

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 15, 2008

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Yates and Lappin
Absent: Ald. Mansfield

Also present: Ald. Johnson, Merrill, Hess-Mahan, Sangiolo, Brandel, Parker, Baker and
Freedman

#339-08 NATIONAL GRID petitioning for a grant of location to install and maintain 75' ±
of 4" gas main in UPLAND AVENUE at 193 Upland Avenue westerly to 194
Upland Avenue. (Ward 8) [09-04-08 @2:25 PM]

ACTION: **APPROVED 5-0 (Lennon and Albright not voting)**

NOTE: Harold Cooper, National Grid Permit Representative, presented the petition for a
grant of location to install approximately 75' of gas main in Upland Avenue to provide gas
service for heating, cooking and hot water to 194 Upland Avenue. The Public Works
Department has reviewed the petition and approved it with the standard recommendations. The
public hearing was opened and no one spoke for or against the petition. Ald. Lappin moved
approval, which carried unanimously.

#340-08 NATIONAL GRID petitioning for a grant of location to install and maintain 60' ±
of 4" gas main and 11'± of service in MILTON STREET easterly to 4 Milton
Street (Ward 4). [09-26-08 @ 11:11 AM]

ACTION: **APPROVED 5-0 (Lennon and Albright not voting)**

NOTE: Mr. Cooper, National Grid Permit Representative, joined the Committee
explained that the petition for a grant of location for 60' of gas main is to provide gas service to 4
Milton Street. It is an existing house, whose owners wish to convert to gas. The Public Works
Department reviewed the petition and approved it with the standard requirements. The public
hearing was opened and there was no one present to speak on the petition. Ald. Gentile moved
approval, which carried unanimously.

#341-08 NATIONAL GRID petitioning for a grant of location to install and maintain 80' ±
of 6, 12" gas main from the existing 12" gas main in Lowell Avenue at Hull
Street easterly to the existing 8" gas main across from Newton North High School
and to install a new regulator station in HULL STREET (Ward 2). [09-26-08
@11:10 AM]

ACTION: **HELD 5-0 (Lennon and Albright not voting)**

NOTE: Harold Cooper and Mike O'Brien of National Grid presented the petition to install
80' of gas main and a new regulator station in Hull Street. It was explained that National Grid
would be removing a dysfunctional regulator station in Lowell Avenue and replacing it with the
proposed regulator in Hull Street. The proposed additional gas main will connect the existing

mains with the regulator. The new regulator will be located in the sidewalk next to Newton North High School.

The Chairman opened the public hearing and Harry Leacy, 387 Lowell Avenue, spoke on the petition. Although, he is not against the petition he had several questions regarding the project. Mr. Leacy's wife is disabled and he is concerned that he will lose access to his driveway during the project. He asked if he would lose his gas service for any period. Mr. Leacy also inquired on the expected length of the project. Mr. O'Brien responded that he anticipates that the project will take three to four weeks to complete. Access to the driveway will be maintained throughout the project.

The Chairman asked Associate City Engineer, John Daghljan, if he had any comments on the project. Mr. Daghljan stated that the City needs drawings for the new regulator, the location of the vent pipes for the regulator, a final set of pit drawings and protective bollards for the vents that are above street level. Committee members asked where the vents would be located. Mr. O'Brien explained that the placement of the vents is flexible and can be several feet away from the regulator. He would suggest placing the vents at the very edge of the sidewalk.

Several Committee members expressed concern regarding doing the work well school is in session. Ald. Gentile stated that it would be a public safety nightmare as the proposed site for the regulator is located very close to one of the main entrances to the school. The Chair pointed out that it is the site of a student drop off and pick-up area for the busses and parents. Ald. Lappin asked if there is any reason that the work needs to be done right away. Mr. O'Brien responded that he could not answer the question without speaking with National Grid's INR Department.

Jack Walsh, National Grid Customer Relations Representative, stated that the project has been delayed since last year at the city's request. The city asked National Grid to hold off on the project until all of the utilities were set up for the new school. This project is one of National Grid's priority projects and needs to be done. Ald. Gentile explained that it is one of the worst locations for this type of work when school is in session. It would be egregious for the Committee to approve this type of work during the school year unless there was an emergency.

Ald. Lappin asked that Mr. O'Brien get the information on whether or not the work can wait until the summer. Ald. Gentile moved hold on the item, which carried unanimously. Ald. Schnipper stated that when the item is discussed again National Grid should provide more detailed plans depicting the entrance to the school relative to the project and a traffic management plan.

#358-08 HIS HONOR THE MAYOR requesting a boundary line resolution at 1012-1018 Chestnut Street located at the corner of Chestnut and Winter Streets.[09-30-08 @3:55PM

ACTION: **APPROVED 6-0 (Gentile not voting)**

NOTE: Attorney G. Michael Peirce presented the request to the Committee. Mr. Peirce represents the current property owners of 1012-1018 Chestnut Street, John and Marie Logan. The Logans would like to resolve a boundary line issue, which has resulted in a title issue. The

Logans are in the process of selling the property, which is architecturally significant. The new owners plan to restore the building.

