

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, SEPTEMBER 14, 2009

7:45 pm  
Room 222

**PLEASE BRING WITH YOU THE ANNUAL FINANCIAL REPORT BUDGETARY BASIS REPORT FOR THE YEAR ENDED JUNE 30, 2009.**

**ITEMS SCHEDULED FOR DISCUSSION:**

#269-09      COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report.  
[09/01/09 @ 4:45 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 APPROVED 3-0-2 (Ciccone and Yates abstaining) on 06-23-09**

#240-09      HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-four thousand, three hundred dollars (\$24,300) from Receipts Reserved Fund for appropriation for the purpose making a grant for the rehabilitation of the Warren House. [08/04/09 @ 4:28 PM]

#266-09      HIS HONOR THE MAYOR requesting authorization to establish and expend from a revolving fund of up to fifty thousand dollars (\$50,000) funds anticipated from the Centers for Disease Control and Prevention for H1N1 influenza control. [08/31/09 @ 9:41 AM]

#266-09(2)      HIS HONOR THE MAYOR in accordance with Section 2-9 of the Newton City Charter declaring docket item #266-09 to be an emergency measure, necessary to protect the health and safety of the people and property of the City of Newton. [08/31/09 @ 9:41 AM]

**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**
- #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**
- #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**
- #267-09 HIS HONOR THE MAYOR requesting a transfer of three thousand dollars (\$3,000) from payroll account in Purchasing Department to temporary help. This transfer will allow the Purchasing Department to temporarily hire a retiring school department employee while two staff are on maternity leave over the remainder of the calendar year. [08/31/09 @ 9:40 AM]
- #268-09 HIS HONOR THE MAYOR requesting authorization to accept and expend two grants to the Senior Services Department. The first grant is fifty-five thousand dollars (\$55,000) to provide case management, housing relocation and stabilization services as awarded by the Planning Department of the Jewish Family and Children Services as the lead agency. The second grant is a Title III Federal grant provided by Springwell of eight thousand dollars (\$8,000) to provide Home Contractor Referral Services. [08/31/09 @ 9:40 AM]
- Re-appointment by His Honor the Mayor  
#265-09 BERNARD J. GOULDING, JR., 80 Brookside Avenue, Newtonville, re-appointed as a Constable for a term to expire July 1, 2012. [08/07/09 @ 2:23 PM]

**ITEM RECOMMITTED TO PUB. FAC. AND FINANCE COMMITTEES on 09-08-09**  
**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #179-09 HIS HONOR THE MAYOR requesting to appropriate and expend from bonded indebtedness the sum of four hundred five thousand dollars (\$405,000) to Department of Public Buildings for the purpose of replacing two underground fuel tanks at the Crafts Street DPW yard. [06-09-09 @ 5:08 PM]  
**PUBLIC FACILITIES APPROVED 4-0 on 07-08-09**  
*Note: A letter from His Honor the Mayor was received on 07/16/09 requesting to amend this appropriation from bond authorization to the Department of Public Buildings from \$405,000 to \$453,000.*  
**APPROVED AS AMENDED @ \$310,000 5-2 (Gentile and Parker opposed; Johnson not voting) on 07-20-09, SUBJECT TO 2<sup>ND</sup> CALL.**  
**Public Facilities Approved (A) \$310,000 & held (B) \$143,000 7-1 on 09-08-09**

**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 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]  
**PUBLIC SAFETY & TRANSPORTATION HELD 6-0 (Cicccone and Coletti not voting) on 06-17-09**  
**PUBLIC FACILITIES HELD 3-0 (Mansfield not voting) on 07-08-09**

**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**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #11-09(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend three million, eight hundred thirty-nine thousand dollars (\$3,839,000) from bonded indebtedness for the reconstruction of Fire Station # 7. [08/04/09 @ 4:29 PM]  
**PUBLIC FACILITIES APPROVED 5-0-1 (Gentile abstaining; Mansfield and Albright not voting) on 09-09-09**
- #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 5-0 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 FACILITIES NO ACTION NECESSARY 5-0 (Albright, Lappin and Salvucci not voting) on 6-17-09**  
**PUBLIC SAFETY & TRANSPORTATION REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES APPROVED 7-0 (Coletti not voting) on 06-17-09**

**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 APPROVED 5-0-1 (Merrill abstaining; Freedman, Sangiolo not voting) on 06-17-09**

**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]

**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**

- #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 PUBLIC FACILITIES AND FINANCE COMMITTEES**

#196-07(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend an additional one hundred twelve thousand, four hundred dollars (\$112,400) from bonded indebtedness for the rehabilitation of Fire Station #4. [08/04/09 @ 4:28 PM]

**PUBLIC FACILITIES APPROVED 7-0-1 (Gentile abstaining) on 09-09-09**

**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. FACILITIES & 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 RECOMMENDED 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 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

# 269-09

BOARD OF ALDERMEN  
CITY OF NEWTON  
DOCKET REQUEST FORM

09 SEP - 1 PM 1:15  
CITY CLERK  
NEWTON, MA 02459

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board **NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING** in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen Date: 08/31/2009

From (Docketer): COMPTROLLER

Address/phone/email:

Additional sponsors:

1. Please docket the following item (edit if necessary):

Sub. that FY 2009 BUDGETARY BASIS ANNUAL FINANCIAL REPORT

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer, expenditure, or bond authorization
- Special permit, site plan approval, zone change (public hearing required)
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other

3. I recommend that this item be assigned to the following committees:

- Programs & Services
- Zoning & Planning
- Public Facilities
- Post Audit & Oversight
- Committee on Community Preservation
- Finance
- Public Safety
- Land Use
- Real Property
- Special Committee
- No Opinion

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency:
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE

5. I estimate that consideration of this item will require approximately:

- One half hour or less  
 More than one hour  
 More than one meeting
- Up to one hour  
 An entire meeting  
 Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

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7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion \*:

Copy of Report

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

Please check the following:

9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you



Signature of person docketing the item

[Please retain a copy for your own records]

#269-09  
DRAFT

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
, 2009

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Paul E. Coletti, the following item be and is hereby-----.

#269-09      COMPTROLLER submitting FY2009 Budgetary Basis Annual Financial Report.

Under Suspension of Rules  
Readings Waived and -----

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

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

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee

From: Fund-BALANCE - Community Housing  
21-3321C 845,630

#151-09

2009 CPA RETENUE  
BOARD OF ALDERMEN

21R10498-5791 926,236  
21R10498-5790 274,134  
To: Lexington St Housing  
21C11415-5797 \$2,046,000

09 MAY 11 PM 2:04

CITY OF NEWTON

DOCKET REQUEST FORM

CITY CLERK  
NEWTON, MA. 02159

**DEADLINE NOTICE:** Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be voted to be assigned to Committee(s) that evening.

RCW  
05/13/11

To: Clerk of the Board of Aldermen Date: 11 May 2009

From (Docketer): Alice E. Ingerson, for Community Preservation Committee

Address/phone/email: Planning & Development Dept., Newton City Hall, aingerson@newtonma.gov,  
617.796.1144

Additional sponsors:

1. Please docket the following item (edit if necessary):

The COMMUNITY PRESERVATION COMMITTEE recommending that \$2,046,000 be appropriated from the Community Preservation Fund's community housing and general reserves, to be expended under the direction and control of the Director of Planning and Development for a grant to create 10 permanently affordable homeownership units of community housing at 192 Lexington Street, as described in the Committee's funding recommendation to the Board of Aldermen.

2. The purpose and intended outcome of this item is:

- |  |   |
|--|---|
| <input type="checkbox"/> Fact-finding & discussion   | <input type="checkbox"/> Ordinance change         |
| <input checked="" type="checkbox"/> Appropriation, transfer, expenditure, or bond authorization    | <input type="checkbox"/> Resolution               |
| <input type="checkbox"/> Special permit, site plan approval, zone change (public hearing required) | <input type="checkbox"/> License or renewal       |
|  | <input type="checkbox"/> Appointment confirmation |
|  | <input type="checkbox"/> Other                    |

3. I recommend that this item be assigned to the following committees:

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> Programs & Services  | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning  | <input type="checkbox"/> Public Safety      | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities  | <input type="checkbox"/> Land Use           | <input type="checkbox"/> No Opinion.       |
| <input type="checkbox"/> Post Audit & Oversight   |   |  |
| <input checked="" type="checkbox"/> Committee on Community Preservation   |   |  |
| <input checked="" type="checkbox"/> Please let me know if any additional committees would like to consider this item. |   |  |

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency: \_\_\_\_\_
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting

- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

Alice Ingerson, Community Preservation Program Manager, aingerson@newtonma.gov	Joyce Moss, Chair, Community Preservation Committee, joycemoss@hotmail.com
Trisha Guditz, Planning Dept., tguditz@newtonma.gov	Geoff Engler, SEB, 165 Chestnut Hill Avenue, No. 2 Boston MA 02135; gengler@s-e-b.com

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion \*:

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

- A. Original proposal & summaries of subsequent revisions
- B. Current project budget
- C. Plans, elevations & maps
- D. Appraisal
- E. Letters of support
- F. Summary of neighborhood meeting

Please check the following:

9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.

10.  I would like the Clerk's office to contact me to confirm that this item has been docketed,  and inform me of the docket item number.

Email contact preferred: aingerson@newtonma.gov

My daytime phone number is: 617.796.1144

11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Alice E. Ingerson

Signature of person docketing the item

[Please retain a copy for your own records]





# Toscano & Ardito, P.C., CPAs

Specializing in Business, Financial & Tax Planning

# 151-09

September 3, 2009

Mr. Robert J. Waddick  
City of Newton,  
Newton, MA 02458

09 SEP -4 PM 3:25  
CITY CLERK  
NEWTON, MA 02459

RE: Estate of Rosalie Avila  
198 Lexington Street, Newton, MA

To Whom It May Concern:

Pursuant to the Last Will and Testament of Rosalie Avila and the Rosalie Avila 2000 Revocable Trust, I, Lawrence J. Ardito, have been nominated and appointed as Trustee for John B. Avila in connection with his share of the Estate of Rosalie Avila. The property located at 198 Lexington Street, Newton, Massachusetts is part of the Estate of said Rosalie Avila.

I hereby assent and ratify and confirm my assent to a certain Purchase and Sale Agreement dated December 18, 2008, between the Estate of Rosalie Avila and SEB, LLC.

Sincerely,

  
Lawrence J. Ardito, CPA, ABV

# 151.09

**CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM**

CITY CLERK  
NEWTON, MA 02159

09 JUN 17 AM 9:05

DATE: June 17, 2009  
TO: Board of Aldermen's Committee on Community Preservation  
FROM: Robert J. Waddick, Assistant City Solicitor *RJW*  
RE: 192 Lexington Street

It is my understanding that a question has been raised with respect to the rights of one John B. Avila relative to the sale of the real property at 192 Lexington Street, Newton (the "property").

The records of the Assessors of the City of Newton list the owner of the property as Rosalie Avila. According to Attorney Peter Caruso who represents the Estate of Rosalie Avila, Mrs. Avila died on July 12, 2007. Attorney Caruso is in the process of probating the estate.

Attorney Caruso provided the Law Department with copies of Mrs. Avila's Last Will and Testament (the "Will") and a revocable trust entitled, Rosalie Avila, a/k/a Castellana Avila 2000 Revocable Trust (the "Trust").<sup>1</sup> Under the provisions of the Will, the property became subject to the provisions of the Trust upon Mrs. Avila's death.

The Trust provides that Mrs. Avila's assets, which include the property, are divided into two shares as follows:

- 50% to Emily M. Avila; and,
- 50% to a named trustee to be held, in trust, for John B. Avila.

Thus, the property is owned by Emily M. Avila and a named trustee for John B. Avila. Under the terms of the Trust, John B. Avila has the right to income from the 50% share held in trust for him by the named trustee. However, it does not appear that John B. Avila has any ownership right to the property, nor does he have any decision making authority with regard thereto.

Attorney Caruso represents that the named trustee for John B. Avila is agreeable to the sale of the property.

I hope that the foregoing is responsive to the questions raised about John B. Avila's rights relative to the sale of the real property at 192 Lexington Street.

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<sup>1</sup> Attorney Caruso requested that we not make public these documents in order to protect the privacy of those named in them. Consequently, copies of these documents have not been provided as attachments.

#151.09

**Caruso & Caruso, LLP**  
Attorneys and Counsellors at Law  
ONE ELM SQUARE  
ANDOVER, MASSACHUSETTS 01810  
TEL: (978) 475-2200  
FACSIMILE: (978) 475-1001

PETER J. CARUSO  
[pcarusosr@carusoandcarsuso.com](mailto:pcarusosr@carusoandcarsuso.com)

June 9, 2009

Mr. Robert J. Waddick, Esq.  
1000 Commonwealth Avenue  
Newton, MA 02459

RE: 192 Lexington Street, Newton

Dear Mr. Waddick:

Mrs. Avila died on July 12, 2007, domiciled in Grayslake, Illinois. Her estate is in probate in Illinois where she has been appointed the Executrix. We have filed for the Allowance of a Foreign Will and are now at the stage of Emily M. Avila having been appointed and directed to appraise the Estate for the inventory; this appointment was February 6, 2008. The Probate Docket Number in Middlesex Probate Court is No. 07P-5254 FE1.

Under Rosalie Avila's Will all assets poured into the "Rosalie Avila a/k/a Castellana Avila 2000 Revocable Trust" (the "Trust"). This provides that all of the Estate's assets fund and are administered by the Trust. As a result, the Trust is the document which governs the administration of the real estate. Under Article IV (A)(1) of this Trust all assets, which would include the property at 192 Lexington Street, were divided and allocated into 2 shares:

- 50% to Emily M. Avila - outright;
- 50% to Lawrence J. Ardito of Andover, Massachusetts, as Trustee for John B. Avila - the terms of the Trust allow Mr. Ardito to pay to John B. Avila. John does not have title to any of the property a 192 Lexington Street, Newton. John has rights to income only as to his share of the Trust assets.

This arrangement creates ownership in the real estate in both Emily M. Avila and in the Trust for the benefit of John.

The family, Jason, and I are working to sell this property. I have authority to tell you that Lawrence J. Ardito as Trustee for John is also agreeable to the sale of this property.

Attached hereto are the relevant sections the Rosalie Avila's Will and the Rosalie Avila, a/k/a Castellana Avila 2000 Revocable Trust.

If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Peter J. Caruso

#151.09

**ROSENBERG, FREEDMAN & GOLDSTEIN LLP**  
ATTORNEYS AT LAW  
246 Walnut Street  
Newton, Massachusetts 02460-1639  
617-964-7000  
Fax: 617-964-4025

Jason Allen Rosenberg  
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Hope C. Vassos  
Faith D. Segal  
Anna M. Corti  
Charlene Caldeira Russo  
Kristin W. Shirahama  
Laurance S.L. Lee  
Theresa B. Ramos

Senior Counsel:  
Martin I. Estner

*From the desk of Jason A. Rosenberg*  
*E-mail: JRosenberg@RFGlawyers.com*

May 26, 2009

Cheryl Lappin, Chairperson  
Community Preservation Committee  
Board of Aldermen  
City Hall  
Newton, MA 02459

Re: #151-09 for Community Preservation Funds to create 10 units of affordable housing at 192 Lexington Street, Newton, MA

Dear Chairperson Lappin:

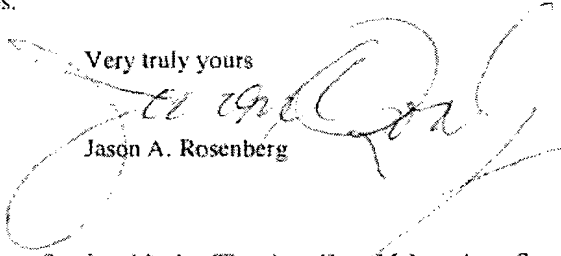
I am writing to you and the Committee members as the attorney handling the sale of the property at 192 Lexington Street in behalf of the Estate of Rosalie Avila. Prior to Rosalie's death, I represented her in negotiating the sale of the property to a different developer for an affordable housing project, which fell through.

Rosalie's intent, while alive and upon her death through her will and trust, was at all times to sell this property, and to place complete responsibility for the sale in the hands of her daughter, Emily Avila. She did not provide any decision-making power in her son, John Avila, who has unfortunately stated to the contrary. John Avila was given by his late mother no power to determine whether or not the property is sold, the terms of the sale, and the financial consideration for the sale.

The Estate of Rosalie Avila is pleased with the proposal, and hopes that you will act favorably upon the request for Community Preservation Funds.

Please feel free to contact me if you have any questions.

Very truly yours

  
Jason A. Rosenberg

JAR:arj

Enclosures

Cc Vice Chairman Kenneth Parker  
Aldermanic Committee Members: Alan Ciccione, Stephen Linsky, Theodore Hess-Mahan, Amy Sangiolo,  
Brian Yates, Verne Vance  
Ward 4 Aldermen Jay Harney, Leonard Gentile  
Karyn Dean, Clerk's Office  
Michael Kruse, Director of Planning and Development  
Alice Ingerson, Project Manager  
Emily Avila, Executrix of Estate of Rosalie Avila  
Peter Caruso, Esq.  
Robert Engler  
Alan Schlesinger, Esq.

#151.09

Date received: 5 Dec 08

City of Newton



David B. Cohen  
Mayor

**Newton, Massachusetts  
Fy09 COMMUNITY PRESERVATION PROPOSAL**

Submit by 4 pm, 5 December 2008 to:  
Alice E. Ingerson, Community Preservation Program Manager  
Newton Planning and Development Department  
1000 Commonwealth Ave., Newton, MA 02459  
aingerson@newtonma.gov 617.796.1144



**Project CONTACTS** *Name & title / affiliation, mailing address, email, daytime phone, & any other way we should contact you (fax, mobile phone, ...) Star (\*) name of the project manager, who will track budget & submit updates.*

Robert Engler President - SEB, LLC 165 Chestnut Hill Ave, #2 Brighton, MA. 02135 (617) 782-2300 x 201	* Geoffrey Engler Vice President - SEB, LLC 165 Chestnut Hill Ave, #2 Brighton, MA. 02135 (617) 782-2300 x 202 & (617) 276-7261 cell
---	--

**Project TITLE** *192 Lexington Street*

**LOCATION** *Full street address (with zip code) or other precise location.  
192 Lexington Street, 02466 (adjacent to Burr School Playground)*

**FUNDING CATEGORIES** *CHECK ALL THAT APPLY.*  **COMMUNITY HOUSING**  **HISTORIC RESOURCES**  **OPEN SPACE**  **RECREATION**

**BUDGET** *CP FUNDS REQUESTED:* 1,542,859 (CPA) *OTHER FUNDS TO BE USED:* \$675,000 (HOME funds) & \$2,045,100 construction loan *TOTAL PROJECT COST:* \$4,262,959

**SUMMARY** *Summarize goals & benefits in NO MORE THAN 300 WORDS (staff will edit longer summaries to fit that limit). One of the main objectives of the FY06-10 Consolidated Strategy and Plan was to "increase the overall supply of a variety of affordable housing options and reduce the housing cost burden of low- and moderate-income persons...as well as the creation of homeownership opportunities for these residents".*

Within the same development, we are proposing to provide newly constructed for-sale units which will serve three different income populations, with 7 units priced at an affordable level for a family of four earning up to 100% of Area Median Income, two units priced at an affordable level for a family of four earning up to 80% of AMI and one unit priced at an affordable level for a family of four earning up to 50% of AMI. The sales prices for the units priced at 95% of AMI will be approximately \$228,600 which is in stark contrast to Newton's median sales price of a single-family home at \$775,780. *We believe this will be the first for-sale 100% affordable new construction development with at least 10+ units in Newton.* As such, we have highlighted our primary goals:

- To provide an attractive and appealing community that is affordable to families currently priced out of the Newton for-sale market*
- To provide a development with 100% of its units as affordable -1 unit set at 50% of AMI, 2 units set at 70% of AMI and 7 units set at 95% of AMI*
- To provide a thoughtful architectural design that preserves the character of the existing community and neighborhoods and to use various green-building technologies to improve the long-term maintenance of this community*
- To improve/enhance the pathway leading to Burr Park (currently a City of Newton easement)*

	<i>Check all that apply.</i>	<b>COMMUNITY HOUSING</b>	<b>HISTORIC RESOURCES</b>	<b>OPEN SPACE</b>	<b>RECREATION</b>
	acquire				
	create	X	NOT ALLOWABLE	X	
	preserve			X	
	support		NOT ALLOWABLE	NOT ALLOWABLE	NOT ALLOWABLE
	rehabilitate/restore				

*You may adjust spaces but USE NO MORE THAN ONE PAGE to answer all questions on this page.  
Attach supporting information on separate pages if needed (see checklist)*

**2. NEEDS & PRIORITIES:** *How does this project address needs or priorities identified in the Community Preservation Plan, Comprehensive Plan, Open Space & Recreation Plan, Consolidated Plan for Housing & Community Development, or other citywide plans? (Short quotes with plan title, year & page.) Primary messages include:*

***FY06-10 Consolidated Strategy and Plan:***

*"increase the overall supply of a variety of affordable housing options and reduce the housing cost burden of low- and moderate-income persons....as well as the creation of homeownership opportunities for these residents". (Executive Summary- Pg 12.)*

*"...use CDBG and HOME funds to create, develop and preserve affordable housing developments". (Executive Summary- Pg 13.)*

*"Priority #4: Housing needs of small families with incomes at 31 to 50 percent of AMI" (Executive Summary- Pg 28.)*

*"Priority #5: Housing needs of homeowners with incomes at 51 to 80 percent of AMI" (Executive Summary- Pg 28.)*

***Comprehensive Plan:***

*"Principle IV: ... provide well designed affordable housing without displacing existing residents" (Page 1-2)*

*"That process of market-driven change is imposing hardships on many and is damaging the kind of City most residents would prefer. It is damaging from both equity and diversity perspectives. Maintaining access to Newton housing for a broad range of households is a long-held basic community value." (Page 3-17)*

***Open Space and Recreation Plan:***

*"A need to emphasize linkages between open spaces using linear green-ways and pathways." (Page #3)*

**AS PROPOSED:** The proposed development addresses all of the goals and objectives highlighted above and many others. For example, within the same development, the applicant has proposed to provide newly constructed for-sale units which will serve different income populations, with 7 units priced at an affordable level for a family of four earning up to 100% of Area Median Income, two units priced at an affordable level for a family of four earning up to 80% of AMI and 1 unit priced at an affordable level for a family of four earning up to 50% of AMI. The sales prices for the units priced at 95% of AMI will be approximately \$228,600 which is in stark contrast to Newton's median sales price of a single-family home at \$775,780. Moreover, the proposed residences will be kept as affordable in perpetuity with a deed restriction which is consistent with City goals.

**3. OTHER FUNDING:** *What additional funding have you obtained or are you pursuing? Attach commitment letters or summaries/cover sheets from grant applications.*

We are applying for \$675,000 in HOME funds (\$225K per unit X 3 units). A HOME application has also been submitted.

**4. STEWARDSHIP:** *How will the project be maintained after CP funds have been spent? (Hint: "through the regular City budget" is seldom a persuasive answer.)*

SEB, LLC has permitted many affordable housing developments and understands the need to implement structures/policies to ensure the long-term viability of the project. We have carefully estimated the shared costs to operate this 10 unit condominium association. The sale price estimates reflect the monthly condo dues obligations for each unit, including funds for capital reserves based on comparable developments. Moreover, the proposed construction features sustainable development principles including LEED certification, Energy Star compliance and other "green" technologies which will help lower long term maintenance costs for affordable owners.

**5. COMMUNITY CONTACTS:** *List email addresses and/or phone numbers for at least 3 people willing to talk with us about community support for the project and the project managers' qualifications. At least 2 of these contacts should be from outside the project's immediate neighborhood; none should be the project manager.*

**Draft Project TIMELINE** *If this project is funded, what critical milestones should we use to track its progress? If or when your project is funded, CP staff will work with you to add missing steps and participants.*

**Project Manager References:**

- 1) Jim McAuliffe, Principal - Abbott Development, 84 State Street Suite 720, Boston, MA 02109 - (617) 570-9090
- 2) Peter Freeman, Freeman Davis, LLC - 236 Lewis Wharf, Boston, Massachusetts 02110 - (617) 227-5070

**Community Contacts:**

- 1) Jeanne Strickland -Exec. Dr. NCDF (617.244.4035)
- 2) Phil Herr (617) 796-1156
- 3) Andy Franklin (617) 964-0117 x227
- 4) Ellen Feingold (617) 332-2588

**Critical Project Milestones if Project is funded**

- 1) Close of construction loan
- 2) Construction initiation
- 3) Site work completion
- 4) Affirmative Marketing for Housing Lottery
- 5) Completion of Affordable Housing Lottery
- 6) Construction Completion
- 7) Residents Close on Homes

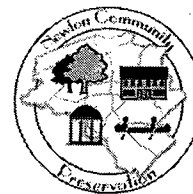
Project TITLE: 192 Lexington Street				
STEPS <i>BIG steps, SHORT descriptions!</i>	ASSISTANCE REQUIRED <i>What must other organizations or City depts. do (raise funds, issue permits, etc.)?</i>	START <i>season/year</i>	COMPLETE <i>season/year</i>	COST (1) <i>estimate</i>
1) Complete HOME Funds Application	Technical assistance/review	Fall/08	Winter/08/09	-
2) City Departmental Discussions	Technical assistance	Fall/08/Winter 09	Winter/08/09	-
3) Complete CPA Application	Application Review	Fall/08/Winter 09	Winter/08/09	-
4) Aldermanic Contacts	Technical assistance/ Scheduling Neighborhood Meeting	Winter/09	Winter/08/09	-
5) Neighborhood meeting(s) & Presentations		Winter/09	Spring/09	-
6) City interdepartmental Staff Review	Technical assistance/Review	Fall/08/Win. 09	Winter/09	-
7) Housing Partnership Review	Technical assistance/Review	Fall/08/Win. 09	Spring/09	-
8) Planning & Development Review	Technical assistance/Review	Winter/09	Spring/09	-
9) File for Site Approval Application w/MassHousing	Site Approval Letter Issued By MassHousing	Winter/09	Spring/09	-
10) File for Comprehensive Permit Application w/ ZBA	ZBA Review	Spring/09	Spring/09	-
11) ZBA Approval	Comprehensive Permit Issued	Spring/09	Summer/09	-
12) CPA Discussion/ Award	Funds Granted	Winter/09	Summer/09	-
13) MassHousing Final Approval	Final Approval Granted	Fall/09	Fall/09	-
14) Building Permit Request	Building Permit Issued	Spring/10	Spring/10	-

(1) Please note that we do NOT anticipate using CPA money to fund the pre-development work and permitting process requirements. We anticipate using HOME grants to fund that element of the development. CPA money will be used to help fund the project construction, both site work and building construction.





**City of Newton, Massachusetts**  
**Community Preservation Committee**

DOCKET  
ITEM NO.

