not voting) on 06-03-09

- #213-08 ALD. LINKSY, JOHNSON, ALBRIGHT, FREEDMAN, HARNEY, HESS-MAHAN, VANCE, MANSFIELD & PARKER requesting the evaluation of the following in conjunction with the contemplated conversion of general fund monies from operational budget uses to debt service use in regard to the Newton North High School project:
- (a) the impact on city and/or school services,
 - (b) the process by which criteria and prioritization will be established when choices need to be made between services, and
 - (c) whether additional revenue will be required in the form of debt exclusions or otherwise. [04-29-08 @ 11:26 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
 “Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?” [05-21-08 @ 12:58 PM]
PROGRAM & SERVICES HELD 7-0 (Parker not voting) on 03-04-09

REFERRED TO PUB. SAFETY & TRANSPORTATION & FINANCE COMMITTEES

- #174-08(2) PUBLIC SAFETY/TRANSPORTATION COMMITTEE proposing changes to the rate structure and/or enforcement hours for parking meters as well as installation of additional meters citywide. [06-18-08 @ 8:00 PM]
PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 04-15-09

REFERRED TO COMMUNITY PRESERVATION & FINANCE COMMITTEES

- #147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]
COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08
(A) DESIGN FUNDS ESTIMATE \$37,500.00
(B) BALANCE OF PROJECT ESTIMATE \$321,900.00
Voice vote APPROVED Motion to amend docket to add referral to Public Facilities Committee on 5-19-08.
FINANCE APPROVED (A) Design Funds at \$37,500 6-0 on 07-21-08
FINANCE HELD (B) Balance of Project on 07-21-08

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

- #89-08 ALD. PARKER requesting the following:
- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
 - B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
 - C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.

[02-13-08 @ 12:07 PM]

**PROGRAMS AND SERVICES HELD 6-0 (Freedman not voting)
on 04-09-08**

REFERRED TO PROG & SERV, PUB FAC AND FINANCE COMMITTEES

- #54-08(3) PUBLIC FACILITIES COMMITTEE offering a RESOLUTION to His Honor the Mayor requesting that he request and receive from the State Treasurer a review of the project plans and a review of the project's finance plan and submit said reviews to the Board of Aldermen in order to preserve cost-saving options.
- PROGRAMS & SERVICES APPROVED 4-2-1 (Baker and Hess-Mahan opposed; Merrill abstaining; Parker not voting) on 03-12-08**
- PUBLIC FACILITIES APPROVED 5-3 (Gentile, Salvucci, Schnipper opposed) on 02-20-08**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #33-08 ALD. COLETTI requesting review of the scope of work and performance of Turner Construction and review of proposed 18-month extension of the Turner Construction contract. Included in discussion will be the process for review of future invoices of Dimeo and other vendor invoices by Turner. [01-15-08 @ 11:14]
- PUBLIC FACILITIES NO ACTION NECESSARY 7-0 on 12-03-08**
- HELD 6-0 on 12-08-08**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #31-08 ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor expressing a no confidence vote pertaining to the current status of the Newton North High School Construction Project and related Financing Plan. [01-15-08 @ 11:14 AM]

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES

- #30-08 ALD. COLETTI requesting a list of current vacancies in the Police, Fire and Public Works Departments, with specific discussion in Committee relative to Police Department vacancies. [01-15-08 @ 11:15 AM]
- PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 01-21-09**
- HELD 8-0 on 09-08-08**

ITEM RECOMMITTED TO PUBLIC FACILITIES AND FINANCE ON 6/19/08
REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #11-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$1,200,000 from bonded indebtedness for the purpose of funding the installation of four modular classrooms. [01-02-08 @ 4:53 P.M.]
B) \$1,225,000 from bonded indebtedness
NOTE: Letter received from Mayor on 1/4/08 requesting that appropriation amount be amended to \$1.3 million. Letters received 5/7 and 5/21 requesting that the funding source to capital stabilization for costs incurred for design work and the remaining \$1,225,000 from bonded indebtedness be voted no action necessary. Part A) \$75,000 from Capital Stabilization approved on 6/19/08.
- #207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [7-2-08 @12:12 PM]
HELD 8-0 on 09-08-08
- #207-07(3) ALD. COLETTI proposing that the sum of \$300,000 be removed from various municipal and school department budgets for FY09 and placed in a separate "employee compensation" reserve account until the Mayor and School Committee present to the Board of Aldermen performance pay plan policies. [7-2-08 @12:12 PM]
HELD 8-0 on 09-08-08
- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
(A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
(B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
(C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [7-2-08 @12:12 PM]
HELD 5-0 (Parker and Johnson not voting) on 02-23-09

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02-27-07 @ 10:21 PM]
PROGRAM & SERVICES HELD 6-0 on 02-04-09

ITEM RECOMMITTED TO PUB. FACIL. & FINANCE COMMITTEES 3/19/07:**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#76-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]

PUB FACILITIES APPROVED 6-0-1 (Gentile abstaining) on 03-07-07

FINANCE MOTION TO APPROVE FAILED TO CARRY 2-4-1 (Lennon, Salvucci, Gentile and Coletti opposed; Linsky abstaining) on 3-12-07

PUBLIC FACILITIES APPROVED AS AMENDED 5-0 @ \$250,000 on 10-15-07

#453-06 LEON JR. AND MARION D. SEMONIAN, 373 Dedham Street, requesting total abatement of betterment assessment in the amount of \$2,690 (assessed for sidewalk/curbing/road improvements to Countryside Road and Patten Circle). [11-16-06 @ 11:02 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#345-06 ALD. SCHNIPPER requesting that the contingency on smaller Public Buildings projects be increased from 5% to at least 8%.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

REFERRED TO PROGRAMS & SERVICES AND FINANCE 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.

PROGRAM & SERVICES HELD 8-0 on 11-05-08

#93-06(2) ROBERT E. & ANNE M. SULLIVAN, 391 Dedham Street, applying for abatement of a street betterment assessment in the amount of \$15,880 levied by the Board of Aldermen in Board Order #93-06 which improved Countryside Road by the laying out, grading and acceptance of it as a public way. [07-02-07 @ 2:24 PM]

HELD 5-0 on 02-11-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

35-06 ALD. JOHNSON AND HESS-MAHAN requesting discussion with the School Department and School Committee members regarding the results of the studies addressing compensation for management and executive personnel and organizational structure of central administrative salaries.

**PROGRAM & SERVICES NO ACTION NECESSARY 6-0 on 04-18-07
HELD 6-0 (Salvucci and Gentile not voting) on 10-27-08**

#29-06 ALD. JOHNSON AND PARKER requesting creation of a Citizen Financial Advisory Committee to work with city officials and staff to facilitate bench markers, strategic planning, and other initiatives to improve the financial operation of the City.

(President's Note: While not formally referred to the Long Range Planning Committee, this item might usefully be discussed there in light of prior discussions of similar issues.)

ITEM RECOMMITTED ON 3-5-07 TO FINANCE COMMITTEE ONLY:**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

#23-06 ALD PARKER AND LINSKY requesting that the City adopt §19 of MGL Chapter 32B to allow retiree coalition bargaining of health care benefits
**PROGRAM AND SERVICES NO ACTION NECESSARY 4-0-2 (Parker and Merrill abstaining; Sangiolo not voting) on 03-08-06
FINANCE NO ACTION NECESSARY 5-0-3 (Lennon, Linsky and Parker abstaining) on 02-12-07
HELD 8-0 on 09-08-08**

#209-05 ALD. STEWART requesting that the Mayor provide the Board of Aldermen with a list of all salaried City employees who receive additional compensation (other than overtime) along with an explanation of the exact reasons for said additional payments.

REFERRED TO PS&T., FINANCE AND PROG & SERV. COMMITTEES

#273-04(3) ALD. GENTILE requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 2 in the State Retirement System. [02/13/09 @ 4:11 pm]
**PUBLIC SAFETY & TRANSPORTATION MOTION TO APPROVE
FAILED TO CARRY 3-3-1 (Fischman, Ciccone, Coletti; Harney, Danberg and Linsky opposed; Swiston abstaining) on 04-15-09
PROGRAM & SERVICES APPROVED 5-0-1 (Freedman abstaining; Brandel and Sangiolo not voting) on 04-15-09**

REFERRED TO PROG. & SERVICES AND FINANCE COMMITTEES

#264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.
PROGRAM & SERVICES HELD 6-0 (Parker not voting) on 04-23-08

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.
ZONING & PLANNING APPROVED 6-0 on 12-13-04
HELD 7-0 on 02-14-05

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #55-02 ALD. YATES requesting that the water/sewer discount rate be made available to homeowners who receive Fuel Assistance, Supplementary Security Income, Food Stamps, Supplementary Disability Income, General Relief, Low Income Sewer and Water Assistance, School Breakfast and Lunch and other income based State and Federal programs.
PUBLIC FACILITIES APPROVED 6-0 on 06-16-04

REFERRED TO PROG. & SERV., PUB. FAC. AND FINANCE COMMITTEES

- #309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

Respectfully Submitted,

Paul E. Coletti, Chairman



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#116-09^v

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TDD
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E-mail
dcohen@newtonma.gov

09 APR 13 PM 1:04
CITY CLERK
NEWTON, MA. 02159

April 9, 2009

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

Ladies and Gentlemen:

I am pleased to submit Ms. Maria Bianchi Rosen of 41 Aspen Avenue in Newton for re-appointment as a Constable for the City of Newton for a term of office expiring May 1, 2012.

Thank you for your attention to this matter.

Very truly yours,

David B. Cohen
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



David B. Cohen
Mayor

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Office of the Mayor

158-09

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May 26, 2009

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

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA. 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request appropriate the sum of \$31,117.20 from Budget Reserve to the Fire Department for the purpose of testing, clothing and equipping the eight new recruits scheduled to start on July 6, 2009.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

| | | |
|-------|----------------|-------------|
| From: | Budget Reserve | |
| | 0110498-5750 | \$31,117.20 |
| To: | FIRE EXPENSES | |
| | 0121008-5301 | 4,050.00 |
| | 0121008-5581 | 27,067.20 |
| | | <hr/> |
| | | \$31,117.20 |

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

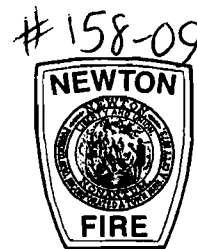
05/28/2009



CITY OF NEWTON, MASSACHUSETTS

FIRE DEPARTMENT HEADQUARTERS

1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



David B. Cohen
Mayor

Joseph E. LaCroix
Chief

May 21, 2009

Honorable David B. Cohen, Mayor
City of Newton
1000 Commonwealth Avenue
Newton Center, MA 02459

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA 02159

Dear Mayor Cohen:

I respectfully request an additional appropriation of \$31,117.20 from Budget Reserve to supplement the fire department cost related to new recruits.

Due to the addition of eight (8) new fire department recruits, scheduled to start training on July 6, 2009, the department finds itself unable to equip and clothe them. We are at the end of the fiscal year and all available funds have been committed. We have also added to the entrance process a psychological evaluation of all new recruits. I have attached a breakdown of the related cost of this examination.

Thank you for your prompt attention to this matter.

Very truly yours,

Joseph E. LaCroix
Chief of Department

JEL/cf

c: Susan Burstein, Chief Budget Officer
file:mayor:rc

Encls: 3

#158-09

NEWTON FIRE DEPARTMENT

Interoffice Correspondence

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA. 02159

To: Chief LaCroix
From: Bruce A. Proia, Chief of Operations
Date: May 7, 2009
Subject: Recruit Clothing Estimate

The following is an estimate for the clothing costs, per recruit, for the recruit class of July 2009. The recruit class is a presently set at 8 recruits.

- 5 Polo shirts @ \$18 = \$90
 - 2 Lyons short sleeve work shirts @ \$29.00 = \$58.00
 - 2 Lyons long sleeve work shirts @ \$31.00 = \$62.00
 - 2 Lyons work pants @ \$35.00 = \$70.00
 - 1 NFD Baseball Cap @ \$9.00 = \$9.00
 - 1 Blauer 5409 work jackets @ \$75.00 = \$75.00
 - 1 Class A Uniforms @ \$360.00 = \$360.00
- Cost per recruit = \$724.00

Total cost for 8 recruits = \$5,792.00

2009 Recruit Class Required Equipment

| | | |
|--|------------------------------------|--|
| Fundamentals of Firefighting Skills, 2 nd Edition | \$ 83.95 | 09 MAY 26 PM 5:52 CITY CLERK NEWTON, MA. 02159 |
| Student Workbook | 34.95 | |
| SCBA Fit Test | 30.00 | |
| AV3000 Scott Facepiece | 192.00 | |
| AV3000 Protective Bag | 12.00 | |
| Morning Pride Turnout Coat | 1,124.00 | |
| Morning Pride Turnout Pants | 754.00 (w/suspenders) | |
| Suspenders (additional) | 35.00 | |
| Classic Helmet, w/goggles, shields | 203.00 | |
| Protective Hood, Chicago Style | 34.00 | |
| FF Gloves | 47.50 | |
| Bunker Boots (rubber) | <u>109.00</u> | |
| <u>Total per Firefighter:</u> | <u>\$ 2,659.40</u> X 8 = 21,275.20 | |

2,659.40 x 8 Recruits = 21,275.20

New Recruit Class Cost

#158-09

First Issue of Clothing:

- See attached cost sheet for 8 new recruits - \$ 5,792.00

Initial Issue of Clothing:

- See attached cost sheet for 8 new recruits- 21,275.20

Psychological Evaluations:

- Fifteen (9) recruits @ 450.00 - 4,050.00

TOTAL: \$ 31,117.20

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA. 02159

#117-09

PST/K
11/09



City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

David B. Cohen
Mayor

April 14, 2009

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 eighty-eight thousand dollars (\$88,000) from Free Cash for the purpose of supplementing the Fire Department overtime account.

The Department has expended the balance of the funds appropriated in this account. This appropriation will fully fund Fire Department overtime costs for the remainder of the fiscal year based on historical overtime spending patterns.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: FREE CASH
01-3497 88,000

To: FIVE SALARIES
0121002 - J13001 88,000

09 APR 14 PM 5:33
CITY CLERK
NEWTON, MA 02159

RC
04/16/2009

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



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#117-09

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dcohen@newtonma.gov

City of Newton, Massachusetts
Office of the Mayor



David B. Cohen
Mayor

April 14, 2009

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 eighty-eight thousand dollars (\$88,000) from Free Cash for the purpose of supplementing the Fire Department overtime account.

The Department has expended the balance of the funds appropriated in this account. This appropriation will fully fund Fire Department overtime costs for the remainder of the fiscal year based on historical overtime spending patterns.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: FREE CASH
01-3497 88,000

To: FIVE SALARIES
0121002-513001 88,000

09 APR 14 PM 5:33
CITY CLERK
NEWTON, MA 02159

DC
04/16/2009

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

117-09

NEWTON FIRE DEPARTMENT
INTER-OFFICE CORRESPONDENCE

TO: Chief LaCroix
FROM: Karen
DATE: May 19, 2009
SUBJECT: Fire Suppression Overtime Acct #0121002-513001

| | | |
|------------------------------|------------------|----------------|
| Original Appropriation | 445,984.00 | |
| Funds from Board Order | 225,416.48 | |
| Transfer Training OT | <u>30,146.37</u> | |
| Total | 701,546.00 | Expended |
| Deficit thru 5/15 | 152,654.00 | |
| Admin. Salary Transfer | 41,000.00 | 0121001-511001 |
| Fire Suppression Transfer | 86,000.00 | 0121002-511001 |
| Deficit after Transfers | 25,654.00 | |
| Requested Appropriation | 88,000.00 | |
| Balance (6 weeks remaining) | 62,346.00 | |

09 MAY 27 AM 8:59
CITY CLERK
NEWTON, MA. 02159

REFERRED TO PUB. SAF. & TRANSPORTATION AND FINANCE COMMITTEES

#117-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty-eight thousand dollars (\$88,000) from Free Cash for the purpose of supplementing the Fire Department overtime account. [04/14/09 @ 5:33 PM]

ACTION: **APPROVED 6-0**

NOTE: Chief Joseph LaCroix, Newton Fire Department joined the Committee for discussion on this item.

