

CITY OF NEWTON
IN BOARD OF ALDERMEN
PROGRAMS AND SERVICES COMMITTEE AGENDA

BUDGET

WEDNESDAY, MAY 6, 2015

6:30PM – NOTE NEW TIME

Room 211

BUDGET & CIP DISCUSSIONS:

CITY CLERK

SENIOR SERVICES

HEALTH & HUMAN SERVICES

CITY SOLICITOR

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #375-14(2) HIS HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY16 Municipal/School Operating Budget totaling \$361,997,264 passage of which shall be concurrent with the FY16-FY20 Capital Improvement Program (#375-14). [04/15/15 @ 5:08 PM]
EFFECTIVE DATE OF SUBMISSION 04/21/15; LAST DATE TO PASS THE BUDGET 06/05/15

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #375-14 HIS HONOR THE MAYOR submitting the FY16-FY20 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/15/14 @ 3:01 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #375-14(4) HIS HONOR THE MAYOR submitting the FY 2016 – FY 2020 Supplemental Capital Improvement Plan. [04/15/15 @ 4:57 PM]

ITEM SCHEDULED FOR DISCUSSION:

The Committee will meet jointly with the Public Facilities Committee on the following item:

REFERRED TO PROG & SERV, PUB FACILITIES, AND FINANCE COMMITTEES

- #118-15 HIS HONOR THE MAYOR requesting authorization to acquire real property for municipal purposes at 15 Walnut Park, Newton more commonly referred to as Lot

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, please contact John Lojek, at least two days in advance of the meeting: jlojek@newtonma.gov, or 617-796-1064. For Telecommunications Relay Service dial 711.

PROGRAMS & SERVICES COMMITTEE AGENDA

WEDNESDAY, MAY 6, 2015

PAGE 2

1B, as shown on a subdivision plan dated August 30, 2010 and recorded in Middlesex County Registry of Deeds as Plan No. 746 of 2010, and for authorization to appropriate and expend fifteen million seven hundred fifty thousand dollars (\$15,750,000) from bonded indebtedness for the purpose of purchasing the property. [04/29/15 @ 12:01PM]

Respectfully Submitted,

Amy Mah Sangiolo



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#118-15
Telephone
(617) 796-1100
Facsimile
(617) 796-1113
TDD/TTY
(617) 796-1089
E-mail
swarren@newtonma.gov

April 29, 2015

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

RECEIVED
Newton City Clerk
2015 APR 29 PM 12:01
David A. Olson, Clerk
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to authorize the acquisition of the real property for municipal purposes located at 15 Walnut Park, Newton, MA, more commonly referred to as Lot 1B as shown on a subdivision plan dated August 30, 2010 and recorded in Middlesex County Registry of Deeds as plan no. 746 of 2010. Further, I respectfully request that your Honorable Board authorize the appropriation of \$15,750,000 and authorize a general obligation borrowing of an equal amount as compensation for the purchase of this property.

I have attached copies of my announcement of this agreement, the signed Letter of Intent dated April 16, 2015, a map of the property, and a resolution passed by the School Committee. Thank you for your consideration of this exciting opportunity.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

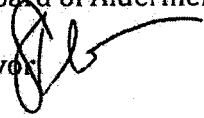
Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

To: The Honorable Board of Aldermen, City of Newton, Massachusetts

From: Setti Warren, Mayor 

Date: April 17, 2015

Subject: Letter of Intent

In the past few weeks the owners of the former Aquinas College site, the Sisters of Saint Joseph, notified us that they were unable to fully execute the sale of their property with the organization they were negotiating with, and consequently that the property was once again going to be on the market. Following a short negotiation process, I am pleased to share that we have reached an agreement to purchase the property for \$15,750,000, and I have, therefore, signed a Letter of Intent with the Sisters for the City of Newton to purchase the site, contingent upon approval of the School Committee and an affirmative vote of two-thirds of the members of the Honorable Board of Aldermen.

This acquisition will allow our city to accomplish many initiatives. We will now be able to consolidate our growing preschool program into one site at Aquinas and provide a renovated, new site for the Lincoln Eliot School at Aquinas. The current Lincoln Eliot School would become swing space after completion of the Cabot School in 2019. This move will allow us to move the Horace Mann School into the newly renovated Carr School and use the current Horace Mann for a needed inter-generational community center and space for Parks and Recreation year round programming.

We will be docketing this Letter of Intent for School Committee and Board of Alderman approval in the coming weeks. This is a very exciting opportunity that has presented itself to the Administration within the past few weeks, one that is cost effective and efficient. If approved by both bodies, we believe this will dramatically alter our opportunity to address the needs of preschoolers, students, educators and parents in Newton for the next 20 to 30 years.