#151-09

David B. Cohen  
 Mayor

**FUNDING RECOMMENDATION**

**DATE:** 11 May 2009

**TO:** The Honorable Board of Aldermen

**FROM:** Community Preservation Committee

**RE:** recommended Community Preservation funding for  
 Community Housing at 192 LEXINGTON STREET

### 1. PROJECT GOALS & ELIGIBILITY

Under the Community Preservation Act, CP funds may be used to create housing that is permanently affordable to low- and moderate-income households with less than 100 percent of the area-wide median income (AMI). This project will construct 2 single-family homes and 4 duplexes, all with perpetual deed restrictions: 6 units for sale to households with up to 80 percent of AMI, and 4 units for sale to households with less than 100 percent of AMI. All units will have 3 bedrooms and 2 baths, with average living space per unit of 1,450 square feet.

In addition, the developer will repair and deed to the City of Newton the pedestrian path that currently crosses the southern tip of the property, providing access from the abutting Albert Road neighborhood to Burr Elementary School and its community playing fields. *(For further discussion, see appendix.)*

### 2. FUNDING RECOMMENDATION

On 15 April 2009 the Community Preservation Committee voted 6 in favor, 1 opposed, to recommend that the sum of \$2,046,000 be appropriated from the community housing and general reserves of the Community Preservation Fund, to be allocated 100% as community housing, as follows:

192 Lexington Street Community Housing PROJECT BUDGET	
<b>USES</b>	
<b>HARD COSTS</b>	
acquisition	\$715,000
site preparation & development	\$680,000
construction	\$2,175,000
hard cost contingency	\$285,500
<b>SOFT COSTS</b>	
architectural & site engineering (includes Green Roundtable)	\$225,000
insurance, taxes, bond	\$65,000
services & fees ( <i>appraisal, surveys, insurance, monitoring, permits, construction mgr, recording &amp; closing, etc.</i> )	\$188,692
construction loan interest	\$146,117
soft cost contingency	\$31,240
marketing/lottery	\$76,248
developer fee 6%	\$275,268
City of Newton legal services	\$5,000
<b>TOTAL USES</b>	<b>\$4,868,066</b>
<b>SOURCES</b>	
sales revenues	\$1,906,200
HOME (federal funds)	\$742,866
CDBG (federal funds)	\$173,000
CP funds ( <i>including City of Newton legal services</i> )	\$2,046,000
<b>TOTAL SOURCES</b>	<b>\$4,868,066</b>
<b>TOTAL PUBLIC SUBSIDY</b>	<b>\$2,961,366</b>
<b>PUBLIC SUBSIDY PER UNIT</b>	<b>\$296,187</b>

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

Before its vote, the Committee commended the the project sponsor for responding to an earlier request to seek neighborhood input by holding a neighborhood public meeting, which had been publicized ahead of time to a mailing list of about 450 people. The Committee member who voted in opposition (Green) noted that he actually supported the project, but that he would also have supported delaying the vote to allow time for additional community comments.

### ADDITIONAL SOURCES & USES OF FUNDS

CP funds for this project will leverage significant private financing through a construction loan and sales revenues, and over \$915,866 of federal housing funds, administered through Newton's HOME and Community Development Block Grant programs.

The Committee recognized the walking path to be donated as a CPA-related open space or recreation benefit, even though this benefit does not require the expenditure of any public funds other than for deed research and access easement review by the City of Newton Law Department.

### 3. OTHER RECOMMENDATIONS

The Community Preservation Committee further recommends that:

1. **Maximum public subsidy per unit:** The Committee supported this proposal partly because of its economies of scale. In the absence of other compelling reasons for a revised proposal, the Committee would not support a higher level of CP funding per unit solely to reduce the number of units built on the site.
2. **Spending authority:** funds to be appropriated to the spending authority of the Director of Planning and Development, and disbursed through a legally binding grant agreement
3. **Deadlines:** funds to be spent within 18 months after they become available, or by any extension of that deadline granted in writing by the Director of Planning and Development
4. As required by §12(a) of the Community Preservation Act, all units in the proposed project to be bound by **permanent deed restrictions**; 6 units to be affordable to households with up to 80 percent of the area median income, and 4 units to be affordable to households with less than 100 percent of the area median income
5. **Prior to requesting the release of Community Preservation funds**, the project sponsor will submit for review and approval by the Director of Planning and Development:
  - ◆ evidence that all other funding needed to complete the project is committed, including rates and terms
  - ◆ copy of the deed
  - ◆ evidence that the Comprehensive Permit has been approved
  - ◆ a copy of the building permit, or a letter indicating the building permit has been approved
  - ◆ final plans, specifications, and development budget
  - ◆ copy of the executed fixed-price construction contract
6. To the extent allowed by applicable law, the units shall be **marketed** in accordance with the City's Local Preference Policy.
7. **Promptly after substantial completion of the project**, the applicant shall submit to the Community Preservation Committee a final project development cost statement.
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

- ◆ Proposal: orig. & summaries of subsequent revisions
- ◆ Current project budget
- ◆ Maps, plans & elevations
- ◆ Appraisal
- ◆ Letters of support
- ◆ Summary of neighborhood meeting

***Appendix:***

**DETAILED FINDINGS on FUNDING PRIORITIES**

This project achieves many goals listed in Newton's city-wide plans:

**Community Preservation Plan**

**OVERARCHING GOALS**

1. Help to preserve 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.
3. Demonstrate the highest cost/benefit value relative to other proposals.
4. Leverage other public and/or private funds.
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.
8. Serve to equitably distribute CPA funds throughout the City.

**COMMUNITY HOUSING GOALS**

1. Help Newton reach the state mandate of having 10% of its housing stock affordable to those at or below 80% of median income under MGL Chapter 40B.
2. Create community housing that is well designed, of decent quality and based on sound planning principles.
4. Keep new units affordable in perpetuity where possible.
5. The amount of requested CPA funding as well as the total public subsidy requested is reasonable and is the minimum needed for feasibility.
6. Show that the proposal is supported by housing agencies such as the Newton Housing Partnership, leverages other public funds, and is not otherwise economically feasible without CPA funds.
7. Avoid displacement of current residents.
9. Reuse previously developed sites.

**OPEN SPACE GOALS**

9. Enhance public access (where access does not seriously threaten habitat), including access for people with disabilities.
11. Preserve and create linear open space as a ... a safe and convenient link between parks, public transportation stops, and other destinations.

**RECREATIONAL LAND GOALS**

3. Meet the recreation needs of the greatest number of residents possible. Access for disabled residents should be included in plans wherever possible.

**Comprehensive Plan**

Supporting Newton's cherished diversity is a fundamental goal. ... Assure fair and equal housing opportunities for a population that is at least as diverse as at present in age, race, household type, life-style, cultural heritage and economic status.

Residential development that is well located in relationship to transportation, schools, commercial services, large employers, and existing patterns of residential type and character benefit the City in multiple ways.

Use sustainable design to reduce negative environmental impacts of new development, including energy demand, and to minimize long-term "cost of ownership" for new housing by minimizing operating and maintenance costs.

Given Newton's very limited land resources, assure that regulation creates numerous opportunities for well-located, compact development.

Ensure that street width and fire access requirements, construction standards, and stormwater management rules all reflect contemporary Low Impact Development approaches.

**DISCUSSION**

The Committee particularly appreciated those aspects of the project's siting and design aimed at minimizing (a) impacts on the neighborhood and (b) future costs of ownership. These included:

**Community character:**

- a location on a main road, across from several much larger multi-family housing complexes, combined with a design that "presents" visually as a cluster of traditional, single-family units
- in response to neighborhood feedback, clustering units along the school playground side of the property, preserving existing trees to buffer views of the new units from abutting private properties, and a "lock box" allowing vehicular access from Albert Road only by the Fire Department

**Sustainability/green design:**

- in response to findings by site engineers, modifying the original design to ensure minimal disturbance of existing fill
- a location and path that will encourage parents to walk rather than drive their elementary-age children to school, whether they live in the new units or in the abutting neighborhood
- seeking and following advice from the Green Roundtable on sustainable, energy-conserving materials and features

**Efficient use of funds:** The chart below shows that the currently proposed per-unit public subsidy for this project is reasonable compared to past projects that have received CP funds. As noted above, the CPC strongly prefers that the currently proposed per-unit subsidy be seen as a maximum.

*Base data from City of Newton Housing Office, reformatted by A Ingerson, 10 May 2009*

COMMUNITY HOUSING in NEWTON, Massachusetts									
Public Funding of Recent Projects									
Project	Total Units	Affordable		Total Funding			Funding per affordable unit		
		Units	Bed rooms	CP funds	Newton PUBLIC FUNDS	Development Cost	CP funds	TOTAL Newton PUBLIC FUNDS	Total Development Cost
Falmouth Road	2	2	5	\$275,000	\$651,202	\$1,178,933	\$137,500	\$325,601	\$589,467
Jackson Road	2	2	5	\$275,000	\$650,317	\$1,178,048	\$137,500	\$325,159	\$589,024
Cambria Road (11-13)	2	2	5	\$320,000	\$600,000	\$610,500	\$160,000	\$300,000	\$305,250
Linden Green Homes	5	3	6	\$575,000	\$869,340	\$2,261,394	\$191,667	\$289,780	\$753,798
Millhouse Commons	6	4	10	\$738,383	\$1,130,566	\$3,922,000	\$184,596	\$282,642	\$980,500
Cambria Road (18-20)	2	2	6	\$200,000	\$532,461	\$922,461	\$100,000	\$266,231	\$461,231
Wyman Street	10	10	20	\$1,000,000	\$2,567,995	\$3,567,995	\$100,000	\$256,800	\$356,800
Pelham House	10	10	10	\$311,936	\$1,748,593	\$2,841,460	\$31,194	\$174,859	\$284,146
West Street	5	5	5	\$263,000	\$600,000	\$676,400	\$52,600	\$120,000	\$135,280
Nonantum Village Place	34	34	34	\$850,000	\$1,712,000	\$6,213,100	\$25,000	\$50,353	\$182,738



April 3, 2009

Alice E. Ingerson, Community Preservation Program Manager  
 Newton Planning and Development Department  
 1000 Commonwealth Ave., Newton, MA 02459

09 MAY 14 PM 2:37  
 CITY CLERK  
 NEWTON, MA 02159

Dear Ms. Ingerson,

SEB has revised its application for CPA funds on the proposed 10 unit community at 192 Lexington Street. Since our initial submission to the CPC, we have had multiple meetings with various City departments and committees to further evaluate our proposed program (*The Development Review Team headed up by Candace Havens has signed off on the site plan*). In addition, our civil and geo-technical engineering team has undertaken some investigations to get a more detailed and technical assessment of the site. With the assistance of the Green Roundtable, we prepared an outline specification package and submitted it to four different general contractors for preliminary bids. All of our estimates came within our per-unit construction budget. Lastly, we conducted a neighborhood meeting on March 26<sup>th</sup> with the surrounding neighborhood and local Alderman.

From those meetings, a few requests have been made that have had cost implications for our original development program:

- 1) The Newton Housing Partnership has emphasized a strong preference for long-term affordability, Energy Star compliance and LEED certification if possible.
- 2) The Assistant Fire Chief has requested that all 4 duplexes include sprinklers and other fire safety measures.
- 3) The geo-technical engineering analysis has determined that the duplex foundations will require additional reinforcement and structural support due to the unstable nature of selected soils. (*None of the soil surveys/analysis has produced any findings that would suggest the soils are contaminated at this point*).
- 4) The affordability mix in the 10 units has changed. The current proposed plan includes 6 units priced for households earning up to 80% of Area Median Income and 4 units priced for households earning up to 100% of Area Median Income (*the previous mix was 3 units up to 80% and 7 units up to 100%*). We are still requesting that the CPC subsidize 7 units.
- 5) We have increased the hard cost contingency in the development budget to 10% (previously was 5%). This requirement is necessary considering current capital market conditions in order to secure construction financing for a project of this nature.

Therefore, some budget line items have changed since our original CPA submission including: additional engineering expense, increased hard cost contingency, foundation supports, increased fire

safety requirements. Because we now have contractor estimates in hand (although not signed contracts), *we are confident that no additional funding requests will be necessary.*

Total Development Costs: \$4,588,200

Total CPC Request: \$2,041,426

Total CPC Request per unit for each of the seven units: \$291,000

We would also like to address the concern or doubt about our ability to construct a high-end environmentally sensitive development which features many design elements focused on enhancing long-term affordability. After developing a detailed specification package with the assistance of The Green Roundtable and receiving bid estimates from four general contractors, we confirmed that the proposed development budget should allow us to construct affordable units that minimize both short term and long term costs to the buyers.

While these issues are not necessarily the focus of the CPC Committee, their inclusion will make it clear that affordable housing does not have to ignore energy conservation measures and, indeed, can incorporate a very high standard.

As such, we plan to include the following design specifications in each of the affordable units:

#### **DESIGN ELEMENTS:**

- HardiPlank "Color Plus" cementitious clapboard siding as well as HardiPlank "Color Plus" Hardishingle straight edge on upper gable ends, windows, and corner boards.
- Concrete countertops (or equivalent) using recycled materials.
- Fiberglass double hung insulated glass 1-over-1 Low E inert gas-filled windows – Marvin Integrity or Pella or equal.
- Bamboo or cork flooring on 1<sup>st</sup> floor
- Marmoleum on kitchens and bathrooms and entry foyer.
- Low VOC wall-wall carpeting on second floor with 100% recycle pad. Alternate bedroom flooring – same as first floor.
- Low flow 1.6 gal dual - flush toilet (Toto)
- Cast iron tub with ceramic tile surround.
- Symmons tub/shower controls with Low-Flow shower head.

#### **ROOFING AND INSULATION:**

- Asphalt shingle triple tab roofing with 30 year warranty over 15# felt paper with 36" bituthane ice and water shield.
- Cellulose insulation in all exterior walls and at all perimeter framing.
- 1" Rigid insulation (see 7.5 below) directly on sheathing with all seams taped, stagger foam joints w/r/t sheathing joints
- 1" rigid insulation on exterior side of exterior walls
- R-50 blown cellulose insulation in top floor ceiling.
- 2" rigid insulation under basement slab
- 2" XPS Foamboard rigid insulation on interior of basement wall. Strap and covered with fire-resistant finish (plywood or gypboard).
- 1x3 plywood strip strapping over rigid insulation. Attach strapping directly to studs (through sheathing) w/ screws. Flash strapping with building paper splines to provide weather resistance at siding butt joints.

#### **VAPOR SEALING & AIR SEALING**

- Typical Building Practices will include sealing all windows, doors, wall and roof penetrations with low expansion foam

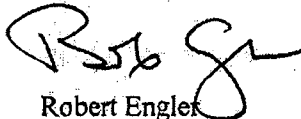
- The building will be blower door tested upon 1) completion of the air-sealed shell, 2) completion of insulation before sheetrock is installed; and 3) after completion of sheetrock. Blower door air leakage test shall be below 0.25 CFM/SF of building shell at -50 pascals.
- High density spray foam insulation will be used for difficult air sealing locations, and only with the approval of the Architect.
- All penetrations between conditioned space and unconditioned attic space should be sealed. Insulate & weatherstrip attic hatches/ stairs/ scuttles. Seal canister lights ("IC" rated only) w/ fire-retardant expanding foam. Seal all stacks & rough openings for bathroom vents w/ expanding foam.
- Seal/ insulate rim joist w/ high density polyurethane spray foam insulation. Insulated cover plates will be provided at all switches & receptacles
- Gaps between rough openings and jambs should be sealed at doors & windows w/ minimally expanding ("low loft") foam.
- All exhaust vents should be provided with back-draft dampers

### HEATING/COOLING

- Hydro-air heating only - fan coil and ductwork sized for 140F EWT. Zone forced air delivery system. All hot water piping and ductwork should be insulated and within conditioned space (hydro cooling may be included as well). Ductwork design and layout by GC subject to Architect approval
- For heating/cooling air ducted systems, Energy Recovery Ventilator (ERV) will be provided including all ductwork and equipment and controls, connecting each bathroom exhaust and supplying equally to all rooms. Ductwork will be insulated galvanized sheet metal. ERV will be Renewair EV130 or equal.

We look forward to discussing our proposed development with the CPC in greater detail. Please feel free to contact us if you have any questions. We look forward to working with you and the City of Newton on this exciting development.

Best regards,



Robert Engler



David B. Cohen  
Mayor

# Newton, Massachusetts Fy09 COMMUNITY PRESERVATION PROPOSAL



Submit by 4 pm, 5 December 2008 to:  
Alice E. Ingerson, Community Preservation Program Manager  
Newton Planning and Development Department  
1000 Commonwealth Ave., Newton, MA 02459  
[aingerson@newtonma.gov](mailto:aingerson@newtonma.gov) 617.796.1144

**Project CONTACTS** *Name & title / affiliation, mailing address, email, daytime phone, & any other way we should contact you (fax, mobile phone, ...) Star (\*) name of the project manager, who will track budget & submit updates.*

Robert Engler President - SEB, LLC 165 Chestnut Hill Ave, #2 Brighton, MA. 02135 (617) 782-2300 x 201	* Geoffrey Engler Vice President - SEB, LLC 165 Chestnut Hill Ave, #2 Brighton, MA. 02135 (617) 782-2300 x 202 & (617) 276-7261 cell
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**Project TITLE** *192 Lexington Street*

**LOCATION** *Full street address (with zip code) or other precise location.  
192 Lexington Street, 02466 (adjacent to Burr School Playground)*

FUNDING CATEGORIES	CHECK ALL THAT APPLY.	X COMMUNITY HOUSING	HISTORIC RESOURCES	X OPEN SPACE	RECREATION
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BUDGET	CP FUNDS REQUESTED:	OTHER FUNDS TO BE USED:	TOTAL PROJECT COST:
	1,542,859 (CPA)	\$675,000 (HOME funds) & \$2,045,100 construction loan	\$4,262,959

**SUMMARY**

*Summarize goals & benefits in NO MORE THAN 300 WORDS (staff will edit longer summaries to fit that limit). One of the main objectives of the FY06-10 Consolidated Strategy and Plan was to “increase the overall supply of a variety of affordable housing options and reduce the housing cost burden of low- and moderate-income persons....as well as the creation of homeownership opportunities for these residents”.*

Within the same development, we are proposing to provide newly constructed for-sale units which will serve three different income populations, with 7 units priced at an affordable level for a family of four earning up to 100% of Area Median Income, two units priced at an affordable level for a family of four earning up to 80% of AMI and one unit priced at an affordable level for a family of four earning up to 50% of AMI. The sales prices for the units priced at 95% of AMI will be approximately \$228,600 which is in stark contrast to Newton’s median sales price of a single-family home at \$775,780. *We believe this will be the first for-sale 100% affordable new construction development with at least 10+ units in Newton.* As such, we have highlighted our primary goals:

- 1) *To provide an attractive and appealing community that is affordable to families currently priced out of the Newton for-sale market*
- 2) *To provide a development with 100% of its units as affordable –1 unit set at 50% of AMI, 2 units set at 70% of AMI and 7 units set at 95% of AMI*
- 3) *To provide a thoughtful architectural design that preserves the character of the existing community and neighborhoods and to use various green-building technologies to improve the long-term maintenance of this community*
- 4) *To improve/enhance the pathway leading to Burr Park (currently a City of Newton easement)*

	Check all that apply.	COMMUNITY HOUSING	HISTORIC RESOURCES	OPEN SPACE	RECREATION
	acquire				
	create	X	NOT ALLOWABLE	X	
	preserve			X	
	support		NOT ALLOWABLE	NOT ALLOWABLE	NOT ALLOWABLE
	rehabilitate/restore				



*You may adjust spaces but USE NO MORE THAN ONE PAGE to answer all questions on this page.  
Attach supporting information on separate pages if needed (see checklist)*

**2. NEEDS & PRIORITIES:** *How does this project address needs or priorities identified in the Community Preservation Plan, Comprehensive Plan, Open Space & Recreation Plan, Consolidated Plan for Housing & Community Development, or other citywide plans? (Short quotes with plan title, year & page.) Primary messages include:*

***FY06-10 Consolidated Strategy and Plan:***

*"increase the overall supply of a variety of affordable housing options and reduce the housing cost burden of low- and moderate-income persons....as well as the creation of homeownership opportunities for these residents". (Executive Summary- Pg 12.)*

*"...use CDBG and HOME funds to create, develop and preserve affordable housing developments". (Executive Summary- Pg 13.)*

*"Priority #4: Housing needs of small families with incomes at 31 to 50 percent of AMI" (Executive Summary- Pg 28.)*

*"Priority #5: Housing needs of homeowners with incomes at 51 to 80 percent of AMI" (Executive Summary- Pg 28.)*

***Comprehensive Plan:***

*"Principle IV: ... provide well designed affordable housing without displacing existing residents" (Page 1-2)*

*"That process of market-driven change is imposing hardships on many and is damaging the kind of City most residents would prefer. It is damaging from both equity and diversity perspectives. Maintaining access to Newton housing for a broad range of households is a long-held basic community value." (Page 3-17)*

***Open Space and Recreation Plan:***

*"A need to emphasize linkages between open spaces using linear green-ways and pathways." (Page #3)*

**AS PROPOSED:** The proposed development addresses all of the goals and objectives highlighted above and many others. For example, within the same development, the applicant has proposed to provide newly constructed for-sale units which will serve different income populations, with 7 units priced at an affordable level for a family of four earning up to 100% of Area Median Income, two units priced at an affordable level for a family of four earning up to 80% of AMI and 1 unit priced at an affordable level for a family of four earning up to 50% of AMI. The sales prices for the units priced at 95% of AMI will be approximately \$228,600 which is in stark contrast to Newton's median sales price of a single-family home at \$775,780. Moreover, the proposed residences will be kept as affordable in perpetuity with a deed restriction which is consistent with City goals.

**3. OTHER FUNDING:** *What additional funding have you obtained or are you pursuing? Attach commitment letters or summaries/cover sheets from grant applications.*

We are applying for \$675,000 in HOME funds (\$225K per unit X 3 units). A HOME application has also been submitted.

**4. STEWARDSHIP:** *How will the project be maintained after CP funds have been spent? (Hint: "through the regular City budget" is seldom a persuasive answer.)*

SEB, LLC has permitted many affordable housing developments and understands the need to implement structures/policies to ensure the long-term viability of the project. We have carefully estimated the shared costs to operate this 10 unit condominium association. The sale price estimates reflect the monthly condo dues obligations for each unit, including funds for capital reserves based on comparable developments. Moreover, the proposed construction features sustainable development principles including LEED certification, Energy Star compliance and other "green" technologies which will help lower long term maintenance costs for affordable owners.

**5. COMMUNITY CONTACTS:** *List email addresses and/or phone numbers for at least 3 people willing to talk with us about community support for the project and the project managers' qualifications. At least 2 of these contacts should be from outside the project's immediate neighborhood; none should be the project manager.*

**Draft Project TIMELINE** *If this project is funded, what critical milestones should we use to track its progress? If or when your project is funded, CP staff will work with you to add missing steps and participants.*

**Project Manager References:**

- 1) Jim McAuliffe, Principal - Abbott Development, 84 State Street Suite 720, Boston, MA 02109 - (617) 570-9090
- 2) Peter Freeman, Freeman Davis, LLC - 236 Lewis Wharf, Boston, Massachusetts 02110 - (617) 227-5070

**Community Contacts:**

- 1) Jeanne Strickland -Exec. Dr. NCDF (617.244.4035)
- 2) Phil Herr (617) 796-1156
- 3) Andy Franklin (617) 964-0117 x227
- 4) Ellen Feingold (617) 332-2588

**Critical Project Milestones if Project is funded**

- 1) Close of construction
- 2) Construction initiation
- 3) Site work completion
- 4) Affirmative Marketing for Housing Lottery
- 5) Completion of Affordable Housing Lottery
- 6) Construction Completion
- 7) Residents Close on Homes

Project TITLE: 192 Lexington Street				
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 (1) <i>estimate</i>
1) Complete HOME Funds Application	Technical assistance/review	Fall/08	Winter/08/09	-
2) City Departmental Discussions	Technical assistance	Fall/08/Winter 09	Winter/08/09	-
3) Complete CPA Application	Application Review	Fall/08/Winter 09	Winter/08/09	-
4) Aldermanic Contacts	Technical assistance/ Scheduling Neighborhood Meeting	Winter/09	Winter/08/09	-
5) Neighborhood meeting(s) & Presentations		Winter/09	Spring/09	-
6) City interdepartmental Staff Review	Technical assistance/Review	Fall/08/Win. 09	Winter/09	-
7) Housing Partnership Review	Technical assistance/Review	Fall/08/Win. 09	Spring/09	-
8) Planning & Development Review	Technical assistance/Review	Winter/09	Spring/09	-
9) File for Site Approval Application w/MassHousing	Site Approval Letter Issued By MassHousing	Winter/09	Spring/09	-
10) File for Comprehensive Permit Application w/ ZBA	ZBA Review	Spring/09	Spring/09	-
11) ZBA Approval	Comprehensive Permit Issued	Spring/09	Summer/09	-
12) CPA Discussion/ Award	Funds Granted	Winter/09	Summer/09	-
13) MassHousing Final Approval	Final Approval Granted	Fall/09	Fall/09	-
14) Building Permit Request	Building Permit Issued	Spring/10	Spring/10	-

(1) Please note that we do NOT anticipate using CPA money to fund the pre-development work and permitting process requirements. We anticipate using HOME grants to fund that element of the development. CPA money will be used to help fund the project construction, both site work and building construction.

## Project Name: 192 Lexington St.

**Submitted by:** SEB (STOCKARD ENGLER BRIGHAM LLC, Bob Engler)

**CPA Category(ies):** Community Housing

**Location:** 192 Lexington St., Ward 4

**Cost:** \$4 million total  
\$1,542,859 CPA  
\$742,866 Newton HOME funds  
\$2,045,100 construction loan

### Description:

Construct and sell 10 permanently affordable 3-bedroom homes, incorporating sustainable design and energy conservation features, one at 50% AMI; two at 70% AMI; and seven are at 95% AMI (Area Median Income for the Greater Boston area in 2006=\$64,000.)

### Comments/Questions:

Our readers found this proposal intriguing. For Newton, it is a very bold and ambitious idea. The proposal seems reasonable and straightforward. It is easy to follow, and well-organized.

Our recommendations are based on our understanding that there will be restrictions in perpetuity maintaining the units as affordable.

In light of recent housing development costs, we are concerned that the allotment for construction may be less than what it takes to build quality housing in Newton, especially if it is to meet EnergyStar and/or LEED benchmarks.

We would like to see a durability plan and a commitment to clear performance objectives, like EnergyStar.

This project may need more funds to meet high-performance and durability standards, or if the site preparation costs increase due to unexpected conditions found below the surface. We are pleased to see the developer is using the Green Roundtable as consultants. The developer will need to understand the hard costs of doing EnergyStar or LEED more thoroughly.

Site Concerns: Is the site a bog? Old maps show the site either adjacent to or on top of Scribner's Bog (1870 map, revised in 1901); on a swampy area with lagoons (1892, "Areas Requiring Drainage"; and on swamp known locally as "Flowed Meadow" (1946 US Geological Survey topographical map). In addition, we note that the former dump is nearby, raising the additional question of whether the site is on landfill. Last, we would like to know what is included in the condo fee.