Chief LaCroix reviewed with Committee members a fire suppression overtime account memorandum dated May 19, 2009. (Attached to this report.)

Chief LaCroix stated currently the Fire Department overtime account is in arrears and this amount will clear the deficit and able to cover the projected overtime needs between now and the remainder of the fiscal year. The Fire Department has spent beyond their appropriation of \$445,984.00 in order to supplement the overtime funding.

Chief LaCroix stated when contracts were settled last year, five years of retroactive pay was paid to employees in the amount totaling \$225,416.48. In order to make the adjustment in the overtime account, a transfer of the training overtime amount of \$30,146.37 was added anticipating that the EPA would provide a training class. This year the training class was not held.

The amount of \$152,654.00 was transferred out of the training account and added into the regular overtime account. A total of \$701,546.00 has been expended, showing a deficit of \$152,654.00 as of May 15, 2009. The administrative salary transfer and fire suppression transfer funds were transferred to the overtime account with a current deficit of \$25,654.00 after transfers were made.

Chief LaCroix stated the requested appropriation of \$88,000.00 would bring the balance to \$62,346.00 for the remaining six weeks of this fiscal year based on the historical overtime spending patterns. Chief LaCroix indicated Newton has fought eight major fires since November 2008, many sicknesses, injuries and eight vacancies all adding to the overtime account. In addition, the new contract regarding overtime pay was raised.

Ald. Linsky and Fischman asked Chief LaCroix what is a typical overtime trend. Chief LaCroix indicated last year that he asked for two additional requests on overtime appropriations and one this year. He will provide the Committee with comparative overtime data from past fiscal years. He anticipates that when the eight vacancies are filled it, will result in a reduced use of the overtime account.

Ald. Danberg made the motion to approve this item and the Committee voted in favor by a vote of 6-0 pending additional information from Chief LaCroix on the overtime spending patterns in the past.



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#157-09
Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

May 26, 2009

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

09 MAY 26 PM 5:53
CITY CLERK
NEWTON, MA. 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to accept and appropriate a grant of thirty-one thousand, one hundred eleven dollars (\$31,111) from the PSAP Training Grant. This grant will be used for dispatch training, fees and overtime costs.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

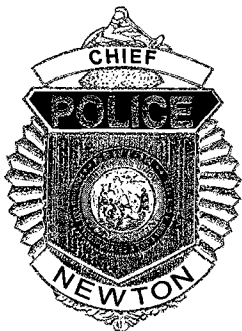
1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

#157-09



City of Newton Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679
TDD/TTY: 617-796-1089

MATTHEW A. CUMMINGS
CHIEF OF POLICE

Office of the Chief of Police
HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465


May 19, 2009

Hon. Mayor David B. Cohen
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459-1449

Dear Mr. Mayor:

Respectfully request a hearing with Honorable members of the Board of Aldermen so the City may accept grant funds in the amount of \$31,111.000 from the Massachusetts FY10 PSAP Training Grant. These funds will be used for dispatcher training purposes including vendor fees, training overtime, backfill overtime, training and testing materials, and membership fees for professional associations. Thank you very much for your consideration of this matter. Any questions may be directed to me at (617) 796-2101 or Captain Paul D. Anastasia at (617) 796-2126.

Very truly yours,


Matthew A. Cummings
Chief of Police

09 MAY 26 PM 5:53
CITY CLERK
NEWTON, MA. 02159

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS



#159-09

Telephone
(617) 796-1100

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dcohen@newtonma.gov



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

May 26, 2009

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA. 02159

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 fifty-five thousand dollars (\$55,000) from Budget Reserve for the purpose of supplementing the Police Department overtime account. These funds are necessary as a result of the lower vacancy rate following the elimination of positions this year.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: Budget Reserve
0110498-5750 55,000

To: POLICE SALARIES
0120103-515001 55,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

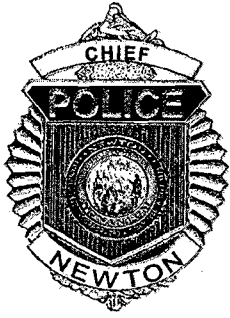
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DEDICATED TO COMMUNITY EXCELLENCE

Handwritten initials and date: 05/28/2009

#159-09



City of Newton Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679
TDD/TTY: 617-796-1089

MATTHEW A. CUMMINGS
CHIEF OF POLICE

Office of the Chief of Police
HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465

RECEIVED
MAY 26 PM 5:52
CLERK
NEWTON, MA. 02159

May 26, 2009

Honorable David B. Cohen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA. 02459

Dear Mr. Mayor:

I respectfully request a special appropriation in the amount of \$55,000.00 to be placed in police overtime account 0120103-513001.

Thank you for your consideration.

Very truly yours,

Matthew A. Cummings
Matthew A. Cummings
Chief of Police

MAC:j

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS





David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

149-09

Telephone
(617) 796-1100
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(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

May 26, 2009

09 MAY 26 PM 5:53
CITY CLERK
NEWTON, MA. 02159

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

Ladies and Gentlemen:

I write to request that your Honorable Board amend docket item #149-09 by increasing the transfer from Unemployment in Human Resources to Human Resources Consultants to \$13,000. The Human Resources Department will be available to answer any questions you may have during your committee deliberations.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

#149-09

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(617) 796-1100

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(617) 796-1089

E-mail
dcohen@newtonma.gov



City of Newton, Massachusetts
Office of the Mayor

David B. Cohen
Mayor

May 12, 2009

09 MAY 12 PM 5:02
CITY CLERK
NEWTON, MA 02159

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 transfer of \$12,000 from Unemployment in Human Resources to Legal Services and \$4,000 from Unemployment to Human Resources Consultants. This sum is to cover anticipated costs to be incurred prior to year end. The Human Resources Department will be available to answer any questions you may have during your committee deliberations.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

| | | | |
|------|---|-----------------------------|------------------|
| From | HUMAN RESOURCES FRINGE BENEFITS 0110901-5702 | 25,000 16,000 | |
| To: | HUMAN RESOURCES EXPENSES 0110901-5301 0110901-5309 | 4,000 12,000 | 13,000 17,000 |

Raw 5/21/09
Raw 05/18/09

#149-09

City of Newton

DEPARTMENT OF HUMAN RESOURCES



1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Telephone (617) 796-1260
FAX (617) 796-1272

David B. Cohen
Mayor

Dolores M. Hamilton, Director

May 12, 2009

09 MAY 12 PM 5:02
CITY CLERK
NEWTON, MA 02459

Mayor David B. Cohen
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

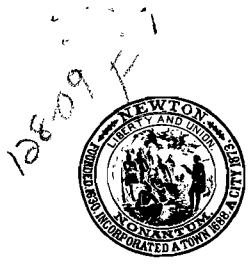
Dear Mayor Cohen and Honorable Board of Aldermen:

I am writing to you at this time to request that the sum of \$12,000.00 be transferred from the Human Resources Unemployment Benefits Account #0110901-5702 to the Human Resources Legal Services Account #0110901-5309. In addition, I am also requesting to transfer the sum of \$4000.00 from the Human Resources Unemployment Benefits Account #0110901-5702 to the Human Resources Consultants Accountant #0110901-5702. These transfers will allow the Human Resources Department to pay legal and consulting fees related to multiple pending arbitrations through the remainder of FY 09.

I respectfully request and recommend a favorable consideration to this request in order to meet the obligation of the City of Newton through June 30, 2009.

Sincerely,

Dolores Hamilton
Director of Human Resources



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#128-09
Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

April 28, 2009

09 APR 28 PM 6:04
CITY CLERK
NEWTON, MA 02159

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 appropriate the sum of ten thousand dollars (\$10,000) from budget reserve for the purpose of installing an additional heating coil in the air handler at the Senior center. This is part of modifications to the HVAC system designed to improve overall air quality.

Thank you for your consideration of this matter.

Very truly yours,

David B Cohen
David B. Cohen
Mayor

DBC: srb

From: BUDGET RESERVE
0110498-5790 10,000
To: SR CENTER HVAC IMPROVEMENT
0115015-52417 10,000

Daw
04/28/2009

1000 Commonwealth Avenue Newton, Massachusetts 02459

City of Newton



PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen
Mayor

April 28, 2009

The Honorable David B. Cohen
Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Newton Senior Center Heating Coil

Dear Mayor Cohen:

The Public Buildings Department respectfully requests the sum of \$ 10,000.00 to install an additional heating coil to the existing Air Handling Unit at the Newton Senior Center to provide supplemental heat to the basement of the building.

Should you have any questions regarding this matter, please feel free to contact my office.

Sincerely,

A. Nicholas Parnell, AIA
Commissioner of Public Buildings

09 APR 28 PM 6:04
CITY CLERK
NEWTON, MA 02459

ANP:dla
CC: Sandy Pooler, Chief Administrative Officer
Susan Burstein, Chief Budget Officer
Arthur F. Cabral, Budget & Project Specialist
Josh Morse, HVAC Technologist
Nancy Perlow, Library Director



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#154-09

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dcohen@newtonma.gov

May 29, 2009

09 MAY 29 PM 12:33
CITY CLERK
NEWTON, MA. 02159

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 late filed request to appropriate the sum of fifteen thousand dollars (\$15,000) from the Commonwealth Golf Course Mayor's Golf Day Receipts Reserved for Appropriation fund to the Parks and Recreation Revolving fund for the purpose of funding scholarships for youth attending Parks and Recreation camp programs.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: Mayor's Golf Day RECEIPTS
14P103-5901 15,000

To: CAMP REVOLVING SCHOLARSHIPS
13D6022E-4970114P 15,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

Handwritten initials and date: 05/29/2009

City of Newton



City of Newton, Massachusetts Community Preservation Committee



DOCKET
ITEM NO.
132.09

David B. Cohen
Mayor

FUNDING RECOMMENDATION

09 APR 30 PM 12: 23
CITY CLERK
NEWTON, MA. 02159

DATE: 28 April 2009
TO: The Honorable Board of Aldermen
FROM: Community Preservation Committee
RE: recommended Community Preservation funding for
WARREN HOUSE Historic Preservation & Rehabilitation

1. PROJECT GOALS & ELIGIBILITY

This project is eligible for CP funds as historic preservation and rehabilitation. It will fund extraordinary repairs to roofs and above-roofline features, using historically appropriate materials (a slate roof, cast stone caps and ornaments, copper flashing, etc.), at this former Newton public junior high school, which was constructed in 1926 and is listed on the National Register of Historic Places. This work is immediately critical to preserve the integrity of the building envelope, and will provide time to raise funds from non-CP sources for other, less urgent but also necessary preservation work on the building.

Following its closure as a school, this building stood unused for several years. In 1992 it was converted for adaptive reuse as housing and a daycare center. Of the building's current 59 apartments, 21 are affordable to households earning no more than 50 percent of the area-wide median income. The 65-year ground lease and special permit from the City of Newton require the building's owner/operator, Newton Community Development Foundation (NCDF) to rent space for a daycare center serving 25 children at \$1 a year; plow and maintain 82 parking spaces costs for the City of Newton recreation fields and tennis courts that surround the building, and pay water costs for the bubbler that serve those facilities.

In return for the recommended investment of CP funds, the City of Newton will acquire a historic preservation restriction on the entire exterior of the building for the term of, and renewable with, the lease. NCDF will also use its best efforts to extend any and all expiring affordability restrictions to the full term of the lease.
(For further discussion, see appendix.)

2. FUNDING RECOMMENDATION

On 18 March 2009 the Community Preservation Committee voted to recommend funding this project in full as described in the attached proposal, by 8 in favor, 0 opposed. The Committee recommends that \$1,082,500 be appropriated for this project from the Community Preservation Fund's historic resources and general reserves, and attributed 100% to historic resources, as follows:

| Warren House Historic Preservation & Rehabilitation BUDGET | |
|---|--------------------|
| USES | |
| Hard costs (roof replacement and above roofline renovations at the East and West Balconies of the South Wing; South Wing main roof; North Wing main roof) | \$1,113,321 |
| Soft costs (architectural and engineering; clerk of the works; project sponsor's legal costs; soft cost contingency) | \$134,102 |
| City of Newton legal costs | \$2,500 |
| TOTAL USES | \$1,249,923 |
| SOURCES | |
| Community preservation funds | \$1,082,500 |
| Inclusionary zoning funds | \$67,423 |
| Warren House reserves | \$100,000 |
| TOTAL SOURCES | \$1,249,923 |

Contact: Alice Ingerson, Program Manager, aingerson@newtonma.gov (ph 617.796.1144)

ADDITIONAL SOURCES & USES OF FUNDS

To date, NCDF has spent a total of \$66,000 of its own funds to assess the building's condition, propose and estimate costs for historically appropriate repairs, and commission the 20-year capital and replacement reserves plan that serves as the basis for the current funding request.

Attachments to this recommendation provide additional detail on the sources and uses of funding for two phases of preservation work at Warren House: urgent work (phase 1), for which CP funds are critical; and less urgent but still needed work (phase 2), which will not draw on CP funds. Although NCDF envisions phasing this work over time, the requested CP funds would be needed even if other funds were already in hand for phase 2.

3. OTHER RECOMMENDATIONS

The Community Preservation Committee further recommends that:

1. recommended CP funds be appropriated to the spending authority and control of the Director of Planning and Development
2. project site work begin within 12 months after the funds become legally available to NCDF
3. before site work begins, NCDF convey to the Newton Historical Commission a historic preservation restriction on the building's exterior that runs for the full term of, and is renewable with, the ground lease, by following any and all legal processes required by City ordinances, etc.
4. the Newton Historical Commission be required to convert and hold the restriction above as perpetual, if the ground lease is not renewed and the building is sold out of public ownership
5. NCDF be required to use its best efforts to extend the term of affordability to the end of the lease (2056) for the 6 currently affordable units with deed restrictions that expire in 2023
6. recognizing the current proposal as phase 1 of a larger program of needed capital investment for this building, NCDF agrees not to request Newton CP funding for subsequent phases of this same capital investment program; however, this should not preclude CP fund requests for other NCDF properties or projects
7. after receipt of CP funding, 50 percent of any unanticipated new funds (such as energy rebates) found for phase 1 of this program be returned to the CP Fund, if the terms of such new funding allow this
8. any portion of the Community Preservation Fund grant not used for the purposes stated herein shall be returned to the Newton Community Preservation Fund

4. ATTACHMENTS

(delivered to the clerk of the Committee on Community Preservation)

- A. Proposal summary/cover letter (2 pp.)
- B. Scope of Work & Budget (phase 1, recommended for CP funding; 2 pp.)
- C. Project Phasing: Site Plan, Sources & Uses of Funds (all phases and funders; 5 p.)
- D. Newsletter article: Museum/community celebration of Warren House history (2 p.)
- E. Affordable Housing at Warren House (1 p.)
- F. Letters of support (4 pp.)
- G. December 2008 original proposal to the CPC (approx. 100 pp.)

Appendix:

DETAILED FINDINGS on FUNDING ELIGIBILITY & PRIORITIES

Community Preservation Act (MGL ch. 44B)

A case might be made that physically preserving this historic building will also preserve the affordable housing it contains. Preservation of affordable housing is an allowable use of CP funds, even if the housing was not originally acquired or created with CP funds. However, as advised by the Newton Law Dept., the CPC has chosen to recommend all funding for this project under "historic resources."

Newton Plans & Priorities

Community Preservation Plan

The Warren House proposal meets the following goals in this *Plan*:

Overarching Goals

1. Contribute to the preservation of Newton's unique character, boost the vitality of the community, and enhance the quality of life for its residents.
2. Serve more than one CPA category ...
4. Leverage other public and/or private funds.
5. Preserve a resource or opportunity that would otherwise be lost.
7. Demonstrate strong community support.

Historic Resources Goals

1. Support the preservation and/or restoration of municipally owned resources that are on the National or State Historic Registers. ...
3. Encourage protection of resources that retain their historic integrity, in terms of location, context, design, style, workmanship, and materials.
4. Enable access to the resource by the public, including access by disabled residents.