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

The proposed purchase price includes the transfer, lease, or license to use the city-owned parcel at the corner of Walnut Park and Washington Street for passive recreation for the Jackson School.

Not only does this opportunity make operational and educational sense, but it also makes financial sense. We had included a consolidated Pre-K Solution in the C.I.P. last fall, anticipated doing a mid-range expansion project at the Peirce School, and a major renovation to the Lincoln Eliot School. With the purchase of this property we no longer will need the expansion at Peirce and will spend considerably less on a renovation of the Aquinas property than we would have spent at the Lincoln Eliot building.

I look forward to working with your Honorable Board as you deliberate this very exciting opportunity.



Sisters of Saint Joseph of Boston

637 Cambridge Street ♦ Brighton, Massachusetts 02135-2800 ♦ www.csjboston.org

Office of the President

April 16, 2015

Mayor Setti O. Warren
City of Newton
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: 15 Walnut Park

Dear Mayor Warren:

This document should be considered a Letter of Intent by the Congregation of The Sisters of Saint Joseph of Boston or offer to sell to the City of Newton, 15 Walnut Park. The purpose of this Letter of Intent (LOI) is to lay out some of the basic terms and conditions of a potential sale/purchase focusing on price.

THE CONGREGATION RECOGNIZES THAT ANY ACCEPTANCE BY THE CITY OF THIS LOI IS SUBJECT TO BOARD OF ALDERMAN AUTHORIZING THE MAYOR TO ACQUIRE 15 WALNUT PARK AND THE APPROPRIATION OF FUNDING FOR SUCH ACQUISITION.

1. Parties:

- a. **Seller:** Congregation of the Sisters of Saint Joseph of Boston ("CSJ" hereinafter)
- b. **Buyer:** City of Newton, Massachusetts ("Newton" hereinafter)

- 2. Property:** 15 Walnut Park, Newton, MA, more commonly referred to as Lot 1B as shown on a subdivision plan dated August 30, 2010 and recorded in Middlesex County Registry of Deeds as plan no. 746 of 2010. The Property consists of the former Rashi School/Aquinas College and Convent including open space totaling approximately 5.70 acres.

3. Price:

- 1. \$15,750,000.00
- 2. Abatement of real estate taxes for 4th quarter FY2015 and for fiscal 2016 until title to the Property is transferred to Newton.
- 3. With regard to real estate owned by Newton and located at the corner of Walnut Park and Washington Street (City Assessor SBL No. 12003 0001):-
 - a. Disposition of such property through sale or lease for ninety-nine (99) years to CSJ with a deed restriction that it be used solely for open space/playing fields ; or

- b. If unable to dispose of such property for legal reasons, then license of such property to CSJ or the Jackson Walnut Education Collaborative, Inc. with a restriction that it be used solely for open space/playing fields; or
- c. If unable to dispose or to license such property for legal reasons, then CSJ and Newton agree to use good faith efforts to negotiate an equitable resolution for the loss to CSJ of this aspect of the purchase/sale.

4. **Due Diligence/Inspection Calendar:**

- a. Complete within forty-five calendar days of execution of the LOI. CSJ agrees to provide Newton with a copy of the 21E report in its possession upon execution of the LOI.

5. **Closing Date:** Four (4) months (120 calendar days) after execution of Purchase and Sale Agreement or sooner if possible, it being the intent of Newton to be able to use the Property by September, 2015.

6. **Purchase and Sale Agreement:** A Purchase and Sale Agreement (hereinafter "P&S") incorporating, among other things, the business terms set forth in this letter, and such other terms as are otherwise agreed to by Buyer and the Seller after the date hereof, shall be prepared by the Seller's counsel. Buyer and Seller shall endeavor to complete negotiations in good faith on the P&S as soon as practicable, but in any event no later than ninety (90) days after executing this LOI.

7. **Contingencies and Dates For Satisfaction:** The sale shall be subject to the following contingencies being satisfied.

- a. Completion of due diligence as provided in paragraph 4 within forty-five(45) calendar days of LOI.
- b. Authorization by the Board of Aldermen to acquire the Property and Appropriation of funding;
- c. School Committee recommendation to the Board of Aldermen pursuant to sec. 4-4 of the City Charter;
- d. Completion of all legal requirements for acquisition of unique real property as required by G.L. c. 30B; and
- e. With regard to the parcel of land at the corner of Walnut Park and Washington Street, completion of all legal requirements for the disposition or licensing of such property, including but not limited to approval by the Parks and Recreation Commission.

8. **Broker:** CSJ will be responsible for any Broker fees due.

9. **Title:** CSJ shall deliver good and marketable title, insurable title at closing, free and clear of all liens, encumbrances and easements that interfere with the use of the project as an educational facility.

