



Finance Committee Report

City of Newton In City Council

Tuesday, October 15, 2024

Present: Councilors Gentile (Chair), Micley, Malakie, Bixby, Grossman and Humphrey

Absent: Councilors Greenberg and Lipof

City staff present: Manager of Financial Planning & Analysis Perry Rosenfield; Comptroller Stephen Curley; City Solicitor Ali Giuliani; Chief Financial Officer Maureen Lemieux; Director of Planning and Development Barney Heath, Director of Transportation Planning Jenn Martin; Economic Development Director Jon Sisson; Assistant Fire Chief Michael Bianchi

All Finance agendas and reports, both past and present, can be found at the following link:
<https://www.newtonma.gov/government/city-clerk/city-council/council-standing-committees/finance-committee>

For more information regarding this meeting, a video recording can be found at the following link:
<https://www.youtube.com/watch?v=GXYQgcXJhQo&list=PLqJiDbsvfNjVG22BIBRI4bodYnXHIBU0u>

#337-24 Appointment of Christopher di Bonaventura

HER HONOR THE MAYOR appointing Christopher di Bonaventura, 2 Knowles Street as a trustee of the Other Post-Employment Benefits Trust Fund for a term of office set to expire on October 7, 2027. (60 days: September 24, 2024)

Action: **Finance Committee Approved 6-0**

Note: Christopher di Bonaventura joined the committee to discuss his appointment to the Other Post-Employment Benefits Trust fund. Mr. di Bonaventura explained that he has always worked in the financial services field and started his career as a public accountant. He noted this is his way of contributing to the public employees of Newton.

A councilor questioned what Mr. di Bonaventura's stance is on debating when to save for future expenses or spending the money on current projects/programs. He explained that he will be doing more research on the benefit programs but he has worked on this with other communities on this question in his past professional experience.

Councilors thanked him for his willingness to serve

Councilor Grossman motioned to approve which passed unanimously.

#368-24 Appropriation to accept and expend a \$50,000 grant for an Economic Development Plan

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of a fifty-thousand-dollar (\$50,000.00) grant from the FY25 Community Compact grant program for the development of an Economic Development Plan.

Action: **Finance Committee Approved 6-0**

Note: John Sisson, Economic Development Director joined the committee to discuss the acceptance of a \$50,000 grant from the FY25 Community Compact grant program. Mr. Sisson provided the attached memo. He explained that the plan is to update the 2019 Economic Development Plan with a consultant.

A councilor asked if the City has to go out to bid for the consultant. Barney Heath, Director of Planning & Development explained that the consultant that worked on the 2019 plan is available to work on this one as well. He noted that because the contract will be \$50,000 or less they do not need to go through the purchasing process.

Councilor Malakie motioned to approved which passed unanimously.

#370-24 Authorization to accept and expend a \$217,800 grant from MassDOT's Shared Streets and Spaces Program

HER HONOR THE MAYOR requesting authorization to accept and expend a two hundred seventeen thousand- and eight-hundred-dollar (\$217,800) grant from MassDOT's Shared Streets and Spaces Program for BlueBikes bike share operations in the City of Newton.

Action: **Finance Committee Approved 6-0**

Note: Jenn Martin, Director of Transportation Planning joined the committee to discuss a \$217,800 grant from MassDOT's Shared Streets and Spaces Program. Ms. Martin provided the attached memo. She explained that this is the fourth grant the City has received to support the bike share program. There are currently 194 Bluebikes across 15 stations, a map of these are attached and there are approximately 9,000 rides a year. The Boston College station is the most popular and is open year-round.

A councilor asked for more explanation on what the projected demand will be. Ms. Martin explained that they do expect ridership to increase as they add more electric bikes to the program.

A councilor raised concerns regarding having a previous employee still working for the City to help with grant writing and questioned if there was others in the department that could do this work.

Barney Heath, Director of the Planning & Development Department that this employee was kept on to finish projects she had started and to assist with any grant writing related to Transportation. This employee continues to be successful in getting these grants.

A councilor noted that this would be discussed during the next budget process.

Councilor Malakie motioned to approve which passed unanimously.

#367-24 Authorization to accept and expend a \$50,000 grant from the FY25 Community Compact Grant Program

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of a fifty-thousand-dollar (\$50,000.00) grant from FY25 Community Compact grant program for the development of a Wage and Classification Plan.

Action: Finance Committee Held 6-0

Note: No member of the Human Resources Department was able to attend the meeting.

Councilor Malakie motioned to hold which passed unanimously.

#366-24 Appropriate and expend \$14,350 for Fire training

HER HONOR THE MAYOR requesting authorization to appropriate and expend the sum of fourteen-thousand three-hundred fifty dollars (\$14,350) from Fire Prevention Fine Receipts Reserve for Appropriation, Account #5500-335519 for enforcement, training and education of Fire Prevention Officers

Action: Finance Committee Approved 6-0

Note: Michael Bianchi, Assistant Fire Chief joined the committee to discuss the request to appropriate \$14,350 for enforcement, training and education of Fire Prevention Officers. Assistant Chief Biachi explained that there are limited uses to what they can use these funds for. They have used these funds for fire safety education at the schools.

Councilor Malakie motioned to approve which passed unanimously.

#371-24 Authorization to accept and expend a \$585,989.09 grant from the Federal Emergency Management Agency

HER HONOR THE MAYOR requesting authorization to accept and expend a five-hundred eighty-five thousand nine hundred eighty-nine dollars and nine cents (\$585,989.09) Assistance to Firefighter Grant from the Federal Emergency Management Agency (FEMA) for the purchase of AEDs, training and fitness/wellness classes.

Action: Finance Committee Approved 6-0

Note: Michael Bianchi, Assistant Fire Chief joined the committee to discuss the acceptance of a \$585,989.09 grant from the Federal Emergency Management Agency. Assistant Fire Chief Bianchi explained that there is a 10% match that will come out of the Fire Department Budget. The plan is to purchase new AEDs for the whole department, there will be EMT training and health and wellness classes.

Councilor Malakie motioned to approve which passed unanimously.

Referred to Land Use and Finance Committees

#157-24

Request for proposals from outside special counsel to ensure compliance and enforcement of applicable permits at the Turtle Lane site in Auburndale

Councilors Gentile, Block, Laredo, and Krintzman requesting that the Mayor through the Law Department solicit proposals from outside special counsel to assist the City in the analysis of the City's rights and remedies to ensure compliance with, and enforcement of, applicable permits and approvals at the Turtle Lane site in Auburndale.

Finance Held 7-0 on 03/24/24

Action:

Finance Committee Held 6-0

Note: The attached back-up was provided before the start of the meeting as a written update to this item. The Chair asked if the Committee had any questions regarding the item.

A councilor asked if the receiver is working for the bank or all creditors. Ali Guiliani, City Solicitor explained that the bank requested that the receiver be appointed in this case. The receiver has been working cooperatively with the State, the City and the bank on a plan that will help move this forward. The Chair noted that the receiver is currently putting together a team of experts.

Councilor Malakie motioned to hold which passed unanimously.

The Committee adjourned at 7:45 pm

Respectfully submitted,

Leonard Gentile, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney Heath
Director

MEMORANDUM

To: Councilor Leonard J. Gentile, Chair, Finance Committee
Members of the Finance Committee

From: Barney Heath, Director
Jennifer Caira, Deputy Director
John Sisson, Director of Economic Development

Date: October 10, 2024

Subject: **#368-24. Appropriation to accept and expend a \$50,000 grant for an Economic Development Plan.** HER HONOR THE MAYOR requesting authorization to accept and expend the sum of a fifty-thousand-dollar (\$50,000.00) grant from the FY25 Community Compact grant program for the development of an Economic Development Plan.