Community Housing Goals

1. Help Newton make 10% of its housing stock affordable to those at or below 80% of median income.
2. Create community housing that is well designed, of decent quality and based on sound planning principles ...
4. Keep new units affordable for the long term and in perpetuity where possible.
5. Demonstrate that the amount of requested CPA funding as well as the total public subsidy requested is reasonable ... For example, it may be reasonable to support a higher public subsidy to enable the creation of housing serving lower income groups.
6. Show that the proposal ... could not otherwise be economically feasible without CPA funds.
7. Avoid displacement of current residents.
9. Reuse previously developed sites for community housing ...

Comprehensive Plan

Warren House is an excellent example of the "adaptive reuse" of the city's historic resources, which is strongly supported by the Newton's current *Comprehensive Plan*: "The ways in which Newton uses its historic resources [should] match the depth and breadth of the resources themselves. ... Historic buildings and landscapes are already used throughout the City for affordable housing, economic development, and recreation. Ironically, many of these uses are not recognized as historic preservation or adaptive reuse, perhaps because these projects depend less on preservation regulations and review than on proactive planning."

DISCUSSION

Community character: Warren House represents a period in Newton's development, after 1920, when automobiles began to encourage residential development, and major new public buildings – such as schools and the new City Hall – were sited mostly outside traditional village centers, wherever

developable sites were available. Placement on its site, size, architectural details – including the cupola, and its original use as a junior high school – when that was still an experimental idea, all make Warren House a visible symbol of Newton’s historic commitment to innovative public education. In addition, Warren House’s current use represents the diversity that is so strongly valued by many Newton residents, but which is very much threatened by market forces.

Leverage: CP funding is critical to this project, but the bulk of the funding for preservation and rehabilitation work at Warren House is anticipated to come from other sources. Many avenues of additional funding remain open, but for several reasons these funds are on a slower timeline and cannot be used to meet the building’s immediate and increasingly urgent needs.

Urgency: Warren House now urgently requires work that has long been deferred for financial reasons – both when it served as a public school, and during its early 1990s conversion for housing. Since NCDF first requested CP funds for Warren House in 2006, several deteriorated pieces of cast stone have detached from the roofline and fallen onto the sidewalks below (fortunately, no one has been injured). Decorative concrete (cast stone) was still experimental when Warren House was built; preservation architects often find it necessary to use newer mixes or techniques when replacing this material.

Cost/efficiency: The expected useful lifetime of many materials called for in this project is 50-75 years (the copper sheathing should last 50 years, the slate roof at least 75). Most materials that cost less to begin with are not only historically inappropriate, but are likely to prove more expensive in the long run because they require replacement in 20 years or less.

Accessibility: As the February 2006 community history celebration showed, Warren House is now fully accessible. That event brought together former teachers and students with current residents, in a warm and inviting atmosphere. NCDF has offered to host similar community open house events in the future, so the general public can appreciate at close hand how both the original conversion project and NCDF’s ongoing stewardship have preserved this former school’s historically significant interior features, as well as the exterior features addressed by the current proposal.

Housing goals: Although the CPC is not recommending this project for housing funds, Warren House provides 21 units affordable to households with at most 50% of the area’s median income. Such units are difficult to produce and even more difficult to replace if they are lost. NCDF expects to extend affordability on all these units to the full term of its ground lease with the City of Newton. Finally, the proposed project will not only avoid displacing current residents, but will reward their impressive loyalty to Warren House, which has been tested by having to move out of their units during past, temporary repairs (for some residents, more than once).

09 APR 27 AM 9:04
 CITY CLERK
 NEWTON, MA 02159
 Page 2 of 2
 6 April 2009

WARREN HOUSE Preservation & Rehabilitation
Phase I (2009) SCOPE of WORK

ESTIMATED COST

Roof replacement and above roofline renovations at East and West Balconies of the South Wing, South Wing main roof, and North Wing main roof.

| | |
|---|--|
| Provide and maintain temporary staging, portable lift, shoring and protection as required to perform the work. Provide temporary weatherproof and waterproof building enclosures at locations of wall removal and maintain in place until work is complete. | \$100,984 |
| Remove existing balcony railings, partitions and balcony synthetic wood decks and store for reinstallation. Repair decks as necessary prior to reinstallation after new roof system is in place. | \$57,500 |
| Power-wash and clean all masonry and cast stone components above the roofline to remove algae growth and staining (algae, carbon staining, efflorescence) prior to performing work. | <i>Factored into repair costs below</i> |
| Prior to initiating the roof replacement, perform all above roofline brick masonry and flashing repairs as outlined below: | |
| ** Remove and replace all cracked and spalled brick masonry units as indicated in the Contract Drawings. | \$11,069 |
| ** Cut and repoint all areas of open, cracked or deteriorated masonry mortar joints and remove all previous mortar repairs made with sealant where indicated in the Contract Drawings. (Includes 100% repointing) | \$206,281 |
| Remove and dispose of all sheet metal flashings except existing through wall flashings at the base of the rising walls and parapets. Existing through wall flashings will remain in place and be cut back/bent up as shown in the Contract Drawings. | <i>Factored into installation of flashing cost below</i> |
| ** Install new through wall flashings along the base of the brick masonry wall. Install new reglet flashings at balcony door thresholds. Tie in through wall flashings and reglet flashings. (East and West Wing Balcony) | \$34,572 |
| Remove and replace through wall flashings above the balcony doors and at cast stone reliefs as indicated in the Contract Drawings. (East and West Balcony) | \$36,053 |
| ** Repair deteriorated cast stone where indicated in the Contract Drawings (crack and spall repair and repointing). | \$13,009 |
| ** Replace deteriorated cast stone parapet and gable coping stones where indicated in the Contract Drawings. | \$5,750 |
| ** Install new through wall flashings and step throughwall flashings where indicated in the Contract Drawings. (North and South Wings) | \$60,720 |
| ** Remove existing plexiglass at all chimney louver locations. Install flashings at louvers as indicated in the Contract Drawings. | \$7,188 |
| ** Repairs at the Tower including, but not limited to crack repairs to at the stucco base, closing/sealing of sheet metal corner joints, and resetting/realigning sheet metal balustrade. | \$61,813 |
| ** Clean and restore masonry and cast stone surfaces where repairs were made after completion of the work. | <i>Factored into repair costs above</i> |
| SUBTOTAL | \$594,938 |

Additional Work on Low Sloped Roofs - East and West Balconies:

| | |
|---|--|
| Remove and dispose of all existing underlying wood decking (underlying wood decking refers to the original walking surface which has recently been covered with new synthetic wood walking surfaces) and supports, EPDM roof membranes, insulation, built-up roof membrane, and insulation boards down to the existing roof deck. | \$46,173 |
| Remove and replace all roof drains. Clean drains to provide a free flowing roof system. | \$25,875 |
| Install overflow scuppers where indicated in the Contract Drawings. | \$12,938 |
| Install baseboard, tapered insulation, coverboard, thermoplastic roof membrane, protection layer with a drainage plain, extruded polystyrene insulation and filter fabric at each of the roof areas. | \$57,620 |
| ** Install copper caps at the parapets and associated flashings as indicated in the Contract Drawings. | \$27,169 |
| Remove and replace all sealant joints at locations indicated in the Contract Drawings. | \$4,140 |
| Provide/install new wood blocking/supports for the synthetic wood decking. Install walkway pads underneath all support locations. | <i>Factored into installation of inverted roof system.</i> |
| SUBTOTAL | \$173,914 |

| WARREN HOUSE Preservation & Rehabilitation | | ESTIMATED COST |
|--|---|-----------------------|
| Phase I (2009) SCOPE of WORK | | |
| Additional Work on Low Sloped Roofs - South and North Wing: | | |
| Remove and dispose of all existing ballasted EPDM roof membranes, and insulation boards down to the existing roof deck. | | \$51,014 |
| Remove and dispose of all sheet metal flashings except existing through wall flashings at the rising walls and parapets. Existing through wall flashings will remain in place and be cut back/bent up as shown in the Contract Drawings. | Factored into installation of flashing cost below | |
| Remove and replace all roof drains. Clean drains to provide a free flowing roof system. | | \$10,781 |
| Remove and reset existing wood decks/sleepers. | | \$31,625 |
| ** Remove and replace cracked skylight glazing domes where indicated in the Contract Drawings. (South Wing only) | | \$5,175 |
| Raise existing through roof deck penetrations, such as vents, fans, smoke hatches, etc. as required to provide a minimum eight-inch flashing height above the finished roof system. | Factored into installation of roof system | |
| Install baseboard, tapered isocyanurate insulation, moisture resistant gypsum coverboard, and a thermoplastic roof membrane. | | \$107,703 |
| ** Install copper caps at the parapets and associated flashings as indicated in the Contract Drawings.12 | | \$60,806 |
| Insulate and wrap duct work where indicated in the Contract Drawings. | | \$2,444 |
| SUBTOTAL | | \$269,548 |
| Additional Work on Sloped Roofs-South and North Wing: | | |
| Remove and dispose of the existing slate roof shingles, felt underlayments, sheet metal gutters, rake edges and step flashings down to the existing wood roof deck. | | \$15,057 |
| Supply all necessary chutes, disposal facilities, transportation and labor necessary to dispose of all demolished materials, dirt, and debris off-site in a legal dumping area. The Contractor shall obtain all permits necessary to transport and dispose of all materials, rubbish and debris. | Factored into General Conditions - Item No. 1 | |
| Provide temporary protection of roof systems and personal property below. | Factored into General Conditions - Item No. 1 | |
| Remove and replace designated sections of deteriorated wood roof deck. Deck replacement shall be performed as a Unit Price scope of work. | | \$1,779 |
| ** Install new modified bitumen flashings, underlayments, sheet metal flashings, copper valleys, copper ice belt, copper ridges and slate roofing shingles. | | \$43,912 |
| ** Install snow tabs as required by the manufacturer. | | \$9,574 |
| Install snow tabs as required by the manufacturer. | | \$4,600 |
| Clean all debris from the roof system. | cost | |
| SUBTOTAL | | \$74,921 |
| TOTAL | | \$1,113,321 |

** Work specifically required to meet the Sec'ty of the Interior's *Standards for the Treatment of Historic Properties*. All other work (site prep,,demolition, etc.) supports this work, or is required to preserve the building envelope by repairing or preventing water damage.

Affordable Housing at WARREN HOUSE

| Affordable Units at Warren House | | |
|---|--|--|
| <i>all affordable to low-income households (max. 50% of area median income)</i> | | |
| no. of bedrooms per unit | current occupants have rental assistance (vouchers) | current occupants do not have rental assistance |
| 1 bedroom | 4 | 0 |
| 2 bedrooms | 13 | 1 |
| 3 bedrooms | 3 | 0 |
| TOTAL units | 20 | 1 |




Warren House has a total of 59 units plus a daycare center. Space for the daycare center will be provided on the lot required by the Ground Lease, at a rent of \$1 per year, through the term of the lease.

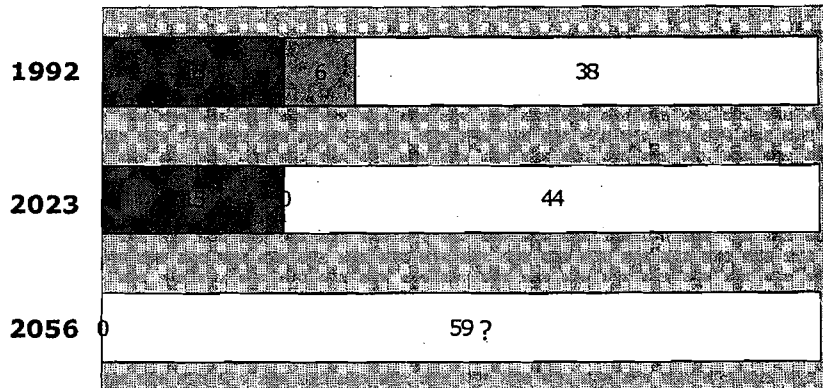
NEWTON
 APR 27 AM 9:05

Of the 59 living units, 21 are affordable and 38 are market rate. 17 of the affordable units have more than 1 bedroom and therefore serve families.

The Warren House Special Permit requires that 15 units be affordable to households with up to 50 percent of area-wide median income through the term of the ground lease. The other 6 units are affordable at the same income level through 2023, due to 30-year restrictions imposed by MassHousing and the federal Low Income Housing Tax Credit Program. Refinancing of the property in the near term will allow NCDF to extend these 6 restrictions to the full term of the lease.

Timeline

| KEY | |
|--|---|
| affordability guaranteed by special permit through 2056 |  |
| affordability guaranteed by deed restrictions through 2023 |  |
| market-rate |  |



NCDF's ground lease with the City of Newton runs through 2056. When the lease expires, the status of all 59 units is uncertain.



NEWTON COMMUNITY DEVELOPMENT FOUNDATION

APR 27 AM 9:04
CITY CLERK
NEWTON, MA 02459

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EXECUTIVE DIRECTOR

Jeanne Strickland

To: The Honorable Board of Aldermen, City of Newton, Massachusetts
From: Jeanne Strickland, Executive Director
Date: April 13, 2009
Re: Warren House Preservation & Rehabilitation,
 Request for Community Preservation Funds

The Newton Community Development Foundation is seeking \$1,080,000 in community preservation funds to preserve and rehabilitate the historic roof and above roof-line masonry and cast stone elements at the former Levi F. Warren Junior High School.

Historic significance: The school, originally designed in 1926 by Addison LeBoutillier a versatile architect of the turn of the century, reflects the classic traditions of the architect's Beaux Arts influence. Warren Junior High School closed in the early 1980's and after sitting vacant for over 10 years NCDF contracted with the award winning firm of Notter Finegold & Alexander, which received accolades for the restoration of New York's Ellis Island and Boston's Wang Center for the Performing Arts, to create the design for the renovation of Warren House. In 1992 the historic school was transformed into 59 units of mixed-income housing as well as a head start day care center. In recognition of the former school's architectural significance, Warren House was honored with a listing on the National Register of Historic Places. The original pressed-metal cupola, slate roof and brick facade were all integrated into this handsome affordable housing community. The landmark cupola, formed of sheet metal, copper and lead adorns seven stately windows facing Washington Street that once served as the light source for the study hall and are now spectacular features in apartments with high ceilings.

Preservation standards: The work done to permit the adaptive reuse of this historic building as housing adhered strictly to the preservation standards of the city, state and federal historic commissions. In 1994 Warren House received the Massachusetts Historic Commission's Preservation Award. In November 2006 NCDF's proposal to preserve and rehabilitate the exterior roof and facade of Warren House was presented to the Newton Historical Commission. The Commission voted to approve NCDF's proposal and requested the use of copper instead of aluminum for all visible flashing and associated cap work as well as a change to a weather joint on brick sidewalls. Both of these changes were incorporated into the final scope of work which is detailed in attachments to this letter.

(Continued on p. 2)



10.22.17

Warren House, Request for CP Funding
p. 2 of 2

Community awareness & support: In 2006 the Newton History Museum sponsored a presentation about the history of Warren Junior High School. The talk, attended by many former teachers, students and neighbors, was held in the four story entry atrium where you can still see the façade of the former auditorium and stage which created a perfect back drop for the presentation.

Many of the neighbors who formed a task force to work with NCDF during the development of Warren House continue to offer their support and praise their neighbors and the maintenance of Warren House. The fields and tennis courts surrounding Warren House are used extensively for personal and city sponsored activities which has successfully integrated Warren House and our residents into the community. When the property was initially being developed the League of Women Voters in Newton offered their support as well as several local, state and federal agencies including the Newton Housing Coalition, now known as the Newton Housing Partnership.