**Recommendation:** Support.

NEWTON-192 LEXINGTON STREET			5/1/09	
DEVELOPMENT BUDGET				
<b>Project Inputs</b>			<b>Average Price Per Unit</b>	
Total Units	10			
3BR Units @ 75% of AMI	6	75% AMI (3BR)	\$169,300	
3BR Units @ 95% of AMI	4	95% AMI (3BR)	\$222,600	
SF Per Unit (80% AMI-3BR TH)	1,450			
SF per Unit (95% AMI -3BR TH)	1,450			
Total Square Feet	14,500			
Land Acquisition	715,000			
<b>Hard Cost Variables</b>				
Construction Cost Per SF	\$150.00			
Hard Cost Contingency	10%			
<b>Soft Cost Variables</b>				
Affordable Housing Lottery/Marketing	4%			
Soft Cost Contingency	5%			
<b>USES</b>			PER UNIT	TOTAL
<b>Site Acquisition</b>				
Acquisition			\$71,500	\$715,000
<b>HARD COSTS</b>				
Demolition/clean-up				\$25,000
Utilities/sewer connection fees				\$25,000
Construction Stake Out/Engineering				\$20,000
Roads & Walks & Parking				\$100,000
Stormwater Detention				\$50,000
telephone, electric, cable, gas				\$50,000
Site Improvements				\$50,000
Landscaping				\$75,000
Unusual Site Conditions				\$200,000
Foundation Work				\$85,000
<b>Site Development Total</b>			<b>\$68,000</b>	<b>\$680,000</b>
construction @	14,500	GSF	\$217,500	\$2,175,000
contingency @	10%		\$28,550	\$285,500
<b>Sub-Total Hard Costs</b>			<b>\$385,550</b>	<b>\$3,855,500</b>

Continued on next page

<b>NEWTON-192 LEXINGTON STREET</b>		<b>5/1/09</b>	
<b>DEVELOPMENT BUDGET</b>			
<i>Continued from previous page</i>			
<b>SOFT COSTS</b>		<b>PER UNIT</b>	<b>TOTAL</b>
permits/surveys/fees		\$4,000	\$40,000
architectural (includes green roundtable)		\$15,000	\$150,000
environmental/site engineering		\$7,500	\$75,000
condo document preparation (legal)		\$700	\$7,000
Contract documents for home Owners.		\$500	\$5,000
zoning legal		\$2,000	\$20,000
deed stamps, recording and legal closing		\$1,469	\$14,692
insurance		\$2,500	\$25,000
taxes		\$1,500	\$15,000
bond		\$2,500	\$25,000
financing fee/application fees		\$2,000	\$20,000
monitoring agent fee		\$1,500	\$15,000
construction manager		\$6,000	\$60,000
Appraisal		\$200	\$2,000
accounting		\$500	\$5,000
construction loan interest		\$14,612	\$146,117
soft cost contingency		\$3,124	\$31,240
marketing/lottery all units @ 4.0%		\$7,625	\$76,248
<b>Sub-total Soft Costs</b>		<b>\$73,230</b>	<b>\$732,298</b>
<b>SUB-TOTAL DEVELOPMENT COSTS</b>		<b>\$458,780</b>	<b>\$4,587,798</b>
Developer Overhead/fee @ 6%		\$27,527	\$275,268
<b>TOTAL DEVELOPMENT COSTS</b>		<b>\$486,307</b>	<b>\$4,863,066</b>
<b>SOURCES</b>			
3BR Units @ 75% of AMI	6	\$169,300	\$1,015,800
3BR Units @ 95% of AMI	4	\$222,600	\$890,400
<b>TOTAL SALES REVENUES</b>			<b>\$1,906,200</b>
<b>PROFIT (LOSS)</b>			<b>-\$2,956,866</b>
<b>SUBSIDY REQUIRED</b>			<b>\$2,956,866</b>
HOME - 3 units		\$247,622	\$742,866
CPA - 10 units		\$204,100	\$2,041,000
CDBG - 6 units		\$28,833	\$173,000

**NEWTON-192 LEXINGTON STREET****3 Bedroom Affordable Units @ 95% AMI**

<b>Purchase Price Limits</b>	
<b>Housing Cost:</b>	
Sales Price	\$222,600
5% Down payment	\$11,130
Mortgage	\$211,470
Interest rate	6.50%
Amortization	30
Monthly P&I Payments	\$1,336.63
Tax Rate	\$9.70
monthly property tax	\$180
Hazard insurance	\$74
PMI	\$137
Condo/HOA fees (if applicable)	\$310
Monthly Housing Cost	\$2,038
Necessary Income:	\$81,529
<b>Household Income:</b>	
# of Bedrooms	3
Sample Household size	4
100% AMI/CPA Limit	\$85,800
Target Housing Cost (100%AMI)	\$2,145
5% Window	\$81,510
Target Housing Cost (95%AMI)	\$2,038

**3 Bedroom Affordable Units @ 75% AMI**

<b>Purchase Price Limits</b>	
<b>Housing Cost:</b>	
Sales Price	\$169,300
5% Down payment	\$8,465
Mortgage	\$160,835
Interest rate	6.50%
Amortization	30
Monthly P&I Payments	\$1,016.59
Tax Rate	\$9.70
monthly property tax	\$137
Hazard insurance	\$56
PMI	\$105
Condo/HOA fees (if applicable)	\$236
Monthly Housing Cost	\$1,550
Necessary Income:	\$62,017
<b>Household Income:</b>	
# of Bedrooms	3
Sample Household size	4
80% AMI/"Low-Income" Limit	\$66,150
Target Housing Cost (80%AMI)	\$1,654
5% Window	\$62,016
Target Housing Cost (75%AMI)	\$1,550

**FROM:**

P.G. Stewart & Associates  
 Suite #8  
 62 Cedar St  
 Worcester, MA 01609  
 Telephone Number: 508-752-8797 Fax Number: 508-752-7089

# INVOICE

**INVOICE NUMBER**

10012

**DATE**

February 9, 2009

**REFERENCE**

Internal Order #: 10012  
 Lender Case #:  
 Client File #:  
 Main File # on form: 10012  
 Other File # on form:  
 Federal Tax ID:  
 Employer ID:

**TO:**

Bob Engler  
 Bob Engler  
 165 Chestnut Hill Ave  
 Suite #2  
 Brighton, MA 02135  
 Telephone Number: (617) 782-2300 Fax Number:  
 Alternate Number: E-Mail: rengler@s-e-b.com

**DESCRIPTION**

**Lender:** Bob Engler **Client:** Bob Engler  
**Purchaser/Borrower:** Rosalie Avila  
**Property Address:** 192 Lexington Street  
**City:** Newton  
**County:** Middlesex **State:** Ma **Zip:** 02466-1307  
**Legal Description:** Bk:8445 Pg:269

**FEES**

**AMOUNT**

URAR Single Family appraisal	325.00
<b>SUBTOTAL</b>	325.00

**PAYMENTS**

**AMOUNT**

Check #:	Date:	Description:	
Check #:	Date:	Description:	
Check #:	Date:	Description:	
<b>SUBTOTAL</b>			
<b>TOTAL DUE</b>			<b>\$ 325.00</b>

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192 LEXINGTON STREET

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**TO:** NEWTON CPC  
**FROM:** SEB LLC  
**SUBJECT:** NEIGHBORHOOD MEETING @ BURR ELEMENTARY SCHOOL ON MARCH 26TH AT 7:00 P.M.  
**DATE:** 4/3/2009  
**CC:** ALICE INGERSON

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**SUMMARY**

In advance of the March 26<sup>th</sup> neighborhood meeting, SEB mailed letters to 450 neighborhood properties which was a combination of the City's certified abutters list and inclusions provided by Alderman Jay Harney.

Approximately 70-80 folks attended, including 3 Aldermen: Lenny Gentile; Amy Sangiolo & Jay Harney. SEB was represented by Bob Engler and Winslow Architects was represented by John Winslow. The meeting lasted approximately 2 hours.

The primary concerns raised by the neighbors were as follows:

1. Excluding access to and from the site to Albert Road for both residents and equipment during construction.
2. Minimizing disturbance to the existing soils so as not to cause any impact on the existing subsurface soils and groundwater at the Burr School playground
3. Reducing the density
4. Evaluating the traffic movements leaving the site in connection with the pedestrian light for the school crossing in Lexington Street and for the pedestrians/school children walking down Lexington Street to the School.
5. The continued use of the foot path across the back of the site connecting Albert Road to the school playground
6. The impact on property values from the construction of subsidized housing

In response to those concerns, SEB offers the following responses:

1. Access to Albert Road will be restricted by constructing a lockbox to which only the Newton Fire Department will have access. During construction, equipment will enter and exit from Lexington, except when work will be required to tie in the existing water main on Albert Road
2. The geo-technical engineering firm of McPhail and Associates and the civil engineering firm of Hayes Engineering have completed both test pits and soil borings. These testing measures have determined that the back portion has unsuitable fill material; this unsuitable material has an impact on the foundations of the four duplex units. SEB is currently working with our geo-technical engineers on a solution to address this



problem. The budget proposed to the CPC committee reflects the additional costs to reinforce these foundations. Moreover, at this time, the proposed solution would eliminate the need to remove the majority of unsuitable fill, but would instead include an engineering technique that use geo-piles (or similar) to support the foundations and not disturb the neighboring soils. Our environmental engineers will be reviewing the environmental report carried out in 1995 on the Burr School playground to determine what impact, if any, it might have for our work. Based on SEB's discussion with David Naparstek of the Health Department, there should be nothing in that report which would cause us to alter our plans, but we will await word from our engineers.

3. There are certain fixed costs associated with any development. By reducing the density from 10 units to 8 units, the costs on a per unit basis would rise and a larger amount of CPA subsidy on a per unit basis would be required. According to our account, the per unit CPA request would increase from \$275K/unit for 7 units to \$375K for 5 units (3 HOME assisted units would remain in either case). So while the density would be decreased, the per-unit CPA subsidy would increase on a per unit basis by 30%. The trade-off for the loss of 2 affordable units – which is a scarce resource in the City of Newton - would be increased side yard setbacks from 10' to 27' between the 3 remaining duplexes. In the opinion of SEB, this trade-off does not seem worth the density reduction.
4. SEB has commissioned a traffic engineer to review the projected traffic flows in the am and pm peak periods from our site in connection with the pedestrian light on Lexington Street and provide us with his findings. We do not anticipate any volume or mitigation measures will be required due to the low anticipated volume from a 10 unit development.
5. As the CPC is aware, SEB is planning on cleaning up and improving the existing foot path connecting Albert Road to the Burr School playground. We propose to deed the walking path to the City along with the triangular piece of land behind the footpath.
6. There is no evidence from any studies suggesting a reduction in neighboring residential property values directly caused from the construction of subsidized housing similar to what we are proposing. We believe those fears to be totally unfounded. The 10 unit Homes at Auburndale Yards is a good comparable and if anyone can prove a reduction in property values in the surrounding area because of this development, we would like to see such evidence.

#151.09

09 JUN 15 PM 4: 58

CITY CLERK  
NEWTON, MA. 02159



**June 11, 2009**

Re: CPA proposal for 192 Lexington St.

Committee on Community Preservation  
Newton Board of Aldermen  
1000 Commonwealth Ave.  
Newton, MA

Dear Chairwoman Lappin:

The League of Women Voters of Newton is impressed by the durability and many energy-saving features of the proposed 10-unit housing project for 192 Lexington St.

After studying the Stockard Engler Brigham plans carefully, we are convinced that they can produce quality housing at remarkably low cost. If SEB commits to EnergyStar rating, quality control is built in to the project.

The developer has done a very thorough job. The project is suitable for the site, the density is right (under a for-profit 40B, there could be many more units built here), and it is 100 percent affordable, as well as being sustainable and durable.

The League strongly supports this project. Our original recommendation to the Community Preservation Committee is attached. Please note that since this recommendation was written, the developer has addressed our concerns, and perhaps exceeded expectations to date.

Yours,

Terry Yoffie  
President

cc: Paul Coletti

# 151-09

**U-CHAN**  
**UNITING CITIZENS FOR HOUSING AFFORDABILITY IN NEWTON**

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To: Finance Committee of the Board of Alderman  
From: Esther Schlorholtz and Josephine McNeil, Co-chairs, U-CHAN  
Date: September 11, 2009  
Re: 192 Lexington Street, Auburndale

09 SEP 11 PM 2:09  
CITY CLERK  
NEWTON, MA 02159

We urge the Finance Committee of the Board of Alderman to approve community preservation funding for the excellent proposal before you to create ten units of much needed moderate income homeowner units at 192 Lexington Street in Auburndale.

This proposal is extraordinary in many respects: because it is designed carefully to respond to local planning criteria and to fit well within its neighborhood context, serves a critical community need and would be a model for energy efficient and sustainable development practices. As an Energy STAR Homes project using quality durable materials, this design would ensure long term control of operating and maintenance costs for the future homeowners

It is concerning to hear the negative comments from several abutters who do not want to see this housing built in this location. A stated concern is "density" – density is not necessarily 'bad', and the proposed density is much like what exists in the area, and far less than the six apartment buildings built along the quarter mile or so across the street. Opponents assert property values will decline. However, decades of experience in Newton as well as well-documented empirical statewide research studies prove otherwise. It is very disturbing to hear a citizen say he doesn't want "those people" living next door. We hope that our elected officials, even if they oppose a project, will make it clear that such language, based on discriminatory beliefs, should not be a part of our public discourse in Newton or elsewhere.

Before the City of Newton is a wonderful opportunity to see how we can build quality housing that is smart, energy efficient and affordable to operate and maintain. This housing will offer home ownership opportunities for families earning between 70 - and 100% of median income which translates into annual incomes of \$66,000 to \$90,000. These new homeowners will care about the same things all of us care about, including living in a sociable and well-maintained neighborhood. It is likely that some of them will have connections to Newton i.e. living in or working in Newton. Without the creation of housing such as this there will be almost no opportunity for moderate income families to purchase a home in this city.

This project has received the enthusiastic support of U-CHAN, the Newton Housing Partnership and the Planning and Development and the Community Preservation Committee. It is now before you and we strongly urge you to support the recommendation from the Community Preservation Committee.

U-CHAN  
c/o 63 Smith Avenue  
Newton, MA 02465

#151.09

**U-CHAN**  
**UNITING CITIZENS FOR HOUSING AFFORDABILITY IN NEWTON**

To: Newton Aldermanic Committee on Community Preservation  
From: Esther Schlorholtz and Josephine McNeil, Co-chairs, U-CHAN  
Date: June 22, 2009  
Re: 192 Lexington Street, Auburndale

09 JUN 24 PM 3:48  
CITY CLERK  
NEWTON, MA 02459

We urge the Aldermanic Committee on Community Preservation to approve community preservation funding for the excellent proposal before you to create ten units of much needed moderate income homeowner units at 192 Lexington Street in Auburndale.

This proposal is extraordinary in many respects: because it is designed carefully to respond to local planning criteria and to fit well within its neighborhood context, serves a critical community need and would be a model for energy efficient and sustainable development practices. As an Energy STAR Homes project using quality durable materials, this design would ensure long term control of operating and maintenance costs for the future homeowners

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This project has received the enthusiastic support of U-CHAN, the Newton Housing Partnership and the Planning and Development and the Community Preservation Committee. It is now before you and we strongly urge you to support the recommendation from the Community Preservation Committee.

U-CHAN  
c/o 63 Smith Avenue  
Newton, MA 02465

#151.09

## NEWTON HOUSING PARTNERSHIP

Newton Housing & Community Development Program  
Newton City Hall, 1000 Commonwealth Avenue, Newton, MA 02459.  
Phone 617-796-1120. TDD/TTY 617-796-7089

April 8, 2009

Newton Planning & Development Board  
City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: 192 Lexington Street Housing Proposal

Dear Board members and associates:

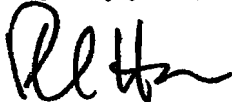
At its meeting April 8<sup>th</sup> the Housing Partnership voted unanimously to support the application by SEB, LLC for \$742,866 in HOME funds and \$173,000 in CDBG funds in support of its proposal to develop ten below-market condominium units at 192 Lexington Street in Ward 4. The Partnership has met frequently with the developers from the earliest stages of concept development, and we are enthusiastic about the basic proposal. The housing is mixed-income with all of the units to be priced below market. The units are contained in small-scale buildings abutting public land, with a sensitively designed site plan and efficiently designed units. The developers have made an exemplary effort on green building and sustainable design to serve both the affordability of the units over time for future occupants and to serve broader environmental interests. Their public outreach has been exemplary, including their being highly responsive to Partnership comments and suggestions.

Having no market-rate units in the development to help carry development costs inevitably means that the necessary level of public funding is large. However, in this case at just about \$300,000 per below-market unit, that level of public funds is not inconsistent with that provided to a number of other developments in Newton in recent years.

Ms. Guditz and Mr. Gartrell have briefed us on the status of Newton's HOME and CDBG funding amounts and demands. In light of that and the discussion above, our support for the granting of these funds is unconditional.

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

Very truly yours,



Philip B. Herr, Chairman

Cc: Robert Engler, SEB, LLC  
Trisha Guditz, Housing Development Coordinator

#151.09

## 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)  
Newton City Hall  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Request for funds for 192 Lexington Street

Dear Committee Preservation Committee members:

At its meeting on January 14, the Housing Partnership agreed to support in concept the request by Stockard Engler Brigham (SEB) for \$1,542,900 in Community Preservation Funds for site work and construction costs related to the development of 10 units of affordable for sale housing at 192 Lexington Street. Since December, the Partnership has reviewed the proposal with the developers and discussed the project at three separate meetings. We support and endorse the developer's concept of providing 100% affordability (currently 7 units priced for sale at 95% of area median income (AMI) and 3 at 75% AMI) as well as their intent to control long term affordability by increasing energy efficiency to lower operating costs, and material and systems durability, to reduce replacement costs and maintenance requirements. We recognize that until SEB understands the specification required to achieve this, and final numbers are available, they will not be able to provide a final development budget with the associated plans, etc. The Housing Partnership asked the developer to provide additional information when it is available.

Some of the issues raised during our deliberations include the following:

- **Merits of the Proposal:** The Partnership recognizes the critical need for additional affordable housing, both at the 80% of Area Median Income (AMI) level (which will also be supported by Newton HOME Funds, if approved) and especially the 7 units at 100% of AMI, which only CPA funds can subsidize.
- **Need for public funding:** We support the use of Community Preservation funds and other City funds such as Newton HOME funds to make this worthwhile project possible.
- **Long term Affordability:** We understand that the applicant is working with the Green Roundtable to develop a specification for a more energy efficient and durable project. This is consistent with the Partnership's concern that we find ways to help assure long-term affordability. We see the Energy STAR program as a baseline mechanism for achieving this and urge the developer to commit to Energy STAR certification so as to understand the real relationship between such investments and long term costs.

Community Preservation Committee  
January 14, 2009  
Page 2 of 2

- We support the concept of pricing three of the units affordable to a household at 75%-80% of AMI, but only if that is acceptable to the Mass. Dept. of Housing and Community Development.

Site Plan: We see the need for additional detail to explain how the property will receive services, deliveries and the like.

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

Ver truly yours,



Philip E. Herr, Chairman

Cc: Robert Engler, President, SEB  
Trisha Guditz, Housing Development Coordinator

#151.09



**CITY OF NEWTON, MASSACHUSETTS**

Department of Planning and Development  
Michael J. Kruse, Director



David B. Cohen  
Mayor

CITY CLERK  
NEWTON, MA. 02159  
09 MAY 14 PM 2:37

Date: April 15, 2009

To: Newton Planning and Development Board

From: Stephen D. Gartrell, Associate Director for Housing and Community Development

RE: 192 Lexington Street Proposal

cc: Alice Ingerson, CPA Program Manager  
Bob Engler, SEB, LLC

**Applicant: Stockard Engler Brigham (SEB), LLC**

**Contact Person: Bob or Geoff Engler**

**Project Address: 192 Lexington St.**

**Total Development Cost: \$4,863,492**

**Funding Request:**

\$742,866 HOME (3 units) for acquisition, pre-development costs and site work

\$173,000 CDBG (6 units) for acquisition, pre-development costs and site work

\$2,041,000 CPA (7 units) to pay for construction and site work

**Project Description**

The project will consist of the purchase and demolition of an existing single family home building and the construction of 10 condominium units in 4 duplexes and 2 single-family structures at 192 Lexington Street in Auburndale (see attached Assessor's Map). All units will contain 3 bedrooms. Six units are projected to sell to eligible buyers with incomes at or below 80% of median income. All six of these units will utilize CDBG funding and three of the six will utilize HOME funding. All six units will be subject to the DHCD/MassHousing deed rider which is a HOME-compatible resale-type affordability document. The remaining four units will be sold at a price affordable to households at or below 100% of median income. Estimated sale prices are \$169,300 for the 80% of AMI units and \$222,600 for the 100% of AMI units.

**Project Funding**

*Housing Development Funds*

The \$742,866 in HOME funds represents the maximum amount allowed by the HOME Program for 3-three bedroom units. It also represents the balance of current HOME funds available. There are no other requests for this funding at this time and there is a HOME Program

**Housing and Community Development Division**  
1000 Commonwealth Avenue, Newton, Massachusetts 02459-1400  
Telephone (617) 796-1120 Telefax (617) 796-1142 TDD/TTY (617) 796-1089  
www.ci.newton.ma.us



requirement that these funds must be committed by June 30, 2009 or the City will lose them. Additional HOME funds (approximately \$222,000) will become available for other projects on July 1, 2009.

The \$173,000 in CDBG funds for 6 units are restricted by CDBG rules to support acquisition and certain site development costs only. The support of new construction costs is not allowed. CDBG rules also require that a majority of units in the project be available to households at 80% or less of area median income (AMI). There will be \$56,657 remaining in CDBG Housing Development funds if this project is approved. An addition \$250,000 (approximate) in CDBG funds for Housing Development is expected on July 1, 2009.

#### *Community Preservation Funds*

The Community Preservation Committee is considering this as a part of its regular 2009 application process. The public hearing was held on January 14, 2009, and the working session is scheduled for April 15, 2009.

#### *Private Funds*

SEB will be taking out a construction loan to cover non-subsidized costs (approximately \$1.9 million) during construction. This loan will be taken out at sale of the units.

#### **Neighborhood Concerns**

SEB hosted a neighborhood meeting on March 26, 2009, which was attended by approximately 70-80 people, including 3 Aldermen: Lenny Gentile; Amy Sangiolo & Jay Harney. The concerns raised were:

1. Excluding access to and from the site to Albert Road for both residents and equipment during construction.
2. Minimizing disturbance to the existing soils so as not to cause any impact on the existing subsurface soils and groundwater at the Burr School playground
3. Reducing the density
4. Evaluating the traffic movements leaving the site in connection with the pedestrian light for the school crossing in Lexington Street and for the pedestrians/school children walking down Lexington Street to the School.
5. The continued use of the foot path across the back of the site connecting Albert Road to the school playground
6. The impact on property values from the construction of subsidized housing

SEB's response to these issues is contained in the attached memo dated 4/3/09.

#### **Environmental Assessment**

A full environmental assessment is required by HUD and has been completed and a Notice of Removal of Grant Condition was received from HUD on January 21, 2009. In addition a state-mandated 21E Phase 1 and Phase II reviews are currently in process. This may require the amendment of the HUD environmental assessment.

### **Energy Efficiency**

The Developers have committed to obtaining EnergyStar certification for the project.

### **Project Timetable**

SEB has started the process of applying for a comprehensive permit from the Zoning Board of Appeals in order to build the 10 units on the site, since Newton's zoning would not normally allow this. SEB hopes to go before the Zoning Board of Appeals in June. They hope to get all funding and permitting in place by November. Demolition and construction are anticipated to begin during February of 2009 with full occupancy by October or November of 2010.

### **Newton Housing Partnership Recommendation**

The Newton Housing Partnership has voted unanimously to support the SEB application (see attached memo).

### **Staff Recommendation**

Housing staff recommends that the Planning and Development Board approve the request for \$173,000 in FY09 CDBG funds (from CD09-02B, Housing Development Funding Pool and from CD09-02C, Purchase/Rehabilitation Program and \$742,866 in FY07, FY08, and FY09 HOME funds (from HM07-06D, NHRF Grants; HM08-06B, Housing Development Pool; HM08-06E, Purchase/Rehabilitation Program; HM08-06F, Homebuyer Assistance Program; HM09-06B, Housing Development Pool; and if needed, from HM10-06B, Housing Development Pool) for acquisition, pre-development costs and site work. The commitment would be in the form of a deferred payment loan at 0% interest for a 50-year term, secured by a mortgage on the property. If approved, staff will seek approval from the MA Department of Housing and Community Development to extend the term of affordability to in perpetuity.

G:\cd-planning\Housing Development\Project Files\192 Lexington Street\Staff memo to Planning Board.doc



## THE GREEN ROUNDTABLE

38 Chauncy Street, 7<sup>th</sup> Floor  
Boston, MA 02111  
t. 617.374.3740 f. 617.457.7839  
[www.greenroundtable.org](http://www.greenroundtable.org)

April 2, 2009

Ms. Trisha Guditz  
Housing Programs Manager  
Newton Planning and Development Department  
1000 Commonwealth Avenue  
Newton, MA 02459

Dear Ms. Guditz,

The Green Roundtable (GRT) is a nonprofit organization committed to mainstreaming green building and sustainable design using the tools of education, policy and technical assistance. As part of our technical assistance work, we have been contracted by SEB to work on the Lexington Street affordable housing project in Newton.

One of our first tasks on the project was to participate in the specification development process. As part of this process, we reviewed the preliminary outline specification package and made recommendations on additional sustainable strategies that we believe will provide both short- and long-term benefits to the project. These recommendations included but were not limited to the following:

- Insulation and air sealing to produce a tight building envelope
- Efficient heating, domestic hot water and other mechanical systems
- Efficient lighting and appliances
- A more sustainable option for the concrete mix in the foundations/basement floor slabs
- High-performance windows
- Low-emitting interior paints and finishes to ensure good indoor air quality
- Rapidly renewable interior material options, such as Marmoleum flooring in kitchens, bathrooms and entryways
- Water-conserving strategies, such as dual-flush toilets and low-flow faucets and showerheads

Based on our most recent conversations with SEB, we understand that the submitted project budget will allow for all the design elements included in the base specification package to be included in each of the units. SEB also informed us that some of our proposed alternates could likely be included as well.

Additionally, GRT completed an initial LEED for Homes assessment for the project, and we believe that LEED certification is a possibility if funding is available to pursue additional sustainable strategies. Further evaluation would of course be necessary as more details of the project are confirmed.

Please feel free to contact Dee Spiro at (617) 374-3740 x132 if you have any questions or would like further information regarding our involvement in the Lexington Street affordable housing development project.