CC: Mayor Ruthanne Fuller
Jonathan Yeo, Chief Operating Officer

The City has received a \$50,000 Community Compact “Best Practices” grant from Governor Healey’s administration. Planning staff applied for and the State awarded this funding in support of an Economic Development Plan to be completed by a consultant in collaboration with Planning staff and the Economic Development Commission (EDC).

We respectfully request authorization to accept and expend the sum of \$50,000 for an economic development assessment and strategy plan. The entirety of the grant funding will be used to engage a consultant for stakeholder interviews, market analysis, and actionable recommendations.

Planning staff and the EDC last engaged a consultant to complete an economic development study and action plan in 2019—less than a year before the COVID-19 pandemic began. Since that time, market dynamics and the commercial drivers of our local economy have changed considerably. Staff and EDC volunteers are eager to begin work on this updated study and action plan.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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Email
rfuller@newtonma.gov

September 30, 2024

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Honorable Councilors:

I respectfully submit this docket item to your Honorable Council requesting authorization to accept and expend a \$50,000 grant from the FY25 Community Compact "Best Practices" grant program for the development of an Economic Development Plan.

The Planning & Development Department will work with a consultant and the Economic Development Commission to develop the plan with input from City Councilors and businesses. Attached is a memo and backup information from Barney Heath, Director of Planning & Development. Director Heath will be available at the committee meetings to answer any questions you may have.

Sincerely,

Ruthanne Fuller
Mayor



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney Heath
Director

MEMORANDUM

To: Mayor Ruthanne Fuller
Jonathan Yeo, Chief Operating Officer

From: Barney Heath, Director of Planning & Development
Jennifer Calra, Deputy Director of Planning & Development
John Sisson, Director of Economic Development

Date: September 27, 2024

Subject: Docket Request for the Acceptance of two FY25
Community Compact "Best Practices" grants

As you are aware, the City received two FY25 Community Compact "Best Practices" grants in August from Governor Healey's administration. One of the grants was \$50,000 in support of an Economic Development Plan to be completed by Planning & Development staff.

We respectfully request that you docket an item requesting the City Council accept this State funding which will enable both departments to engage the assistance of external consultants.

**Submittal to Community Compact Grant Program for
Economic Development Plan
(Planning & Development Department)**

368-24

Economic Development - Best Practice Focus Area

Create an Economic Development Plan that engages diverse stakeholders, leverages local and regional economic strengths and assets, encourages innovation and entrepreneurship, and/or promotes workforce development planning and implementation

Why did you choose this best practice and what assistance would you need to accomplish this best practice?

The City of Newton last completed an economic development strategy plan in 2019, just prior to the pandemic and its economic repercussions. Like other municipalities, we are now wrestling with fundamental changes in real estate: high vacancy rates in commercial office and lab markets, strong housing development needs, and aging industrial buildings. Unlike some neighboring communities, Newton has a small and shrinking commercial base. For the city's long-term fiscal wellbeing, we need an updated economic development assessment and a cogent strategic plan to leverage our new mixed-use, village-center zoning; sustain the strong retail market; boost the range of commercial office offerings; and promote Newton's proximity to transit and regional networks.

It is worth noting that, in spite of recent challenges, the City has advanced several goals enumerated in the 2019 action plan: village center zoning, the revitalization of the Needham Street and Washington Street corridors, major mixed-use developments underway, and the passage of multiple business-friendly zoning amendments.

We would like to continue advancing goals already identified and tackle new challenges and opportunities, including the following:

1. Establish goals for the City's economic resiliency.
2. Examine commercial, mixed-use, and industrial assets and interview stakeholders to determine how properties and City policies are performing in the post-pandemic market.
3. Conduct a S.W.O.T. analysis of Newton's commercial office space and its position in the Greater Boston market.
4. Engage village center businesses with needs assessments, policy discussions, permitting process updates, support and retention, and general problem-solving.
5. Identify growth sectors and innovations in retail, entrepreneurship, and working-from-home and facilitate zoning that enables beneficial growth.
6. Partner with local universities, Newton-Wellesley Hospital, and other stakeholders to advance existing workforce development programs and cultivate new ones.
7. Identify underutilized commercial properties, constraints, and potential solutions.

To engage stakeholders and perform this analysis, City staff and volunteers on the Economic Development Commission will require the professional guidance and expertise of an economic development consultant.

By completing an economic development assessment and formulating an action plan, the City of Newton can ensure its fiscal health, be better positioned to leverage economic upturns, and be prepared for future turbulence.

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard Gentile, the authorization to accept and expend the sum of fifty-thousand-dollar (\$50,000.00) grant from the FY25 Community Compact grant program for the development of an Economic Development Plan is hereby approved.

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____



Ruthanne Fuller
Mayor

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Barney Heath
Director

MEMORANDUM

To: Councilor Leonard J. Gentile, Chair, Finance Committee
Members of the Finance Committee

From: Barney Heath, Director
Jenn Martin, Director of Transportation Planning

Date: October 10, 2024

Subject: **Authorization to accept and expend a \$217,800 grant from MassDOT's Shared Streets and Spaces Program**
HER HONOR THE MAYOR requesting authorization to accept and expend a two hundred seventeen thousand- and eight-hundred-dollar (\$217,800) grant from MassDOT's Shared Streets and Spaces Program for BlueBikes bike share operations in the City of Newton.

CC: Mayor Ruthanne Fuller
Jonathan Yeo, Chief Operating Officer

The City has received a \$217,800 Shared Streets and Spaces grant from MassDOT for Bluebikes bike share operations. Please note, this is the fourth Shared Streets grant we have received from the MassDOT Shared Streets and Spaces program to support bike share. We have fully completed the first three projects.

We respectfully request authorization to accept and expend the sum of \$217,800. The award will pay for two years of Bluebikes operations.

Newton currently has 194 Bluebikes docks spread across fifteen stations, see Figure 1, and has close to 9,000 rides per year, see Figure 2. Fourteen of our stations operate seasonally April-November; the popular Boston College Station remains in operation year-round.