Project timeline: Due to the risk of deteriorating stone falling and possibly causing injury as well as the potential for water penetration to cause further structural damage, time is critical in completing this project. Extreme weather conditions this past winter adversely impacted the already deteriorating cast stone along the peak at roof line. Freezing temperatures and ice caused considerable heaving and the recent thaw caused two large pieces of stone to dislodge and fall from the building. Fortunately, nobody was injured and contractors responded immediately to remove any visible loose stone. Signs were posted, residents were notified and exits have been cautioned. It will be necessary however to make a few more emergency repairs at high priority entrance/exits while we await CP funds. If the Board approves NCDF's request for these funds by early summer of 2009, we are prepared to meet the following aggressive timeline:

| <i>Milestone</i> | <i>Season/year</i> |
|-----------------------|--------------------|
| Bids solicited: | Summer 2009 |
| Contractor(s) chosen: | Early Fall 2009 |
| Work begins: | Fall 2009 |
| Work is completed by: | Late Fall 2009 |

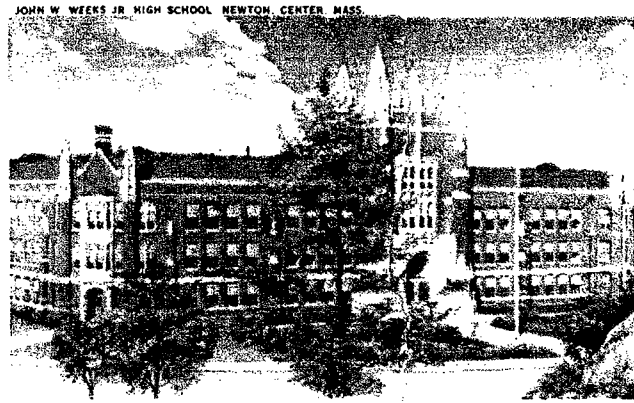


A Look at the Past: Weeks and Warren Junior High Schools

Last winter, NCDF and the Newton History Museum co-sponsored presentations on the history of two Newton schools, Weeks and Warren Junior High Schools, each taking place within what are now NCDF communities, The John W. Weeks House and Warren House. At least two dozen people were present at each talk, presented by Alice Ingersall, Public Programs Consultant at the Newton History Museum, and Camille Arbogast, a museum volunteer.

On January 25th an audience consisting largely of former teachers and staff gathered in the former Weeks Jr. High, listened and reminisced with enthusiasm about their experiences at *the school that looked like a castle*. This was former Weeks math teacher Bill Rousseau's first time back in the building since the school closed. He was very pleased at the research that had been done and that someone thought it important enough to keep the building's history alive. "We had a tremendous amount of pride in what we did in that building," he remarked. "There were some

very forward thinking people in the school at that time, and people got a tremendous all-round education." After 12 years at Weeks, Rousseau moved over to Newton South before retiring.



A poignant moment occurred during a tour that followed the presentation when French teacher Ina Rubin walked into her former classroom, now a stunning one-bedroom corner unit with palladium windows accenting the living room. Although the apartment was not officially on the tour, its resident graciously allowed Ms. Rubin, who still teaches at Newton South, the opportunity to revisit history. Other teachers in attendance who also went on to Newton South were Cary Holmes, currently teaching history there, and Peter Bates, a retired history teacher. Eddie Costa, Head of Custodial Services at the school, came to the presentation bearing part of a door handle from the original structure and an old photograph showing the gingerbread on top of the building.

Designed by Henry and Rich-

mond, a prominent Boston architectural firm, and completed in 1931, Weeks Junior High was named after John Wingate Weeks, who served as the 14th mayor of Newton, a state representative, U.S. senator, and Secretary of War. The building has architectural significance in Newton as one of the finest examples of a Tudor Revival style school and a keystone of the surrounding neighborhood—an early example of suburban community planning and development meant to elicit a Tudor England ambiance.

When Weeks Junior High closed in 1981, NCDF undertook a major renovation to convert the building into 75 mixed-income apartments, financed through Mass-Housing combined with limited partners equity through the Certified Historic Rehabilitation Tax Credit Program. The renovation retained most of the historic fabric, such as the central tower, window sashes and most of the school's W-shaped structure. The former entranceway—massive wooden double doors beneath a stone archway—are still a main design feature. The building was added to the National Register of Historic Places in 1984.

In the Warren House lobby today you can still see the façade of the former auditorium and stage, creating a perfect backdrop for the Newton History Museum presen-

(continued on page 6)

Save This Date!

The annual
Salute to Service
 Community Event
Thursday, September 7, 2006
 from 5 to 7 PM
The John W. Weeks House

You Can Make a Difference

Are you aware of all the simple gift planning options that allow you to leave a legacy to your community through a gift to a nonprofit organization you support? One of the simplest and most rewarding gifts you can make is a bequest in your will or other estate plans. Another common method is the donation of appreciated assets.

Making a Bequest

Wills are extremely flexible, allowing you to provide others with particular amounts of money, certain properties, or percentages of your estate. You should always work with your attorney to draft or make changes to your Will.

There are many options and methods for making a bequest, allowing you to choose the type that best suits your personal objectives. For example, a bequest could be a stated dollar amount, or it could be a specific property or asset. Your bequest could be immediate, or contingent upon non-survival of preferred beneficiaries, such as your spouse. A bequest can be specific (for a particular amount) or for a percentage of your estate after other obligations have been met.

Bequests to nonprofit organizations are not taxable as part of your estate. Your bequest may be unrestricted to allow the organization to use the gift where it's needed most, or restricted, designated by the donor for a specific purpose. Your bequest also can establish a trust to pay income to beneficiaries during their lifetime.

A charitable bequest through your Will provides insight into your lifetime involvements and concerns. Bequests to family members speak of your love; bequests to organizations make known your sense of values.

Gifting Appreciated Assets

One of the simplest options is using appreciated assets to make outright gifts to charity or to fund a charitable life income plan for yourself or others. Gifting appreciated assets (typically equities or stocks) can provide a significant tax advantage, providing you with an income tax deduction equal to the current value of the asset. If you've held the property for at least 12 months, you can also avoid paying capital gains taxes on the growth of the asset.

Please let us know if you are considering a bequest to NCDF. We may be able to help you achieve your estate-planning objectives, but most importantly, we'd like to be able to say thank you. For more information about planned giving, contact the NCDF administrative offices at (617) 244-4035. All inquiries are strictly confidential and without obligation. ☛



An Early Peek at Spring

Residents of Weeks and Casselman Houses and NCDF staff donned their comfortable walking shoes and enjoyed a delightful preview of Spring at the New England Spring Flower Show on March 14th at the Bayside Expo Center. The group wandered at their leisure through the many exceptionally creative exhibits and shopped in the Garden Marketplace. If you have ideas for other possible field trips, share them with Joanne Fuentes in Resident Services: (617) 964-8653 ext. 1.

A Look at the Past

(continued from page 1)

tation on February 4th. Built in 1926, the former Levi F. Warren Junior High School stood vacant for ten years until Keen Development joined forces with Newton Community Development Foundation in 1992 to rehabilitate the structure into 59 apartments, providing both market-rate and affordable rentals, and a daycare center. The award-winning architectural firm of Finegold Alexander + Associates preserved many of the building's architectural features, creating spacious units with oversized windows and high ceilings within its historic shell.

The Warren House presentation attracted many former students, as well as the wife and son of the late Newton Alderman Richard McGrath, a loyal supporter of NCDF. Guests pored over old floor plans, and were captivated by the number and nature of services offered back then, such as four home economics classrooms and separate gym classes for boys and girls. A former gym teacher shared her memory of her first day at school with 300 girls in her class, when the intense heat caused gym to be cancelled.

The Warren House tour revealed the apartment that now exists where the principal's office once was, and the wide hallways are reminiscent of the building's former use—minus the lockers, of course. Warren House is on the National Register of Historic Places, and received the 1994 Massachusetts Historical Commission's Preservation Award. ☛

NCDF is grateful to Whole Foods Supermarket for its generous donation of refreshments for the Warren Jr. High presentation, and Baker's Best for its contribution towards refreshments for the Weeks Jr. High event.

#132.09



Massachusetts Housing Finance Agency
One Beacon Street, Boston, MA 02108

TEL: 617.854.1000 | FAX: 617.854.1091
VP: 866.758.1435 | www.masshousing.com

May 5, 2009

MAY 06 2009

Ms. Jeanne Strickland
Executive Director
Newton Community Development Foundation
425 Watertown Street, Suite 205
Newton, MA 02458

Re: **Warren House**

Dear Jeanne:


I am writing to confirm MassHousing's continued interest in working with Newton Community Development Foundation to consider financing for exterior facade restoration work at Warren House in Newton. A recent capital needs assessment indicates Warren House has substantial repair needs that cannot be addressed through the development's current replacement reserves alone, and we encourage you to submit an application for a competitive award under the forthcoming Distressed Housing Initiative, to be published imminently.

We understand that the City of Newton Community Preservation Committee has recently approved over \$1 million in CPA funds to address the first phase of this restoration project, which includes the roof replacement and above-roofline renovations. We note that your development team includes Gale Associates, Inc., of Weymouth, MA. As you well know, Gale was successful in completing similar building facade restoration work at the Weeks School in Newton in 2007 that was financed by MassHousing.

We understand that you will be seeking an allocation of low-income housing tax credits and tax-exempt permanent financing through MassHousing. We also note that you may be seeking additional funds from the State's Affordable Housing Trust Fund and/or MassHousing's Priority Development Fund, if available, as well as other available subsidies.

If selected amongst the finalists, we would work with you to structure a financing package that best meets the needs of the development, subject, of course, to MassHousing's underwriting and the availability of the requested volume cap.

Sincerely,


Sergio Ferreira
Manager, Multifamily Lending

NEWTON HOUSING PARTNERSHIP

Newton Housing & Community Development Program
492 Waltham St., West Newton, MA 02465. Phone 617-796-1156. TDD/TTY 617-796-1089

January 14, 2009

Community Preservation Committee (CPC)
City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: Warren House Preservation Proposal

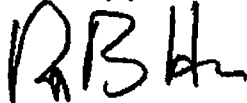
Dear Committee members:

At its meeting January 14th the Housing Partnership voted unanimously to support the application by NCDF for \$1,080,000 in CPC funds in support of its preservation proposal at Warren House, 1600 Washington St., West Newton. The Partnership has given the proposal substantial review, including discussions with the applicant at two of our meetings and one review by our Project Review Committee. The Partnership has four comments:

- **Merits of the Proposal:** The Partnership recognizes the critical need for immediate repair of the roof and walls to preserve the property for both its historic nature and to protect the affordable (and market) housing contained within. We believe that the cost estimates are reasonable given the types of repairs needed. We recognize that the requested funding will cover the most immediate needs in this first phase of the project, but that additional funds must be located to complete the needed repairs to the property in a second phase.
- **Need for public funding:** We support the use of Community Preservation funds and other City funds such as Newton Inclusionary Zoning funds, to support this phase of the project.
- We do request that the applicant provide greater clarity on the level and timing of assurance regarding continued affordability of the price-restricted units.
- We urge the applicants to re-approach MassHousing to press for the refinancing of the loan on the property, enlisting the support of Newton's elected public officials such as the Mayor, State Representatives, and State Senator. Refinancing of the project would provide at least some of the funds necessary to complete the second phase of the necessary work.

If you have further questions for the Partnership please let me know.

Very truly yours,



Philip B. Herr, Chairman

Cc: Jeanne Strickland, Director, NCDF

Trisha Guditz, Housing Development Coordinator

09 APR 27 AM 9:05
CITY CLERK
NEWTON, MA 02159



League of Women Voters of Newton
PO Box 610207
Newton, MA 02461

Joyce Moss, Chair
Community Preservation Committee
1000 Commonwealth Ave.
Newton, MA 02459

Dear Ms. Moss:

The League of Women Voters of Newton would like to clarify its support of using \$1,080,000 in CPA funds for slate roof replacement and above roof line masonry and waterproofing repairs at the Warren House, as proposed in the Newton Community Development Foundation (NCDF) application.

LWVN recognizes that this work is essential to preserve the structure, was not accomplished during the initial renovation, and will help to bring maintenance costs under control. We believe this would be a wise investment both to ensure the future of this historic structure and help sustain the much needed mixed income housing within. We feel the cost of the proposed repairs is reasonable given the extent of the work required.

We also urge that funding be secured from other sources to complete the remaining work needed on exterior building elements below the roof line as described in the Gale Engineering Report. To this end, we recommend the petitioner take aggressive steps to refinance the MHFA mortgage. We also urge Warren to explore current state and federal weatherization grants and/or performance contracting arrangements that may expand the work to include better insulating the building as well as high efficiency HVAC equipment. A comprehensive retrofit of this order would serve to further curb operating expenses.

In conclusion, the League supports the CPC recommending funding the Warren request now, and hopes that Warren will seek to complete needed repairs and upgrades in the near future by aggressively seeking outside funds.

Yours,

Terry Yoffie, President

March 12, 2009

Hi Jeanne,

It was so nice talking with you at the CAN-DO Fund raising party at the Marriott Hotel. I haven't seen you for a while, but I can see you are still doing a great job with Warren House and NCDF housing.

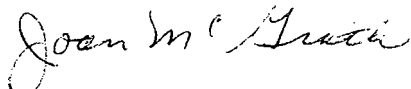
I am sorry that I can not join you this Saturday, March 14, for a tour of Warren House. We had such a great time at the previous get-together you had in 2006 of former neighbors, Warren Jr. High School graduates and teachers. One of my sons who also went to Warren and was there that day could not get away with all the friends he met there.

As a neighbor, I am interested in preserving the historic façade of Warren House. It has such an excellent architectural significance to those of us in the immediate neighborhood and certainly needs to be maintained. Approval by the Newton Historic Commission of such a scope of work is also momentous. Slate roof repair and replacement and weather joints on the brick sidewalls are such important restoration items as well as that wonderful original metal cupola. Many people particularly on their spring and summer walks and game attendance mention the cupola.

I strongly support you in requesting CPA funds for this project and I know there are many neighbors who are in agreement with this. We definitely enjoy our walks and ball playing in McGrath Park (your backyard) and will for many more years.

Please let me know if there is anyone you would like us to contact directly to help with the passage and funding of this very important project. I can write letters, call them or email. It would be money well spent and many will benefit.

Sincerely,

A handwritten signature in cursive script that reads "Joan McGrath". The signature is written in dark ink and is positioned above the printed name.

Joan McGrath

March 17, 2009

To Whom It May Concern:

NCDF Request for \$1,080,000 in CPA preservation funds to perform roof and above-roof line masonry and cast stone restorations at the former Levi F. Warren Junior High School – now Warren House.

Growing up, marrying and settling in Auburndale, after my graduating from Warren Jr. High School (and Newton High School) followed by my daughters, Warren was an important part of our interests and our life experiences. Among other interests, my family was very active with a variety of school and community activities and so it followed that when Warren was closing in the early 1980s, I was a part of many discussions with neighbors and city officials regarding its future.

In 1986, I was elected as Ward 4 Alderman (which included the Warren site). I was appointed to the Real Property Reuse Committee, and became Chairman. In the eighteen years I was on the Board of Aldermen, the committee dealt with changes and discussions on many properties and I was very pleased to Chair the committee. The reuse of Warren was personally the most exciting project and one that came to fruition in 1992. It transformed this historic property into 59 units of mixed income housing, as well as a Head-Start Day Care Center in conjunction with Newton Recreation play fields, tennis courts and wonderful park land. It continues to be an intensely-used mixed community property that makes those of us who have been involved so very proud of its up-keep, its beautiful grounds and its uses that mesh together so beautifully and give both aesthetic and cohesiveness in this wonderful location.

Decisions regarding changes and up-grades continue to include neighbors and those of us who have been involved over the years. The accolades and awards that have been received over the years are well-deserved and create a sense of great pride. We are all so fortunate to have sincere, qualified, intelligent people serve on the NCDF Board of Directors, the Advisory Committee and especially Executive Director Jeanne Strickland.

I sincerely hope that the Community Preservation Committee will approve the CPA funding so as to preserve and restore this historic site.

Best Wishes,

Polly Bryson

Polly Bryson.