Regards,

Paul Marquis  
NEXUS Education Coordinator and Green House Doctor

Mark Sevier  
Green Building Consultant

Dee Spiro  
Green Building Consultant

#151-09



**APPRAISAL OF REAL PROPERTY**

**LOCATED AT:**

192 Lexington Street  
Bk:8445 Pg:269  
Newton, Ma 02466-1307

**FOR:**

Bob Engler  
165 Chestnut Hill Ave  
Brighton, MA 02135

**AS OF:**

1/14/2009

#151-09

**SUMMARY OF SALIENT FEATURES**

SUBJECT INFORMATION	Subject Address	192 Lexington Street
	Legal Description	Bk:8445 Pg:269
	City	Newton
	County	Middlesex
	State	Ma
	Zip Code	02466-1307
	Census Tract	3747.00
	Map Reference	MSA 15764
SALES PRICE	Sale Price	\$ 0.00
	Date of Sale	N/A
CLIENT	Borrower/Client	Rosalie Avila
	Lender	Bob Engler
DESCRIPTION OF IMPROVEMENTS	Size (Square Feet)	1,568
	Price per Square Foot	\$
	Location	Average
	Age	46
	Condition	Fair/Avg
	Total Rooms	6
	Bedrooms	3
Baths	2	
APPRAISER	Appraiser	Peter G. Stewart
	Date of Appraised Value	1/14/2009

# Uniform Residential Appraisal Report

## #151-09

File # 10012

The purpose of this summary appraisal report is to provide the lender/client with an accurate, and adequately supported, opinion of the market value of the subject property.

SUBJECT

Property Address 192 Lexington Street City Newton State Ma Zip Code 02466-1307  
 Borrower Rosalie Avila Owner of Public Record Rosalie Avila County Middlesex  
 Legal Description Bk:8445 Pg:269  
 Assessor's Parcel # S:044 Blk:035 Lot:020 Tax Year 2008 R.E. Taxes \$ 7,320.59  
 Neighborhood Name Newton Map Reference MSA 15764 Census Tract 3747.00  
 Occupant  Owner  Tenant  Vacant Special Assessments \$ 0.00  PUD HOA \$  per year  per month  
 Property Rights Appraised  Fee Simple  Leasehold  Other (describe)  
 Assignment Type  Purchase Transaction  Refinance Transaction  Other (describe)  
 Lender/Client Bob Engler Address 165 Chestnut Hill Ave, Suite #2, Brighton, MA 02135  
 Is the subject property currently offered for sale or has it been offered for sale in the twelve months prior to the effective date of this appraisal?  Yes  No  
 Report data source(s) used, offering price(s), and date(s). MLS/Assessor

CONTRACT

I  did  did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed. This is a Refinance Transaction - Contract Section is Not Applicable  
 Contract Price \$ 0.00 Date of Contract N/A Is the property seller the owner of public record?  Yes  No Data Source(s)  
 Is there any financial assistance (loan charges, sale concessions, gift or downpayment assistance, etc.) to be paid by any party on behalf of the borrower?  Yes  No  
 If Yes, report the total dollar amount and describe the items to be paid.

Note: Race and the racial composition of the neighborhood are not appraisal factors.

NEIGHBORHOOD

Neighborhood Characteristics			One-Unit Housing Trends			One-Unit Housing		Present Land Use %				
Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	PRICE	AGE	One-Unit	75 %	
Built-Up	<input checked="" type="checkbox"/> Over 75%	<input type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	\$ (000)	(yrs)	2-4 Unit	10 %	
Growth	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Marketing Time	<input checked="" type="checkbox"/> Under 3 mths	<input type="checkbox"/> 3-6 mths	<input type="checkbox"/> Over 6 mths	499	Low	2	Multi-Family	%
Neighborhood Boundaries Subject's property is bounded to the north by Derby St. south by Auburndale St., east by Pine St., west by Rt. 128/95								750+	High	168	Commercial	5 %
Neighborhood Description Subject's neighborhood is of mixed use of Residential, retail, office and apartment dwellings. Schools, shopping, restuarants and transportation within walking distance. Located near Rts 30, 16 and 128/I-95 it has good access to employment and surrounding communities.								600	Pred.	75	Other	10 %
Market Conditions (including support for the above conclusions) Market prices have been dropping the past year, however with the market correction that has taken place, it appears to be stabilizing in this market area. Financing is readily available as mortgage rates remain favorable												
Dimensions Refer to deed.			Area 49,959			Shape Irregular			View Residential			
Specific Zoning Classification SR3			Zoning Description 10,000 SF 80'FF									
Zoning Compliance <input checked="" type="checkbox"/> Legal <input type="checkbox"/> Legal Nonconforming (Grandfathered Use) <input type="checkbox"/> No Zoning <input type="checkbox"/> Illegal (describe)												
Is the highest and best use of subject property as improved (or as proposed per plans and specifications) the present use? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe												

SITE

Utilities	Public	Other (describe)	Public	Other (describe)	Off-site Improvements - Type	Public	Private
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Water	<input checked="" type="checkbox"/>	Street Asphalt/Paved	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Sanitary Sewer	<input checked="" type="checkbox"/>	Alley None	<input type="checkbox"/>	<input type="checkbox"/>
FEMA Special Flood Hazard Area <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No FEMA Flood Zone C FEMA Map # 2502080001C FEMA Map Date 7/17/1986							
Are the utilities and off-site improvements typical for the market area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe							
Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, describe							
No easements were noted or observed or disclosed. The present zoning requires 10,000 SF lot size with 100'FF mininum frontage for a single family dwelling. Subject lot is legal conforming and can be rebuilt in the event of fire providing all permits have been obtained.							

IMPROVEMENTS

General Description		Foundation		Exterior Description		materials/condition		Interior		materials/condition	
Units	<input checked="" type="checkbox"/> One <input type="checkbox"/> One with Accessory Unit	<input type="checkbox"/> Concrete Slab	<input type="checkbox"/> Crawl Space	Foundation Walls	Concrete	Floors	WD/Vin/Fr-Avg				
# of Stories	1	<input checked="" type="checkbox"/> Full Basement	<input type="checkbox"/> Partial Basement	Exterior Walls	Wd Shing Avg	Walls	Plastered/Avg.				
Type	<input checked="" type="checkbox"/> Det. <input type="checkbox"/> Att. <input type="checkbox"/> S-Det./End Unit	Basement Area 1,520 sq.ft.		Roof Surface	Asphalt Avg	Trim/Finish	None				
	<input checked="" type="checkbox"/> Existing <input type="checkbox"/> Proposed <input type="checkbox"/> Under Const.	Basement Finish 50 %		Gutters & Downspouts	Yes/yes Avg	Bath Floor	Vinyl-Tile/Avg				
Design (Style)	Ranch	<input checked="" type="checkbox"/> Outside Entry/Exit	<input type="checkbox"/> Sump Pump	Window Type	Dble Hung Avg	Bath Wainscot	C.Tile/Avg.				
Year Built	1963	Evidence of <input type="checkbox"/> Infestation		Storm Sash/Insulated	Combo Avg	Car Storage	<input type="checkbox"/> None				
Effective Age (Yrs)	30	<input type="checkbox"/> Dampness	<input type="checkbox"/> Settlement	Screens	Combo Avg	<input checked="" type="checkbox"/> Driveway	# of Cars 2 Cars				
Attic	<input type="checkbox"/> None	Heating	<input checked="" type="checkbox"/> FWA <input type="checkbox"/> HWBB <input type="checkbox"/> Radiant	Amenities	<input type="checkbox"/> Woodstove(s) #	Driveway Surface	Asphalt				
<input type="checkbox"/> Drop Stair	<input type="checkbox"/> Stairs	<input type="checkbox"/> Other	Fuel Oil	<input checked="" type="checkbox"/> Fireplace(s) # 1	<input checked="" type="checkbox"/> Fence Yes	<input checked="" type="checkbox"/> Garage	# of Cars 2 Cars				
<input type="checkbox"/> Floor	<input checked="" type="checkbox"/> Scuttle	Cooling	<input type="checkbox"/> Central Air Conditioning	<input checked="" type="checkbox"/> Patio/Deck Deck	<input checked="" type="checkbox"/> Porch Two	<input type="checkbox"/> Carport	# of Cars				
<input type="checkbox"/> Finished	<input type="checkbox"/> Heated	<input type="checkbox"/> Individual	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Pool Ingro	<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Att.	<input type="checkbox"/> Det. <input type="checkbox"/> Built-in				
Appliances <input checked="" type="checkbox"/> Refrigerator <input checked="" type="checkbox"/> Range/Oven <input checked="" type="checkbox"/> Dishwasher <input checked="" type="checkbox"/> Disposal <input type="checkbox"/> Microwave <input checked="" type="checkbox"/> Washer/Dryer <input type="checkbox"/> Other (describe)											
Finished area above grade contains: 6 Rooms 3 Bedrooms 2 Bath(s) 1,568 Square Feet of Gross Living Area Above Grade											
Additional features (special energy efficient items, etc.). Above average lot											

# Uniform Residential Appraisal Report

**#151-09**

File # 10012

There are 3 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$ 499,000 to \$ 550,000

There are 3 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$ 499,000 to \$ 550,000

FEATURE	SUBJECT	COMPARABLE SALE # 1			COMPARABLE SALE # 2			COMPARABLE SALE # 3		
Address	192 Lexington Street Newton, Ma 02466-1307	65 James Street Newton, MA			136 Waltham Street Newton, MA			342 Lexington Street Newton, Ma		
Proximity to Subject		0.41 miles NE			1.10 miles NE			0.36 miles SW		
Sale Price	\$ 0.00	\$ 499,000			\$ 500,000			\$ 550,000		
Sale Price/Gross Liv. Area	\$ sq.ft.	\$ 431.66 sq.ft.			\$ 312.70 sq.ft.			\$ 296.82 sq.ft.		
Data Source(s)		Exterior Inspection			Exterior Inspection			Exterior Inspection		
Verification Source(s)		MLS# 70668436			MLS# 70774919			MLS# 70775639		
VALUE ADJUSTMENTS	DESCRIPTION	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	DESCRIPTION	+(-) \$ Adjustment	
Sales or Financing Concessions		Convent.		Convent.		Convent.		Convent.		
Date of Sale/Time		Unknown		Unknown		Unknown		Unknown		
Location	Average	Aver/Gd 3%	-14,970	Average		Average		Average		
Leasehold/Fee Simple	Fee Simple	Fee Simple		Fee Simple		Fee Simple		Fee Simple		
Site	49,959	7,423 SF	+250,000	5,463 SF	+250,000	5,000 SF	+250,000			
View	Residential	Residential		Residential		Residential		Residential		
Design (Style)	Ranch	Ranch		Cape		Colonial		Colonial		
Quality of Construction	Average	Average		Average		Avq/Gd 4%	-22,000			
Actual Age	46	45		59		100				
Condition	Fair/Avq	Avq 5%	-24,950	Avq 5%	-25,000	Avq 5%	-27,500			
Above Grade Room Count	Total Bdrms. Baths	Total Bdrms. Baths		Total Bdrms. Baths		Total Bdrms. Baths		Total Bdrms. Baths		
Gross Living Area	6 3 2	6 3 1.5	+3,000	7 3 1.5	+3,000	7 4 1.5	+3,000			
Basement & Finished Rooms Below Grade	1,520 Sq.Ft. P-Finished	Full P-Finished		Full P-Finished		Full Unfinished	+1,000			
Functional Utility	3 Bedrooms	3 Bedrooms		3 Bedrooms		4 Bedrooms	-3,000			
Heating/Cooling	FHW/None	FHW/Yes	-3,000	FHW/None		FHW/None				
Energy Efficient Items	None	None		None		None				
Garage/Carport	2 Car Att	None	+6,000	1 Car Det	+3,000	None	+6,000			
Porch/Patio/Deck	Deck/Porch	Patio	+1,500	Deck/Porch		Porch	+1,500			
Fireplace	2 Fireplace	1 Fireplace	+2,500	2 Fireplace		1 Fireplace	+2,500			
Fence/Pool	Pool/Fence	Fence	+3,000	Fence	+3,000	None	+3,500			
DOM	N/A	119 Days		7 Days		3 Days				
Net Adjustment (Total)		<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 233,380	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 233,225	<input checked="" type="checkbox"/> + <input type="checkbox"/> -	\$ 207,875			
Adjusted Sale Price of Comparables		Net Adj. 46.8%		Net Adj. 46.6%		Net Adj. 37.8%				
		Gross Adj. 64.0%	\$ 732,380	Gross Adj. 57.0%	\$ 733,225	Gross Adj. 59.5%	\$ 757,875			

SALES COMPARISON APPROACH

did  did not research the sale or transfer history of the subject property and comparable sales. If not, explain MLS, Assessor

My research  did  did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of this appraisal.

Data Source(s) MLS, Assessor

My research  did  did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.

Data Source(s) MLS, Assessor

Report the results of the research and analysis of the prior sale or transfer history of the subject property and comparable sales (report additional prior sales on page 3).

ITEM	SUBJECT	COMPARABLE SALE #1		COMPARABLE SALE #2		COMPARABLE SALE #3	
Date of Prior Sale/Transfer	Not listed	05/01/2003		Not listed		01/03/2001	
Price of Prior Sale/Transfer	past 3 years	\$428,000		past 3 years		\$380,000	
Data Source(s)	Public Records	Public Records		Public Records		Public Records	
Effective Date of Data Source(s)	1/14/2009	1/14/2009		1/14/2009		1/14/2009	

Analysis of prior sale or transfer history of the subject property and comparable sales No prior sales for subject or comparables found other than their dated sales above, per MLS.

**Summary of Sales Comparison Approach** GLA adjustment of \$25 psf made, 1/2 bath adjusted \$3,000, P-finished basement \$1,000, Garage stall adjusted \$3,000. Fireplace adjusted \$2,500. All sales adjusted \$250,000 for lot size which included the potential of subject being divided into two legal lots. Subject's lot also has frontage on Albert Rd. (Refer to photo). Sale #1 adjusted for superior location by having less traffic flow. Sales #2 & #3 are located on comparable street with traffic flow. Adjustments for subject's above average lot made comparable sales exceeded the recommended net and gross.

**Due to the limited recent comparable sales in subject's immediate neighborhood sales older than six**

# Uniform Residential Appraisal Report

#151-09  
File # 10012

ADDITIONAL COMMENTS

*(This area is intentionally left blank for additional comments.)*

### COST APPROACH TO VALUE (not required by Fannie Mae)

Provide adequate information for the lender/client to replicate the below cost figures and calculations.

Support for the opinion of site value (summary of comparable land sales or other methods for estimating site value) The subject land value was derived through a compilation and correlation of data from the subject community and market area. This data includes various information obtained from comparable closed sales, current listing, comparable sale land extraction, and through the allocation method.

ESTIMATED <input type="checkbox"/> REPRODUCTION OR <input checked="" type="checkbox"/> REPLACEMENT COST NEW	OPINION OF SITE VALUE .....	= \$ 617,800
Source of cost data Marshall & Swift Valuation Journals	DWELLING 1,568 Sq.Ft. @ \$ 120.00 .....	= \$ 188,160
Quality rating from cost service Avg Effective date of cost data 1/14/2009	1,520 Sq.Ft. @ \$ 20.00 .....	= \$ 30,400
Comments on Cost Approach (gross living area calculations, depreciation, etc.)	Deck//Kitchen Cabinets & App .....	= \$ 10,000
Square foot cost amounts were derived through a correlation of data from the Marshall & Swift Valuation Journals and conversations with local builders and developers in the community.	Garage/Carport 572 Sq.Ft. @ \$ 20.00 .....	= \$ 11,440
The estimate effective age of the subject is 30 years; the economic life is based on a 60 year period; the remaining economic life is 30 years	Total Estimate of Cost-New .....	= \$ 240,000
Estimated Remaining Economic Life (HUD and VA only) 30 Years	Less Physical Functional External	
	Depreciation 120,000 .....	= \$( 120,000)
	Depreciated Cost of Improvements .....	= \$ 120,000
	"As-is" Value of Site Improvements .....	= \$ 15,000
	INDICATED VALUE BY COST APPROACH .....	= \$ 752,800

### INCOME APPROACH TO VALUE (not required by Fannie Mae)

Estimated Monthly Market Rent \$ X Gross Rent Multiplier = \$ Indicated Value by Income Approach  
 Summary of Income Approach (including support for market rent and GRM)

### PROJECT INFORMATION FOR PUDs (if applicable)

Is the developer/builder in control of the Homeowners' Association (HOA)?  Yes  No Unit type(s)  Detached  Attached  
 Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit

COST APPROACH

INCOME



# Uniform Residential Appraisal Report

#151-09

File # 10012

This report form is designed to report an appraisal of a one-unit property or a one-unit property with an accessory unit; including a unit in a planned unit development (PUD). This report form is not designed to report an appraisal of a manufactured home or a unit in a condominium or cooperative project.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions, and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

**SCOPE OF WORK:** The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions, and certifications. The appraiser must, at a minimum: (1) perform a complete visual inspection of the interior and exterior areas of the subject property, (2) inspect the neighborhood, (3) inspect each of the comparable sales from at least the street, (4) research, verify, and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions, and conclusions in this appraisal report.

**INTENDED USE:** The intended use of this appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

**INTENDED USER:** The intended user of this appraisal report is the lender/client.

**DEFINITION OF MARKET VALUE:** The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what he or she considers his or her own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in U. S. dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions\* granted by anyone associated with the sale.

\*Adjustments to the comparables must be made for special or creative financing or sales concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

**STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS:** The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

1. The appraiser will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title.
2. The appraiser has provided a sketch in this appraisal report to show the approximate dimensions of the improvements. The sketch is included only to assist the reader in visualizing the property and understanding the appraiser's determination of its size.
3. The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
4. The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question, unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
5. The appraiser has noted in this appraisal report any adverse conditions (such as needed repairs, deterioration, the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing the appraisal. Unless otherwise stated in this appraisal report, the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances

# Uniform Residential Appraisal Report

#151-09  
File # 10012

**APPRAISER'S CERTIFICATION:** The Appraiser certifies and agrees that:

1. I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
2. I performed a complete visual inspection of the interior and exterior areas of the subject property. I reported the condition of the improvements in factual, specific terms. I identified and reported the physical deficiencies that could affect the livability, soundness, or structural integrity of the property.
3. I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
4. I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them, unless otherwise indicated in this report.
5. I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
6. I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of sale of the comparable sale, unless otherwise indicated in this report.
7. I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
8. I have not used comparable sales that were the result of combining a land sale with the contract purchase price of a home that has been built or will be built on the land.
9. I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
10. I verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
11. I have knowledge and experience in appraising this type of property in this market area.
12. I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.
13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believe to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of

# Uniform Residential Appraisal Report

#151-09

File # 10012

21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).

22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.

23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.


24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.

**SUPERVISORY APPRAISER'S CERTIFICATION:** The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature," as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

**APPRAISER**

Signature   
 Name Peter G. Stewart  
 Company Name P.G. Stewarts & Assoc.  
 Company Address 62 Cedar St., Suite #8,  
Worcester, MA 01609  
 Telephone Number (508) 752-8797  
 Email Address Peterstewart@verizon.net  
 Date of Signature and Report February 09, 2009  
 Effective Date of Appraisal 1/14/2009  
 State Certification # Cert. Res. R.E. Appr.#5174  
 or State License # \_\_\_\_\_  
 or Other (describe) \_\_\_\_\_ State # \_\_\_\_\_  
 State MA  
 Expiration Date of Certification or License 2/27/2011

**SUPERVISORY APPRAISER (ONLY IF REQUIRED)**

Signature \_\_\_\_\_  
 Name \_\_\_\_\_  
 Company Name \_\_\_\_\_  
 Company Address \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 Email Address \_\_\_\_\_  
 Date of Signature \_\_\_\_\_  
 State Certification # \_\_\_\_\_  
 or State License # \_\_\_\_\_  
 State \_\_\_\_\_  
 Expiration Date of Certification or License \_\_\_\_\_

**ADDRESS OF PROPERTY APPRAISED**

**SUBJECT PROPERTY**

Did not inspect subject property

**Supplemental Addendum**File No. 10012 **#151-09**

Borrower/Client	Rosalie Avila		
Property Address	192 Lexington Street		
City	Newton	County Middlesex	State Ma Zip Code 02466-1307
Lender	Bob Engler		

**REPORT FORMAT**

This report constitutes a summary of a complete appraisal.

**SCOPE OF WORK**

The appraisal is based on the information gathered by the appraiser from public records, other identified sources, inspection of the subject property and neighborhood, and selection of comparable sales, listings, and/or rentals within the subject market area. The original source of the comparable is shown in the Data Source section of the market grid along with the source of confirmation, if available. The original source is presented first. The sources and data are considered reliable. When conflicting information was provided, the source deemed most reliable has been used. Data believed not to be reliable was not included in this report of used as a basis for the valuation conclusion. The extent of the analysis applied to this assignments stated in the Appraiser's Certification and on Freddie Mac form, 70, dated 6/93 (Fannie Mae form 1004, dated 6/93).

**CONDITION OF APPRASIAL:**

Subject property at **192 Lexington Street, Newton, Ma** has been appraised in "as is" condition as of the date of inspection. This report is a "Complete Summary Appraisal Report". The purpose of this appraisal is to establish an opinion of value of the subject property, as defined in this report, on behalf of **Bob Engler** as the intended user of this report. The function of this appraisal is to assist **Bob Engler** in evaluating the subject property for financial purpose. The use of this appraisal by anyone other than the intended user, or for any other use than the stated intended use is prohibited.

**SITE COMMENTS**

No adverse easements of encroachments were noted or observed. The subject lot is a legal conforming lot as the lot does meet current minimum zoning requirements for minimum frontage.

**ELECTRONIC SIGNATURES & DIGITAL PHOTOS**

The appraiser Signature (s) that appear on this appraisal are electronic signatures which are secured with a security protected access code(s). Electronic signatures have been approved by all major banks and lending institutions and according to USPAP, electronically affixing a signature to a report carries the same level of authenticity and responsibility as and ink signature on a paper copy report. Photographs submittted with this appraisal area original digital images printed in color. These digital images have not been altered or modified in any way

**FINAL RECONCILIATION**

After all adjustments were made and weighted equal weight was given to all three comparable sales in arriving at the final market value for subject property. Greatest weight was given to the Sales Comparison Approach. Age precludes the Cost Approach and the Income Approach was not utilized due to single family homes are not typically purchased for their income producing capabilities in the subject' market area.

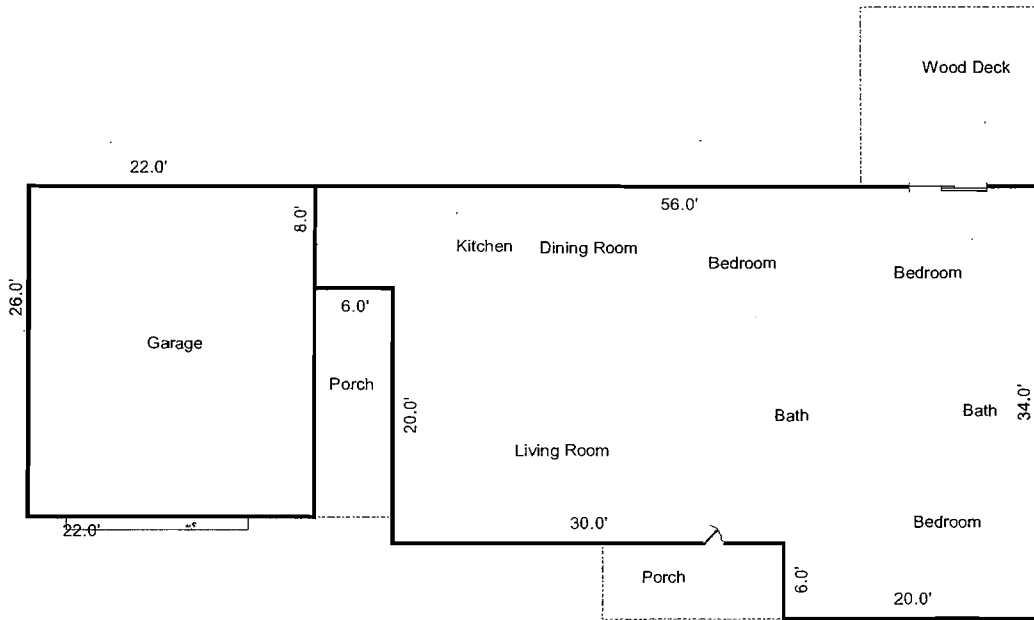
**Environmental Conditions**

At the time of inspection there were no obvious adverse environmental conditions noted or disclosed. No underground tanks. The oil tank is located above ground in the basement and appeared to be in good condition.

# Building Sketch

# #151-09

Borrower/Client	Rosalie Avila				
Property Address	192 Lexington Street				
City	Newton	County	Middlesex	State	Ma
Lender	Bob Engler		Zip Code	02466-1307	



Sketch by Apex IV™

Comments:

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Net Totals
GLA1	First Floor	1568.00	1568.00
P/P	Porch	108.00	
	Porch	84.00	
	Deck	196.00	388.00
GAR	Garage	572.00	572.00

LIVING AREA BREAKDOWN			
Breakdown			Subtotals
First Floor			
20.0	x	34.0	680.00
28.0	x	30.0	840.00
6.0	x	8.0	48.00

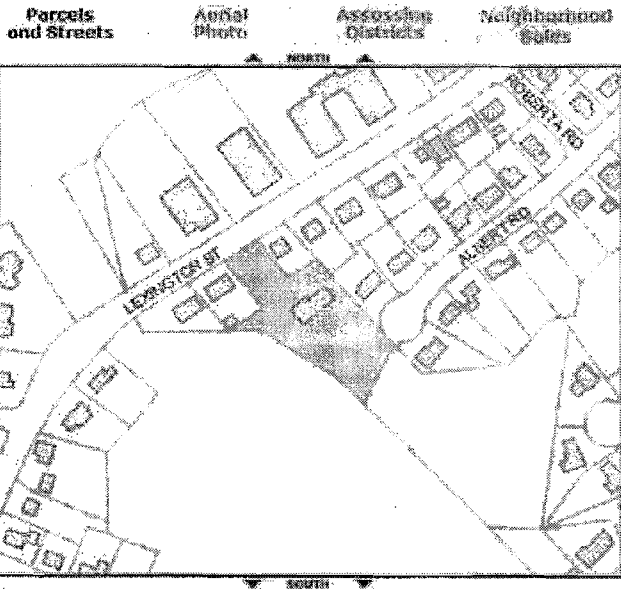
# Site Map

# #151-09

Borrower/Client	Rosalie Avila			
Property Address	192 Lexington Street			
City	Newton	County	Middlesex	State Ma Zip Code 02466-1307
Lender	Bob Engler			

## CITY OF NEWTON

[Deed Search](#) | 
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 [Assessing Dept](#) | 
 [Home](#)



Zoom in out   
 Click map to   
 Select parcel Pan

View the City's Open Data - API & API Docs. Because of differences in data availability, some property assessments may not reflect recent changes to property boundaries. Check with the Department of Assessing for current boundaries and status of assessment.

Output [Printable Map](#) | [Property Record Card](#)

Property SBL	44035 0020
Address	192 LEXINGTON ST
Owner	AVILA ROSALIE C/O EMILY AVILA

[All](#)  
 [Basic Info](#)  
 [Ownership](#)  
 [Assessment History](#)  
 [Residential](#)

### Basic Info

Tax Bill Number: 3925403  
 Current Owner: AVILA ROSALIE  
 C/O EMILY AVILA  
 Land Use: 103  
 Description: SINGLE FAMILY  
 Lot Area: 49,959 sq ft  
 Frontage: 80 ft  
 Zoning: SR3  
 Map ID: 026HC  
 FY2009 Assessment: \$754,700

\* For reference purposes only. Please check with Engineering Department for OFFICIAL zoning designation.