10. **Miscellaneous:** This letter is intended to serve as a non-binding outline of the material business terms which will be used as a basis for the preparation of the P&S, as aforesaid, and shall not constitute a binding agreement. Unless the P&S, in form, scope and substance acceptable to both City and CSJ, in the sole discretion of each is executed and delivered after the date hereof (regardless of the reason for its not having been so executed and delivered), neither City nor CSJ shall have any liability or obligation to the other. Prior to the execution and delivery of P&S,

however, City and CSJ reserve the right to terminate discussions and negotiations with the other at any time and for any reason (or no reason). The P&S will supersede this Letter of Intent unless otherwise Indicated.

11. "If during the negotiations of the P&S Agreement but before the parties have executed a P&S Agreement, if CSJ should believe that it is not realistic to reach agreement with Newton or Newton will not be able to close by the closing date listed herein, all within the sole discretion of CSJ, then CSJ has the right to terminate this LOI and there will be no liability or obligations to either party."

Please indicate agreement with the terms and conditions of this letter by executing the enclosed counterpart of this letter and returning it. This Letter of Intent/Offer shall expire at 5:00 PM EDT on Tuesday, April 28, 2015, after which, if acceptance is not so received, this letter shall automatically be void and of no further force and effect. Electronic signatures shall be regarded as sufficient and valid. The parties' attorneys are authorized, but not obligated, to agree to extensions of the deadlines called for herein.

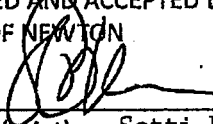
All Notices and communications should be done through our attorney

William H. Shaevel
Shaevel & Krems, LLP
141 Tremont Street, 3rd Fl.
Boston, MA 02111
(P) 617-556-0244
(F) 617-556-0284
bshaevel@shaevelkrem.com

Sincerely yours,
CONGREGATION OF THE SISTERS OF SAINT JOSEPH OF BOSTON


BY: Rosemary Brennan, C.S.J.
Rosemary Brennan, CSJ
President

AGREED AND ACCEPTED this 17th day of April, 2015
CITY OF NEWTON

By: 
Name (print): Setti D. Warren
Title: Mayor



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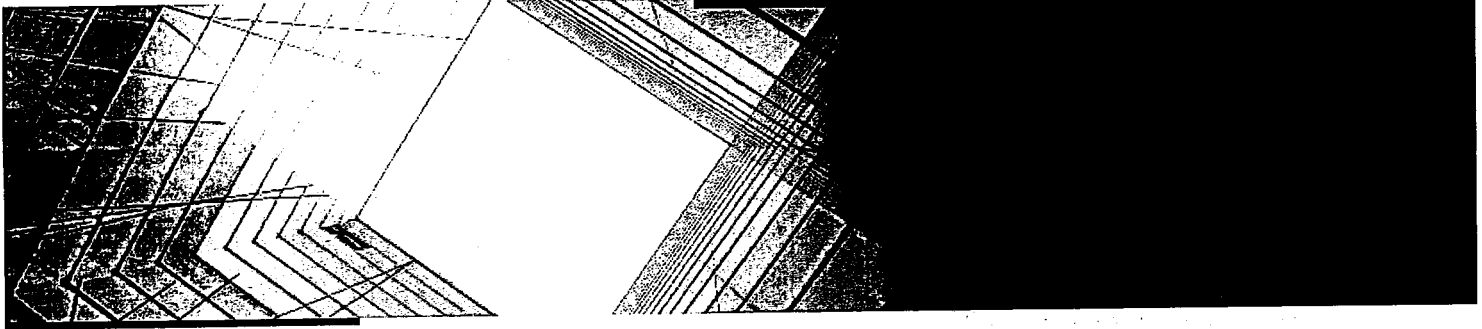
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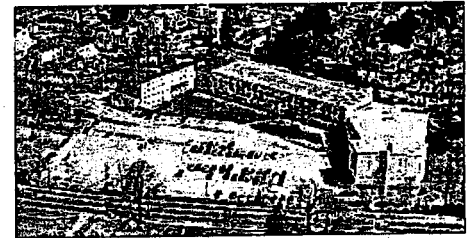
For Sale

15 Walnut Park, Newton, MA

For Lease

Type: For Lease - Institutional

- 74,443 sf school building
- 20,720 sf convent (34 dormitory units)
- 23 classrooms
- library/administrative offices
- 6-acre campus
- 850-seat auditorium
- 250-seat cafeteria
- Constructed in 1965



15 Walnut Park, the former site of Aquinas College, presents the opportunity to acquire an educational facility within Route 128 at significantly below replacement cost. The facility is located less than a 15-minute drive from downtown Boston, and is nearby a substantial number of public and private educational institutions.