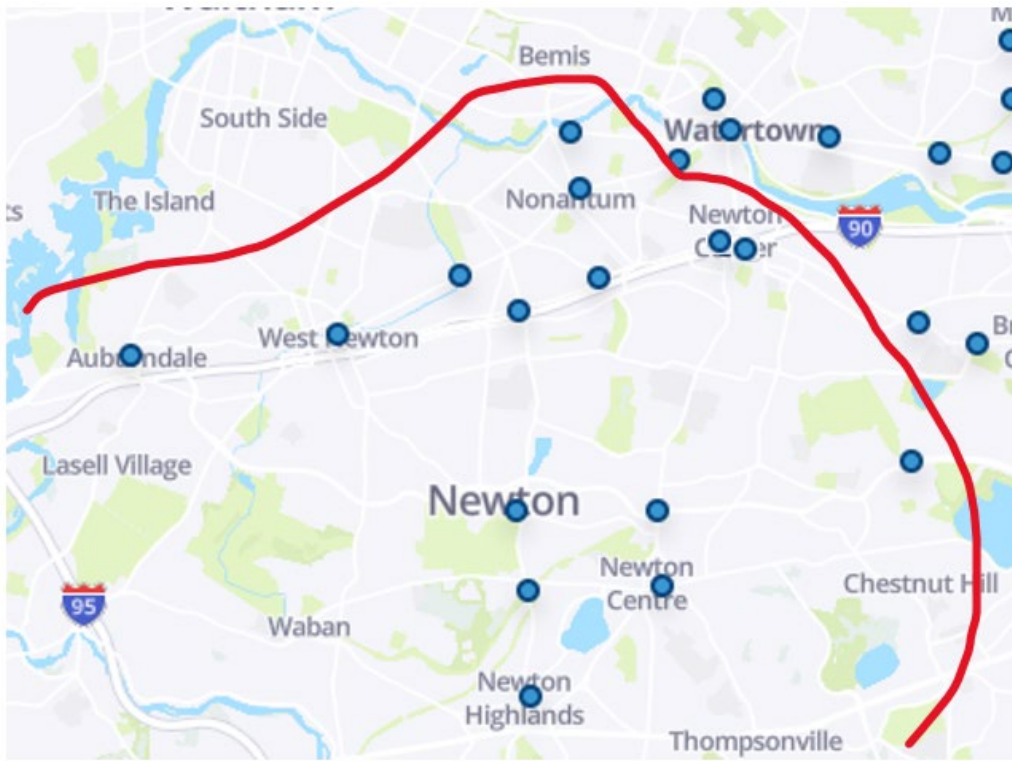


Figure 1. Station Map, October 2024, at Centre St. at Commonwealth, Newton Free Library, Watertown St at Albemarle Road, Beacon St at Walnut St, Auburndale, West Newton, Centre St. at Washington St., Washington St. at Walnut St., Washington St. at Crafts St., Newton Highlands T, Newton Centre Langley Lot, Nonantum Library, Bacon St. at Washington St., California St. at Chapel, Boston College MBTA Station.

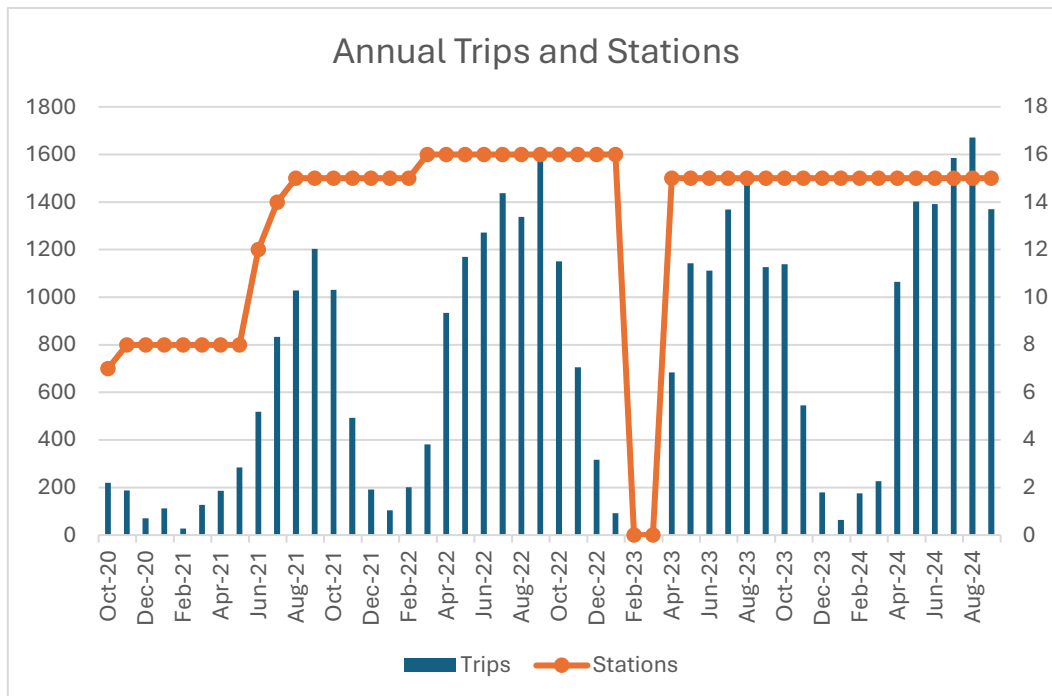


Figure 2. Trips by month and station count: Oct 2020-Sept 2024

Attached: Award Letter



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

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September 30, 2024

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Councilors:

I respectfully submit this docket item to your Honorable Council requesting authorization to accept and expend \$217,800 in grant funding from the MassDOT's Shared Streets and Spaces Program for BlueBikes bike share operations in the City of Newton.

The grant which extends to December 31, 2026 will cover all operations of the BlueBikes Program in Newton between now and then.

Attached is a memo and backup information from Jenn Martin, Director of Transportation Planning. Ms. Martin will be available at the committee meetings to answer any questions you may have.

Sincerely,

Ruthanne Fuller
Mayor



Ruthanne Fuller
Mayor

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Department of Planning and Development
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Barney S. Heath
Director

MEMORANDUM

Date: September 25, 2024
To: Jonathan Yeo, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
From: Jenn Martin, Director of Transportation Planning
Cc: Barney Heath, Director of Planning
Subject: Request to Docket Item to Accept MassDOT Shared Streets and Spaces Grant
FY'24

We request approval to accept and expend \$217,800 in grant funding from the MassDOT's Shared Streets and Spaces Program for BlueBikes bike share operations in the City of Newton.

Please note, this is the fourth of four Shared Streets grants we have received from the MassDOT Shared Streets and Spaced program. We have fully completed the first three projects.

The grant has a deadline of December 31, 2026.

Attached:

- Award Letter
- Lyft contract



Maura Healey, Governor
Kimberley Driscoll, Lieutenant Governor
Monica Tibbitts-Nutt, Secretary and CEO
Jonathan L. Gulliver, Highway Administrator



July 30, 2024

Nicole Freedman
Transportation Planning Coordinator
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Via email: nfreedman@newtonma.gov

Dear Nicole Freedman:

Thank you for your submission to the Shared Streets and Spaces Program during the Fiscal Year 2024 application solicitation. I am pleased to notify you that Newton's Bikeshare Equipment application for Newton Bluebikes Operating Funds has been approved for \$217,800.00.

Awarded municipalities will enter into a contract with MassDOT for the completion of approved work. A member of the Community Grants Group will reach out shortly to gather all necessary information to begin the contracting process. It is anticipated that the Notice to Proceed (NTP) for this award will be issued by November 1, 2024, and the deadline for all contracted work will be December 31, 2026. MassDOT-funded work may not proceed until the NTP is issued.

Reimbursement requests are processed by your District State Aid Engineer on MassDOT's Grant Central. Learn more about this process as well as other implementation details for the program at: <https://madothway.my.site.com/GrantCentral/s/>

Please email SharedStreets@dot.state.ma.us with questions related to this award. Thank you for your commitment to improving safety, access, and mobility for all roadway users in your community and for your participation in the Shared Streets and Spaces Program.

Sincerely,

Jonathan L. Gulliver
Highway Administrator

cc: Kristen Rebelo, MassDOT Community Grants Program Administrator

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard Gentile, the authorization to accept and expend the sum of two hundred seventeen thousand- and eight-hundred-dollar (\$217,800) grant from MassDOT's Shared Streets and Spaces Program for BlueBikes bike share operations in the City of Newton is hereby approved.