### Ownership

Current Owner: AVILA ROSALIE  
 C/O EMILY AVILA  
 Mailing address: 5712 RFD  
 LONG GROVE,  
 IL 60047

Latest Sale Date:  
 Latest Sale Price:  
 Legal Reference: 008445/0209  
 Prior Owner:  
 Prior Sale Date:  
 Prior Sale Price: \$0  
 Prior Legal Reference:

### Assessment History

FY 2009	\$754,700
FY 2008	\$754,700
FY 2007	\$736,600
FY 2006	\$715,100
FY 2005	\$681,000
FY 2004	\$592,900
FY 2003	\$529,400
FY 2002	\$529,400
FY 2001	\$412,500
FY 2000	\$375,200
FY 1999	\$342,000
FY 1998	\$303,300
FY 1997	\$303,300
FY 1996	\$288,900
FY 1995	\$295,900
FY 1994	\$290,100
FY 1993	\$290,100
FY 1992	\$325,100

### Residential General

House Style: Ranch  
 Story Height: 1  
 Year Built: 1963  
 Land Use: 103  
 Land Use Description: SINGLE FAMILY  
 Lot Size: 49,959 sq ft  
 Frontage: 80 ft  
 Residential Assessing District: 1A  
(Neighborhood) Code:

# Flood Map

# #151-09

Borrower/Client	Rosalie Avila		
Property Address	192 Lexington Street		
City	Newton	County	Middlesex
		State	Ma
		Zip Code	02466-1307
Lender	Bob Engler		

## InterFlood



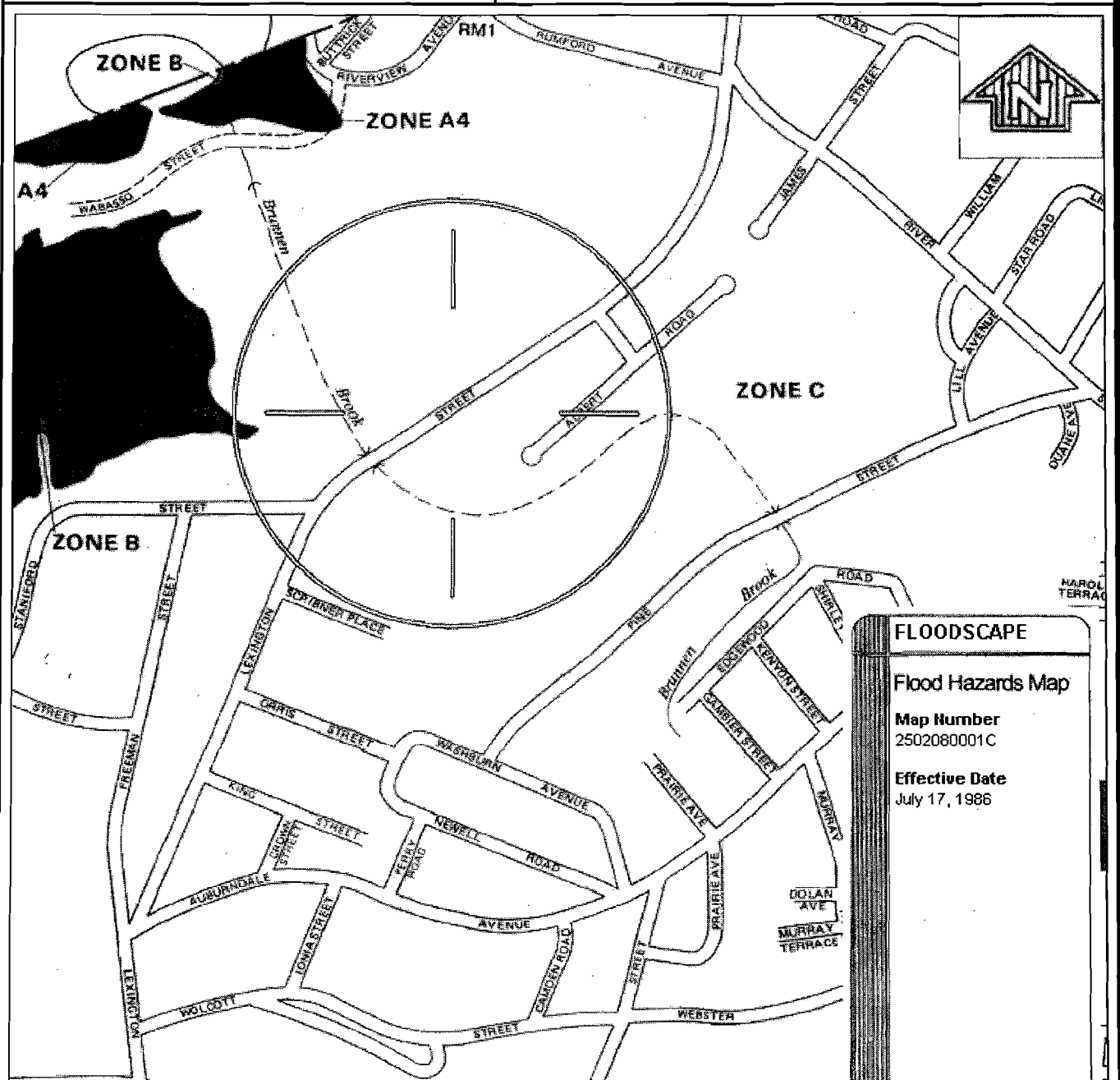
by a la mode

www.interflood.com • 1-800-252-6633

Prepared for:

P.G. Stewart & Associates

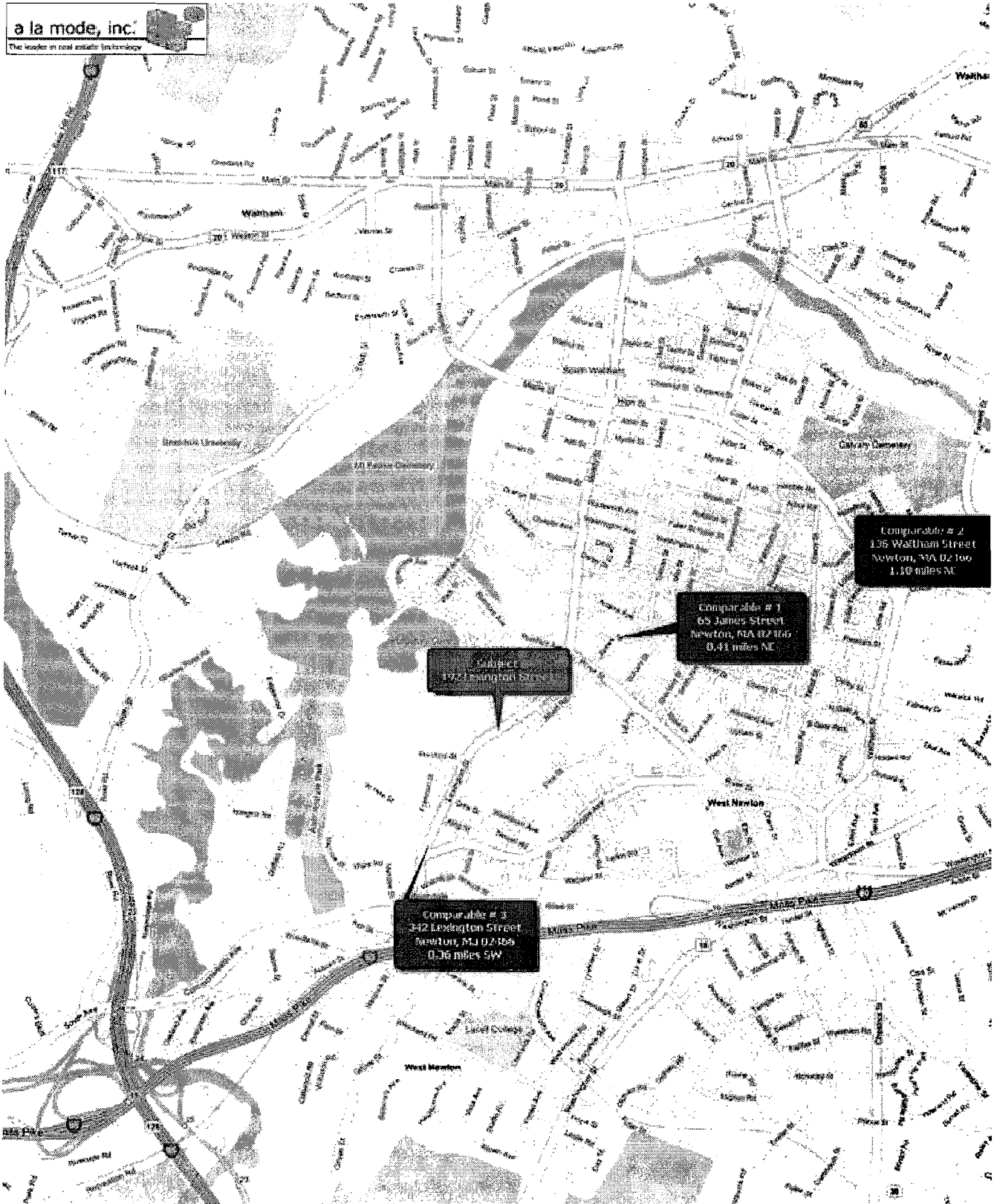
192 Lexington Street  
Newton, Ma 02466



# Location Map

# #151-09

Borrower/Client	Rosalie Avila						
Property Address	192 Lexington Street						
City	Newton	County	Middlesex	State	Ma	Zip Code	02466-1307
Lender	Bob Engler						





# Subject Photo Page

# #151-09

Borrower/Client	Rosalie Avila						
Property Address	192 Lexington Street						
City	Newton	County	Middlesex	State	Ma	Zip Code	02466-1307
Lender	Bob Enqler						



## Subject Front

192 Lexington Street  
Sales Price 0.00  
Gross Living Area 1,568  
Total Rooms 6  
Total Bedrooms 3  
Total Bathrooms 2  
Location Average  
View Residential  
Site 49,959  
Quality Average  
Age 46



## Subject Rear

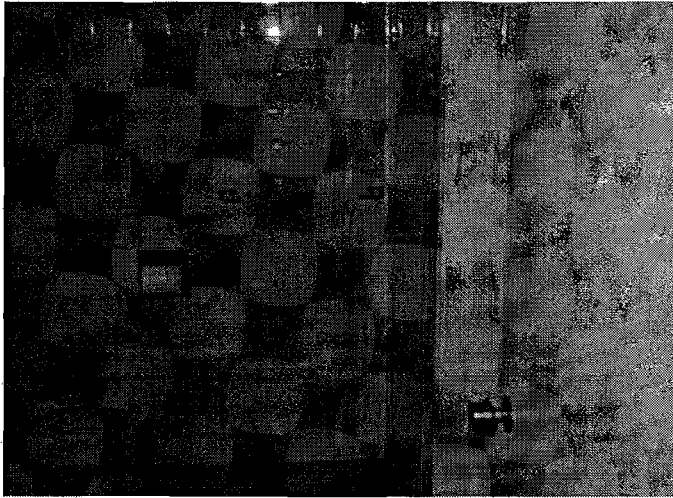


## Subject Street

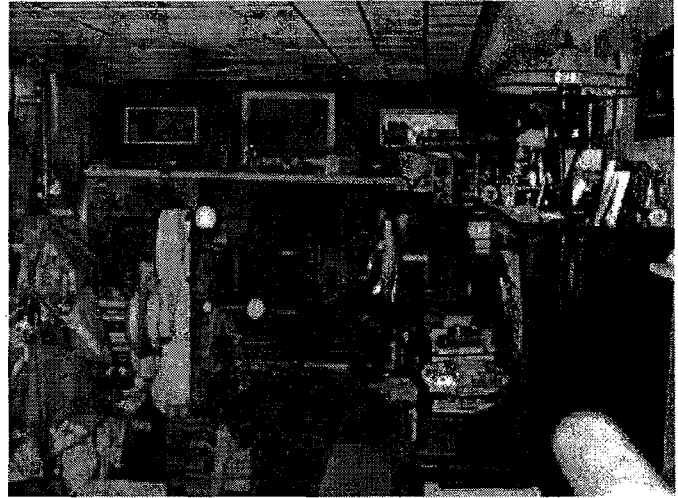
# Photograph Addendum

## #151-09

Borrower/Client	Rosalie Avila		
Property Address	192 Lexington Street		
City	Newton	County	Middlesex
		State	Ma
		Zip Code	02466-1307
Lender	Bob Enkler		



**Bathroom**



**Living room**



**Furnace**



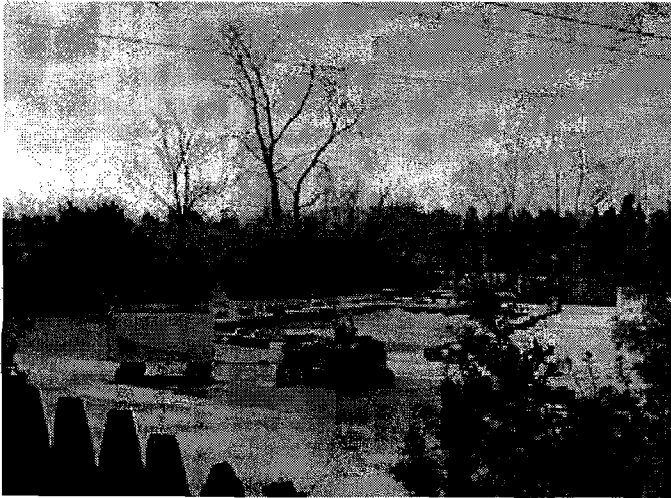
**Kitchen**



# Photograph Addendum

## #151-09

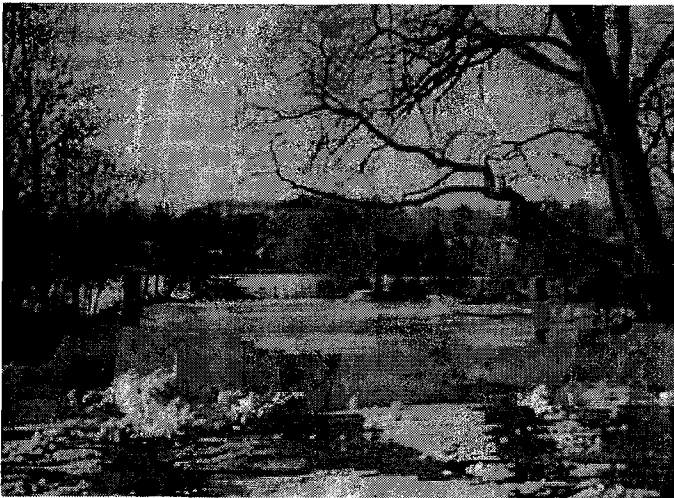
Borrower/Client	Rosalie Avila						
Property Address	192 Lexington Street						
City	Newton	County	Middlesex	State	Ma	Zip Code	02466-1307
Lender	Bob Engler						



**Rear yard & Pool**



**Driveway View**

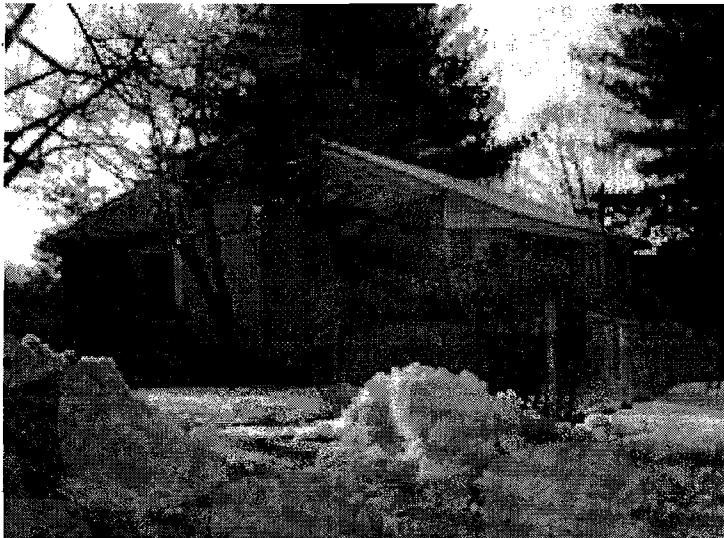


**Frontage on Albert Road**

# Comparable Photo Page

# #151-09

Borrower/Client	salie Avila						
Property Address	192 Lexington Street						
City	Newton	County	Middlesex	State	Ma	Zip Code	02466-1307
Lender	Bob Engler						



## Comparable 1

65 James Street  
Prox. to Subject 0.41 miles NE  
Sales Price 499,000  
Gross Living Area 1,156  
Total Rooms 6  
Total Bedrooms 3  
Total Bathrooms 1.5  
Location Aver/Gd 3%  
View Residential  
Site 7,423 SF  
Quality Average  
Age 45



## Comparable 2

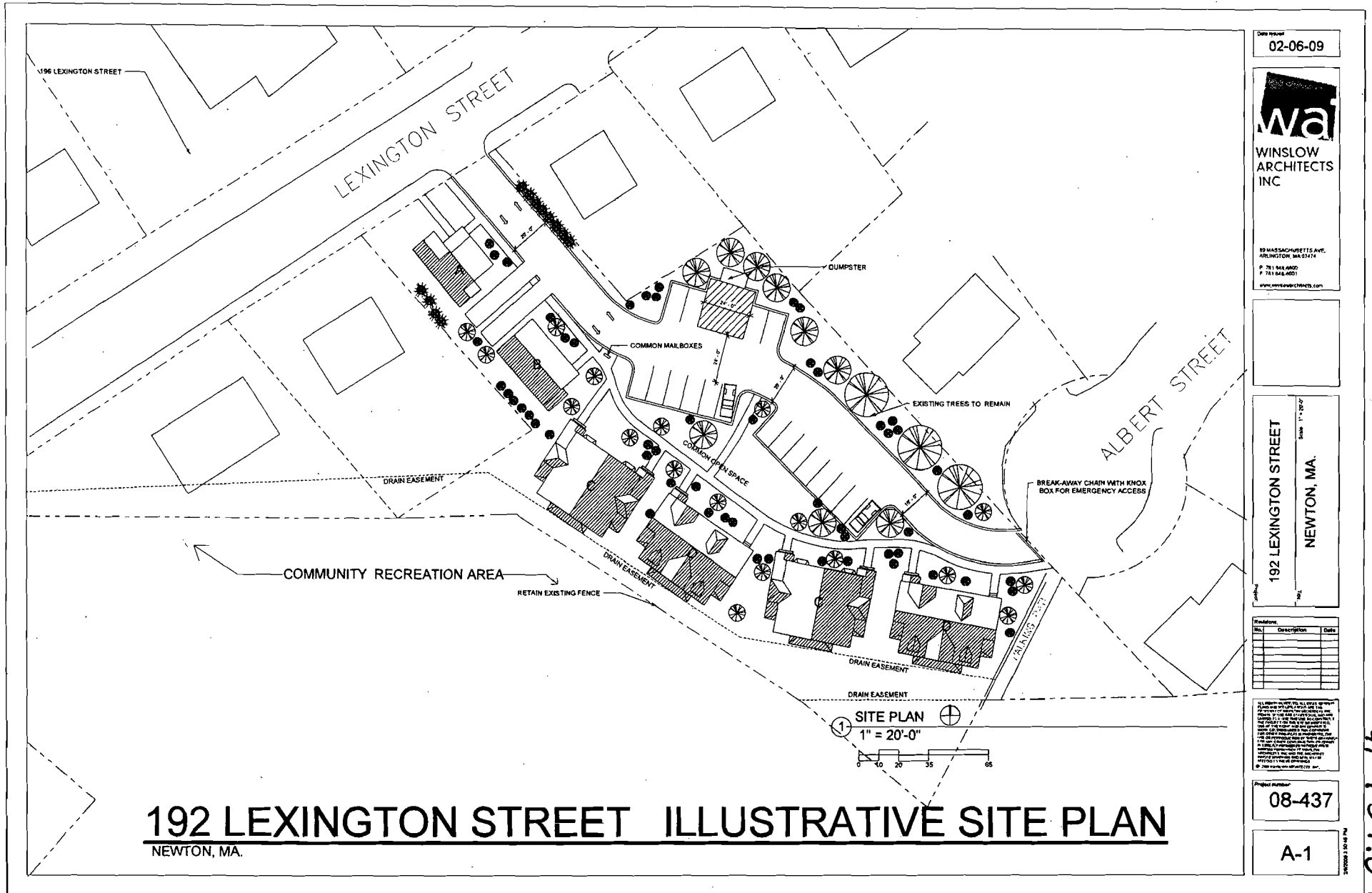
136 Waltham Street  
Prox. to Subject 1.10 miles NE  
Sales Price 500,000  
Gross Living Area 1,599  
Total Rooms 7  
Total Bedrooms 3  
Total Bathrooms 1.5  
Location Average  
View Residential  
Site 5,463 SF  
Quality Average  
Age 59

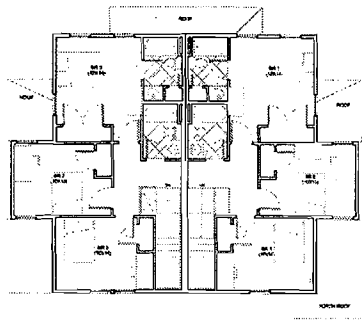


## Comparable 3

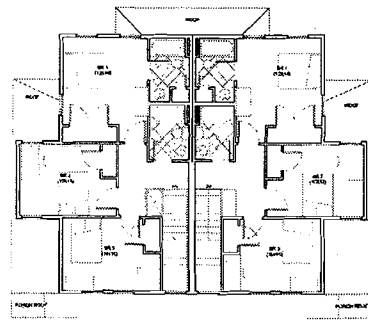
342 Lexington Street  
Prox. to Subject 0.36 miles SW  
Sales Price 550,000  
Gross Living Area 1,853  
Total Rooms 7  
Total Bedrooms 4  
Total Bathrooms 1.5  
Location Average  
View Residential

# 151.09

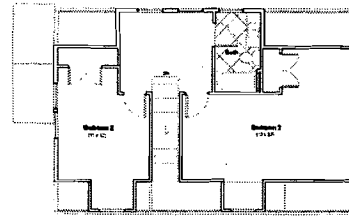




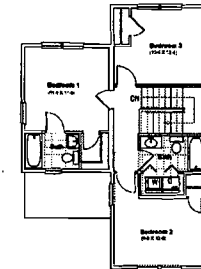
SECOND FLOOR PLAN



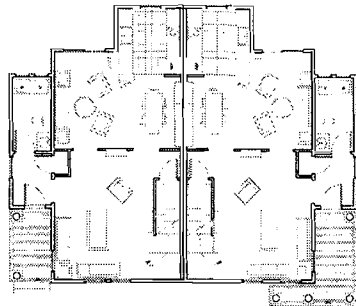
SECOND FLOOR PLAN



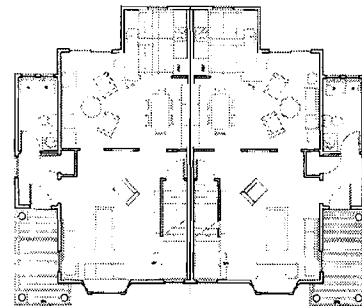
SECOND FLOOR PLAN



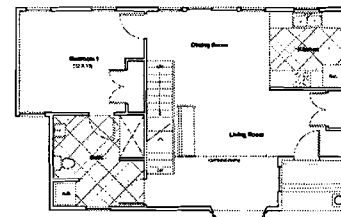
SECOND FLOOR PLAN



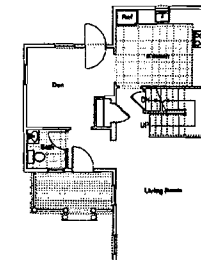
FIRST FLOOR PLAN



FIRST FLOOR PLAN



FIRST FLOOR PLAN



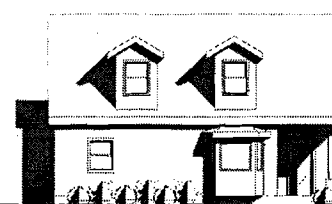
FIRST FLOOR PLAN



BUILDING TYPE 'D'



BUILDING TYPE 'C'



BUILDING TYPE 'B'



BUILDING TYPE 'A'

# 192 LEXINGTON STREET FLOOR PLANS & ELEVATIONS

NEWTON, MA.