Former Alderman, Ward 4

Judy Weber

**21 Belmont Street
Newton, MA 02458
Tel: (617) 527-0048 * Fax: (617) 916-5219
juditheweber@comcast.net**

March 17, 2009

Members of the City of Newton Community Preservation Committee
Alice Ingerson, Program Manager
City Hall
100 Commonwealth Avenue
Newton, MA -2459.

Re: Warren House


Dear Committee Members and Ms. Ingerson:

I am writing in support of the Newton Community Development Foundation (NCDF)'s proposal for CPA funds to perform roof and above roof line masonry and cast stone restoration at the former Levi F. Warren Junior High School, now known as Warren House. Most regrettably, I am unable to attend tomorrow night's CPC meeting to show my support in person.

My reason for support of this proposal is simple. We have a woefully meager number of affordable housing units in Newton where I have owned a home for over 30 years, raised a family and been an active member of the NCDF Board of Directors for more than 10 years. It has, quite frankly, been very frustrating that my home town has not been able to do better in providing more housing opportunities for our less affluent neighbors. Therefore, with all the impediments to creating new affordable housing, it is imperative that we make every effort to preserve those units we have been able to create. 21 of the 59 apartments at Warren House are affordable and NCDF is committed to keeping these units affordable as long as it possibly can. We need you to join us in making that possible by helping preserve the physical integrity of the building.

You know NCDF's mission and history, the properties it owns and manages as well as the residents who sing its praises. It has a stellar reputation and its properties are a source of pride to our community. I look forward to learning that we have received your support for Warren House!

Respectfully,


Judy Weber

Ald. Hess-Mahan asked if another site visit could be planned and Ms. Strickland said they could. Ald. Yates thought it would be useful for the Finance Committee.

Ald. Parker said it was his understanding that CPA funds could not be used for repairs. Ms. Ingerson explained that extraordinary repairs were eligible. Ald. Parker asked for an opinion from the Law Department. Alice Ingerson will send him the memo that the Law Department prepared on this topic in general.

Phase 2 of the repairs will not be funded with city dollars. They have been discussing with Mass Housing the need to refinance and potentially draw on some other state funds. This phase will deal with the east and west wings. Ald. Linksy asked what would happen if this funding did not come through and why aren't they doing that now to be sure. Ms. Strickland said that the refinance would not be sufficient to fund this phase. They will also be requesting grant funds and they are optimistic they will get them. This phase has a longer timeframe, but phase 1 is an emergency situation. Ms. Jacobson said that even if the refinancing happened today, they would still need the CPA funds for phase 1.

Ald. Yates moved approval of this item and the Committee voted in favor.

Respectfully Submitted,

Cheryl Lappin, Chairman



City of Newton, Massachusetts
Community Preservation Committee



DOCKET
ITEM NO.
#91-09

David B. Cohen
Mayor

MEMORANDUM

DATE: 9 March 2009
TO: The Honorable Board of Aldermen
FROM: Community Preservation Committee
RE: recommended Community Preservation funding for
ARCHAEOLOGY SURVEY

09 MAR 19 PM 1:56
CITY CLERK
NEWTON, MA 02459

1. PROJECT GOALS & ELIGIBILITY

Specialized consultants will work with the City of Newton's Senior Preservation Planner to conduct a citywide survey to identify areas of archaeological sensitivity, as well as a ground penetrating radar survey of the East Parish Burying Ground. Final products will include a technical report for use by the Planning Department and the Newton Historical Commission in project review and proactive preservation of archaeological sites, and by the Community Preservation Committee and Board of Aldermen in evaluating future proposals for the protection of these resources; and a public summary of findings, for use by the Newton History Museum and Newton Public Schools.

The Community Preservation Act's definition of eligible historic resources includes any "building, structure, vessel, real property, document or artifact that ... has been determined by the local historic preservation commission to be significant in the history, archaeology, architecture or culture of a city or town." The Newton Historical Commission fully supports this proposal, because it recognizes that Newton's archaeological resources are threatened first of all by lack of knowledge.

As several CPC members noted when voting on this proposal, "we can't protect what we don't know we have." Less than 1 percent of the city's area has been investigated by professional archaeologists. Many of the city's currently known 29 archaeological sites were discovered accidentally and then destroyed by construction projects, including 3 sites demolished by the Massachusetts Turnpike. This survey will permit more systematic, proactive, and effective protection of Newton's archaeological resources.

SEE ALSO: appendix with further comments on City goals & priorities; and two nearby examples of urban archaeology: Boston's Ancient Fishweir Project at www.fishweir.org/ and "Mining the Big Dig" [1999] at www.nps.gov/history/archeology/Cg/win_1999/Bigdig.htm

2. FUNDING RECOMMENDATION

On 25 February 2009 the Community Preservation Committee voted unanimously 9 in favor, 0 opposed, to recommend that the sum of \$37,500 be appropriated under the direction and control of the Director of Planning and Development, drawing first from the historic resources reserve and then as needed from the general reserve of the Community Preservation Fund, to be expended 100% for historic resources as follows:

| PROJECT BUDGET | |
|--|-----------------|
| archaeological consultant | \$30,000 |
| ground-penetrating radar consultant <i>(depending on qualifications, may be same as above)</i> | \$5,000 |
| Planning staff – project mgmt | \$2,000 |
| Law Dept. – bidding and contracting | \$750 |
| TOTAL | \$37,750 |

ADDITIONAL SOURCES & USES OF FUNDS

Newton's Senior Preservation Planner Brian Lever submitted a 2008 application to the Massachusetts Historical Commission (MHC) for phase 2 of this project, requesting \$12,000 to update Newton's 1980s survey of the city's remaining pre-1820 buildings. That application was denied but will be resubmitted in 2009. The CPC strongly encouraged Mr. Lever to request CPA funds for this work, if MHC does not fund it.

3. OTHER RECOMMENDATIONS

The Community Preservation Committee notes that, as proposed, the project will meet all standards for archaeological surveys established by the Massachusetts Historical Commission and by Massachusetts General Laws, Chapter 9, Section 27C. The Committee further recommends that:

1. Surveys and reports funded through this project be completed with 18 months after the funds are appropriated.
2. The public summary of project results be widely publicized and made available online, either through the Newton History Museum or the Planning Department.
3. Any portion of the Community Preservation Fund grant not used for the purposes stated herein be returned to the Newton Community Preservation Fund.

4. ATTACHMENTS

(delivered to the clerks of the Committee on Community Preservation and Finance Committee)

- ◆ Proposal
- ◆ Letters of support
- ◆ Article/web page for archaeological surveys in other Massachusetts communities

Appendix: DETAILED FINDINGS on FUNDING ELIGIBILITY & PRIORITIES

Community Preservation Plan

This project addresses the following goals in this *Plan*:

| OVERARCHING GOALS |
|--|
| 1. Contribute to the preservation of Newton's unique character ... |
| 5. Preserve a resource or opportunity that would otherwise be lost. |
| 6. Show that a project is the most reasonable available option to achieve the objective. |
| 7. Demonstrate strong community support. |
| 8. Equitably distribute CPA funds throughout the City. |
| HISTORIC RESOURCES GOALS |
| 1-2. Support the preservation and/or restoration of public and private resources ... found to be historically significant by the Newton Historical Commission. |
| 5. Support the objectives and priorities of local historic preservation organizations, such as the Newton Historical Society and the Newton History Museum ... |

Other Newton Plans & Priorities

The proposal as submitted includes supporting quotes from Newton's *Comprehensive Plan* and *Preliminary Preservation Plan*.

Finally, education per se is not an allowable use of CPA funds. It is worth noting, however, that the Native American section of the permanent exhibit at the Newton History Museum, and the museum's public and school programs on this theme, are among its most popular. Yet Museum staff have long recognized that these programs could be strengthened by incorporating more recent archaeological research and more Newton-specific information. Identifying and protecting archaeological resources that could support future research on the city's Native American history is a critical first step in this direction.

City of Newton




David B. Cohen
Mayor

Newton, Massachusetts Fy09 COMMUNITY PRESERVATION PROPOSAL

Alice E. Ingerson, Community Preservation Program Manager
Newton Planning and Development Department
1000 Commonwealth Ave., Newton, MA 02459
aingerson@newtonma.gov 617.796.1144

Date received: **#91-09**


 SEP 15 PM 4:46
 CLERK
 NEWTON, MA. 02159

| Project CONTACTS | | | | | |
|---|---|--|--|--|------------|
| Michael Kruse, Director Planning and Development Department 1000 Commonwealth Avenue Newton, MA 02459 mkruse@newtonma.gov , 617-796-1130 | Brian Lever, Senior Preservation Planner* Planning and Development Department 1000 Commonwealth Avenue Newton, MA 02459 blever@newtonma.gov , 617-796-1129 | | | | |
| Project TITLE | Newton Pre-1820 Architectural Heritage and Archaeology Project | | | | |
| LOCATION | Citywide | | | | |
| FUNDING CATEGORIES | <i>CHECK ALL THAT APPLY.</i> | COMMUNITY HOUSING | <input checked="" type="checkbox"/> HISTORIC RESOURCES | OPEN SPACE | RECREATION |
| BUDGET | <i>CP FUNDS REQUESTED:</i> \$37,000 | <i>OTHER FUNDS TO BE USED:</i> Staff time / MHC Grant | | <i>TOTAL PROJECT COST:</i> \$57,000 | |
| SUMMARY | <p>The preservation staff of the City of Newton's Planning and Development Department propose undertaking a citywide systematic survey to identify, map, and evaluate Federal Period (ending approximately 1820) and earlier historic resources. The proposed project will be broken into two phases. Phase 1 will consist of a citywide archaeological survey identifying areas of archaeological sensitivity, including existing sites as well as a ground penetrating radar survey of the East Parish Burying Ground to assess the presence of remains there. Consultants will complete this phase working with city staff. The proposed final Phase 1 product will be a report filed with the Planning Department for use in project review and proactive preservation of archaeological sites. CPA funding is sought for Phase 1 only. Phase 2 will consist of a citywide survey to identify Federal Period and earlier buildings, structures, landscapes, and features. This will be completed by city staff and will involve completing determinations of National Register of Historic Places eligibility for each property, if applicable and not already done, as well as mapping into the city's GIS system. Existing survey forms will also be updated.</p> <p>Evidence of early life in Newton exists today in the form of various historic resources including archaeological sites, historic structures, features, and landscapes. At present 29 archaeological sites in Newton are recorded. Initial estimates are that there are also 120 Federal Period (ending approximately 1820) and earlier buildings, structures, landscapes, and features in Newton based on a City of Newton Assessors and Massachusetts Cultural Resource Information System queries. There may also be additional Federal Period or earlier historic resources for which no record exists.</p> <p>Historic resources have only limited protection under Newton's ordinances as well as some federal and state laws. By the time most of these preservation tools are brought into play, historic resources are often already under significant threat. In the case of archaeological sites, little protection exists from private development. This survey will be the first step in protecting these resources through prioritizing preservation efforts and educating property owners as well as the public.</p> | | | | |

| 1. HOW WILL CP FUNDS BE USED? | <i>Check all that apply.</i> | COMMUNITY HOUSING | HISTORIC RESOURCES | OPEN SPACE | RECREATION |
|-------------------------------|--|-------------------|--------------------|---------------|---------------|
| | <i>allowable if resource was acquired or created with CP funds</i> | acquire | | | |
| create | | | NOT ALLOWABLE | | |
| preserve | | | X | | |
| support | | | NOT ALLOWABLE | NOT ALLOWABLE | NOT ALLOWABLE |
| rehabilitate/restore | | | | | |

2. NEEDS & PRIORITIES:

[Goal] 5: Promoting the Broader Use of History in Planning & Development

Planning with and for history requires making history a useful and useable tool for all City departments, as well as all nonprofit and for-profit organizations, involved in planning and development. Newton Comprehensive Plan, Cultural Resources, pages 9-16.

Referring to the existing historic resources survey, "the work was done 20 years ago and has only been updated sporadically. Newton should begin planning for a phased program of updating these forms, "A similar summary of survey efforts and recommendations for further documentation of archaeological resources in Newton should be compiled" City of Newton Preliminary Historic Preservation Plan 2002, page 29-30.

Previous city plans support updating the existing survey information and utilizing the GIS system to identify and track changes to historic properties. Lack of archaeological information is an outstanding issue in noted Newton's preservation plan. Many cities and towns in Massachusetts have taken steps to protect archaeological sites including 20 completed city/townwide archaeological surveys throughout the State.

As a line item in the Citywide archaeological survey, the ground-penetrating radar survey of the East Parish Burying Ground is included to assess the boundaries of the burial ground as well as the location of burials within it. The data from the survey will assist ongoing preservation efforts at the burying ground as well as provide valuable research information.

3. OTHER FUNDING:

Additional funding of \$12,000 will be sought through the Massachusetts Historical Commission Survey and Planning Grants, application deadline December 15, 2008.

4. STEWARDSHIP:

Not applicable, project involves preservation documentation work only.

5. COMMUNITY CONTACTS:

| | |
|---|--------------|
| Michael Kruse, Director Planning and Development Department | 617-796-1130 |
| Leonard Loparto, Massachusetts Historical Commission | 617-727-8470 |
| Zack Blake, Newton Historical Commission | 978-337-8287 |
| David Morton, Newton Historical Commission | 617-512-2902 |

A letter of support from the Newton Historical Commission is enclosed and another is being sought from the Newton Historical Society.

Draft Project **TIMELINE**

| Project TITLE: | | | | |
|---|---|-----------------------------|--------------------------------|---|
| STEPS <i>BIG steps, SHORT descriptions!</i> | ASSISTANCE REQUIRED <i>What must other organizations or City depts. do (raise funds, issue permits, etc.)?</i> | START <i>season/year</i> | COMPLETE <i>season/year</i> | COST <i>estimate</i> |
| 1 Issue RFQ(s) and review response(s) Ground-Penetrating Radar Survey may be separated out as separate bid item. | Consult with Purchasing Department regarding City bid process. Planning Department assistance for review. | Winter 2009 | Spring 2009 | Some staff time, \$2,000 total for project |
| 2 Issue RFP(s) and award project(s) | Consult with Purchasing Department regarding City bid process. Planning Department assistance for review. The contract for the consultant will be approved by the City Comptroller, Law Department and the Mayor. | Spring 2009 | Summer 2009 | \$30,000, \$5,000 for GPR survey, some staff time |
| 3 Monitor consultant(s) progress | Planning Department assistance | Summer 2009 | Fall 2009 | Some staff time |
| 4 Review draft report(s) | Planning Department assistance for review | Fall 2009 | Fall 2009 | Some staff time |
| 5 Accept final report | Planning Department assistance for review | Winter 2009 | Winter 2009 | Some staff time |

ATTACHMENT A: Budget

| Newton Pre-1820 Architectural Heritage and Archaeology Project | | | |
|---|----------|-----------------|---------------------|
| PROJECT BUDGET | | | |
| <i>USES</i> | | | <i>SOURCES</i> |
| Archaeology Survey | | | |
| Archaeological consultant | \$30,000 | | |
| GPR consultant total cost for line item, can be separate consultant if needed | \$5,000 | | |
| Planning staff project management | \$2,000 | | |
| subtotal | | \$37,000 | CPA grant |
| Early Architecture Survey | | | |
| Planning staff project management and documentation work | \$12,000 | | MHC grant |
| | \$8,000 | | Planning staff time |
| subtotal | | \$20,000 | |
| TOTAL PROJECT COST | | \$57,000 | |

Phase 1 and 2 can be separated into different projects in the event that grant funding cannot be secured. If funding is unavailable, Planning staff will apply again for the next Massachusetts Historical Commission grant cycle.

ATTACHMENT B: Project Manager's Qualifications

Brian Lever

City of Newton
Senior Preservation Planner

Newton, MA
2007-present

Mr. Lever has eight years of experience in historic preservation including assessing effects to historic resources by federal and state permitted construction projects, documenting historical sites and structures, as well as archaeological excavation. Mr. Lever has also engaged in surveys of historic resources and completed National Register nominations.