[Click here for brochure \(2.5MB\).](#)

Contact:
Charles E. Batchelder
cb@wsarealty.com
(781) 684-1200 ext. 22

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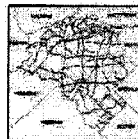


City of Newton - Custom Map

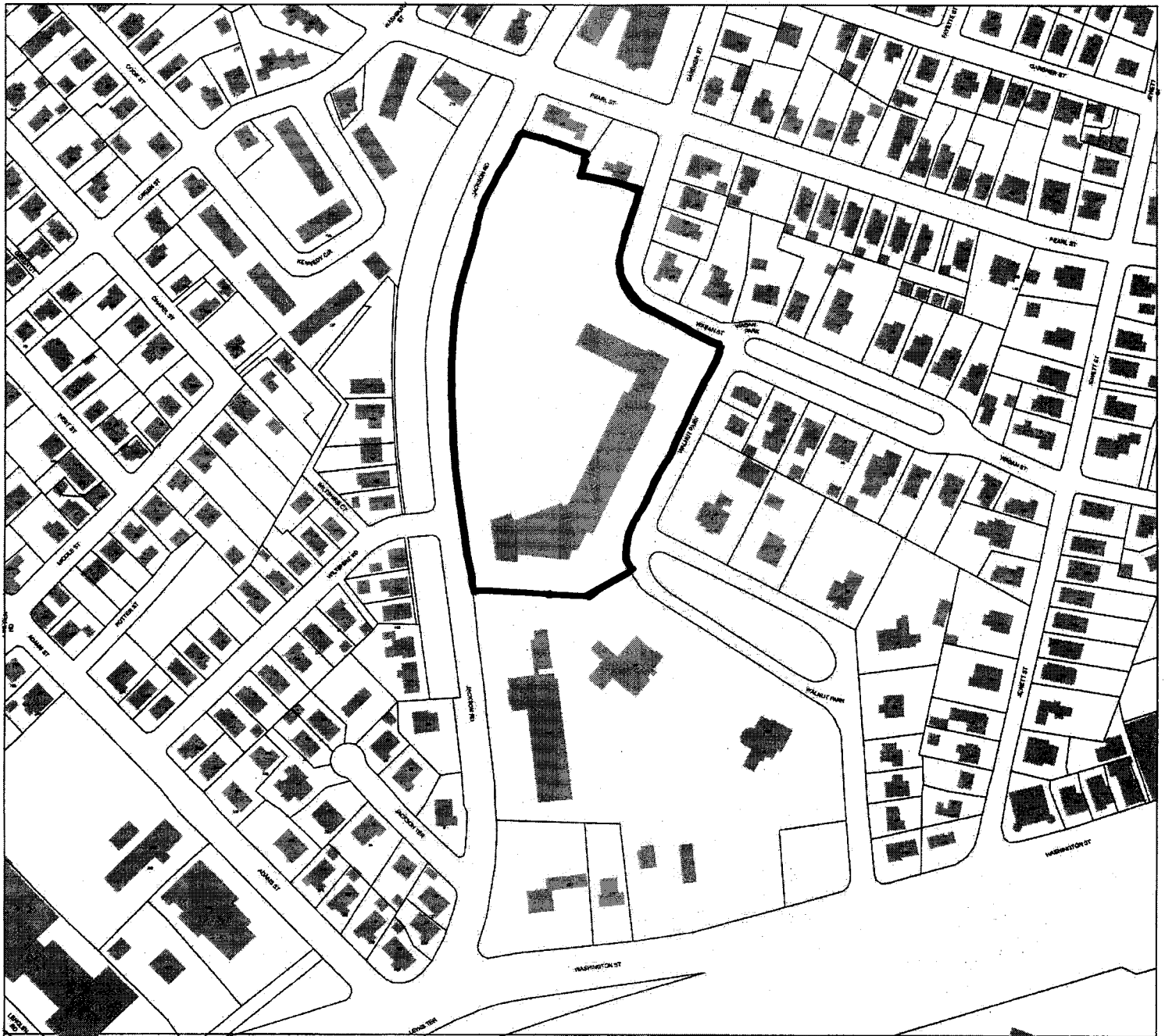
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Feet

Legend
Property Boundaries



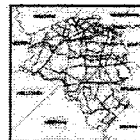
City of Newton, Massachusetts
Department of Planning and Development
2007
Map Date: May 25, 2007



City of Newton - Custom Map

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April 29, 2015

At their April 28, 2015 School Committee meeting, the Committee unanimously approved the following vote:

The School Committee advises the Board of Aldermen that it would like to look at use of the former Aquinas College, which building has been used in the past by Newton Public Schools, and considers the acquisition of this property by the City to present an opportunity to address some of the facility needs of Newton Public Schools going forward, including the possible use this fall for Pre-K classrooms.

Sincerely yours,

Matt Hills, Chair

David A. Olson, CMC
Newton, MA 02459

2015 APR 30 PM 5:29

RECEIVED
Newton City Clerk