Date issued  
2-06-09



WINSLOW  
ARCHITECTS  
INC

88 HANCOCK STREET, 4TH FL.

NEWTON, MA 02459

P: 781-552-8000

F: 781-552-8001

WWW.WINSLOWARCHITECTS.COM

192 LEXINGTON STREET  
NEWTON, MA

Revision	Description	Date

Project Number: 08-437

Scale: 1/8" = 1'-0"

Drawn by: [Name]

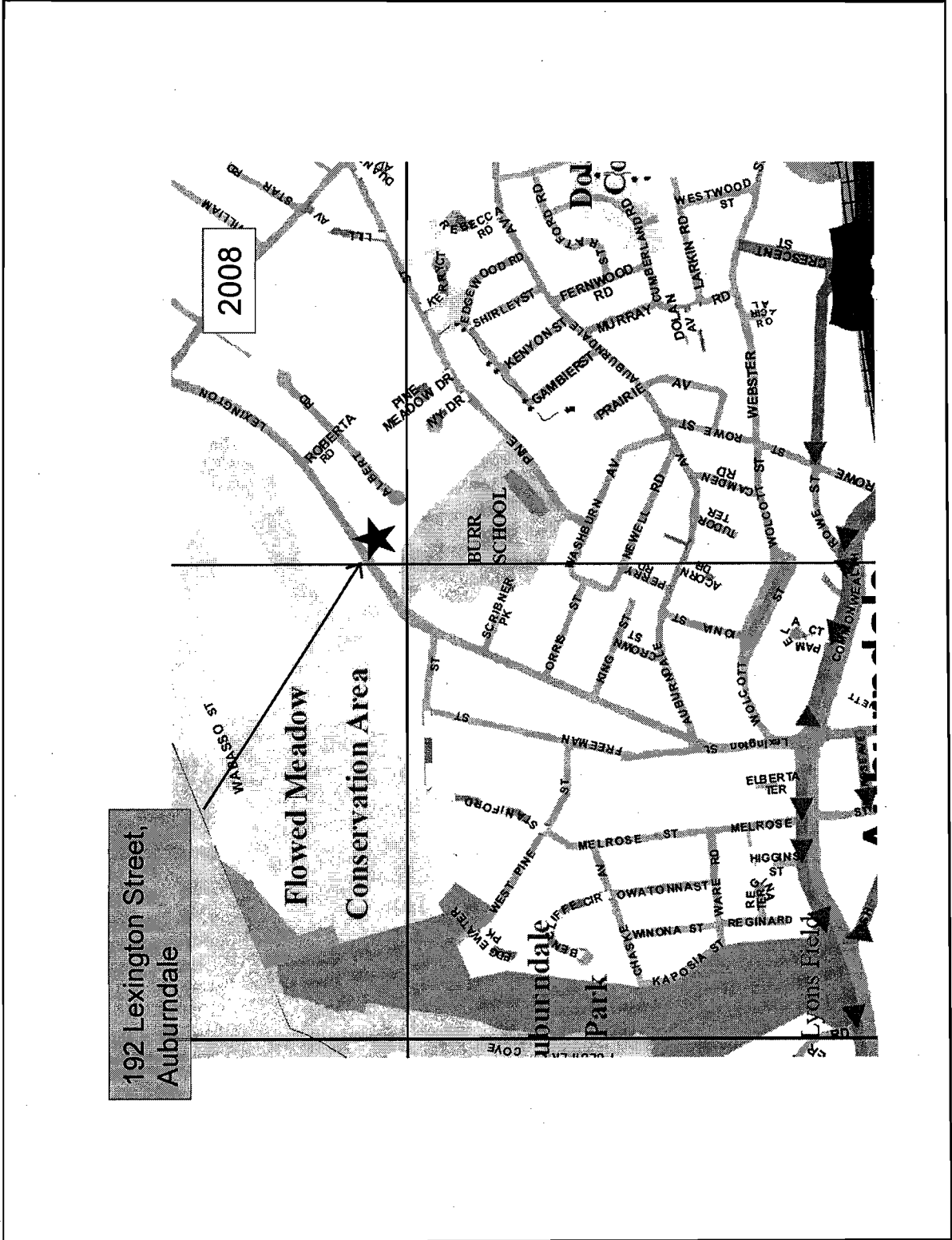
Checked by: [Name]

Approved by: [Name]

Project Number: 08-437

A-2

1/17/09 LUNA PA



192 Lexington Street,  
Auburn, Maine

2008

Flowed Meadow  
Conservation Area

BURR  
SCHOOL



192 Lexington Street  
Auburndale

Address	Lot Size square feet	Units
199 Lexington	40,189.00	20
181 Lexington	44,780.00	30
155-163 Lexington	80,569.00	52
145 Lexington	42,377.00	24
125 Lexington	29,029.00	12
206-208 Lexington	10,574.00	2
198-200 Lexington	10,192.00	2
188 Lexington	7,000.00	1
180-182 Lexington	10,050.00	2
174 Lexington	10,022.00	1
166 Lexington	10,003.00	1
160 Lexington	5,334.00	1
158 Lexington	7,009.00	1
152-154 Lexington	8,899.00	2
148 Lexington	9,021.00	1
11 Roberta	7,468.00	1
85 Albert	7,118.00	1
91 Albert	7,147.00	1
95 Albert	7,093.00	1
103 Albert	10,000.00	1
109 Albert	10,000.00	1
115 Albert	10,183.00	1
<b>TOTALS</b>	<b>384,057</b>	<b>159</b>
<b>AVERAGE LOT SIZE</b> square feet	<b>2,415</b>	
<b>EXISTING AVERAGE</b> units per acre	<b>18.0</b>	
<b>PROPOSED</b> PROJECT units per acre	<b>8.7</b>	





192 Lexington Street,  
Auburndale

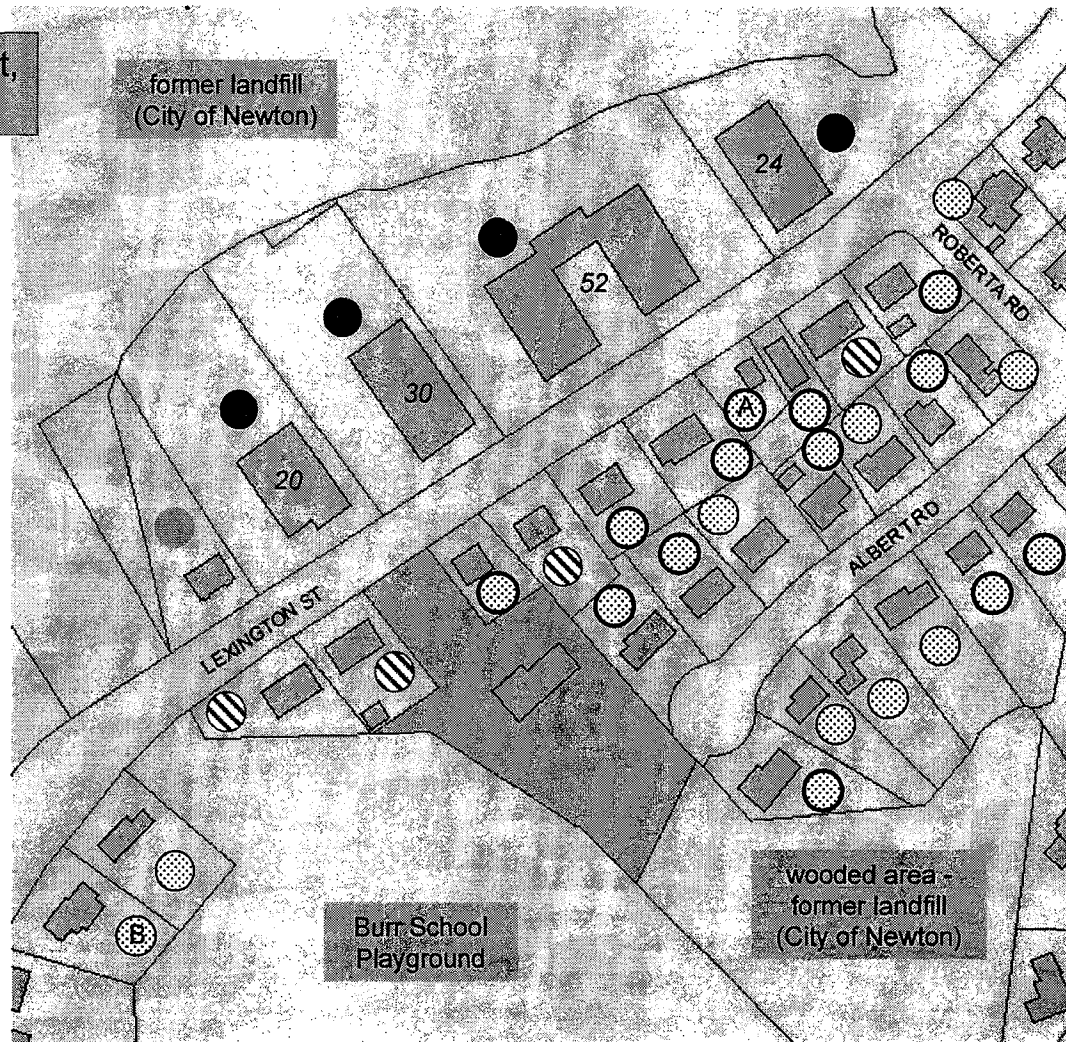
former landfill  
(City of Newton)

information from City  
of Newton online  
assessors' database:

- multi-family  
(no. of units)
- three-family
- ▨ two-family
- one-family

online database  
"house size":

- A smallest one-family  
shown: 672 sq ft
- B largest one-family  
shown: 2,250 sq ft
- < 1500 sq ft



wooded area -  
former landfill  
(City of Newton)

Burr School  
Playground

192 Lexington Street,  
Auburndale

—  
approximate  
corrected  
property lines



■ ■ ■ ■ ■  
walking path to  
playground -  
portion through  
project site will  
be repaired &  
donated to City



# 151.09

32 Lexington St, Newton, MA 02466

Proposed Site

42° 21' 12.71" N 71° 14' 33.04" W

© 2008 TeleAtlas

elev 18 m

Jul 29, 2007

Eye alt

487 m

Google



**REFERRED TO CMTE. ON COMM. PRES. & 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]

**ACTION:**     **APPROVED 3-0-2 (Ald. Ciccone and Yates abstaining)**

**NOTE:** Ald. Lappin explained that at the last discussion of this item, further information was requested from the petitioners. That information was provided and was attached to the agenda for this meeting. Geoff Engler, from SEB, an affordable housing developer and consultant, presented this item. He said he believed they had addressed all the questions that were asked at the last meeting and he and Bob Engler were there to answer any further questions or revisit any elements of the proposed development.

Ownership

Ald. Linsky asked about the ownership of the property. He referred to a memo from the City's Law Department that explained that 50% of the ownership fell to Emily Avila, and the other 50% was held by a named trustee for John Avila. Bob Waddick, Assistant City Solicitor, explained that the named trustee is Lawrence Ardito. The lawyer for the Avila Estate, Peter Caruso, represented that Mr. Ardito is agreeable to the sale of the property at 192 Lexington St. Mr. Caruso said that he will provide a letter from Mr. Ardito to verify that and the letter will be provided in time for the Finance Committee meeting. Mr. Waddick said that he reviewed the documents of the estate and his opinion is that John Avila is entitled to a 50% share of the income of the sale that will be held in trust by Lawrence Ardito. John Avila has no authority as to the disposition of the property. He only has a right to 50% of the income of the sale, through his trustee. Ald. Lappin pointed out that if they approve the project, and for some reason there is a problem with the title and the property cannot be purchased, obviously the project will not happen and no money will be spent.

Costs for 8 Unit Development

Ald. Ciccone referred to a plan that brought the project from 10 units to 8 units. As requested, Geoff and Bob Engler provided a budget for such a project. Ald. Ciccone wondered why the cost wasn't reduced by reducing the number of units. Mr. Engler explained that much of the costs were fixed regardless of the number of units. Money would be eliminated by not having to build the actual structures, however, all the soft costs such as engineering, architects, site work and other fixed costs such as grading, storm water management, etc., all remain the same. He said they need the amount of money shown in the 8 unit budget to make the project viable. Mr. Engler also pointed out that they may save money on the materials and labor to build two structures, but they also lose the sale revenue of those two structures.

CPC Support

Joyce Moss said she felt this project was exemplary and the Community Preservation Committee was impressed with the plan. She looked at the site and felt this development would fit in very well with the feel of the present neighborhood. She also pointed out that the developers were known for doing high quality work.

Geotechnical Studies

Ald. Harney said that the reports of the geotechnical studies from McPhail raised some issues. He wondered why there was not a report from the City on this. Ms. Ingerson explained that the Engineering Dept. said they have to do a thorough site review during the permitting process, and they cannot do it until they have fully engineered site plans. Ald. Harney thought the reports indicated some serious problems and they needed to have a better understanding of them before they approved funding. Bob Engler said that McPhail did raise some concerns and the seller is obligated to do the clean-up under the terms of the Purchase and Sale agreement. The seller has hired a consulting engineer and that engineer has to approve McPhail's work. It is taking time to get that approval. Once they approve the work and decide on the scope of the work, a price tag can be put on the clean up. They can then determine who will be paying for it. SEB cannot buy the site or touch any HOME or CDBG money until the work has been identified and approved.

Ald. Harney said this property is an old dump site and he remains concerned. Mr. Engler said they have done Phase 1 testing and they know enough to put parameters around the issue. He said it was not totally unknown what was under there. The issue is more specific. They know where some of the ash is under the building foundation and they need to remove an oil tank, for example. There is nothing running off the site, but they will be doing monitoring wells to be sure of that. Mr. Engler said that all the information will ultimately be shared, the city will be reviewing it, and the Zoning Board of Appeals will also be reviewing it. It was a process.

Ground Water

Ald. Yates wondered if there was a problem with ground water. Geoff Engler said McPhail did a thorough soil evaluation and wetlands or bogs were not identified as an issue. There were some unsuitable soils in the ground from old construction materials that were buried there, but no problem with water. The water table is very low at about 38 feet.

Ald. Hess-Mahan moved approval of this item and the committee voted approval 3-0-2.

Respectfully Submitted,

Cheryl Lappin, Chairman

CITY OF NEWTON

IN BOARD OF ALDERMEN

, 2009

ORDERED:

That in accordance with the recommendation of the Committee on Community Preservation through its Chairman Cheryl Lappin and the Finance Committee through its Chairman Paul E. Coletti, the sum of two million forty-six thousand dollars (\$2,046,000) to be appropriated from Community Preservation Fund's community housing and general reserves be and is hereby appropriated, granted and expenditure authorized for the purpose of creating ten permanently affordable homeownership units of community housing at 192 Lexington Street.

FROM:	Fund-Balance Community Housing (21-334C).....	\$ 845,630
	2009 CPA Reserves (21R10498-5790).....	\$ 926,236
	(21R10898-5790C).....	\$ 274,134
TO:	Lexington Street Housing (21C11415-5797).....	\$2,046,000

Under Suspension of Rules  
Readings Waived and ----

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

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

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#240-09

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

August 4, 2009

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

09 AUG -4 PM 4:28  
CITY CLERK  
NEWTON, MA, 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate twenty-four thousand, three hundred dollars (\$24,300) from Receipts Reserved for Appropriation for the purpose making a grant for the rehabilitation of the Warren House. These funds are the portion of the Inclusionary Housing fees designated for the Newton Community Development Authority.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

From: RECEIPTS RESERVED  
Fund (14Q1148-J901) 24,300  
To: WARREN HOUSE IMPV.  
GRANT (C114021-J797) 23,400

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

08/05/2009



# CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development  
Michael J. Kruse, Director

David B. Cohen  
Mayor

#240-09

Telephone  
(617)-796-1120

TDD/TTY  
(617) 796-1089

Telefax  
(617) 796-1142

E-mail  
mkruse@newtonma.gov

July 28, 2009

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

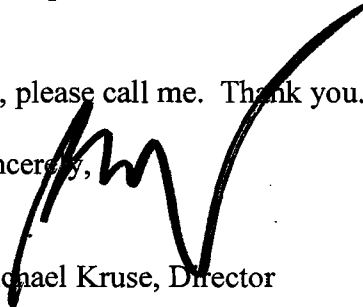
Dear Mayor Cohen:

I write to ask that you docket an item to appropriate the sum of \$24,300 from the Receipts Reserved for Appropriation Fund for the purpose of making a grant to the Newton Community Development Foundation (NCDF) for rehabilitation of the Warren House, a 59-unit mixed-income rental project at 1600 Washington Street. The Warren House is currently facing the need for significant capital repairs and this investment follows our May 2007 request to you that \$43,123.50 be granted to assist with these repairs. Warren House is currently owned by Warren House Associates Limited Partnership. Keen Development Corp. and the Newton Community Development Foundation (NCDF) are co-general partners. NCDF has served as property manager for the past 15 years.

Newton Community Development Foundation has developed a short- and a longer-term strategy to complete the needed repairs and to refinance the property in a manner that secures the long-term affordability of the 21 affordable units that are occupied by households at or below 50 percent of area median income. Currently, long-term affordability restrictions only apply to 15 of the 21 units. The requested funds in the amount of \$24,300 will be applied toward the total cost of rehabilitation, along with \$1,082,500 that was recently appropriated by the Board of Aldermen from the Community Preservation Fund. The work includes roof replacement, brick masonry replacement, repointing, cast stone repairs and/or replacement as well as exterior painting of the window units.

If you have any questions regarding this subject, please call me. Thank you.

Sincerely,

  
Michael Kruse, Director

cc: Sanford Pooler, Chief Administrative Officer  
Susan Burstein, Chief Budget Officer  
David Wilkinson, Comptroller

1000 Commonwealth Avenue, Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)

09 AUG -4 PM 4:28  
CITY CLERK  
NEWTON, MA. 02159



CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2009

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Paul E. Coletti, the sum of twenty-four thousand, three hundred dollars (\$24,300) be and is hereby appropriated from Receipts Reserved Fund be and is hereby appropriated, granted and expenditure authorized for the purpose of making a grant for the rehabilitation of the Warren House.

FROM:	Receipts Reserved Fund (14Q114B-5901).....	\$24,300
TO:	Warren House Improvement Grant (C114021-5797).....	\$24,300

Under Suspension of Rules  
Readings Waived and

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee

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



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#266-09

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

August 28, 2009

09 AUG 31 AM 9:41  
CITY CLERK  
NEWTON, MA 02459

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 accept and expend up to \$50,000 from the Centers for Disease Control and Prevention. These funds are going to be made available over the next 10 months to support activities related to disease control and prevention directed specifically toward the H1N1 virus.

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](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE

#266-09

City of Newton



David B. Cohen  
Mayor

HEALTH AND HUMAN SERVICES DEPARTMENT

J. David Naparstek, Commissioner  
1294 Centre Street  
Newton, MA 02459-1544

Telephone 617.796.1420 Fax 617.552.7063  
TDD/TTY 617.796.1089



Public Health  
Prevent. Promote. Protect.

August 18, 2009

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

09 AUG 19 PM 3:04  
CITY CLERK  
NEWTON, MA 02159

RE: Docket Item Request

Dear Mr. Mayor

Please docket an item before the Board of Aldermen to establish a revolving fund in the amount of \$50,000 to be used as an Influenza Control Fund, and to authorized the expenditure of this fund by the department. I am requesting that this action be expedited as an emergency action.

We have learned that the Centers for Disease Control and Prevention will be allocating funds through state health departments for the purpose of supporting local H1N1 (swine) flu control programs. The funds will be used for personnel and other expenses related to conducting public H1N1 influenza clinics and other disease control activities.

The State Commissioner of Public Health has indicated that there will be two separate allocations over the next ten months. The amount of funding to be allocated statewide and ultimately to local communities has not yet been determined. These funds must be dedicated strictly to H1N1 influenza control and must be kept separate from all other emergency preparedness and response funds that the city receives.

Since the amount is not yet established, I am requesting a relatively high limit in order to avoid having to resubmit this request to the Board. It is anticipated that the funds from CDC will be adequate to meet the costs associated with the H1N1 Influenza Control program. Thank you.

Very truly yours

J. David Naparstek  
Commissioner of Health and Human Services

cc: David Olson, City Clerk  
Sandy Pooler, Chief Administrative Officer  
David Wilkinson, Comptroller

Email: [dnaparstek@newtonma.gov](mailto:dnaparstek@newtonma.gov)

#266-09

**CDC Public Health and Social Services Emergency Fund**

**PHER III - Funding for Implementation of the Pandemic (H1N1) Influenza Vaccination Campaign**

**(CDC-RFA-TP09-90202-H1N109)**

09 SEP -4 AM 10:58  
CITY CLERK  
NEWTON, MA. 02159

**Purpose:**

CDC is awarding \$846 million to PHER awardees for implementation of the 2009 H1N1 influenza mass vaccination campaign, which is expected to begin in mid-October 2009. These funds will "provide financial resources for implementing a mass vaccination campaign at the state, local, tribal, and territorial levels and to address any remaining mass vaccination-related implementation gaps identified during PHER Phase I and Phase II planning.

It is expected that "a significant portion of the funds will be distributed to, and utilized at, the local level."

**MA Amount:** \$17,598,697 (formula = base + population)

**Deadline:** Application due by 2 pm on September 15, 2009 (grants.gov)

**Award Notices:** Expected on or before September 28, 2009

**Application requirements:**

- submit state's mass vaccination plan (will not be graded or scored)
  - letter, signed by preparedness director, immunization program manager, and authorized fiscal officer, requesting that the entire amount be awarded
  - Form 424A
  - detailed budget on template to be provided by CDC, including budget justification.
- PHER III funds must be tracked separately from PHER I and II funds***

**Recipient Activities:**

CDC expects that "a significant portion of the funds" will be used to fund temporary personnel costs associated with mass vaccination, including funding local/regional public health agencies for vaccination, contracting with vaccinators to vaccinate on behalf of public health agencies, and other models for funding temporary mass vaccination personnel.

**Other recipient activities may include:**

- administering vaccine in public health-organized clinics and dispensing sites organized on behalf of public health agencies
- contracting with vaccinators
- identifying, engaging, and registering private-sector partners for potential vaccine administration

#266-09

- implementing public health ICS
- supporting logistical and administrative costs associated with vaccine administration sites
- providing cold-chain capacity
- assuring vaccine safety monitoring and reporting
- tracking vaccine and ancillary supplies
- monitoring and reporting doses administered
- implementing vaccine communication strategy identified in PHER II
- implementing public communication strategies, especially those aimed at ACIP priority groups
- dispensing/distributing anti-viral meds
- implementing community mitigation measures
- identifying medically vulnerable populations and providing vaccinations through mobile vaccination teams, home-based vaccination, institutional vaccination, outreach teams, or other similar means
- assuring adequate security at central receiving sites and vaccine administration sites
- developing IT infrastructure for tracking H1N1 personnel, contractors, contracts, inventory, grant funding, and other expenses
- space rental, refrigeration, and transportation expenses related to transportation from central receiving sites to vaccine administration sites
- buying PPE for "public sector mass vaccination workforce, fit testing costs, and maintenance of a respiratory protection program for public and health care sector workforce (in accordance with CDC guidelines)"
- ensuring surge capacity at public health operations center
- assuring medical/public health surge capability through mobilization of MSAR, MRCs, ARC, CERT teams and other volunteer agencies
- registering and credentialing of volunteers
- assuring interoperable communications
- Direct Assistance personnel through CDC

**Additional Conditions and Considerations:**

- as a condition of receiving funds, awardees and those working on behalf of public health agencies are prohibited from turning away persons due to inability to pay
- CDC encourages awardees to work with *private* sector to develop strategies to reduce the number of persons turned away due to inability to pay, and encourage private sector providers to bill insurers for the cost of administration where possible
- ACIP recommendations for priority groups "should not be interpreted to mean that those outside of the priority groups should be turned away or refused vaccination." State plans should include mechanisms to get vaccine to those in priority groups as early as possible.

# 266-09

**Additional Requirements:**

- monthly progress reports via PERFORMS, beginning November 10, using CDC template to report (1) number of doses administered, (2) breakdown of doses administered by private vs public sector (including those working on behalf of public health agencies), (3) number of provider sites enrolled as ship-to sites, (4) "other relevant mass vaccination data", and (5) promising practices/lessons learned
- H1N1 Mass Vaccination After Action Reports, Improvement Plans, and Corrective Action Plans (through DSLR's LLIS.gov)
- AARs, IPs, CAPs due as of March 31, 2010, for time period from October 1, 2009 through December 31, 2009

#266-09  
#266-09(2)  
DRAFT

CITY OF NEWTON

IN BOARD OF ALDERMEN

, 2009

EMERGENCY PREAMBLE

WHEREAS, it is the opinion of the Board of Aldermen that the following measure constitutes an Emergency Measure under Section 2-9 of the Charter of the City of Newton, based on the fact that these funds will be available to support activities related to disease control and prevention.

WHEREAS, it is necessary to protect the health and safety of the people of the City of Newton:

THEREFORE, the following measure shall be and hereby is adopted as an Emergency Measure, which shall take effect immediately upon adoption:

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman, Paul E. Coletti, the following two items be and is hereby approved by the Honorable Board of Aldermen:

#266-09      HIS HONOR THE MAYOR requesting authorization to establish and expend from a revolving fund of up to fifty thousand dollars (\$50,000) funds anticipated from the Centers for Disease Control and Prevention for H1N1 influenza control.

Under Suspension of Rules  
Readings Waived and Emergency Measure and Item -----

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

# 81104

BOARD OF ALDERMEN

CITY OF NEWTON

09 MAR 10 AM 9:17

DOCKET REQUEST FORM

CITY CLERK

DEADLINE: ~~NEWTON VIA 02158~~ **Adm**ermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be assigned to Committee(s) and voted for inclusion that evening.

To: Clerk of the Board of Aldermen

Date: March 10, 2009

From (Docketer): Ald. Sangiolo

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Additional sponsors:

Ald. Brandel, Freedman, Hess-Mahan

1. Please docket the following item (it will be edited for length if necessary):

Ald. Sangiolo and Brandel 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

2. The purpose and intended outcome of this item is:

- |  |   |
|--|---|
| <input type="checkbox"/> Fact-finding & discussion             | <input type="checkbox"/> Ordinance change                   |
| <input type="checkbox"/> Appropriation, transfer,              | <input type="checkbox"/> Resolution                         |
| <input type="checkbox"/> Expenditure, or bond authorization    | <input type="checkbox"/> License or renewal                 |
| <input type="checkbox"/> Special permit, site plan approval,   | <input type="checkbox"/> Appointment confirmation           |
| <input type="checkbox"/> Zone change (public hearing required) | <input checked="" type="checkbox"/> Other: <u>Home Rule</u> |

3. I recommend that this item be assigned to the following committees:

- |   |  |  |
|---|--|--|
| <input checked="" type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance                  | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning              | <input type="checkbox"/> Public Safety                       | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities              | <input type="checkbox"/> Land Use                            | <input type="checkbox"/> No Opinion        |
| <input type="checkbox"/> Post Audit & Oversight         | <input type="checkbox"/> Committee on Community Preservation |  |

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency:  
\_\_\_\_\_

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT BOTH SIDES



5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting

- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item: (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion\*:

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide all additional materials to the Clerk's office by Noon on Friday before the Committee meeting where it will be discussed. The materials must be provided in both electronic form and hard copy. This will give Aldermen a chance to review all relevant materials before discussion. Materials not submitted 48 hours in advance of a meeting will require a vote to suspend the rules the night of the Committee's discussion in order to allow the material to be presented.)

Please check the following:

- 9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is: \_\_\_\_\_
- 11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Amy Mah Sangiolo

Signature of person docketing the item

[Please retain a copy for your records]

**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]

**ACTION:** **APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting)**

**NOTE:** Ald. Brandel explained that this item came out of the previous discussion concerning a proposed reduction in Aldermanic salaries for the next fiscal year. The Aldermen are classified as part-time employees and currently receive the full-time benefit of health insurance. When you look at the budget and Citizen Advisory Group reports, it is very apparent that health care benefits have a huge impact on the city's budget. One of the things that Ald. Brandel and other Aldermen have looked at is whether it is fair for part-time employees to receive a full-time benefit from the city. This item is intended to be a first step towards a larger policy discussion and possibly a larger action. The Board would be taking the lead by reclassifying its' health care treatment to make it in step with a part-time employee. It is yet to be determined what the ratio would be in terms of cost to the city and the Alderman.

Ald. Hess-Mahan thought the intention of the docket item applied only to elected officials. He did not realize that it was the intent to include other part-time groups into the discussion and is not sure he is now in agreement with the item. Ald. Hess-Mahan was looking at this as a symbolic gesture. Ald. Brandel responded that this was not intended to be a symbolic gesture but was intended to be a first step of a larger policy discussion.

Assistant City Solicitor, Marie Lawlor, joined the Committee for the discussion. Ms. Lawlor explained that health insurance benefits are governed by Massachusetts General Law Chapter 32B, which is the mechanism that the State empowers municipalities to provide health insurance for employees. It is a very convoluted statute and very difficult to understand. She stated that the distinction is not part-time versus full-time in terms of what you can do for percentage of employee contribution. Eligibility of Aldermen or any elected official for health insurance is included in the definition of employee in Chapter 32B. Employee under that statute includes anyone in the service of the government, who receives compensation whether employed, appointed, or elected. There is a proviso that states if the employee works a minimum of 20 hours per regular work week. There is an exception for elected officials as to the 20-hour requirement, which states that an elected official is eligible regardless of the number of hours worked because the determination can be made that they are going to be deemed to work over 20 hours a week. The exception is a may. Later in that same section, it states that the Mayor of the city or town determines whether elected officials are going to be eligible. The Law Department had an occasion to research this issue for another purpose and found that there was no written Mayoral determination made. However, the policy of the city has been this way for many years that it is pretty fair and reasonable to say that at some point a Mayor determined that elected officials would be eligible for health benefits. There are two ways that Aldermen could be eligible for health benefits. The first is through Mayoral determination or each Alderman would have to go through an individual analysis to determine if they worked 20 hours per week. It has always been the policy of the city that elected officials are eligible for health insurance.