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard Gentile, authorization to appropriate and expend the sum of fourteen-thousand three-hundred fifty dollars (\$14,350) from Fire Prevention Fine Receipts Reserve for Appropriation, Account #5500-335519 for enforcement, training and education of Fire Prevention Officers be and is hereby approved as follows:

FROM:	Fire Prevention Fines Receipts Reserved (5500-335519).....	\$14,350.00
TO:	Fire Prevention Activities (01C210208-531900)	\$14,350.00

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

CITY OF NEWTON

IN CITY COUNCIL

DRAFT

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chair Leonard Gentile, the authorization to accept and expend the sum of five-hundred eighty-five thousand nine hundred eighty-nine dollars and nine cents (\$585,989.09) Assistance to Firefighter Grant from the Federal Emergency Management Agency (FEMA) for the purchase of AEDs, training and fitness/wellness classes is hereby approved.

Under Suspension of Rules
Readings Waived and Approved
DRAFT

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Date: _____

Lenny Gentile

From: Jonah Temple <jtemple@newtonma.gov>
Sent: Friday, October 11, 2024 12:53 PM
To: Marc C. Laredo; Joshua Krintzman; Lenny Gentile; LENNY GENTILE; Randall Block
Cc: Alissa O. Giuliani
Subject: RE: 283 Melrose/Turtle Lane
Attachments: Turtle Lane Project.pdf; Report of Receiver John C Ottenberg.pdf

CAUTION: This email originated from outside of FBCI! Do not click links or open attachments unless you recognize the sender and know the content is safe!

Councilors,

While I have been in communication with Councilor Block with further updates, I want to provide the latest for all of you.

Since the court appointed a receiver to take over the project, he has spent significant time getting up to speed and reviewing the numerous issues. He has been in close consultation both with me and ISD throughout, as well as the relevant state departments. A formal Assessment of the project is currently underway that will address all the construction deficiencies with a corrective plan. The receiver has spent the last few months identifying and interviewing licensed design professionals to prepare the assessment and obtaining three proposals. The Assessment team is now in place and consists of professionals experienced in multi-family modular construction as follows: TSP Building Services LLC, the project manager, Neshamkin French Architects, Inc., the architect, Daniel Bonardi Consulting Engineers, the foundation and structural steel engineer, T.F. Moran Structural Engineers, the structural engineer for the modular units, Zade Engineering LLC, the MEP engineer, C3, the code consultant, and ECS Group, to provide field verification, scanning and CAD services.

Once a group was selected, the receiver needed court approval to expend \$250,000 to conduct the assessment. Approval for additional funding was granted on September 26. The Assessment must be submitted to the state and the City by December 17.

Prior to initiating the Assessment, the receiver was focused on making the building weather tight, removing moisture, addressing overgrowth and fencing, and activating the fire alarm system. This work was also done in close consultation with the City, with proper permitting, and also required court approval for the associated expenditures.

Attached is the most recent receiver report he is required to file with the court. Also attached here is a similar update that the receiver provided to Councilor Block last week.

Overall, the City is satisfied with the progress made by the receiver to date and we are continuing to work closely with him and his team. The Assessment and corrective plan is a crucial step as it will determine what is necessary to bring the project into code compliance and complete the project. Once the Assessment is complete, we will have a better understanding of the timeline and plan moving forward. We recommend waiting until January before any further update or public discussion. As the receiver noted, there should be a substantive update at that point.

Lenny, while I understand you are looking to continue your discussion regarding a search for outside counsel at Finance Tuesday next week, I hope this email makes clear outside counsel is not necessary. The receiver process will continue to take time, but it is being done right and on the best path to get the issues resolved and the project

completed. As we have said before, we are confident we have the abilities and expertise to handle this. If you feel otherwise or have any additional questions, please let us know and we can schedule a call.

Thanks
Jonah

From: [John Ottenberg](#)
To: [Randall Block](#)
Cc: [Jonah Temple](#)
Subject: Turtle Lane Project
Date: Wednesday, October 9, 2024 5:52:51 PM

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Dear Councilor Block,

This is to acknowledge receipt of your letter of October 3. I understand the displeasure and likely frustration of your constituents with the Turtle Lane Project.

Currently under way is what I'm calling Phase I of the receivership's work on the project. A team of professionals, including an architect, several engineers and others in construction related disciplines, have been hired to assess all aspects of the residential building and prepare formal plans to correct all deficiencies. The Phase I report should be completed in mid-December. The report will be submitted to the Massachusetts Division of Occupational Licensure, Office of Public Safety and Inspections (DOL) and shared with the Inspectional Services Department of the City of Newton. The DOL (and the City) will then respond.

Prior to that response there is little that I can do on the project, although the building has been made weathertight, the weeds trimmed and a fire alarm system should soon be activated.

The current situation should remain the same until I hear back from the DOL (and the City) and can make plans in accordance with its decision. Once I have something of substance to discuss with members of the community, I'll be happy to do so. The timing should be the early part of 2025.

Thank you and your constituents for your continuing patience.

Sincerely, John Ottenberg, Receiver

John C. Ottenberg, Esq.
Ottenberg & Dunkless LLP
10 Post Office Square, 7th Floor South
Boston, MA 02109
Telephone: 617-939-6242
ottenberg@odllp.com

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

SUPERIOR COURT DEPT.
CIVIL ACTION NO. 2381CV01807

<p>DEDHAM INSTITUTION FOR SAVINGS <i>Plaintiff,</i></p> <p>vs.</p> <p>TURTLE LANE LLC, ET. AL <i>Defendants</i></p>

**REPORT OF JOHN C. OTTENBERG
RECEIVER OF TURTLE LANE LLC
PURSUANT TO COURT ORDER OF
JUNE 25, 2024 AND REQUEST FOR
APPROVAL OF INTERIM
COMPENSATION**

Now comes John C. Ottenberg, Receiver of Turtle Lane LLC (“Receiver”) and submits this Inventory, List of Creditors and Debts and First Quarterly Report, all as required by the Order of Appointment dated June 25, 2024 (“Order”). In addition, the Receiver requests approval of compensation for his services and that of his law firm Ottenberg & Dunkless, LLP (“Ottenberg & Dunkless”) for the period ending August 31, 2024. The plaintiff Dedham Institution for Savings (the “Bank”) has indicated it does not object to paying compensation to the Receiver in the amount requested.

1. The Receiver was appointed by the Order of this Honorable Court on June 25, 2024. He assumed the duties set forth in that Order.

2. Paragraph 26 of the Order provides:

26. The Receiver is required to file in the office of the clerk of the court, within ninety (90) days after the date of entry of this Order, under oath, a detailed inventory of the properties and other assets of the estate, with the estimated value thereof together with a list of encumbrances thereon; and also a list of creditors and debts of the receivership and of the Defendant, so far as known to it. The Receiver shall thereafter provide quarterly reports commencing on September 27th, 2024, setting forth the income, expenses, assets, and liabilities of the Defendant, and including

such information as may be needed to apprise the Court of the progress of the Receiver and its undertakings as required hereby.

This submittal is intended to comply with these directives.