Education:

Harvard University

Graduate Student, Extension School, Master of Liberal Arts Anthropology/Archaeology

University of Connecticut

Master of Arts, 2002, American History

University of Massachusetts

Bachelor of Arts, 2000, History

Bachelor of Arts, 2000, Anthropology



David B. Cohen
Mayor

Newton, Massachusetts Fy09 COMMUNITY PRESERVATION PROPOSAL

Alice E. Ingerson, Community Preservation Program Manager
Newton Planning and Development Department
1000 Commonwealth Ave., Newton, MA 02459
aingerson@newtonma.gov 617.796.1144

Date received:



| | | | | | |
|---|---|--|--|--|------------|
| Project CONTACTS | | | | | |
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| Project TITLE | Newton Pre-1820 Architectural Heritage and Archaeology Project | | | | |
| LOCATION | Citywide | | | | |
| FUNDING CATEGORIES | <i>CHECK ALL THAT APPLY.</i> | COMMUNITY HOUSING | X HISTORIC RESOURCES | OPEN SPACE | RECREATION |
| BUDGET | <i>CP FUNDS REQUESTED:</i> \$37,000 | <i>OTHER FUNDS TO BE USED:</i> Staff time / MHC Grant | | <i>TOTAL PROJECT COST:</i> \$57,000 | |
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| 1. HOW WILL CP FUNDS BE USED? | <i>Check all that apply.</i> | COMMUNITY HOUSING | HISTORIC RESOURCES | OPEN SPACE | RECREATION |
|-------------------------------|------------------------------|-------------------|--------------------|---------------|---------------|
| | acquire | | | | |
| create | | | NOT ALLOWABLE | | |
| preserve | | | X | | |
| support | | | NOT ALLOWABLE | NOT ALLOWABLE | NOT ALLOWABLE |
| rehabilitate/restore | | | | | |

2. NEEDS & PRIORITIES:

[Goal] 5: Promoting the Broader Use of History in Planning & Development

Planning with and for history requires making history a useful and useable tool for all City departments, as well as all nonprofit and for-profit organizations, involved in planning and development. Newton Comprehensive Plan, Cultural Resources, pages 9-16.

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|---|----------|-----------------|---------------------|
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| <i>USES</i> | | | <i>SOURCES</i> |
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| GPR consultant total cost for line item, can be separate consultant if needed | \$5,000 | | |
| Planning staff project management | \$2,000 | | |
| subtotal | | \$37,000 | CPA grant |
| Early Architecture Survey | | | |
| Planning staff project management and documentation work | \$12,000 | | MHC grant |
| | \$8,000 | | Planning staff time |
| subtotal | | \$20,000 | |
| TOTAL PROJECT COST | | \$57,000 | |

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ATTACHMENT B: Project Manager's Qualifications

Brian Lever

City of Newton
Senior Preservation Planner

Newton, MA
2007-present

Mr. Lever has eight years of experience in historic preservation including assessing effects to historic resources by federal and state permitted construction projects, documenting historical sites and structures, as well as archaeological excavation. Mr. Lever has also engaged in surveys of historic resources and completed National Register nominations.

Education:

Harvard University
Graduate Student, Extension School, Master of Liberal Arts Anthropology/Archaeology

University of Connecticut
Master of Arts, 2002, American History

University of Massachusetts
Bachelor of Arts, 2000, History
Bachelor of Arts, 2000, Anthropology

To: Committee on Community Preservation Members

From: Brian Lever, Senior Preservation Planner

RE: Additional Information for Community-wide Archaeological Survey Proposal

In the packet provided you will find additional information requested at the March meeting. I have since received additional letters of support from the Massachusetts Historical Commission and the Department of Conservation and Recreation. Also at your request, I have sought and received reviews of community-wide archaeological surveys from other communities. They are included in the order in which they were received. Please note: some responses are full letters, while others are simply short emails. There are still communities that I am awaiting responses from, those included herein are:

Acton
Wareham
Chatham
Bedford
Halifax
Dartmouth
Medfield
Westport

09 MAY 19 AM 10:11
CITY CLERK
NEWTON, MA. 02159

Additionally, the towns' of Westport and Bolton have their surveys online at:

http://www.uncoveringwestport.org/wordpress/?page_id=32

http://www.townofbolton.com/Pages/BoltonMA_HistComm/ArchSurvey/Protection

Should you have any questions please let me know.



The Commonwealth of Massachusetts
 William Francis Galvin, Secretary of the Commonwealth
 Massachusetts Historical Commission

09 MAY 19 AM 10:11
 CITY CLERK
 NEWTON, MA 02159

March 31, 2009

Mr. Brian Lever
 Senior Preservation Planner
 City of Newton Planning and Development
 1000 Commonwealth Ave.
 Newton, MA 02459

Dear Mr. Lever,

Thank you for the opportunity to state the Massachusetts Historical Commission's (MHC's) support for a community-wide archaeological reconnaissance survey in the City of Newton. Located in the western portion of the Boston Basin and the Lower Charles River drainage, Newton has a long history of both ancient Native American and historic settlement. While many ancient Native American sites identified in Newton have unknown cultural affiliation, most settlement periods are expected either by analogy with sites located in the town or within the larger Boston Basin. In 1982, MHC's study of *Historical and Archaeological Resources of the Boston Area* identified Newton as one of several towns in the Boston Area study unit where survey information on ancient Native American sites is extremely limited and where surveys are most needed. That conclusion has not changed in the last 27 years.

While over 8,000 prehistoric sites have been recorded in Massachusetts, only 13 of those sites are located in the City of Newton. Historic archaeological site frequencies are slightly better with 16 sites recorded within the city. Both ancient Native American and historic site frequencies attest to the fact that archaeological sites in Newton are underreported, probably due to suburban development and the loss of the natural landscape. The number of archaeological surveys conducted in Newton also supports underreporting as a major factor in the low numbers of prehistoric and historic sites in the city. Among over 2,600 archaeological reports published in Massachusetts, only 15 were conducted in Newton.

One way Newton can begin to systematically locate, evaluate and manage its prehistoric and historic archaeological resources is to conduct a community-wide archaeological reconnaissance survey of the town. Information pertaining to ancient Native American and historic archaeological sites in Newton is dispersed among numerous individuals,

repositories, and documentary sources at the town, state, and regional levels. A community-wide archaeological reconnaissance survey, conducted by an experienced, professional archaeological consulting firm under a State Archaeologist's permit (950 CMR 70) would gather this information into a single reliable source from which additional survey can be based, if needed for particular proposed projects, and management decisions can be made.

One of the main goals of a community-wide archaeological reconnaissance survey is to identify the patterns of ancient Native American and historic occupation and activity in Newton, and to determine known and probable locations of archaeological resources associated with these patterns. This phase of research will be especially important in Newton since both ancient Native American and historic archaeological sites are underreported and landscape features that contain sites with integrity continue to be proposed for development. Known and potential locations of archaeological sites will be presented in a series of GIS locational and sensitivity maps (based on the city's assessor's maps) and site inventory forms for newly identified sites.

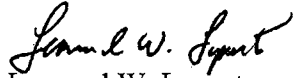
In addition to locating known and potential archaeological sites, the survey will also include narrative histories and related contexts for ancient Native American and historic archaeological sites. This information will contribute the basis for determining the range of known and predicted archaeological site types and to consider the significance of particular sites in the city.

Finally, the information presented above and accompanying recommendations will be presented in a report format that will allow more effective management and protection of significant archaeological resources in the town, through existing and potential future local permitting and approval processes, and through ongoing public and private efforts at land acquisition for conservation and protection. The community-wide archaeological reconnaissance survey report, site inventory forms, and site locational maps, would be kept in a secure location where the Newton Historical Commission (NHC), could control access to archaeological site locational information to protect the sites. Archaeological site locational information is confidential and is not a "public record" (M.G.L. c. 9, ss. 26A (1) & 27C; c. 40, s. 8D) to protect the sites. The archaeological sensitivity maps, however, that do not show actual site locations, are made available so that city planners and permitting departments and the public can determine if particular parcels are archaeologically sensitive.

I hope you are successful in securing local funding for a community-wide archaeological reconnaissance survey of the City of Newton. Undoubtedly, many ancient Native American and historical archaeological resources have gone unrecognized and been lost in the city's long history of land use and development. The City of Newton has long recognized its ancient and historical resources and has been involved in many ways, such as through archaeological surveys for private and public development projects, Massachusetts Archaeology Month events, and through research, exhibits, and other interpretative initiatives at the Jackson Homestead. The implementation of a community-wide archaeological reconnaissance survey in the City of Newton would be an important

initiative to provide a systematic means to identify, evaluate, and appropriately manage the city's remaining ancient and historical archaeological sites.

Sincerely,



Leonard W. Loparto
Archaeologist/Preservation Planner

Cc: Mr. Donald Lang, Chairperson, Newton Historical Commission

BW #01-09

09 MAY 19 AM 10:11
CITY CLERK
NEWTON, MA. 02159



Mr. Michael Kruse, Director
Planning and Development Department
1000 Commonwealth Avenue
Newton, MA 02459

March 31, 2009

Re: Community Preservation Grant

Dear Mr. Kruse:

It has come to the attention of the Department of Conservation and Recreation (DCR) that the City of Newton's Planning and Development Department is seeking a Community Preservation Grant to undertake a systematic citywide survey of historic resources (archaeological sites, historic buildings and structures). DCR is highly supportive of this meritorious effort and looks forward to its successful completion.

DCR provides stewardship for a number of sites and properties in Newton and sees this as an exciting proactive approach of historic resource preservation. It's very difficult to protect something that you don't know exists or what its significance may be. With the City of Newton providing its own program of cultural resource management, DCR's efforts will be greatly enhanced because of the expanded context within which the resources exist.

If DCR can be of assistance, please call Thomas F. Mahlstedt, Department of Conservation and Recreation Staff Archaeologist at 617-626-1385. Thank you.

Sincerely,

Richard K. Sullivan, Jr., Commissioner
Department of Conservation and Recreation

Date: 3/31/09



ACTON BOARD OF HEALTH

Doug Halley
Health Director

472 Main Street
Acton, MA 01720

Telephone 978-264-9634
Fax 978-264-9635

09 MAY 19 AM 10:11
CITY CLERK
NEWTON, MA 02459

April 2, 2009

Community Preservation Committee
c/o Alice E. Ingerson, PhD
City Hall
1000 Commonwealth Ave.
Newton, MA 02459

Dear Ms. Ingerson,

I am writing this letter in response to a request from Zack Blake, a member of the Newton Historic Commission and Community Preservation Committee, to provide information regarding Acton's Community-wide Archaeological Reconnaissance Survey. This project which was recommended by Acton's Community Preservation Committee and approved by Town Meeting in 2007 is nearing completion and I thought that some background regarding the importance of this project to Acton might be helpful in determining the value of a similar project for Newton.

Acton, like many other New England communities, has a rich historical context, especially during the revolutionary period of this country. The first casualty of the battle at the Old North Bridge in Concord was a farmer from Acton. From this context much has been done by both the community and by non-profit organizations to protect and enhance this heritage.

In 1999 the context of Acton's history was broadened when an archaeological dig, funded by the community, was conducted on the banks of the Assabet River. As the project manager for the Pine Hawk Dig, a subcomponent of a larger sewer project, I was able to witness the discovery of artifacts left behind 7,000 years ago, testifying to the recognition of this country's indigenous people of the value of this area's resources.

From this discovery a multi-pronged effort, conducted by the town, the school system and the Friends of Pine Hawk, of education and outreach began. The fruits of these efforts produced a website, school programs, and traveling exhibits and culminated in the permanent multi-media display of the original artifacts. In recognition of these efforts the Massachusetts Historical Commission presented Acton with a Preservation Award at their 29th Annual Award ceremonies.

Given the renewed interest in the community to understand and protect its historical past Acton took a look at how other communities approached this issue and found that several communities had conducted archaeological reconnaissance surveys. These types of surveys are non-intrusive and broad brush, which rely upon the review of public documents, interaction with historic societies or groups, interviews with long term residents and avocational archaeologists, and assessing the environmental features of a community.

The primary purpose of the reconnaissance survey was to know the community better, to have appreciation for its past and its people. Through this knowledge working with the Historic Commission, Historic Society and the Acton-Boxborough School System educational programs could be implemented that would allow people to respect and understand what has happened in the past that has formed the community's identity.

The secondary purpose was to identify tools that would assist in protecting archaeological resources and putting in place a rational process that would allow the identification of those resources without overly encumbering homeowners. Through either a town bylaw, or a zoning bylaw, resource areas could be identified and protection mechanisms could be put in place.

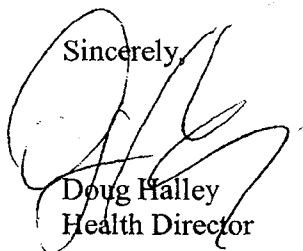
At this point Acton's reconnaissance survey is 99% complete. Archaeological Sensitivity maps for both pre and post contact eras, a guide for understanding the maps and the reconnaissance report have been developed. They are being reviewed by the Massachusetts Historic Commission with approval anticipated in the immediate future.

Final management recommendations detailing bylaws and protection methods have been submitted to the Historic Commission. Utilizing these materials they have developed an Archaeological Preservation Bylaw, which they anticipate will be submitted this fall to Town Meeting for approval.

In all, the Town committed \$35,000 in CPA funds with an additional \$4,000 for in-kind project administration by myself. Through the course of the project we have had several public meetings which were well attended and very supportive. Without this study the town would have been less informed and more prone to losing archaeological resources of unknown importance and significance. With the study directed educational efforts can be implemented to inform townspeople of their resources and any disturbed important or significant archaeological resource can at a minimum be cataloged.

Should you need any additional information regarding Acton's project you can reach me at 978-264-9634.

Sincerely,



Doug Halley
Health Director

Date sent: Tue, 7 Apr 2009 21:03:00 +0000 (UTC)
From: Barbara <beb100acrewood@comcast.net>
To: blever@newtonma.gov
Copies to: Robin Ragle-Davis <robin@rrinteractive.com>
Subject: Community Wide Archaeological Survey

09 MAY 19 AM 10:12
CITY CLERK
NEWTON, MA 02159

Brian,

Robin Ragle-Davis forwarded your e-mail to me as I was chair of Wareham's Historical Commission during the time our Community Wide Archaeological Survey was completed. We used CPA funds and hired Craig Chartier, director of Plymouth Archaeology Rediscovery Project in New Bedford. Craig has completed a number of digs that we have been involved in during the past seven years or so. We have been more than satisfied with his professionalism and the quality of his work.

When we contracted with Craig unfortunately we did realize that we should have included a town wide master map that would show the possibly/probably significant sites without identifying the exact locations of known archaeological sites. The individual maps based on assessors maps are very usable for identifying project areas for the Commission but not as a tool for the Planning Dept. including Conservation or for the Inspections Dept. WHC is planning on having a large size master map with the areas readily identifiable completed in a future Part II of the Survey. This would allow these departments to easily identify sites that might be adversely affected by development and to consult with us as soon as a project comes before them.

Our focus at the time was to continue to complete all the requirements to become a Certified Local Government. This was probably the reason we overlooked a master map.

The Commission uses the plans in discussing any development projects coming before the town. Unfortunately the town is without a Planner at this time. In the past we had a very good relationship with the director and he notified us of upcoming projects so that we would have an opportunity to investigate the area to be developed before it came before the Planning Board, ZBA or ConCom. This allowed us time to consult with Craig and prepare a recommendation for an archaeological survey if appropriate. The director also notified us of endangered buildings over 50 years of age that might be historically significant.

WHC feels that this was a very worthwhile project as a planning tool as well as a preservation tool. As volunteers there is never enough time to properly utilize the survey and we hope that in the future a planner will be appointed that will work with us in preserving endangered archaeological and architectural sites.

Wareham had been developing at an alarming rate and we found both the architectural and archaeological surveys helped us to determine what sites were worth protecting and where to focus our efforts.

Please contact me if you would like any further information.

Barbara E. Bailey,
Vice Chair Wareham Historical Commission

Date sent: Wed, 8 Apr 2009 14:38:07 -0700 (PDT)
From: theaikmans@yahoo.com
Send reply to: theaikmans@yahoo.com
Subject: archaeological survey
To: blever@newtonma.gov

09 MAY 19 AM 10:12
CITY CLERK
NEWTON, MA. 02159

Brian,

Paula Liska forwarded me your inquiry and I will try to respond to your questions.