Ms. Lawlor went on to address what the Aldermen can do in terms of the percentage rate paid by elected officials for health insurance. In general, Chapter 32B requires uniformity of contributions rates that employees pay towards the monthly cost of the health insurance. There are two types of health insurance. Under indemnity plans, the law requires that the rates be uniform across all employees; however, the city no longer offers indemnity plans. The city offers HMO plans and for HMO coverage, the law states that the employee must contribute between 50% and 10% of the cost. The rate within that range is determined by the local process but for unions alone the rate must be 10% unless a different rate is agreed to within that range by the collective bargaining process. For all other active non-union employees the rate is set by the normal political process and must be uniform with those groups. For the Aldermen to set a different contribution rate for elected officials it would require a special act. Ms. Lawlor prepared draft language, which was attached to the agenda for review. Ms. Lawlor pointed out that the Aldermen need to make a determination on who should be included under the definition for elected officials in the draft language.

Ald. Baker stated that there are members of the Board that do not take advantage of the health insurance benefit. He has some misgivings regarding making an exception in a policy, which is ultimately going to be part of the compensation that is negotiated with the collective bargaining process that is an executive and not a legislative function. It seems to be getting into something far beyond the scope of what was intended. He respectfully cannot support the item. Ald. Hess-Mahan thought the item was going to be much simpler, as it turns out it is a far more complex issue. He is currently unable to support the item, which does not mean he does not think the Board should be taking the lead by asking itself to pay higher premiums. He feels that the employees of the city should also be asked to pay higher premiums. However, he does not associate himself with the comments about taking health insurance benefits away from part-time employees. Ald. Sangiolo responded that the item before the Committee only addresses elected officials. She felt that the Mayor should not be included as part of the request for special legislation language to require elected officials to contribute a higher percentage rate for health insurance benefits, as the Mayor is a full-time employee. Ald. Hess-Mahan was willing to support the item, as long as it only includes the Board and School Committee. Ald. Freedman feels that the growth of health insurance costs is killing the city's budget. The current trend suggests that the costs of health care benefits are going to rise between 11% and 12% next year. He pointed out that the city will be paying between \$15 and \$16,000 for a part-time person's benefits, which is approximately what a part-time person is being paid. He thinks it is a statement to say that the Board is willing to take some reasonable decrement in what the City is contributing towards health benefits. Ald. Parker suggested looking at other ways to compensate part-time employees instead of health insurance benefits. Ald. Gentile felt that health insurance might be an incentive to run for the Board or School Committee. He would like some formal input from the School Committee before any action is taken on the item. Ald. Freedman agreed that there should be an effort to get some input from the School Committee and suggested sending a letter. Ald. Sangiolo suggested that the item be moved subject to second call in order to move it out of committee. Ald. Gentile reminded the Committee that the item is also referred to the Finance Committee, which should allow ample time to get a response from the School Committee before the item reaches the floor of the Board. Ald. Freedman moved approval of the

item with the exclusion of the Mayor from the request for special legislation 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.

# 352-08

BOARD OF ALDERMEN

08 SEP 30 PM 1:54

CITY OF NEWTON

CITY CLERK  
NEWTON, MA. 02159

DOCKET REQUEST FORM

**DEADLINE NOTICE:** Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen

Date: 9/30/2008

From (Docketer): ALD PAUL COLETTI

Address/phone/email: NESSI 49 @ aol.com  
(617) 293-6455

Additional sponsors:

1. Please docket the following item (edit if necessary):

ALD COLETTI REQUESTING MONTHLY REPORT FROM BUDGET DIRECTOR + COMPTROLLER ON THE STATUS OF THE HEALTH INSURANCE TRUST FUND

2. The purpose and intended outcome of this item is:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Fact-finding & discussion                                      | <input type="checkbox"/> Ordinance change         |
| <input type="checkbox"/> Appropriation, transfer, expenditure, or bond authorization               | <input type="checkbox"/> Resolution               |
| <input type="checkbox"/> Special permit, site plan approval, zone change (public hearing required) | <input type="checkbox"/> License or renewal       |
|  | <input type="checkbox"/> Appointment confirmation |
|  | <input type="checkbox"/> Other                    |

3. I recommend that this item be assigned to the following committees:

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Programs & Services                 | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property     |
| <input type="checkbox"/> Zoning & Planning                   | <input type="checkbox"/> Public Safety      | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities                   | <input type="checkbox"/> Land Use           | <input type="checkbox"/> No Opinion        |
| <input checked="" type="checkbox"/> Post Audit & Oversight   |   |  |
| <input type="checkbox"/> Committee on Community Preservation |   |  |

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency: \_\_\_\_\_
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE

5. I estimate that consideration of this item will require approximately:

- One half hour or less  
 More than one hour  
 More than one meeting
- Up to one hour  
 An entire meeting  
 Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

SUSAN BURSTEIN  
DAVE WILKINSON  
SANDY POOLER

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion \*:

MONTHLY PREPARED REPORT ON IBNR,  
MONTHLY EXPENDITURES, CURRENT SURPLUS/DEFECIT


8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

Please check the following:

9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.




Signature of person docketing the item

[Please retain a copy for your own records]

#352-08

**COMPTROLLER'S OFFICE  
CITY OF NEWTON, MASSACHUSETTS**

September 11, 2009

TO: Finance Committee  
FROM: David Wilkinson   
SUBJECT: **Docket Item #352-08  
Group Health Self-Insurance Fund Status Report**

The enclosed report summarizes the financial position and operating activity of the fund for the first two months the current fiscal year, along with comparative information for the first two months of last year.

Although paid claims for the first two months of the current year are approximately \$500,000 less than total paid claims for the first two months of last fiscal year, fund expenditures nonetheless exceeded revenues by \$600,898 (\$313,919 for the Tufts plan and \$286,979 for the Harvard-Pilgrim plan). Because the equity position of the Tufts plan remains strong, it ended the first two months of the year with a fund balance of \$8.8 million, while the Harvard-Pilgrim plan's fund balance dipped into negative territory (\$188,068).

It's significant to note that the months of July and August accounted for 86% of the fiscal year 2009 decline in the Tufts Health plan fund balance for the entire year. July and August operating activity accounted for 52.5% of the decline in fund balance of the Harvard-Pilgrim plan during the same time frame.

I'll continue to report monthly on the status of this fund.

09 SEP 11 PM 12:57  
CITY CLERK  
NEWTON, MA. 02159

CITY OF NEWTON, MASSACHUSETTS  
GROUP HEALTH SELF INSURANCE FUND  
COMPARATIVE BALANCE SHEET  
August 31, 2009  
(with comparative totals for August 31, 2008)

	August 31, 2009	August 31, 2008	\$ Change	% Change
<b>ASSETS:</b>				
Cash & temporary investments	\$ 12,661,977	\$ 13,801,729	\$ (1,139,752)	-8.3%
Health benefit deposits	359,242	354,829	4,413	1.2%
<b>Total Assets</b>	<b>13,021,219</b>	<b>14,156,558</b>	<b>(1,135,339)</b>	<b>-8.0%</b>
<b>LIABILITIES &amp; FUND BALANCES:</b>				
Accrued self insurance claims payable	4,412,246	4,164,081	248,165	6.0%
<b>Total Liabilities</b>	<b>4,412,246</b>	<b>4,164,081</b>	<b>248,165</b>	<b>6.0%</b>
Fund Balance - Group Health Claims -Tufts Health Plan	8,797,041	9,250,181	(453,140)	-4.9%
Fund Balance - Group Health Claims - Harvard Health Plan	(188,068)	742,296	(930,364)	125.3%
<b>Total Fund Balances</b>	<b>8,608,973</b>	<b>9,992,477</b>	<b>(1,383,504)</b>	<b>-13.8%</b>
<b>Total Liabilities &amp; Fund Balances</b>	<b>\$ 13,021,219</b>	<b>\$ 14,156,558</b>	<b>\$ (1,135,339)</b>	<b>-8.0%</b>



CITY OF NEWTON, MASSACHUSETTS  
GROUP HEALTH SELF-INSURANCE FUND  
**TUFTS HEALTH PLAN**

COMPARATIVE STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
July 1, 2009 - August 31, 2009

	Fiscal Year 2010	Fiscal Year 2009	\$ Change	% Change
<b>Revenue:</b>				
Investment income	\$ 397	\$ 805	\$ (408)	-50.7%
Employee contributions	977,960	931,708	46,252	5.0%
Employer contributions	3,853,438	3,689,091	164,347	4.5%
Insurance recoveries	-	16,701	(16,701)	n/a
<b>Total Revenue</b>	<b>4,831,795</b>	<b>4,638,305</b>	<b>193,490</b>	<b>4.2%</b>
<b>Expenditures:</b>				
Administrative services	264,711	288,940	(24,229)	-8.4%
Stop loss insurance premiums	52,238	63,726	(11,488)	-18.0%
Health claims (paid claims)	4,828,765	5,141,773	(313,008)	-6.1%
Health claims - change in IBNR estimate	-	-	-	n/a
<b>Total Expenditures</b>	<b>5,145,714</b>	<b>5,494,439</b>	<b>(348,725)</b>	<b>-6.3%</b>
<b>Fund Balance - beginning of fiscal year</b>	<b>9,110,960</b>	<b>10,106,315</b>	<b>(995,355)</b>	<b>-9.8%</b>
<b>Fund Balance - August 31</b>	<b>\$ 8,797,041</b>	<b>\$ 9,250,181</b>	<b>\$ (453,140)</b>	<b>\$ -4.9%</b>

CITY OF NEWTON, MASSACHUSETTS  
GROUP HEALTH SELF-INSURANCE FUND  
**HARVARD/PILGRIM HEALTH PLAN**  
STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE  
July 1, 2009 - August 31, 2009

	Fiscal Year 2010	Fiscal Year 2009	\$ Change	% Change
<b>Revenue:</b>				
Investment income	\$ -	\$ -	-	n/a
Employee contributions	352,221	305,177	47,044	15.4%
Employer contributions	1,392,242	1,197,654	194,588	16.2%
Insurance recoveries	-	-	-	0.0%
<b>Total Revenue</b>	<b>1,744,463</b>	<b>1,502,831</b>	<b>241,632</b>	<b>16.1%</b>
<b>Expenditures:</b>				
Administrative services	131,328	134,840	(3,512)	-2.6%
Stop loss insurance premiums	30,764	31,326	(562)	-1.8%
Health claims (paid claims)	1,869,350	2,047,379	(178,029)	-8.7%
Health claims - change in IBNR estimate	-	-	-	n/a
<b>Total Expenditures</b>	<b>2,031,442</b>	<b>2,213,545</b>	<b>(182,103)</b>	<b>-8.2%</b>
<b>Fund Balance - beginning of fiscal year</b>	<b>98,911</b>	<b>1,453,010</b>	<b>(1,354,099)</b>	<b>-93.2%</b>
<b>Fund Balance - August 31</b>	<b>\$ (188,068)</b>	<b>\$ 742,296</b>	<b>(930,364)</b>	<b>125.3%</b>

# 352-08

#352-08  
DRAFT

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2008

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Alderman Paul E. Coletti, the following docket item be and is hereby voted .....

#352-08      ALD. COLETTI requesting discussion monthly reports from the Chief Budget Officer and Comptroller on the status of the Health Insurance Trust Fund.

Under Suspension of Rules  
Readings Waived and Item Voted

(SGD) DAVID A. OLSON  
City Clerk

# 349-08

BOARD OF ALDERMEN

08 SEP 30 PM 1:54

CITY OF NEWTON

CITY CLERK  
NEWTON, MA. 02159

DOCKET REQUEST FORM

**DEADLINE NOTICE:** Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen

Date: 9/30/2008

From (Docketer): ALD PAUL E. COLETTI

Address/phone/email: NESI 49 @ aol.com  
(617) 293-6455

Additional sponsors:

1. Please docket the following item (edit if necessary):

ALD COLETTI REQUESTING DISCUSSION ON PREPARATION + SUBMISSION OF NEW CAPITAL IMPROVEMENT PLAN BY EXECUTIVE DEPT

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer, expenditure, or bond authorization
- Special permit, site plan approval, zone change (public hearing required)
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other

3. I recommend that this item be assigned to the following committees:

- Programs & Services
- Zoning & Planning
- Public Facilities
- Post Audit & Oversight
- Committee on Community Preservation
- Finance
- Public Safety
- Land Use
- Real Property
- Special Committee
- No Opinion

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency: \_\_\_\_\_
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE

5. I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting

- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

SANDY POOLER  
SUSAN BURSTEIN

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion \*:

ANY DOCUMENTS RELATED TO PREP OF  
FY 2010-2015 CAPITAL IMPROVEMENT PLAN

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

Please check the following:

- 9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.



Signature of person docketing the item

[Please retain a copy for your own records]

#349-08  
DRAFT

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2008

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Alderman Paul E. Coletti, the following docket item be and is hereby voted .....

#349-08      ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office.

Under Suspension of Rules  
Readings Waived and Item Voted

(SGD) DAVID A. OLSON  
City Clerk

F 354-08  
# ASU-08

BOARD OF ALDERMEN

08 SEP 30 PM 1:54

CITY OF NEWTON

CITY CLERK  
NEWTON, MA. 02159

DOCKET REQUEST FORM

**DEADLINE NOTICE:** Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen

Date: 9/30/2008

From (Docketer): ALD PAUL E. COLETTI

Address/phone/email: NESSI 49 @ aol.com

Additional sponsors:

1. Please docket the following item (edit if necessary):

ALD COLETTI REQUESTING MONTHLY REPORT ON CASH + RECEIVABLE RECONCILIATIONS BY TREASURER AND STATUS OF CONSULTANT WORK IN TREASURERS OFFICE

2. The purpose and intended outcome of this item is:

- Fact-finding & discussion
- Appropriation, transfer, expenditure, or bond authorization
- Special permit, site plan approval, zone change (public hearing required)
- Ordinance change
- Resolution
- License or renewal
- Appointment confirmation
- Other

3. I recommend that this item be assigned to the following committees:

- Programs & Services
- Zoning & Planning
- Public Facilities
- Post Audit & Oversight
- Committee on Community Preservation
- Finance
- Public Safety
- Land Use
- Real Property
- Special Committee
- No Opinion

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency: \_\_\_\_\_
- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE

5. I estimate that consideration of this item will require approximately:

- One half hour or less  
 More than one hour  
 More than one meeting
- Up to one hour  
 An entire meeting  
 Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

SANDY POOLER

JAMES REARDON

DAVE WILKINSON

SUSAN BURSTEIN

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion \*:

COPIES OF MONTHLY RECONCILIATIONS, REPORTS OR POLICIES + PROCEDURES FROM CONSULTANT

8. I  have or  intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. \*

(\*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

Please check the following:

9.  I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
10.  I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
11.  I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Paul E Coletta

Signature of person docketing the item

[Please retain a copy for your own records]





## Treasury and Collection Department

James G. Reardon, Treasurer and Collector  
1000 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
TELEPHONE (617) 796-1330  
FACSIMILE (617) 796-1338

David B. Cohen  
Mayor

September 11, 2009

Paul Coletti, Alderman, Finance Committee Chairman  
Members of the Finance Committee

Dear Alderman Coletti and Members of the Finance Committee:

I write to update you on the status of the city's cash receipts. Cash receipts for June, 2009 have been reconciled and turned over to the Comptroller. A copy of the report should be included with the documents for the Finance Committee's September 14<sup>th</sup> meeting. July's receipts have been entered into the Treasurer's records, as have the first three weeks of August. Completion of August and the reconciliation of July and August bank statements should be completed no later than the end of September.

The reconciliations for first two months of the year have been delayed by the more detailed FY09 end of year reconciliation to ensure that no material items were missed; by the August 3<sup>rd</sup> tax due date; and by summer vacation staffing levels. However, I am pleased to inform you that the position of Office Manager has been filled, with the new person, Rosemarie Woods, starting on September 21<sup>st</sup>. Both Deputy Treasurer Linda Dubuque and I think she is a strong candidate who will be extremely helpful in getting the cash reconciliation back to a daily process.

Finally, I would like to take this opportunity to bring to the attention of the committee the efforts of the Treasury staff, especially Linda. Without their concentrated efforts, the above listed factors could have resulted in a much more severe delay in payment input and consequently cash reconciliation than we encountered. Linda is now working with our banks and vendors in an effort to substantially reduce the number of electronically generated checks sent in payment, eliminating the need for manual input. Additionally, the Comptroller has been invaluable not only with the cash reconciliations, but also with the filing of the necessary cash related state reports.

Very truly yours,

James G. Reardon  
Treasurer-Collector

09 SEP 11 AM 11:00  
CITY CLERK  
NEWTON, MA. 02159

# 354-08

Cash Receipts:

	Daily Receipts	Total
1	345,305.57	345,305.57
2	447,362.23	447,362.23
3	304,321.86	304,321.86
4	341,420.99	341,420.99
5	332,630.14	332,630.14
6	-	-
7	-	-
8	519,049.76	519,049.76
9	197,708.06	197,708.06
10	7,138,240.33	7,138,240.33
11	619,579.03	619,579.03
12	468,787.97	468,787.97
13	-	-
14	-	-
15	423,727.67	423,727.67
16	580,061.76	580,061.76
17	385,930.15	385,930.15
18	256,174.30	256,174.30
19	310,620.59	310,620.59
20	-	-
21	-	-
22	435,175.22	435,175.22
23	364,343.61	364,343.61
24	472,586.12	472,586.12
25	222,763.42	222,763.42
26	528,841.25	528,841.25
27	-	-
28	-	-
29	1,799,132.02	1,799,132.02
30	6,408,089.99	6,408,089.99

09 SEP 10 PM 5:01  
CITY CLERK  
NEWTON, MA. 02459

Total Cash Receipts

22,901,852.04

Vendor Warrants:

349	74,513.44
350	215,156.37
351	6,232.88
352	256,322.00
353	350,451.55
354	272,670.28
355	6,386,493.03
356	902,431.44
357	21,000.00
358	-
359	-
360	-
361	-
362	-
363	-
364	-
365	-

366	214,558.52
367	25,287.13
368	68,065.14
369	771,672.90
370	14,8072.80
371	1,557,626.73
372	1,466,809.48
373	986,077.62
374	251,925.70
375	59,778.95
376	358,412.67
377	6,785,796.92
378	534,604.17
379	16,202.53
380	182,636.28
381	3,147,857.38
382	
383	6,701.64
384	458,330.47
385	761,851.73
386	436,867.56

July disbursement warrant - payroll deductons associated with 07/02/2009 pa:

Total Vendor Warrants

**32,544,428.55**

Payroll Warrants:

	Gross	Deductions	Net
06/04/09	1,245,892.11	518,154.90	727,737.21
06/11/09	1,317,072.86	544,131.69	772,941.17
Special Payroll 06/11/09	1,316.59	268.72	1,047.87
Semi-Monthly 06/15/09	5,100,041.90	1,755,804.71	3,344,237.19
06/18/09	1,269,532.57	521,575.19	747,957.38
Semi-Monthly 06/24/09	10,209,267.02	3,630,803.21	6,578,463.81
06/25/09	1,691,018.92	675,739.39	1,015,279.53
Special Payroll 06/25/09	3,400.00		3,400.00
Medicare Payroll 06/30/09	1,793,710.33		1,703,710.33
Monthly 06/30/09	2,382,360.34	489,621.24	1,892,739.10

Total Payroll Warrants

24,923,612.64

8,136,061.96

16,787,550.68

**16,787,550.68**

Journal Entries:

Recreation June Bank Service Fees	(4,780.09)
Bigelow Schl Student Activity Petty Cash	286.78
Brown Schl Student Activity Petty Cash	8,475.15
FA Day Schl Student Activity Petty Cash	16,444.94
Oak Hill Schl Student Activity Petty Cash	26,415.37
NNHS Student Activity Petty Cash	27,139.83
NSHS Student Activity Petty Cash	11,765.38
Disbursement Not Warranted	(2,821.09)
Clear/Warrants Payable	(9,452.30)
Library Trust Fund-FMV	369,820.70
Commwealth Fund-FMV	11,341.13
Workers Comp. Fund-FMV	7,140.00
Building Insurance Fund-FMV	1,322.00
Chaffin Education Fund-FMV	1,322.00

Scovell Education Fund-FMV  
 Cousens Fund-FMV  
 NNHS Scholarship-FMV  
 12/31/08 NCRS  
 Harvard Health disbursement  
 Various G/F per JR  
 Various G/F per JR  
 Fimd 15 per JR  
 Fund 01 per JR  
 Payroll Deductions paid not warranted  
 11/26 Niarchos foundation gift  
 FY 2009 Sr Work checks not deposited  
 NCDA (fund 17)

40,020.77  
 1,234,747.44  
 18,866.52  
 88,402,792.08  
 1,224,988.00  
 1,299,467.00  
 2,367,491.00  
 1,100.00  
 11,896.35  
 25,146.24  
 5,743.00  
 2,952.95  
 23,008.50

Per J R - to adj 01/30/09 warrant for actual disbursement  
 Per J R - 08/20  
 Per J R - 08/20  
 Per J R - 08/20  
 Per J R - 08/20  
 Per JR - 08/20  
 Added by DW 08/19/2009  
 Added by DW 08/19/2009  
 Added by DW 08/19/2009

Total Journal Entries

(86,712,979.47)

Beginning Cash & Investments balance:

537,507,193.52

Ending Cash & Investments balance:

424,364,086.86

Less: Petty Cash(Funds 01/11/13/13S/15 & 29)

(15,740.00)

Less: NCDA Fund Cash(Fund 17)

(630,068.00)

dw 08/19/2009

Less: Library Trust Fund Cash(Fund 23L)

(633,271.00)

dw 08/06/2009

Plus: Change in Accrued interest on Library trust fund investments

(1,200.00)

dw 09/10/2009

Less: Student Activity Fund Petty Cash (Fund 49)

(115,826.01)

dw: 07/24/2009

Plus: Student Activity Fund Petty Cash (Fund 49) (dw: 07/24/2009)

(115,826.01)

JR 09/10/2009

Less: Contributory Rmt Cash & Inv(Fund 48)

(200,611.14)

dw: 07/20/2009

Total Cash & Investments in Custody of Treasurer

222,250,931.26

Ann Marie Daley, Assistant Comptroller, Part Time

James Reardon, Treasurer

Date: 09/10/09 (REVISED BY dcw)

	<u>6/30/2008</u>	<u>6/30/2009</u>	<u>CHANGE</u>	
Fund 23L investments	696,764.00	630,068.00	(66,696.00)	SEE A103
Fund 23L accrued int/dividends	4,403.00	3,203.00	(1,200.00)	SEE H 132
<b>Total fund 23L</b>	<b>701,167.00</b>	<b>633,271.00</b>	<b>-67,896.00</b>	

# 354-08

City of Newton Treasurer/Collector's Office

Balance Sheet

As of June 30, 2009

Jun 30, 09

ASSETS

Current Assets

Checking/Savings

Bank of America

BoA Capital A/C 22955039	3,605.61
BoA General A/C 001-3005	605,059.05
BoA Language Gr 004488-0415	913.17
BoA NPS Cafeteria 53672083	30,368.86
BoA NY Parking 9419832317	36,749.65

Total Bank of America 676,696.34

Banknorth

Banknorth MMA 8241809893	21,788,195.03
--------------------------	---------------

Total Banknorth 21,788,195.03

Cambridge Savings Bk 350517821 10,100,730.86

Century Bank

Century Lockbox 42846	115,473.33
Century MMA 66269636	13,711,190.60

Total Century Bank 13,826,663.93

Citizen's Bank

Citizens Cmnty Dev 1139741206	-6,025.33
Citizens DDA 1134643273	1,472,957.09
Citizens Invest MMA 1103039161	9,845.00
Citizens NRS Dsburse 1305065767	5.83

Total Citizen's Bank 1,476,782.59

Eastern Bank

Eastern DDA 9369392	4,057.94
Eastern Invest MMA 9130403	13,094,385.48

Total Eastern Bank 13,098,443.42

First Trade UnionMMA 0119007898 1,002,991.72

Mellon Bank BONY

MNE Comm Development 22-4677	112,534.92
MNE General 07-0688	5,238,304.14
MNE Payroll 06-4041	45,443.15
MNE Vendor 06-0305	-3,298,974.28

Total Mellon Bank BONY 2,097,307.93

MMDT

MMDT Bond A/C 44273670	50,304,611.16
MMDT General Fund 44000255	50,711,843.45
MWRA FY01 Drink Wtr 44259588	8,057,680.75
MWRA I/I Lcl Fin Asst 44227031	4,273,099.27

Total MMDT 113,347,234.63

Rockland Trust

Rockland Tr MMA 0002482975	22,574,951.72
----------------------------	---------------

Total Rockland Trust 22,574,951.72

Sovereign Bank 95570005942 4,502.87

Unibank

Unibank Bldg Permits 880223680	1.00
Unibank MLC Online 880223672	1.00
Unibank MMA 791020217	1,350.47
Unibank Online 880213301	24,971.73
Unibank Police 880231766	36.07
Unibank School 880232855	1,284.43
Unibank School Lunch 880236237	-542.54

Total Unibank 27,102.16

#354-08

**City of Newton Treasurer/Collector's Office**  
**Balance Sheet**  
**As of June 30, 2009**

	<u>Jun 30, 09</u>
<b>Village Bank</b>	
Village Bank CD 7505007028	2,077,722.98
Village Bank CD 7505007788	5,018,136.03
Village Bank MMA 7188011568	100,192.71
<b>Total Village Bank</b>	<u>7,196,051.72</u>
<b>Total Checking/Savings</b>	207,217,654.92
<b>Other Current Assets</b>	
<b>Bank of America NA</b>	
Chaffin Trust Fund	4,100,924.13
<b>Total Bank of America NA</b>	<u>4,100,924.13</u>
<b>Bank of New York Trust</b>	
Investment - Newton North HS	437,786.30
Investment - Scovill Trust Fund	896,705.22
Investment - Workers' Comp	6,523,866.52
<b>Total Bank of New York Trust</b>	<u>7,858,358.04</u>
<b>Salomon Smith Barney</b>	
Invest - Cousens 3534736016275	1,500,611.52
<b>Total Salomon Smith Barney</b>	<u>1,500,611.52</u>
<b>UBS Paine Webber</b>	
Investment - Commonwealth 15476	308,243.97
Investments - Bldg Ins Tr 15477	1,265,138.68
<b>Total UBS Paine Webber</b>	<u>1,573,382.65</u>
<b>Total Other Current Assets</b>	<u>15,033,276.34</u>
<b>Total Current Assets</b>	<u>222,250,931.26</u>
<b>TOTAL ASSETS</b>	<u><u>222,250,931.26</u></u>
<b>LIABILITIES &amp; EQUITY</b>	0.00