3. Turtle Lane LLC (“Turtle Lane”) is the owner and developer of a real estate project located at 283 Melrose Street, Newton, Massachusetts, comprised of the construction of a building containing sixteen (16) residential condominium units and the renovation of a second building, the Turtle Lane Playhouse, a 200-seat community theater, to which newly constructed office space is to be added (the “Turtle Lane Project”). As of the time of the Receiver’s appointment, the residential building had been partially constructed; but, as noted below and in Plaintiff’s Complaint, is the subject of numerous deficiency notices from the City, and an order halting construction. The theater building had been gutted, a portion of the interior framing done, the roof re-shingled and new cladding applied to the exterior. Construction of the office addition has not proceeded beyond the installation of a foundation. The Receiver was appointed to evaluate, remediate and complete the Turtle Lane Project.
4. The Bank financed the Turtle Lane Project. It holds two promissory notes in the face amounts of \$10,262,220.00 and \$700,000.00, real estate mortgages and guarantees by the Defendants, and other real estate loan documents. The Bank alleges that Turtle Lane has defaulted on its obligations under the two promissory notes and other documents.
5. As noted, the City of Newton (the “City”) has issued notices of substantial noncompliance of the Turtle Lane Project with the applicable building code and other regulatory requirements for construction of the Project, and the City has asserted that the property is unsafe absent substantial corrective actions at the site. Among other issues, a building permit was never issued by the City. The City issued a Stop Work Order, and minimal construction, if any, has taken place for approximately three years. A summary of deficiencies prepared by the

Inspectional Services Department of the City dated April 26, 2024 is annexed hereto as Exhibit A.

6. The Massachusetts Division of Occupational Licensure, Office of Public Safety and Inspections (“DOL”), which also has jurisdiction over the residential portion of the Turtle Lane Project (because it utilizes modular construction), issued an order on June 4, 2024 directing Turtle Lane to remediate within fourteen (14) days various elements of the residential construction as noted by the City. That deadline had passed as of the date the Receiver was appointed. Subsequently, the DOL issued a directive dated July 17, 2024 that the Receiver submit within 30 days a report containing, in effect, an assessment of all construction deficiencies in the residential building and a remedial plan of action subscribed to by licensed design professionals and the manufacturer (“Assessment and Remedial Plan”). The Receiver was able to negotiate an extension for that submission to October 17, 2024. The Assessment and Remedial Plan relates solely to the residential building.

7. The Bank sought the appointment of the Receiver, *inter alia*, to assess and undertake such repairs as the Receiver, the City and the DOL determine are necessary and appropriate, and to undertake emergency repairs in order to stabilize the Project, to prevent further deterioration, to remedy building code violations, address the notices from the City regarding unsafe structures and correction orders and respond to the DOL order. Paragraph 12 of the Order appointing the Receiver instructs the Receiver to “undertake such repairs as the Receiver and the City determine to be necessary and appropriate to assess and undertake emergency repairs in order to stabilize the Project, to prevent further deterioration and damage to the Project and to remedy building code violations, and to address the Newton Notices of Unsafe Structure and Correction Orders to the satisfaction of the City...”

8. The principal undertakings of the Receiver to date included the following:

The Receiver familiarized himself with the lot and buildings at 283 Melrose Street, the state of construction and the extensive lists of construction deficiencies noted by the City. The construction issues are complex. This is especially so because the project was constructed with modules pre-fabricated in Canada.

The Receiver toured the site with officials from the City's building department. The Receiver has met or conferred with the developer Stephen Vona, the project architect, various engineers, the manufacturer of the modules, consultants and others involved in the project. The Receiver's education has been time consuming and is continuing.

The Receiver conferred with counsel for the Bank and Turtle Lane. He has also conferred with counsel for the other Defendants and counsel for the City.

The Receiver familiarized himself with legal documents such as the Special Permit and, to the extent able, available construction documents.

The Receiver needed to identify and interview professionals who could assist him with the project. Included were architects, engineers, consultants, testing services, firms that offered multi-disciplinary services, contractors and landscapers. After obtaining three sets of bids and consulting with the parties, the Receiver recently selected a team of professionals ("Phase I Team") to produce the Assessment and Remedial Report and currently is in the process of preparing and executing contracts to hire them.

The Receiver requested, and by Order of August 8, 2024 this Court approved, an initial protective advance by the Bank to the Receiver of \$100,000. A portion of that amount has already been expended or committed to make the premises weather tight, to attempt to remove moisture that has and can continue to produce mold, to repair and

activate the fire alarm system, to remove unsightly weeds, for security fencing and for other purposes.

The Receiver has filed a second request, this time in the amount of \$150,000, for the Court to approve an additional advance by the Bank to finance and undertake the required Assessment and Remedial Plan.

A variety of other tasks were undertaken, such as efforts to obtain insurance, reinstating Turtle Lane as an administratively active limited liability company, and opening a bank account, all as more fully set forth in Exhibit B hereto.

9. Inventory.

The principal asset of Turtle Lane is the land (approximately one acre in the Auburndale section of Newton), a Special Permit issued by the City and the salvageable portion of the structures on the site. The Receiver is unable to place a monetary value on this real estate asset given its present condition.

Turtle Lane had several bank accounts with small balances: a total of \$577.75 at Dedham Institution for Savings and \$65.94 at The Village Bank.

As noted, the Receiver has borrowed \$100,000 from the Plaintiff and anticipates borrowing an additional \$150,000.

Stephen Vona who, although not the registered manager of Turtle Lane, acts on its behalf, has indicated that an entity named Farwell On The Charles, LLC ("Farwell") owes Turtle Lane between \$350,000 and \$400,000. The Receiver believes that one or both of the Vonas have an interest in Farwell, which was involved in another real estate development project financed by the Bank. Presumably, Turtle Lane advanced funds

to Farwell. Plaintiff informed the Receiver that it has foreclosed on the Farwell property. In light thereof, this asset is of doubtful value.

Donna Vona, the manager of record of Turtle Lane, and Stephen Vona have not disclosed any other assets. In spite of multiple requests, they have not produced financial ledgers. With limited exceptions, they have not provided the Receiver with Turtle Lane's books, records and other documents, also in spite of multiple requests.

Other than as set forth above, the Receiver is not aware of any other assets of Turtle Lane to include in an inventory.

10. Creditors/Debts.

The Plaintiff indicates that Turtle Lane is indebted to it in the amount of \$8,508,660.99, exclusive of interest, costs and other charges on the larger note; and \$267,348.01, exclusive of interest, costs and other charges, on the other note.

Stephen Vona represented that Turtle Lane has no other creditors. However, the Receiver has become aware of claims by Zade Engineering (\$42,000); ASAP Environmental (\$900); Mobile Fencing (\$640.78) and RMS Modulaire (\$18,622.03). The Receiver has not yet published a request to creditors to submit claims and therefore does not know what other claims may exist.

At the time of the Receiver's appointment, Turtle Lane had been administratively dissolved by the Massachusetts Secretary of State and the Receiver had to expend \$1,625 to reinstate it. (The Receiver could not otherwise open a bank account.) Stephen Vona indicated that no tax returns have been filed for Turtle Lane.