The survey here in Chatham was just recently finished so I feel it is too soon to tell if it will have a more protective effect.

It did however provide some very valuable information as to potential sites, which turned out to be most of the Town.

Since we are not making the sites public so as to avoid unwanted invasion, it is going to be up to Town employees and members of the Chatham Historical Commission to keep watch on the sites.

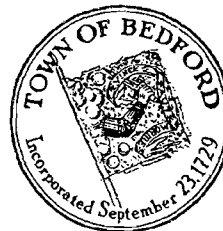
Only time will tell if we are successful

As to whether it was worthwhile, I know the preservation community thinks so but I think the developers may have a different opinion.

Hope this is helpful.

Don Aikman Chairman
Chatham Historical Commission

TOWN OF BEDFORD
BEDFORD, MASSACHUSETTS 01730



TTD/TTY: 781-687-6124

Historic Preservation Commission

Town Hall
Bedford, MA 01730
781-275-1111

April 24, 2009

Brian Lever, Senior Preservation Planner
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459-1449

09 MAY 19 AM 10:12
CITY CLERK
NEWTON, MA. 02159

Re: Community-wide Archaeological Survey

Dear Mr. Lever:

I have been asked to respond to your letter of April 13, 2009, regarding this subject. I was the Local Project Coordinator for the Town of Bedford when we conducted such an archaeological survey. It was done with the assistance of a matching grant from the Massachusetts Historical Commission and with Bedford's Community Preservation funds.

I believe that the project was worthwhile and has provided some additional information to assist in our overall preservation efforts. However, it failed in several respects to meet our expectations, and it would be difficult to show how our archaeological sites are better protected as a result. In my opinion, issues that limited the usefulness of this survey are as follows:

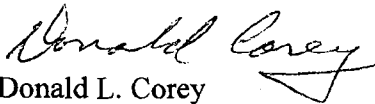
1. In the course of interviewing consultants responding to our RFP, a professor from the university appeared at the interview and spoke very knowingly and convincingly. We subsequently selected the university to perform the survey. However, students did the work, and we literally never saw or heard from the professor again. The students worked diligently and gave their best effort, but the final report consisted largely of information that we provided which was fed back to us. It also included empirical data for sensitive archaeological sites based on distance from streams and trails, slopes, wetlands, etc. As a consequence, the Native American archaeological sensitivity map generally consists of bands of high sensitivity along streams, and the historic (Colonial) archaeological sensitivity map generally consists of bands of high sensitivity along ancient ways.
2. The report recommended an Archaeological Site Protection Plan for Bedford, but we were unable to find any other precedent by a city or town under provisions of the Massachusetts General Laws. The consultant recommended controls similar to those of the Cape Cod Commission, but their authority was granted under a special act of the General Court.
3. We found the information in the report to be too general to be able to defend it in creating an overlay district in the town's bylaws, which the Massachusetts Historical Commission had suggested. In addition, much of the information, particularly relating to Native American sites, is sensitive and must not be discussed publicly in order to protect the sites and

potential sites from vandalism. I have served both as a Selectman and Planning Board member, and I frankly would have had a problem trying to sell such an overlay district amendment at Town Meeting where the most relevant information could not be shared and other information was far too general to support the proposal.

We have had great success working with other consultants on other contracts, particularly where the principals of small firms performed the work directly. I believe that this survey could have been more useful if it had been performed by more knowledgeable individuals who had a clearer understanding of how the information could be applied in municipal planning, pursuant to Massachusetts General Laws.

Notwithstanding our experience, I would encourage the City of Newton to seriously consider conducting an archaeological survey and simply take note of our cautions.

Sincerely,


Donald L. Corey

Date sent: Mon, 27 Apr 2009 23:03:41 +0000 (UTC)
From: sbasile581@comcast.net
To: blever@newtonma.gov
Subject: Community wide archaeological survey

09 MAY 19 AM 10:12
CITY CLERK
NEWTON, MA. 02459

Mr. Lever,

I have just picked up my mail, so I haven't gotten back to you sooner. I certainly feel the effort that went into the survey was well worth it. The archaeologist that I worked with was great. The members of our town Zoning Board of Appeals, Conservation Committee and a newly formed Master Planning Committee are all using the information in the report now. The ZBA is dealing with a large 40-B plan in a sensitive area, the Master Planning Committee has requested the information to help with a new plan for the town and the Conservation Committee has looked at the maps in regards to the wet lands in the area planned for the 40-B development. There is no doubt in my mind that the archaeological sites will be protected as the result of the survey. [Too many people know about the survey and that I will be watching.]

Unfortunately a new housing project in town brought all this about. Rumors were heard that the workers were finding arrowheads and artifacts two years ago during the initial building but when I went up there to speak to some of the workers no one knew anything.

I finally received a phone call from an abutter to the project who happened to be on the town's Board of Health. He and his son discovered a large area of artifacts during a walk on the area adjacent to his property, one of the last sites to be build on unfortunately.

I called Boston and they sent someone out to look at the site and a stop order was issued. The builder worked with all concerned and the person that bought the property is doing everything that was asked of him to protect what ground was not disturbed. The large Indian camp site itself was totally disturbed.

One thing the older residents of Halifax can be proud of is their love of it's history and many of the residents attended a "Public Information Day" held by the Historical Commission and the agency that did the survey. We even had a speaker come and speak to the Fifth Grade class, all 105 of them. Knowledge itself is a powerful tool.

If I can help in any way please let me know. Good luck.

Susan Basile

From: Judith Lund <jnlund@comcast.net>
To: blever@newtonma.gov
Subject: Re our Archaeological Survey
Date sent: Mon, 4 May 2009 21:40:02 -0400

09 MAY 19 AM 10:12
CITY CLERK
NEWTON, MA. 02459

Mr. Lever,

Your letter to the Dartmouth Historical Commission was read at our meeting tonight. I was chair or co-chair of the commission throughout the process, and involved in the application for and supervision of that survey.

The survey has given us a good tool for consideration of our archaeological assets. We have turned to it several times to consider sensitivity of developable sites, but since it was completed, we have not faced a situation where a potential site needed protection. Our one case of intrusion into a suspected native american site happened before the survey was in place, and politics intervened to use the site.

I am happy we have the report for reference on our shelf.

Judy Lund

Subject: community-wide archaeological survey
 Date sent: Wed, 6 May 2009 17:50:20 -0400
 From: "John A. Thompson - Dedham" <jthompson@woodardcurran.com>
 To: "Brian Lever" <blever@newtonma.gov>

Hi Brian:

I serve as chair of the Medfield Archaeology Advisory Committee (MAAC) a committee and the Medfield Historical Commission, a town board.

Our goal (MAAC) in having PAL (Public Archaeology Lab) of Providence do a town-wide survey was to map areas of archaeological sensitivity to assist in the construction and planning process. Most people don't know that there are historic and/or prehistoric artifacts in about every 10 square feet of undisturbed soil in the greater Boston area. This would include Newton. In some places, significant cultural resources are present. One residential development site I worked on in Medfield yielded over 6000 prehistoric artifacts. I have been able to successfully work with my group (I get informed by the building department), and developers during the permitting process, to perform simple archaeological surveys, and recover/salvage artifacts that would have been lost or destroyed. We did have PAL prepare a draft archaeological by-law, but I am finding that given lead time, its possible to work out data recovery without the enforcement component provided by using a by-law, so I have not sent it town meeting for a vote. I would be happy to share our maps or draft by-law with you.

The maps are created using information in the historical society, and also from data on hand at the Massachusetts Historical Commission (MHC). Because picking artifacts from fields was a popular hobby in the early 20th century, MHC has maps that record the location of finds in our towns. Due to its sensitivity, this information is the only public information officially protected from FOIA requests, with MHC only sharing it for purposes such as yours.

I am certain that Newton has significant unmapped and unprotected cultural resource sites. Once these resources are destroyed, they can never be reclaimed. As a planning tool, I'm sure a GIS layer depicting such resources, either historic sites or prehistoric sites, would be worth consideration in the planning process, since you can then make informed decisions about the value of historical and or cultural remains to be disturbed.

By way of reference, I am a former colleague of Catherine Farrell, I believe Catherine still works for the City of Newton. Feel free to contact me with questions, or if you would like to see the work product.

Best, John Thompson

J. A. Thompson PG, LSP
 Vice President
 Woodard & Curran
 980 Washington Street
 Dedham, MA 02026

781.251.0200
 fax 781.251.0847
 jthompson@woodardcurran.com
 www.woodardcurran.com

09 MAY 19 AM 12:12
 CITY CLERK
 NEWTON, MA 02459

From: westhist@gis.net
Send reply to: westhist@gis.net
To: blever@newtonma.gov
Copies to: dcoleblade@aol.com
Subject: westport archeological survey
Date sent: Wed, 06 May 2009 09:47:51 -0400
Priority: normal

09 MAY 19 AM 10:12
CITY CLERK
NEWTON, MA 02159

Dear Mr. Lever,

I am responding to your request for some thoughts on the archeological survey.

Westport Historical Society funded an archeological survey in 2004. The survey was undertaken by the Public Archeology Lab and the result was a 150 page document and a set of maps identifying archeological sites and potential sites. The survey resulted in identification of 68 previously unrecorded archeological sites (25 prehistoric and 43 historic sites. Copies of this document were distributed to the public library, and offices of the town hall.

I regard this document as a first step in improving preservation efforts in Westport. The survey is an extremely useful summary of many different sources of local history. However, the survey did not allow for any new archeological surveying, but rather it "suggests" potentially sensitive locations. The project relied heavily on information that had already been published and on interviews with individuals.

Considerations for your committee:

- The survey needs to be fully integrated into town planning (town departments need to know about the survey and have access to the information). I suggest exploring ways to put the survey online, and to integrate the archeological sensitivity maps with GIS.
- The survey needs to be updated regularly. Who will do this?

In summary, as you might expect, the survey is one of many steps towards improving protection of archeological sites. Equally important is the need to consider how you will use the survey once it is completed. I should note that Westport Historical Society does not monitor how this survey has been used by the town.

We are working to put our survey online. You can view a prototype version at http://www.uncoveringwestport.org/wordpress/?page_id=32

Jenny O'Neill
Director
Westport Historical Society, PO Box N 188, Westport MA 02790
phone: 508 636 6011 email: westhist@gis.net
www.westporthistory.com

Search our collection online at
<http://www.westporthistory.com/search/>

REFERRED TO CMTE. ON COMM. PRES. & FINANCE COMMITTEE

#91-09 COMMUNITY PRESERVATION COMMITTEE recommending to appropriate and expend \$37,750, including \$750 for legal costs, from the FY09 Community Preservation Fund's historic resources and general reserves, to survey undocumented archaeological resources throughout the City including a ground-penetrating radar survey of the East Parish Burying Ground, and produce a report of the findings. [03/06/09 @ 2:20 PM]

ACTION: **APPROVED 5-0-1 (Ald. Parker abstaining; Ald. Ciccone not voting)**

NOTE: Brian Lever, Senior Preservation Planner, explained that this item is one part of a two part project to document the city's oldest resources including historic buildings and archeological sites. (The part of the project that involves historic buildings will not request CPA funds.) The project would hire a consultant to produce a findings report that would look at areas of the city that have or are likely to have archeological resources. This would be a planning tool to be used by the Planning Dept. and the Newton Historical Commission for development review of projects. According to the current Massachusetts Historical Commission records there are about 29 archeological sites in the City. Four of those sites have been destroyed as there is little to no protection of them on private land and some on public land. The problem is they don't know where most of them are and what condition they are in. Unless they are identified, they can not be protected.

The sites to be surveyed would be chosen on a predictive model using soil information, environmental data, aerial photos, historic documents and the like. The likelihood of needing to go on private property is low and they would talk with those property owners and not impose any restrictions. The budget for the project is \$5K for the ground penetrating radar, \$2K for staff oversight, and \$30,000 for the rest of the survey and consultant. Mr. Lever said the two main companies that do this kind of work in this are the UMass Archeological Services and the Public Archeology Lab in Rhode Island.

Consultant Products

The first product the consultant would produce is technical report which is quite dense, and would be used by the Planning Dept. and the Newton Historical Commission. It would be helpful in engaging with property owners for cooperation in looking for sites and perhaps buying easements. The product would be a popular report for public consumption and would be put on the website. The third product would be to community groups. It would be to educate the public but also to gather information from the community and in particular people who have found sites. The final product is a ground penetrating radar survey in the East Parish Burying Ground. It is currently under restoration and will soon have a new fence put around it that will disturb the ground. Grounds of this area do not have well defined borders and bodies may be buried without markers. One benefit of the survey is that they would hope to avoid any undue impact to any unmarked burials before placing the fence.

Examples From Other Communities

Mr. Lever, at the Committee's request, brought reports from other communities and they were distributed to the members. It is against state law to publicize the version of a report that identifies site locations because it may result in the destruction of those sites.

Zack Blake said that prior to the technical document that was produced for Acton, the town was not sure how they could protect their historic resources and assets. This report enabled them to start exploring policies and procedures for their protection. Mr. Blake said that was an extremely valuable tool. Ald. Lappin asked what policies were put in place. Mr. Lever said Acton was still going over their report so nothing has been put in place yet. The Town of Aquina on Martha's Vineyard has an ordinance that involves ground disturbance. If a certain amount of ground is being disturbed and archeologist has to come in to examine the area. He said this was an example of a very restrictive policy. Some communities have variations of a demotion delay bylaw to allow for some time to examine it or work with the property owner. Wayland has an archeology group that is part of their Historical Commission that excavates sites that are on city property. There are many options.

Ald. Lappin noted that some of the letters that were provided by Mr. Lever expressed some trouble with their surveys. Mr. Lever said that Bedford had some trouble with their consultant. They felt the Professor that was hired used students instead of doing the report himself, but they still felt the work was worthwhile. Mr. Lever noted that Halifax had a situation in which artifacts were found during a building project. When the Massachusetts Historical Commission went out to examine the site, they were told by the people working on site that they hadn't seen anything. However, the examination showed that a large Indian campsite had been disturbed. This is a case when action came too late and a study of this kind could better avoid that.

Ald. Parker wondered how CPA funds were eligible for this project. Ms. Ingerson explained that preservation of real property and artifacts was allowable.

Ald. Yates thanked Mr. Lever for all the additional information he provided. Ald. Yates said it was well established public policy to project these sites. He moved approval of this item. He felt it was a good and proactive step by the City to prevent probable loss of historic resources. He hoped neighboring communities could be persuaded to do the same.

The Committee voted to approve this item.

343-08/2/F



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#343-08(2)

Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

April 28, 2009

09 APR 28 PM 6:03
CITY CLERK
NEWTON, MA 02159

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

Ladies and Gentlemen:

I write to inform your Honorable Board of a new fee related to the issuance of permits under the new Trench Excavation Safety Permit requirements of the Commonwealth. As the permitting authority under 520 CMR 14.00 the Commissioner of Public Works has the authority to set a fee for the issuance of these permits. When the city adopted Chapter 40, section 22F, I promised that I would ask for your concurrence in the form of a resolution. The Public Works Commissioner has recommended a fee of \$50 per trench outlined in the attached letter. I respectfully ask for your passage of a resolution in support of this fee. Staff from the Public Works Department will be available to answer any questions when this matter comes before committee.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

#343-08(2)

City of Newton



DEPARTMENT OF PUBLIC WORKS

OFFICE OF THE COMMISSIONER

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

David B. Cohen
Mayor

09 APR 28 PM 6:03
CITY CLERK
NEWTON, MA. 02159

To: Honorable Mayor David B. Cohen
Thru: Mr. Sanford Pooler / Chief Administrative Officer
Ms. Susan Burstein / Chief Financial Officer
Fr: Thomas E. Daley, P.E. / Commissioner of Public Works
Date: 4/15/09
Re: Trench Excavation Safety Permit Fee (520 CMR 14.00)

Dear Mayor Cohen:

The new Trench Excavation Safety Permit requirements, as issued by the Department of Public Safety (DPS) and the Division of Occupational Safety (520 CMR 14.00), went into effect on March 1, 2009. Refer to Chapter 82A of the General Laws, and 520 CMR 14.00. As the Permitting Authority, the Commissioner of Public Works has the right to charge an administrative fee for each permit issued.