CITY OF NEWTON  
MONTHLY BANK STATEMENT RECONCILIATION  
TO TREASURER'S CASH BOOK AND GENERAL LEDGER  
Month ending June 30, 2009

Listing of Bank Accounts	Interest Rate	Bank Statement Balance	Outstanding	Outstanding	Unwarranted	Unwarranted	Deposits	Deposits	All Other	All Other	Adjusted	Treasurer's	Variance
			Checks Current	Checks More than 180 days (*)	Disbursements Current Month	Disbursements More than 30 days (*)	in Transit Current Month	in Transit More than 30 days (*)	Adjustments Current Month(*)	Adjustments More than 30 days (*)	Bank Balance	Cash Book Balance	
1 Bank North	1.07	\$ 21,788,195.03									\$ 21,788,195.03	\$ 21,788,195.03	
2 Cambridge Savings	1.50	10,100,730.86									10,100,730.86	10,100,730.86	
3 Century Lockbox	0.65	111,956.90					3,516.43				115,473.33	115,473.33	
4 Century MMA	1.45	13,711,190.60									13,711,190.60	13,711,190.60	
5 Citizens DDA	0.75	1,743,612.99			(151,269.46)	(347,675.32)	231,783.07	(3,590.84)	(4,062.34)	4,158.99	1,472,957.09	1,472,957.09	
6 Citizens MMA	1.00	9,845.00									9,845.00	9,845.00	
7 Citizens Community Dev	-	1,740.63					(6,572.40)	(1,193.56)			(6,025.33)	(6,025.33)	
8 Citizens NRS Disburse	0.07	313,823.86	(307,116.39)						(6,701.64)		5.83	5.83	(0.00)
9 Eastern MMA	0.75	13,094,385.48									13,094,385.48	13,094,385.48	
10 Eastern DDA - DOR	-	8,529.47			(4,471.53)						4,057.94	4,057.94	
11 BoA Capital	1.00	3,605.61									3,605.61	3,605.61	
12 BoA General Fund	0.73	369,683.82					11,337.21			224,038.02	605,059.05	605,059.05	
13 BoA Language Grant	0.73	913.17									913.17	913.17	
14 BoA Cafeteria	0.73	30,368.86									30,368.86	30,368.86	
15 BoA Parking	0.73	36,749.65									36,749.65	36,749.65	
16 BSD Mellon Gen Fund	0.60	5,237,744.79					559.35				5,238,304.14	5,238,304.14	
17 BSD Mellon Vendor	0.40	3,872,789.63	(6,820,494.07)	(214,316.29)	(693,429.13)				556,475.58		(3,298,974.28)	(3,298,974.28)	
18 BSD Mellon Payroll	0.15	2,238,421.76	(2,144,334.73)	(64,367.10)					45,733.22	(30,010.00)	45,443.15	45,443.15	(0.00)
19 BSD Mellon Comm Dev	-	112,534.92									112,534.92	112,534.92	
20 MMDT General	1.09	50,711,843.45									50,711,843.45	50,711,843.45	
21 MMDT Drink Wtr	1.09	8,057,680.75									8,057,680.75	8,057,680.75	
22 MMDT Local Asst	1.09	4,273,099.27									4,273,099.27	4,273,099.27	
23 MMDT Bond	1.09	50,304,611.16									50,304,611.16	50,304,611.16	
24 Rockland MMA	1.25	22,574,951.72									22,574,951.72	22,574,951.72	
25 Sovereign	0.25	4,502.87									4,502.87	4,502.87	
26 Unibank MMA	0.60	1,350.47									1,350.47	1,350.47	
27 Unibank DDA	0.40	15,105.67					9,575.56		290.50		24,971.73	24,971.73	
28 Unibank MLC	-	1.00									1.00	1.00	
29 Unibank Permit	-	1.00									1.00	1.00	
30 Unibank Police	0.40	130.07					(94.00)				36.07	36.07	
31 Unibank School Bus	0.40	1,134.43					150.00				1,284.43	1,284.43	
32 Unibank School Lunch	0.40	253.46					(796.00)				(542.54)	(542.54)	
33 First Trade Union	1.24	1,002,991.72									1,002,991.72	1,002,991.72	
34 Village Bank MMA	1.00	100,192.71									100,192.71	100,192.71	
35 Village Bank CD	2.35	5,018,136.03									5,018,136.03	5,018,136.03	
36 Village Bank CD	1.98	2,077,722.98									2,077,722.98	2,077,722.98	
37 BOA - Chaffin Fund	Var	4,100,924.13									4,100,924.13	4,100,924.13	
38 BONY- NNHS	Var	437,786.30									437,786.30	437,786.30	
39 BONY- Scovill	Var	896,705.22									896,705.22	896,705.22	
40 BONY- Workers Comp	Var	6,523,866.52									6,523,866.52	6,523,866.52	
41 Smith Barney - Cousins	Var	1,500,611.52									1,500,611.52	1,500,611.52	
42 UBS-Commonwealth Fund	Var	308,243.97									308,243.97	308,243.97	
43 UBS-Building Ins Tr	Var	1,265,138.68									1,265,138.68	1,265,138.68	
Total - all accounts		\$ 231,963,808.13	\$ (9,271,945.19)	\$ (278,683.39)	\$ (849,170.12)	\$ (347,675.32)	\$ 249,459.22	\$ (4,784.40)	\$ 591,735.32	\$ 198,187.01	\$ 222,250,931.26	\$ 222,250,931.26	
(*) Provide detail to support totals.													

#354-08





#354-08  
DRAFT

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2008

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman Alderman Paul E. Coletti, the following docket item be and is hereby voted .....

#354-08      ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office.

Under Suspension of Rules  
Readings Waived and Item Voted

(SGD) DAVID A. OLSON  
City Clerk

# 267-09

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov



David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

CITY CLERK  
NEWTON, MA. 02159

09 AUG 31 AM 9:40

August 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 transfer \$3,000 from temporary help (5313) to payroll (511101) in the Purchasing Department. Two staff will be on maternity leave over the remainder of the calendar year. A retiring school department employee has been identified who will be able to fill in during this time but she will be paid as an employee, therefore funds are needed in the payroll account. The balance of the cost will be from the saving of one employee being off payroll for a part of her absence.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen  
Mayor

DBC: srb

From: PURCHASING  
EXPENSES  
0110502-5313 3,000

To: PURCHASE SALARIES  
0110501-511101 3,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us

★  
DEDICATED TO COMMUNITY EXCELLENCE

*[Handwritten initials]* 08/31/09

#267-09

**CITY OF NEWTON  
PURCHASING DEPARTMENT**

**I N T E R O F F I C E  
M E M O R A N D U M**

09 AUG 31 AM 9:40  
CITY CLERK  
NEWTON, MA 02159

To: Susan Burstein, CFO  
From: Re Cappoli, CPO  
Date: August 19, 2009  
Subject: **Transfer Funds for Temporary Employee**

---

Dear Susan,

I'd like to transfer a total of \$3,000 to be used to hire a worker to help Purchasing out temporarily. Two of my staff will be leaving on maternity leave. Brianne's due date is September 3, 2009 and Jen's is Sept. 21, 2009.

Human Resources recommended that I hire someone retired or about to retire from the City/School if possible and I have been able to secure temporary help from a School employee getting ready to retire and therefore request the following transfer:

**\$3,000.00 from 0110502-5313 to 0110501 - 511101**

Thank you.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2009

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Paul E. Coletti, a transfer of funds in the amount of three thousand dollars (\$3,000) from payroll account in the Purchasing Department to temporary hire a retiring school department employee while two staff are on maternity leave over the remainder of the calendar year be and is hereby ----.

FROM:	Purchasing Department Expenses (0110502-5313).....\$3,000.00
TO:	Purchasing Department Salaries (0110501-511101).....\$3,000.00

Under Suspension of Rules  
Readings Waived and -----

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee



David B. Cohen  
Mayor

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

09 AUG 31 AM 9:40

CITY CLERK  
NEWTON, MA 02159

August 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 accept and expend two grants to the Senior Services Department.

The first is \$55,000 to provide case management, housing relocation and stabilization services. This is part of the Economic Recovery Act monies that were awarded by the Planning Department to the Jewish Family and Children Services as the lead agency

The second is a Title III Federal grant provided through Springwell of \$8,000 to provide Home Contractor Referral Services.

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](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE

#268-09

09 AUG 31 AM 9:40  
CITY CLERK  
NEWTON, MA 02159

MEMO

**To: David B. Cohen, Mayor**  
**From: Jayne Colino, Senior Services**  
**Re: request to docket items with Board of Aldermen**  
**Date: August 24, 2009**

---

**I am writing to request that two items be docketed with the Board of Aldermen.**

**I need the Board to authorize the acceptance of two grants that the Department of Senior Services has recently been approved for.**

**One grant is from the Economic Recovery Act money that the Planning Department received to address issues of homelessness. The Department of Senior Services asked for \$55,000 to provide case management, housing relocation, and stabilization services. The Planning Department has awarded funds to Jewish Family and Children Services to function as the lead agency. JF&CS will be administering all the funds and service agreement with the Department of Senior Services.**

**The second grant is for \$8,000 from the Federal Administration on Aging's Title III program administered locally by Springwell. The Department of Senior Services will be utilizing these funds to establish a Home Contractor Referral Program. The Department will pre-screen contractors before distributing the list to seniors requesting this info.**

**Please let me know if you need further information in order to docket these two items. Thank you in advance for your consideration.**

09 SEP -9 PM 2:10  
CITY CLERK  
NEWTON, MA. 02159

MEMO

To: Alderman Paul Coletti, Finance Committee Chair

From: Jayne Colino, Senior Services

Re: Docket #268-09-Authorization of two grants

Date: September 9, 2009

The Department of Senior Services is asking for the authorization of acceptance of two grants that have been recently approved.

The first grant is from Economic Recovery Act money that the Planning Department received to address issues of homelessness. The planning department put out an RFP to agencies who can provide homelessness related services. The Department of Senior Services asked for \$55,000 to provide case management, housing relocation, and stabilization services for Newton elders facing homelessness. Those seniors being served by this project will need to either be a resident of Newton or have a "history" with Newton (relatives live here, or the senior used to reside in Newton).

The Planning Department has awarded funds to Jewish Family and Children Services to function as the lead agency. JF&CS will be administering all the funds and the service agreement with the Department of Senior Services.

An RFP process has begun to hire the Housing Specialist to fulfill this position. An RFP was necessary because this position will be paid on a fee for service basis. The hours the Housing Specialist will work will vary from week to week based on the need and the number of eligible cases to be opened. The services that will be offered include case management, housing search, and housing relocation services.

The total amount of this grant will not exceed \$55,000.

The second grant is for \$8000 from Title III Older Americans Act funds administered by Springwell (the local state funded home care agency). This grant was approved to create a Home Contractor Referral Service. The Department of Senior Services will prescreen potential home contractors (carpenters, electricians, plumbers, handymen, and snow removal services) using a set of criteria developed and reviewed with the law department; valid licensing, appropriate insurance coverage, no complaints/cases pending with Attorney General, and good customer references. The list will be sent to seniors and/or family members requesting this information on behalf of a Newton senior. It was determined through a recent survey and focus groups that this was a top concern/challenge for seniors choosing to age in Newton. A follow up evaluation will be sent to each recipient of the list.

CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2009

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Paul E. Coletti, the authorization to accept and expend two (2) grants to the Senior Services Department. The first grant is fifty-five thousand dollars (\$55,000) to provide case management, housing relocation and stabilization services as awarded by the Planning Department of the Jewish Family and Children Services as the lead agency. The second grant is a Title III Federal grant provided by Springwell of eight thousand dollars (\$8,000) to provide Home Contractor Referral Services and both grants are hereby -----.

Under Suspension of Rules  
Readings Waived and -----

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor

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

(SGD) PAUL E. COLETTI, Chairman  
Finance Committee





David B. Cohen  
Mayor

City of Newton, Massachusetts  
Office of the Mayor

#265-09 ✓

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
dcohen@newtonma.gov

July 9, 2009

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

09 AUG -7 PM 2:23  
CITY CLERK  
NEWTON, MA. 02159

Ladies and Gentlemen:

I am pleased to reappoint Mr. Bernard J. Goulding, Jr. of 80 Brookside Avenue in Newton as a Constable for a term to expire on July 1, 2012.

Thank you for your time and attention to this matter.

Very truly yours,

David B. Cohen  
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)



DEDICATED TO COMMUNITY EXCELLENCE

# City of Newton



## Application for Constable Appointment

PLEASE PRINT OR TYPE

Name: BERNARD J. GOULDING, JR.

Home Address: 80 BROOKSIDE AVE.

Village: NEWTONVILLE Zip: 02460

Home Phone: 617-527-8181 Work phone (617) 969-5800

Cell Phone: (617) 527-8181 E Mail Address: bg@novainv.com

Work Position: Owner - Nova Investigative Services, Inc

Type of Business: PRIVATE DETECTIVE

Education (with dates): Univ. of Mass. @ Amherst - BA 1982

Date of original appointment as a Constable in Newton: Current July 1, 2006 / ORIGINAL June 16, 1997

List your community activities, offices held or other committee appointments: Center for Dyslexia.  
Chairman, Board of Governors - Newtonville Children's Learning  
Newton Crime Commission  
Newton Democratic City Committee

PRINT the NAME of 3 references with ADDRESS and PHONE NUMBER

MARTINA T. Jackson, 115 Lowell Ave, Newtonville 617-964-6318

MARC LAREDO, Esq. 31 Philmore Rd, Newton 02458 617-527-9885

William M. CLORAN, Esq. 50 Union St, Newton Centre 617-969-2001

Margaret "Peg" Hannigan, 206 Waltham St #112, W. Newton 617-332-0010

Russell J. O'Donnell, 15 Bemis St, Newtonville 617-964-2512

Your signature: Bernard J. Goulding Jr Date: 7/12/09

#265-09

**BERNARD J. GOULDING, JR.**  
Licensed Private Investigator  
PO Box 620214, Newton, MA 02462-0214  
617-969-5800

09 SEP 11 PM 1:44  
CITY CLERK  
NEWTON, MA 02159

**WORK EXPERIENCE**

PRIVATE INVESTIGATOR, 1989 to Present

Supervise and conduct in depth criminal and civil investigations within the jurisdiction of the U.S. District Court, State Superior Court, and State District Court. Extensive training and experience interviewing victims, defendants and witnesses, locating witnesses, taking written and taped statements, computer tracking and research of subjects, video surveillance, scene photography, background investigations, undercover operations, security evaluations, technical surveillance countermeasures (TSCM), protective services for business personnel.

Adept at preparing highly detailed reports with extensive supporting documentation of case work for decision makers and trial presentation. Investigative litigation support. Securities, bankruptcy and real estate fraud investigation. MCAD, employment and ethics background investigations. Corporate theft and due diligence investigations. Aggressive self insured claim investigations. Board Certified criminal defense investigations. Massachusetts Criminal Justice Training Council (MCJTC), assistant lecturer.

Investigative contractor for the Business Software Alliance (BSA) reporting to the national director of investigations. BSA is the international industry watchdog and enforcement entity for software copyright infringement (pirated software). Work includes undercover purchases of pirated software. Identify, locate and track suspects producing and selling pirated software. Interact with local and state law enforcement agencies, prepare reports and documentation and facilitate arrest and enforcement of criminal and civil violations.

Investigative contractor for the FDIC. Designed and implemented methodology and reporting format of asset investigations for use by FDIC-supervised banks. Identify, locate and investigate suspects and their assets throughout the east coast. Extensive travel throughout the United States on investigative assignments.

DEPUTY SHERIFF, Suffolk County, Enforcement Unit, October, 2002 to present.

Investigate, locate and arrest defendants with warrants issued by the Trial Courts in the Commonwealth. Coordinate and execute enforcement efforts with other county enforcement units and/or local police departments. Liaison with local police departments. Interact with court personnel including clerk's office, court officers, clerk magistrates, and judges to process cases, appear in court, and provide testimony.

**EDUCATION & TRAINING**

UNIVERSITY OF MASSACHUSETTS at Amherst, B.A., 1982.  
Pi Sigma Alpha, national political science honor society.

MCJTC Basic Course of Training for Reserve/Intermittent Police Officers  
Plymouth Police Academy, February 10 to May 12, 2003.

**LICENSE & CERTIFICATION**

LICENSED PRIVATE DETECTIVE, Commonwealth of Massachusetts, Massachusetts State Police, Certification Unit. License No.: P-297; Initial issue date: December 22, 1992.

BOARD CERTIFIED CRIMINAL DEFENSE INVESTIGATOR.  
Criminal Defense Investigation Training Council (C.D.I.T.C.). October 2001 to present.

**SPECIALIZED TRAINING**

UNCOVERING REASONABLE DOUBT, Criminal Defense Investigation Training Council, - Criminal defense investigation, uncovering reasonable doubt, the Component Method. 8 hours. Certificate presented at Northeastern University, Boston, MA on June 24<sup>th</sup>, 2000.

F.B.I. COLLECTION AND PRESERVATION OF PHYSICAL EVIDENCE - Principles and capabilities of forensic science in the examination of evidence. Proper evidence handling techniques and crime scene investigation. 40 hours. Certificate presented at the Massachusetts Criminal Justice Training Council Regional Police Academy at Agawam, MA on April 17, 1998.

F.B.I. LATENT FINGERPRINT RECOVERY TECHNIQUES - Development of latent impressions with powders, photography, polymers, chemicals, ultra violet and alternate light source application. Major case print techniques. 40 hours. Certificate presented at the Massachusetts Criminal Justice Training Council Regional Police Academy at Agawam, MA on March 13, 1998.

INTERVIEW AND INTERROGATION, John E. Reid & Associates, Chicago, IL - Behavior symptoms/analysis, interviewing techniques, interrogation techniques. 24 hours. Certificate presented at Washington, D.C. on March 1<sup>st</sup>, 1995.

F.B.I. FINGERPRINT CLASSIFICATION COURSE - Identification, Interpretation, Classification, AFIS & NCIC Systems. 40 hours. Certificate presented at the Massachusetts Criminal Justice Training Council Regional Police Academy at Agawam, MA on February 17, 1995.

**PROFESSIONAL MEMBERSHIPS**

Licensed Private Detectives Association of Massachusetts (LPDAM). Since 1995.  
President, 2002-2003.  
Vice President, 2001-2002.  
Member; Board of Directors, 1999-2004.  
LPDAM-eGroups Founder and Moderator, 9/28/2000 to present.  
Editor, LPDAM Journal, 1999 to 2002.  
Member since 1995.

American Society for Industrial Security (ASIS). Member since 1994.  
High Technology Crime Investigation Association (HTCIA). Member since 1998.  
Criminal Defense Investigation Training Council (C.D.I.T.C.). Member since 2000.  
National Defender Investigator Association (NDIA). Member since 2000.

**COMMUNITY AND VOLUNTEER ACTIVITIES**

- City of Newton Crime Commission, January 13, 2009 to present.
- Jennifer A. Lynch Committee for Domestic Violence Education and Awareness, Town of Brookline, MA, Member, September 2007 to present.
- Greater Boston Children's Learning Center (for Dyslexia), Newtonville, MA, Board of Governors, Chairman 11/2007 to present.
- Newton-Needham Chamber of Commerce, 2008 to present.
- Newton Democratic City Committee, Assistant Treasurer and Sgt at Arms.
- Newton Ward 2 Democratic Committee, Member.
- Massachusetts State Democratic Convention, Delegate (5/19/2007) (2008) (2009).
- Massachusetts State Democratic Convention, Security Team (2005, 2006, 2007, 2008).

# 265-09

CONTINUATION CERTIFICATE  
SURETY BOND

FARMINGTON CASUALTY COMPANY  
HARTFORD, CONNECTICUT

09 SEP 11 PM 1:44  
CITY CLERK  
NEWTON, MA 02159

In consideration of \$100.00 Dollars renewal premium  
the term of Bond No. 00101134193 in the amount of \$5,000.00 issued  
on behalf of BERNARD J. GOULDING, JR.  
located at P.O. BOX 620214

BOSTON, MA 02162-0214

in favor of the CITY OF NEWTON, STATE OF MASSACHUSETTS

in connection with the CONSTABLE BOND

is hereby extended for a period beginning JULY 1, 2009 to JULY 1, 2012 subject to all  
covenants and conditions of said bond.

This certificate is designed to extend only the life of the bond. It does not increase the amount  
which may be payable thereunder. The aggregate liability of the Company under the said bond  
together with this certificate shall be exactly the same as, and no greater than it would have been,  
if the said bond had originally been written to expire on the date to which it is now being  
extended.

\*Signed, sealed and dated  
AUGUST 31, 2009

FARMINGTON CASUALTY COMPANY

By: Elizabeth C. Labat  
ELIZABETH C. LABAT  
ATTORNEY-IN-FACT



POWER OF ATTORNEY

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company

Attorney-In Fact No. 220149

Certificate No. 002722177

KNOW ALL MEN BY THESE PRESENTS: That Seaboard Surety Company is a corporation duly organized under the laws of the State of New York, that St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company and St. Paul Mercury Insurance Company are corporations duly organized under the laws of the State of Minnesota, that Farmington Casualty Company, Travelers Casualty and Surety Company, and Travelers Casualty and Surety Company of America are corporations duly organized under the laws of the State of Connecticut, that United States Fidelity and Guaranty Company is a corporation duly organized under the laws of the State of Maryland, that Fidelity and Guaranty Insurance Company is a corporation duly organized under the laws of the State of Iowa, and that Fidelity and Guaranty Insurance Underwriters, Inc. is a corporation duly organized under the laws of the State of Wisconsin (herein collectively called the "Companies"), and that the Companies do hereby make, constitute and appoint

Candice T. Gros, Catherine C. Kehoe, Clark P. Fitz-Hugh, Darlene A. Bornt, Elizabeth C. Labat, Elizabeth Treadway, Linda A. Bourgeois, R. Tucker Fitz-Hugh, Marley Morris, Kristine Sellers, Elizabeth K. Wright, and Sara S. DeJarnette

of the City of New Orleans, State of Louisiana, their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign, execute, seal and acknowledge any and all bonds, recognizances, conditional undertakings and other writings obligatory in the nature thereof on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

IN WITNESS WHEREOF, the Companies have caused this instrument to be signed and their corporate seals to be hereto affixed, this 2nd day of December, 2008

Farmington Casualty Company
Fidelity and Guaranty Insurance Company
Fidelity and Guaranty Insurance Underwriters, Inc.
Seaboard Surety Company
St. Paul Fire and Marine Insurance Company

St. Paul Guardian Insurance Company
St. Paul Mercury Insurance Company
Travelers Casualty and Surety Company
Travelers Casualty and Surety Company of America
United States Fidelity and Guaranty Company



State of Connecticut
City of Hartford ss.

By: [Signature]
George W. Thompson, Senior Vice President

On this the 2nd day of December, 2008, before me personally appeared George W. Thompson, who acknowledged himself to be the Senior Vice President of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein contained by signing on behalf of the corporations by himself as a duly authorized officer.

In Witness Whereof, I hereunto set my hand and official seal. My Commission expires the 30th day of June, 2011.



[Signature]
Marie C. Tetreault, Notary Public

This Power of Attorney is granted under and by the authority of the following resolutions adopted by the Boards of Directors of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company, which resolutions are now in full force and effect, reading as follows:

**RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President, any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary may appoint Attorneys-in-Fact and Agents to act for and on behalf of the Company and may give such appointee such authority as his or her certificate of authority may prescribe to sign with the Company's name and seal with the Company's seal bonds, recognizances, contracts of indemnity, and other writings obligatory in the nature of a bond, recognizance, or conditional undertaking, and any of said officers or the Board of Directors at any time may remove any such appointee and revoke the power given him or her; and it is

**FURTHER RESOLVED**, that the Chairman, the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President may delegate all or any part of the foregoing authority to one or more officers or employees of this Company, provided that each such delegation is in writing and a copy thereof is filed in the office of the Secretary; and it is

**FURTHER RESOLVED**, that any bond, recognizance, contract of indemnity, or writing obligatory in the nature of a bond, recognizance, or conditional undertaking shall be valid and binding upon the Company when (a) signed by the President, any Vice Chairman, any Executive Vice President, any Senior Vice President or any Vice President, any Second Vice President, the Treasurer, any Assistant Treasurer, the Corporate Secretary or any Assistant Secretary and duly attested and sealed with the Company's seal by a Secretary or Assistant Secretary; or (b) duly executed (under seal, if required) by one or more Attorneys-in-Fact and Agents pursuant to the power prescribed in his or her certificate or their certificates of authority or by one or more Company officers pursuant to a written delegation of authority; and it is

**FURTHER RESOLVED**, that the signature of each of the following officers: President, any Executive Vice President, any Senior Vice President, any Vice President, any Assistant Vice President, any Secretary, any Assistant Secretary, and the seal of the Company may be affixed by facsimile to any power of attorney or to any certificate relating thereto appointing Resident Vice Presidents, Resident Assistant Secretaries or Attorneys-in-Fact for purposes only of executing and attesting bonds and undertakings and other writings obligatory in the nature thereof, and any such power of attorney or certificate bearing such facsimile signature or facsimile seal shall be valid and binding upon the Company and any such power so executed and certified by such facsimile signature and facsimile seal shall be valid and binding on the Company in the future with respect to any bond or understanding to which it is attached.

I, Kori M. Johanson, the undersigned, Assistant Secretary, of Farmington Casualty Company, Fidelity and Guaranty Insurance Company, Fidelity and Guaranty Insurance Underwriters, Inc., Seaboard Surety Company, St. Paul Fire and Marine Insurance Company, St. Paul Guardian Insurance Company, St. Paul Mercury Insurance Company, Travelers Casualty and Surety Company, Travelers Casualty and Surety Company of America, and United States Fidelity and Guaranty Company do hereby certify that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 31st day of August, 2009

WARNING: THIS POWER OF ATTORNEY IS INVALID WITHOUT THE RED BORDER

*Kori M. Johanson*  
Kori M. Johanson, Assistant Secretary



To verify the authenticity of this Power of Attorney, call 1-800-421-3880 or contact us at [www.travelersbond.com](http://www.travelersbond.com). Please refer to the Attorney-In-Fact number, the above-named individuals and the details of the bond to which the power is attached.



CITY OF NEWTON  
IN BOARD OF ALDERMEN

, 2009

ORDERED:

That, in accordance with the recommendation of His Honor the Mayor and with the confirmation of the Board of Aldermen pursuant to MGL Chapter 41, Section 91, be it known that BERNARD J. GOULDING, JR., 80 Brookside Avenue, Newtonville, is hereby reappointed as a CONSTABLE of the City of Newton for a term of office to expire on July 1, 2012. In accordance with MGL Chapter 41, Section 92, a surety bond in the amount of \$5,000 has been filed with the City Clerk.

Under Suspension of Rules  
Readings Waived and -----

EXECUTIVE DEPARTMENT  
Approved: \_\_\_\_\_

(SGD) DAVID A. OLSON  
City Clerk

(SGD) DAVID B. COHEN  
Mayor