11. Quarterly Account.

The Receiver has received and deposited into the Receivership bank account at Dedham Institution for Savings the following amounts:

Loan advance from Plaintiff:	\$100,000.00
Funds from Turtle Lane account at Plaintiff:	577.75
Funds from Turtle Lane account at The Village Bank:	<u>65.94</u>
Total:	\$100,643.69

To date, payments have been made from the Receivership account as follows:

TSP Building Services – weatherproof building:	\$ 8,919.00
Smart Landscaping – clear weeds:	695.00
Elan Financial - reimbursement for funds paid to Smart Landscaping by credit card:	719.32
Ottenberg & Dunkless - reimbursement for payment to reinstate Turtle Lane with Mass. Secretary of State:	1,625.00
Mobile Fencing:	640.78
Gardner Electric – down payment to install fire alarm:	3,916.93
TSP Building Services – weatherproofing:	<u>10,684.00</u>
Total Expended :	\$27,200.03
Balance in account:	<u>\$73,443.66</u>

12. Request for Compensation.

The Order provides (see Paragraphs 27 and 28) that the services of the Receiver and his law firm Ottenberg & Dunkless shall be compensated at the rate of \$450 per hour by the Bank. From the date of appointment through October 31, 2024, the Receiver and his firm have spent the time and incurred the expenses set forth in the statement annexed hereto as Exhibit B. The total charges as set forth in that statement are: \$35,453.71.

Compensation is subject to the approval of the Court (Paragraphs 27 and 28). The Receiver hereby requests that the Court approve payment in the total amount of \$35,453.71.

WHEREFORE, the Receiver hereby submits this Report as directed by the Court. He also requests that his Court approve interim compensation in the amount of \$35,453.71 for his services and that of Ottenberg & Dunkless through October 31, 2024.

Signed under the pains and penalties of perjury this 23rd day of September, 2024

RECEIVER,

/s/ John C. Ottenberg
John C. Ottenberg, Esq., BBO #380955
Ottenberg & Dunkless, LLP
10 Post Office Square, 7th Floor South
Boston, MA 02109
(617) 939-6242
ottenberg@odllp.com

Dated: September 23, 2024

Approved and entered as
an Order of the Court

Justice of the Court

CERTIFICATE OF SERVICE

I, John C. Ottenberg, hereby certify that this document was served electronically on all counsel of record at the time it was filed with the Court, but was not served pursuant to Superior Court Rule 9A. The Plaintiff Bank has indicated it does not object to the payment of compensation to the Receiver in the amount requested.

/s/ John C. Ottenberg
John C. Ottenberg

EXHIBIT A

City of Newton

Ruthanne Fuller
Mayor

Inspectional Services Department

Anthony Ciccariello, Commissioner
1000 Commonwealth Avenue
Newton, MA 02459
www.newtonma.govTelephone
(617) 796-1060
Fax
(617) 796-1086
Email
ISD@newtonma.gov

April 26, 2024

Turtle Lane LLC
77 Oldham Road
Newton, MA 02465**Re: 283 Melrose Street, Auburndale, MA**

Dear Property Owner,

An inspection was conducted at the property of which you have care, charge, or control, known as **283 Melrose Street, Auburndale, MA** on April 9, 2024. Based on that inspection, previous inspections, and previously submitted documents, the list below summarizes what actions need to be taken to make the building safe and complete the residential building portion of the project.

BUILDING C RESIDENTIAL

Summary:

The residential project consists of A 33,244 Square foot residential 3-story building (45.16 ft) including 22,194 square ft (16 dwelling units & common areas) and 11,050 square ft of underground parking facilities, approved by Special permit (#480-14 and amendments thereto).

Status:

- The foundation, podium steel framing, Concrete podium decking, and modular units (with roof) have been partially installed without building permits.
- Temporary power has been installed (with electrical permit).
- There is an open "foundation-only at risk" permit (BP-19-222).
- There is a revoked permit to install the roof only (# BP-21-2425 issued 8/31/2021- revoked 7/5/2022). Roof work was performed, but the building still leaks.
- There are no other permits issued.
- There is an Unsafe Structure violation (issued 7/05/2022) and Fire Department installed signage "X" (to direct the Fire Department to conduct operations from the exterior only and not enter the building).
- There is a Stop-Work Order for all work except a permit waiting to be issued for "Exploratory Demo Only."

*Strict code enforcement makes the city safer
Before buying, renting or leasing check zoning*

ITEMS REQUIRED FOR PERMIT APPLICATIONS

Actions required to obtain the required building permit(s), re-start the project, make the site safe, and move forward towards completion:

- Foundation:
 - a) Submit the wet-sealed results from supervised concrete core-sample testing, from previously I.S.D. prescribed locations, performed by an approved agency.
 - b) Foundation upper extensions (areas described as "grouting" between original foundation and steel podium): Submit wet-sealed drawings and narrative describing the reason for application, certifying internal reinforcement, positive connection to existing foundation and load-bearing capacity.
 - c) Foundation installed Buttresses (not on the foundation plan) that were fully or partially removed: Submit wet-sealed drawings and narrative describing the reason for application, reason for the removal and verify the structural integrity of the foundation at those locations (or prescribe means & methods for repairs at those locations).
 - d) Call for final inspection and sign-off of "At Risk" foundation permit.
 - e) Frost Walls: (requires a foundation permit) Install all frost walls, per Aesthetic Images letter (4/19/22 & 6/19/22)

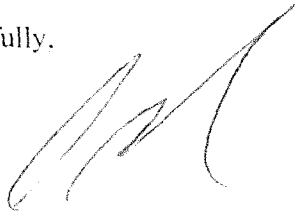
- Podium Steel & Concrete podium- (requires an "After the Fact" building permit application):
 - a) Submit (from the registered Engineer or Design Professional of Record) wet-sealed "as-Built" plans for the steel podium, also showing the placement, connections and load paths as they correspond to each of the first floor manufactured units, and how that differs from the 3rd party stamped (TFM) structural drawings & details.
 - b) Submit (from the registered Engineer or Design Professional of Record) verification that the 1/2" steel bearing plates between the steel beams and foundation have been installed correctly.
 - c) Verify the previously submitted steel modifications (from Dan Bonardi Consulting Engineers-5/19/22) and include any additional corrections that may be needed in a full narrative (also include any remediation that may be needed due to water damage for the application of fire-resistant materials).
 - d) Submit (from the registered Engineer or Design Professional of Record) wet-sealed "as-Built" plans showing location and load capacity of existing concrete podium, proposed water-proofing details, and extent of any damage caused by lack of waterproofing thus far.

- Modular box units-requires an "After the Fact" building permit application consisting of:
 - a) Submit (from the registered Engineer or Design Professional of Record) wet-sealed plans, specifications and narrative that details the modifications that will be taken for all the boxes to meet current Plumbing, Electrical, Mechanical and Energy Codes (including the Specialized Stretch Code for Residential Low-rise Multifamily).
 - b) The above plans, specs and narrative needs to be approved and stamped by the 3rd party Inspection Agency, per 780 CMR 110

- c) Submit a Licensed Mold report, for both surface and air quality, and remediation plan (if needed) from an approved environmental testing agency.
- d) Submit independent 3rd party review of all existing wiring, plumbing, fixture, finish and structural elements that may have been damaged or otherwise negatively affected by the continued water intrusion from the date of manufacture of the units until the present date.
- e) Submit 3rd party narrative that confirms destructive disassembly (i.e. opening walls & ceilings, due to water damage) has not compromised the product.
- Roofing:
 - a) Submit Complete roofing structural framing "As-Built" plans and specifications, with all load paths and connections verified as meeting the original plans & specifications in the 3rd party approved drawings.
 - b) Submit 3rd party evidence the roof drainage system was installed at the time of the roof permit being issued (1month after installation of the manufactured units) and is functional.
 - c) Submit independent 3rd party review of all roofing, under roof insulation, structural elements and finish elements that may have been damaged or otherwise negatively affected by the continued water intrusion from the date of manufacture of the units until the present date.
- General Permitting Requirements (Online portal):
 - a) Complete online application by the C.S.L. holder
 - b) Submit acceptable insurance requirements (per the Special Permit).
 - c) Submit an updated CMP.
 - d) Submit Construction Control Affidavits (Wet-sealed) for all disciplines.
 - e) Submit full sets of all Wet-Sealed plans, specifications, and narratives required in the above list.
 - f) Submit approval from the Planning Department
 - g) Submit Fire Department approved plans.
 - h) Submit all energy documents (including any Certifications and reports, like COMCHECK)
 - i) Submit all Set-Crew Information

If you have any questions, please call me at 617-796-1078.