The Engineering Division recommends charging an administrative fee of \$50.00 per TRENCH. Multiple trenches, and multiple trench permits, may be required on any particular project, as there may be different contractors and different excavators for different trenches (both in the public way and on private property).

The administrative fee covers Engineering Division's efforts in administering the permits, including filing, tracking (on a database), periodic reporting to state agencies, responding to citizen's concerns, and inspection of trenches if required.

BLANKET PERMITS:

For those entities that make several trenches over the course of a single project, such as Department of Public Works Utilities Division and Highway Division, and contractors performing work for the City (installation of water, sewer, and drain pipes), the permit requirement may be onerous. We recommend the City enact an ordinance providing for a blanket permit that will allow these entities working on large projects with multiple trenches to obtain a blanket permit (either annual for Utilities and Highway, or per project for City contractors). The entity would add to the list of trench locations daily as the permit holder becomes aware that a trench is required. The benefits of the blanket permit include a reduction in paperwork and increased efficiency. The blanket permit in no way absolves the permit holder from the information required by the regulations. The blanket permit helps eliminate some hurdles to the efficient completion of the work.

Other public utilities, including National Grid, Nstar Electric, and Verizon, would obtain a blanket permit on a per project basis. Most trenches excavated by these utilities are less than 3 feet deep.

TRENCH EXCAVATION SAFETY PERMIT REQUIREMENTS:

1. Trench - an excavation that is in the public way or on private property, and is:
 - $\geq 3'$ in depth
 - all excavation walls consist of "soils" (excavation for foundation N/A)
 - the width is "narrow" compared to its length
 - the width at the bottom is less than 15'

2. The City has the authority to:
 - Charge an Administrative fee (suggested as \$50.00 per trench)
 - Shut down unsafe excavations
 - Perform work necessary to ensure public safety (permit holder to reimburse)
 - Issue "blanket" permits for large / on-going projects. Contractor is responsible to provide updated information as necessary (different operators, locations, etc)
 - Issue blanket permits for municipal agencies (i.e. water, sewer, etc)

3. The City is required to:
 - Establish a Permitting Authority (Commissioner of Public Works)
 - Issue permits, both public and private
 - Track permits and copy (electronically) to Dept. of Public Safety
 - Shut down trenches where violations are found
 - Regulate Municipal departments
 - No inspections are required (unless complaint is received)

4. The Contractor is required to:
 - Completely fill out permit (see Item 5 below)
 - Provide proof of General Liability Ins. (minimum of 100K / 300K)
 - Post the permit in a visible location at the work area
 - Adhere to permit requirements

5. Information required on Permit (see attached sample Application):
 - Dig-Safe number
 - Name & contact info of Permit Holder (person obtaining permit)
 - Name & contact info of excavator (company performing the work)
 - Name of operator (including hoisting license number)
 - Name of the competent person
 - Specific location of the trench(s)
 - Name & contact number of the insurer (100K/300K Liability Ins)

6. To secure an excavation the Contractor must do one of the following:

09 APR 28 PM 6:03
CITY CLERK
NEWTON, MA 02159

343-08(2)

- Erect a fence (min. 6' high) with openings no more than 4" between vertical supports
- Plate the excavation with minimum 3/4" steel plates (or equivalent)
- Post an attendant (police, flag man or worker)
- Backfill the trench

I hereby recommend that the fee we charge is \$50.00 per trench. If you concur please let the Board of Alderman know.

Thank you

CC: Dave Turocy / Deputy Commissioner
Lou Taverna / City Engineer

09 APR 28 PM 6:04
CITY CLERK
NEWTON, MA. 02159

CITY OF NEWTON
IN BOARD OF ALDERMEN

November 3, 2008

ORDINANCE Z-33

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of the City of Newton, 2007, as amended, be and are hereby further amended as follows:

In Sec. 25-1., **Office and department established: appointment and removal.**, insert after the phrase "...a street commissioner for the purposes of construing any law or statute." and before the words "He shall receive for his services..." the following language:

"The commissioner of public works shall also be designated as the Permitting Authority to issue permits for the purpose of creating a trench as that term is defined by GL c. 82A, § 4 and 520 CMR 14.00."

Approved as to legal form and character:

DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
21 yeas 0 nays 3 absent (Ald. Albright, Danberg, Fischman)

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

Date:

#168-01 #343-08(2)



City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 552-7100
Telefax
(617) 965-6885
E-mail

Dcohen@ci.newton.ma.us

David B. Cohen
Mayor

July 3, 2001

2001 JUL -3 PM 5:02
CITY CLERK
NEWTON, MA 02459

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

Ladies and Gentlemen:

I write to your Honorable Board to update you on the implementation of increased fees for municipal lien certificates and the acceptance of Massachusetts General Law Chapter 40, Section 22F.

As I outlined in my letter of May 1, 2001, I included in the FY02 operating budget a revenue estimate of \$50,000 from increased municipal lien certificate fees. The spending plan I presented and that your Honorable Board appropriated was premised on the addition of the municipal lien certificate revenue. Without such revenue, the FY02 budget will need to be cut by \$50,000. To avoid such cuts, I respectfully request your Honorable Board complete action on acceptance of Chapter 40, section 22F, which will allow department heads to set fees that previously had been set by the state.

I have enclosed a copy of the ordinance your Honorable Board passed last year setting new fees for municipal lien certificates and certain other minor fees in the Treasurer/Collector's Office. It is my intention to have the Treasurer/Collector implement these new fees on August 1, 2001, and I await your action on acceptance of section 22F before doing so.

In the future, I will not permit any department head to raise any of the fees affected by this action without first receiving your support for such increases in the form of a resolution. This process will allow your Honorable Board to review and comment on any such increase, to hold whatever public hearings you deem advisable, and to communicate with me and the department head under whose jurisdiction the fee would fall. Working cooperatively, we can insure the City has the financial resources it needs to deliver the services our citizens need and desire.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us

#343-08(2)

#168-01
(#411-99(2))

CITY OF NEWTON
IN BOARD OF ALDERMEN

July 9, 2001

ORDERED:

That, in accordance with the recommendation of His Honor the Mayor and the Finance Committee through its Chairman Ald. Paul E. Coletti, the City of Newton hereby accepts the provisions of §22F of MGL Chapter 40, which authorizes certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates, as provided therein.

Under Suspension of Rules
Readings Waived and Adopted
21 yeas 0 nays 2 absent (Ald. Ciccone and M. Lipof)
1 vacancy

EXECUTIVE DEPARTMENT
Approved: July 11, 2001

(SGD) EDWARD G. ENGLISH
City Clerk

(SGD) DAVID B. COHEN
Mayor

#343-08(2)

The General Laws of Massachusetts

[Search the Laws](#)

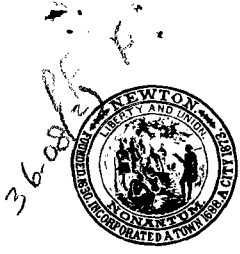
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| Go To: Next Section Previous Section Chapter Table of Contents MGL Search Page General Court Home Mass.gov |
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PART I. ADMINISTRATION OF THE GOVERNMENT**TITLE VII. CITIES, TOWNS AND DISTRICTS****CHAPTER 40. POWERS AND DUTIES OF CITIES AND TOWNS****ORDINANCES, BY-LAWS AND REGULATIONS****Chapter 40: Section 22F. License fees; service charges; acceptance of section**

Section 22F. Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 138, sections 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a new fee or charge is fixed under this section.

The provisions of this section may be accepted in a city by a vote of the city council, with the approval of the mayor if so required by law, and in a town by vote of the town meeting, or by vote of the town council in towns with no town meeting.



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

36-08(2)

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
dcohen@newtonma.gov

April 28, 2009

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 amend docket item #36-08, by appropriating an additional \$109,627 from budget reserve to the fuel tank replacements that are underway at the Elliot Street DPW yard.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

09 APR 28 PM 6:02
CITY CLERK
NEWTON, MA 02159

From: BUDGET RESERVE
0110498-5790 109,627

To: Elliot Street Yard Fuel Tank Replacement
0115034-5025 109,627

(KAM)

04/29/2009

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

#36-08(2)

City of Newton



PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen
Mayor

April 28, 2009

The Honorable David B. Cohen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE Additional Funding - Fuel Tank Replacement Elliot Street DPW Yard

Dear Mayor Cohen:

The Public Buildings Department respectfully requests the sum of \$109,627.00 to cover the cost of replacing and removing two, twenty year old 10,000 gallon underground gasoline tanks, fuel dispensing island and related equipment at the Elliot Street DPW Yard. The additional cost is broken down as follows:

| | |
|-------------------------------------|----------------------|
| Dixon Inc. Original Contract | \$ 328,689.00 |
| Upgrade of Gasboy system | + 6,118.00 |
| Additional Grading | + 29,800.00 |
| Additional Protective Bollards | + 500.00 |
| Engineering and Site Inspections | + 25,000.00 |
| Demo of Concrete Foundations | + 4,750.00 |
| Asphalting of Yard (materials only) | + 77,000.00 |
| Total Cost to Date | \$ 471,907.00 |
| Less Original Request | - 367,500.00 |
| SUB TOTAL | \$ 104,407.00 |
| + 5% Contingency | <u>5,220.00</u> |
| Additional Request | \$ 109,627.00 |

Should you have any questions regarding this request, please contact my office.

Very truly yours,

A. Nicholas Parnell
A. Nicholas Parnell
Commissioner of Public Buildings

ANP:dla

CC: Sandy Pooler, Chief Administrative Officer
Tom Daley, Public Works Commissioner
Susan Burstein, Chief Budget Officer

09 APR 28 PM 6:02
CITY CLERK
NEWTON, MA 02159

#36-08(2)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#36-08(2) HIS HONOR THE MAYOR requesting to amend docket item #36-08 by appropriating an additional one hundred nine-thousand six hundred twenty-seven dollars (\$109,627) from Budget Reserve for the fuel tank replacements at the Elliot Street DPW yard. [04/28/09 @ 6:02 PM]

ACTION: APPROVED 5-0-2 (Gentile and Lennon abstaining)

NOTE: The request is for an amendment to a previously approved docket item for funds to replace fuel tanks at the Elliot Street Public Works Yard. The Public Buildings Department requires an additional \$109,627 for additional grading, asphalt and other unanticipated increases in costs to the project. Arthur Cabral of the Public Buildings Department stated that the majority of the funds are for asphalt material. The project originally included asphalt paving only in close proximity to the new fuel tanks. It was later determined that the better choice would be to pave a much larger area to create a more level surface in the portion of the yard located near the fuel tanks. The Department of Public Works will be performing all of the paving included in the project.

Mr. Cabral provided the Committee with a breakdown of the cost of the entire project including the additional costs; however, the breakdown did not include the specific uses of the additional funds. Mr. Cabral explained that the original paving estimate was too low, and the Department of Public Works estimates the need for approximately 1,000 tons of asphalt to do the necessary paving. The supplemental cost was compounded by the additional paving necessary due to the grade issues with the new fuel tanks. It is estimated that 20% of the yard will be repaved to correct the grading issues.

Ald. Salvucci asked if there would be a canopy cover over the tanks. Arthur Cabral responded that there is no canopy cover. Ald. Salvucci thought that a canopy cover was included as part of the original project. Mr. Cabral explained that it was discussed but it was determined that the canopy would be too expensive. Committee members inquired when the tanks would be operational. The tanks should be operational in the next two to three weeks. Ald. Gentile and Lennon suggested that Mr. Cabral provide a more detailed breakdown of the additional funds before the Finance Committee discusses the item. Mr. Cabral agreed to provide the information. Ald. Yates moved approval of the item, which carried by a vote of five in favor, none opposed and two abstentions.



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#156-09

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E-mail
dcohen@newtonma.gov

May 26, 2009

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA. 02159

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 seventy-five thousand dollars (\$75,000) from budget reserve for the purpose of supplementing the Law Department legal assistance account.

This appropriation will pay the legal costs of the law firm of Morgan Brown & Joy, which provides legal services for collective bargaining, labor disputes, and arbitrations.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

From: Budget Reserve
0110498-579 75,000

To: LAW EXPENSES
0110801-5309 75,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us

★
DEDICATED TO COMMUNITY EXCELLENCE

05/28/2009

#156-09

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR
DANIEL M. FUNK

ASSOCIATE CITY SOLICITORS

OUIDA C.M. YOUNG DONNALYN B. LYNCH KAHN

ASSISTANT CITY SOLICITORS

RICHARD G. CHMIELINSKI
EILEEN M. MCGETTIGAN
CATHERINE L. FARRELL
MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA
ROBERT J. WADDICK

May 26, 2009

09 MAY 26 PM 5:52
CITY CLERK
NEWTON, MA. 02159

Mayor David Cohen
Board of Aldermen
1000 Commonwealth Ave.
Newton Centre, MA 02459

Dear Mayor Cohen and Honorable Board of Aldermen:

The budgeted appropriation for labor counsel will be insufficient to cover his bills for the remainder of the fiscal year. The entire encumbrance of \$120,000 for the services of Morgan Brown & Joy for FY 2009 has already been exhausted.

Accordingly, I hereby request an appropriation of an additional \$75,000 to be placed into Law Department Account #5309 (Legal Assistance) in order to pay labor counsel for the remainder of the fiscal year. Thank you.

Very truly yours,

Daniel M. Funk
City Solicitor

cc: Sandy Pooler, CAO
Susan Burstein, CBO
Dolores Hamilton, Dir. of HR

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

156-09

DATE: June 4, 2009
TO: Alderman Paul Coletti
FROM: Daniel M. Funk, City Solicitor
DMF
RE: Docket item # 156-09 (Law Dept. Legal Assistance Acct.)

09 JUN -4 AM 10:03
CITY CLERK
NEWTON, MA. 02159

For FY 2009, the Law Department budget contained \$142,000.00 in its Legal Assistance Account. Of that sum, \$120,000.00 was set aside and encumbered for the services of labor counsel, Morgan Brown and Joy. In addition, \$6500.00 was set aside and encumbered for the services of Cable TV counsel, Epstein and August. The remaining \$15,500.00 was available for other outside counsel possibilities and/or to supplement one or both of the existing outside counsel contracts.

As of 12/31/08, we had expended \$88,287 on Morgan Brown and Joy and \$780 on Epstein and August.¹

As of 4/30/09 we not only expended the entire contractual encumbrance of \$120,000 for Morgan Brown and Joy, but we had received bills totaling an additional \$40,916.00. Although we have yet to be billed for the final two months of the fiscal year, I anticipate that these bills will likely total another \$50,000 or so. This would leave \$90,000 owed by the City.

Accordingly, I have asked for this appropriation request in the amount of \$75,000 which, along with the remaining \$15,500 in the Legal Assistance account, should be enough to cover these expenses as the fiscal year winds down.

Please let me know if you have any further questions.

¹ As of 4/30/09, Epstein and August has billed us a total of \$2252.00. I do not anticipate that we will exceed the encumbrance on that contract.

#156-09

09 JUN -4 AM 10:03

CITY CLERK
NEWTON, MA. 02159

LAW DEPARTMENT
LEGAL ASSISTANCE ACCOUNT

FY 2009 BUDGET AMOUNT: \$142,000.00

| | FY 2009 Encumbrance | Payments Made thru 12/31/08 | Payments Made + Billings Received thru 4/30/09 |
|--------------------------------------|------------------------|--------------------------------|--|
| LABOR COUNSEL Morgan Brown & Joy | \$120,000.00 | \$88,287.10 | \$160,915.84 |
| CABLE TV COUNSEL Epstein & August | \$6,500.00 | \$780.00 | \$2,252.25 |

Unencumbered account balance: \$15,500.00