Respectfully,



Andrew Mavrelis
Deputy Commissioner / Plans Examiner



Anthony Ciccariello
Commissioner

EXHIBIT B

OTTENBERG & DUNKLESS LLP

10 Post Office Square
 7th Floor South
 Boston, MA 02109
 617-342-8600

Invoice submitted to:

John C. Ottenberg, Receiver of
 Turtle Lane LLC
 10 Post Office Square, 7th Floor South
 Boston, MA 02109

September 19, 2024

Invoice # 17340

Professional Services

		<u>Hrs/Rate</u>	<u>Amount</u>
6/25/2024	JCO Exchange emails with plaintiff's counsel; review order of appointment; other pleadings; prepare list of tasks; email to T. Reith	0.75 450.00/hr	337.50
6/26/2024	JCO Telephone conference with P. Samson and M. Scott	0.25 450.00/hr	112.50
6/27/2024	JCO Telephone conferences with J. Temple and M. Lanza; emails with M. Lanza and R. LeClair	0.50 450.00/hr	225.00
6/28/2024	RCD Review background documents	1.25 450.00/hr	562.50
	JCO Telephone conference with S. Vona; emails with M. Lanza, R. LeClair, Criterium Engineers, Newton ISD; review extensive materials provided by City	2.25 450.00/hr	1,012.50

John C. Ottenberg, Receiver of

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		<u>Hrs/Rate</u>	<u>Amount</u>
7/1/2024	JCO Visit site; tour with ISD officials; inspect buildings; emails with J. Temple and A. Mavrelis; review documents	2.75 450.00/hr	1,237.50
7/2/2024	RCD Telephone conference with J. Ottenberg re: identifying legal issues	0.25 450.00/hr	112.50
	JCO Telephone conferences with B. Braunstein, B. Kilcoyne, R. Dunkless and D. Wilson; review building documents; emails with D. Wilson, B. Braunstein, J. Temple, R. LeClair, P. Samson and B. Kilcoyne	2.00 450.00/hr	900.00
7/3/2024	JCO Telephone conferences with J. Comacho and B. Braunstein; review documents; emails with J. Comacho and B. Braunstein	0.75 450.00/hr	337.50
7/5/2024	JCO Create schedule of professionals from review of available documents	1.00 450.00/hr	450.00
7/6/2024	JCO Contact Newton fire department; fix lock; review documents; email with J. Comacho	1.25 450.00/hr	562.50
7/7/2024	JCO Emails with J. Comacho and B. Braunstein	0.25 450.00/hr	112.50
7/8/2024	JCO Telephone conferences with Bank counsel, L. Davidson, Newton ISD; emails with L. Davidson, P. Samson and D. Shaw; consideration to information including role of DOL, outline topics and information required	1.75 450.00/hr	787.50
7/9/2024	JCO Telephone conferences with A. Schlesinger and J. Natarelli; emails with L. Davidson and J. Temple; further review of documents	1.25 450.00/hr	562.50
7/10/2024	JCO Telephone conference with J. Temple and P. Samson; emails with S. Tell, A. Mavrelis, S. Vona, J. Comacho and B. Kilcoyne	1.00 450.00/hr	450.00

John C. Ottenberg, Receiver of

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		<u>Hrs/Rate</u>	<u>Amount</u>
7/15/2024	JCO Telephone conferences R. Buckley, S. Petitpas, J. Schutt and B. Braunstein; travel to site; meet with J. Natarelli	2.75 450.00/hr	1,237.50
7/16/2024	JCO Telephone conferences with C. Kilb, D. Bonardi; email with P. Samson, S. Petitpas, J. Comacho, J. Scannell and D. Bonardi; review insurance policy	1.50 450.00/hr	675.00
7/17/2024	JCO Telephone conferences with P. Samson, ASAP Environmental, J. Temple and Bank counsel; email G. Trudeau; review documents; consideration to extension issue re: DOL; email with C. Kilb re extension	1.50 450.00/hr	675.00
7/18/2024	JCO Review appeal procedures re: DOL order; telephone conferences and emails with C. Kilb and P. Samson; emails re insurance; email B. Kilcoyne; consideration to stipulation re: funding; revisions to stipulation	1.75 450.00/hr	787.50
7/19/2024	JCO Travel to Bank to open account; telephone conference with SMMA; emails with G. Trudeau, M. Ingegneri and P. Samson; internet research re: professionals	2.00 450.00/hr	900.00
7/21/2024	JCO Draft motion to authorize advance of funds and revise; emails with P. Samson	1.00 450.00/hr	450.00
7/22/2024	JCO Revisions to stipulation; telephone conference with T. Bonfatti; emails with P. Samson, J. Natarelli, M. Ingegneri, T. Chowdury, B. Braunstein and D. Russell	1.00 450.00/hr	450.00
7/23/2024	JCO Telephone conference with D. Russell; emails with D. Russell, T. Chowdury, M. Ingegneri, B. Lawlor and P. Samson; review documents; revise motion and stipulation	1.50 450.00/hr	675.00
7/24/2024	JCO Tour of property with D. Russell; telephone conferences with P. Samson, court clerk and Bank of America; emails with A. Ruttenberg, B. Kilcoyne, P. Samson, M. Ingegneri, M. Lanza, Bank of America and J. Comacho; review documents	2.75 450.00/hr	1,237.50

John C. Ottenberg, Receiver of

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		<u>Hrs/Rate</u>	<u>Amount</u>
7/25/2024	JCO Further review insurance policy; review Natarelli proposal; serve emergency motion; telephone conference with court clerk; emails with D. Russell, P. Samson, M. Lanza, Vertex Engineering, J. Natarelli, J. Temple, M. Ingegneri, T. Chowdury and Bank of America	2.25 450.00/hr	1,012.50
7/26/2024	JCO Telephone conference with various re: weather tightening, Bank of America; email with P. Samson, N. Nesgos, B. Lawlor, A. Levin and J. Temple	0.75 450.00/hr	337.50
7/27/2024	JCO Email with B. Lawlor	0.25 450.00/hr	NO CHARGE
7/29/2024	JCO Conference with M. Lanza and S. Vona; telephone conference with P. Samson; email with D. Russell, A. Levin, M. Ingegneri, M. Lanza and P. Samson	3.25 450.00/hr	1,462.50
7/30/2024	JCO Conference call with Bank; telephone conferences with P. Samson, Contractor's Association; emails with P. Sampson, Contractor's Association, B. Kilcoyne, M. Lanza, court clerk, A. Levin, M. Ingegneri, T. Chowdury, S. Vona, Bank of America, N. Nesgos and J. Temple; attend to filing motion with court	1.75 450.00/hr	787.50
7/31/2024	RCD Review Sec of State records; prepare forms for LLC reinstatement; telephone conferences with J. Ottenberg	1.00 450.00/hr	450.00
	JCO Visit property; conference with D. Russell; go to City Hall; conference building commissioner; telephone conference with Landmark General; emails S. Vona, M. Lanza, B. Kilcoyne, R. Dunkless, P. Samson, D. Russell, B. Lawlor and Bank of America; review court order	2.50 450.00/hr	1,125.00
8/1/2024	JCO Emails D. Vona, R. Dunkless, D. Russell, M. Ingegneri, M. Lanza, A. Ciccariello and Bank of America	0.50 450.00/hr	225.00
8/2/2024	JCO Emails D. Russell and R. Dunkless	0.25 450.00/hr	112.50

John C. Ottenberg, Receiver of

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		<u>Hrs/Rate</u>	<u>Amount</u>
8/3/2024	JCO Review additional portions of insurance policy; email M. Lanza, R. LeClair; review documents	1.00 450.00/hr	450.00
8/4/2024	JCO Email P. Samson and R. LeClair	0.25 450.00/hr	112.50
8/5/2024	JCO Email P. Samson, D. Vona, R. Dunkless, B. Lawlor and D. Russell	0.50 450.00/hr	225.00
8/6/2024	RCD Process check with bank for reinstatement fee; file documents at Secretary of State	0.50 450.00/hr	225.00
	JCO Prepare and telephone conference with RCM Modular; prepare and telephone conference with D. Russell; review construction documents; emails with P. Samson, Bank of America, R. Dunkless, C. Bolduc-Cliche, M. Lanza, P. Ross, R. Kelley, D. Vona and R. LeClair	2.00 450.00/hr	900.00
8/7/2024	JCO Review RCM documents; telephone conferences with P. Samson, S. Petitpas; emails R. LeClair, B. Lawlor, P. Ross, R. Kelley, S. Petitpas, D. Bonardi and J. Schutt; review additional documents	2.00 450.00/hr	900.00
8/8/2024	JCO Telephone conferences with C. Bolduc-Cliche, J. Schutt and Bank of America; travel to open bank account; emails with court clerk, all counsel, R. Kelley, P. Ross, S. Petitpas, D. Russell, S. Szramiak, R. Dunkless and R. LeClair	1.75 450.00/hr	787.50
8/9/2024	JCO Telephone conference with Bank of America; emails with P. Samson, S. Szramiak, D. Bonardi, Bank of America, A. Levin and A. Mavrelis; analysis of construction documents and information to date; develop action plan	2.25 450.00/hr	1,012.50
8/10/2024	JCO Emails with P. Samson and Bank of America	0.25 450.00/hr	112.50

John C. Ottenberg, Receiver of

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		<u>Hrs/Rate</u>	<u>Amount</u>
8/11/2024	JCO Emails with A. Levin, S. Vona and P. Samson	0.25 450.00/hr	112.50
8/12/2024	RCD Draft letter to Secretary of State for Certificate of Good Standing; telephone calls with Secretary of State; follow up with Secretary of State to correct certificate	0.50 450.00/hr	225.00
	JCO Telephone conference with P. Samson; emails with P. Samson, M. Scott, M. Lanza, S. Vona, R. Dunkless, A. Levin and landscapers	0.75 450.00/hr	337.50
8/13/2024	JCO Meeting at property with M. Scott, J. Schutt, J. Comacho and D. Shaw; review notes and other documents; emails with A. Mavrelis, Bank of America, P. Ross, A. Levin and J. Comacho	4.00 450.00/hr	1,800.00
8/14/2024	JCO Locate and telephone conference with landscapers; review documents in light of yesterday's meeting; emails with A. Levin, P. Samson and S. Petitpas; review documents from A. Levin	0.75 450.00/hr	337.50
8/15/2024	JCO Telephone conferences with P. Samson, landscapers and J. Schutt; emails with landscapers, J. Schutt, D. Russell, T. Pagos, Bank of America, D. Bonardi, S. Petitpas, D. Russell and S. Szramiak	1.50 450.00/hr	675.00
8/16/2024	JCO Telephone conference with landscapers; emails with landscapers, J. Temple, D. Bonardi, S. Petitpas, M. Lanza, M. Ingegneri and P. Samson	0.75 450.00/hr	337.50
8/19/2024	JCO Telephone conference with J. Comacho; emails with S. Petitpas, S. Szramiak, J. Comacho, M. Scott, M. Lanza, S. Vona, D. Bonardi, P. Samson and M. Ingegneri; review insurance issue	1.00 450.00/hr	450.00

John C. Ottenberg, Receiver of

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		<u>Hrs/Rate</u>	<u>Amount</u>
8/20/2024	JCO Meeting at site with J. Schutt, T. Pagos and landscaper; emails with M. Scott, M. Lanza, S. Vona, J. Comacho, Bank of America, P. Ross, A. Levin, M. Austin, B. Kilcoyne and P. Samson	1.75 450.00/hr	787.50
8/21/2024	JCO Review records from S. Vona; emails with landscapers, J. Schutt, A. Levin, RMS, M. Scott, J. Comacho, Bank of America, C. Bolduc-Cliche	1.00 450.00/hr	450.00
8/22/2024	JCO Meeting at site with G. Trudeau, C. Bolduc-Cliche, P. Ross; travel to Dedham Bank to open account; emails with J. Comacho, M. Lanza, P. Ross and landscapers	3.00 450.00/hr	1,350.00
8/23/2024	JCO Review special permit; emails with B. Garcia, J. Schutt, C. Bolduc-Cliche, M. Lanza, S. Weeks, T. Pagos, J. Comacho and P. Ross	1.00 450.00/hr	450.00
8/25/2024	JCO Emails with S. Vona, C. Bolduc-Cliche and landscapers	0.25 450.00/hr	112.50
8/26/2024	JCO Telephone conferences with J. Schutt, J. Cyrulik, P. Ross; review documents; emails with M. Austin, S. Weeks, T. Pagos, J. Schutt, C. Bolduc-Cliche, J. Cyrulik, B. Garcia and S. Vona	1.75 450.00/hr	787.50
8/27/2024	JCO Review documents; emails with Bank of America, landscapers, S. Weeks and S. Vona	0.50 450.00/hr	225.00
8/28/2024	JCO Meeting at site with L. Neshamkin and J. Schutt; telephone conference with landscaper; emails with P. Ross, landscaper, S. Weeks and J. Cyrulik	1.50 450.00/hr	675.00
8/29/2024	JCO Emails with P. Samson, D. Bonardi, M. Austin, J. Schutt and L. Neshamkin; review documents	0.75 450.00/hr	337.50
8/30/2024	JCO Review documents; emails with S. Vona, P. Samson and T. Pagos	0.50 450.00/hr	225.00

John C. Ottenberg, Receiver of

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	<u>Hrs/Rate</u>	<u>Amount</u>
8/31/2024 JCO Meeting at site with D. Bonardi and landscaper	1.25 450.00/hr	562.50
For professional services rendered	<u>78.75</u>	<u>\$35,325.00</u>
Additional Charges :		
	<u>Qty/Price</u>	
8/12/2024 RCD Breakaway Courier-Secretary of State Round Trip	2 15.90	31.80
RCD Breakaway Courier-Secretary of State Round Trip	2 15.90	31.80
8/21/2024 JCO FedEx	1 65.11	65.11
Total costs		<u>\$128.71</u>
Total amount of this bill		<u>\$35,453.71</u>
Balance due		<u><u>\$35,453.71</u></u>