The issue was created in 1837 when their predecessors conveyed land to the City of Newton to provide for the initial layout of Winter Street. There is ambiguous language contained in the deed created when the land was conveyed in 1837. The language creates a question regarding the extent of the layout and boundary of Winter Street adjacent to the land upon which the "store" portion of 1012-1018 Chestnut Street is located. The records at the registry indicate that the boundary line runs through the northerly portion of the building, which contained a store. The original deed contains language stating that the city cannot "molest" the store as long as the building is in existence. However when Winter Street was laid out it went around the northerly boundary without disturbing the "store" and the city's records and plans show the boundary running along the northerly portion of the building.

Attorney Peirce and Attorney Jason Rosenberg, who represents the bank financing the purchase of the property, have met with the Mayor, who supports the resolution of the boundary line issue. Attorney Peirce has also met with the City Solicitor Funk and Commissioner Daley regarding this item and both support the proposed resolution. There is a draft Board Order attached, which the City Solicitor's Office has reviewed. The draft Board Order states that should the property be demolished within 99 years and reconstruction or construction of the building or portion of the building within the store parcel does not occur within three years the City may take all or a portion of the store parcel for street purposes and no damages shall be due to the property owners.

The Committee was in agreement with the resolution of the boundary/title issue. Therefore, Ald. Salvucci moved approval of the item, which carried unanimously.

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

#357-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-five thousand dollars (\$25,000) from Budget Reserve for additional design options for the City properties at Crystal Lake. [09-30-08 @ 4:16 PM]
PROGRAMS & SERVICES HELD 6-1 (Parker opposed, Sangiolo not voting) on 10/15/08

ACTION: **HELD 7-0**

NOTE: The Programs and Services Committee joined the Committee for discussion of this item. Commissioner Parnell presented the item to the Committees. The Board of Aldermen approved the expenditure of \$35,000 in March 2008 for developing a master plan for Crystal Lake. The Newton Conservators donated \$15,000 to the development of the master plan, as well. The reports from the Programs and Services Committee and Finance Committee are attached. This docket item is a request to expend \$25,000 for additional design options for the city property at Crystal Lake. The additional funds will be used to incorporate site access design for the property at 230 Lake Avenue, which was not part of the original scope of services, additional design options and the costs associated with attending additional meetings of the Crystal Lake Task Force.

Ald. Salvucci questioned why the funding is not coming from community preservation funds as it is for passive and active recreation. Commissioner Parnell responded that one of the things that is being looked at in all of the development options is what could possibly be funded with Community Preservation Act (CPA) funds. The Commissioner does not want to speak for the Community Preservation Committee on what is allowable to be funded through CPA funds. Ald. Lennon pointed out that there has been no decision on the use of 230 Lake Avenue and if it does not fall under the auspices of the CPA that money cannot be used. Ald. Hess-Mahan stated that CPA funds cannot be used for properties that were not acquired with CPA funds. Therefore, as a portion of the master plan incorporates city-owned land that was not purchased with CPA funds, CPA funds cannot be used.

Ald. Johnson and several members of both Committees raised concerns regarding the need for additional funds for the master plan. Ald. Parker wanted to clarify that the \$25,000 is not just for the 230 Lake Avenue property. The Crystal Lake Task Force has looked at a number of options for the expansion of the beach, for dealing with parking issues, for dealing with Parks and Recreation Department's heavy equipment that needs access to the shore to put the docks in the water, etc... In the first presentations that were given, the task force chose the best components of them. Rather than settling for something that is not quite right, which is going to be expensive to build, it seems best to get the finest plan possible. If the plan is correct, it will save a significant amount of money during construction.

Ald. Gentile was opposed to the way 230 Lake Avenue was purchased; he would have preferred that the whole site be purchased. He spoke in favor of the original study for two reasons because he thinks that the city is still going to own land at the lake. The study is a planning tool that makes sense. The Conservators also provided a portion of the funding for the study, which made it a lot easier for Ald. Gentile to support. He thinks it is important that the plan be completed and will support the item. The only disagreement he had was that Ald. Parker made it sound like a huge amount of construction and improvements are going to be the result of the master plan. It has been made clear that this may not necessarily be the case. The city may not have the money to do all of the improvements. Ald. Freedman associated himself with a number of Ald. Gentile's comments. He is on record at the previous discussion that the original sketch of the master plan that was shown was far too grandiose and that was going to be very expensive. He would like to see a simple, stripped down plan. Ald. Freedman was also under the impression that during original discussions it was agreed to consider 230 Lake Avenue and not come back for additional funds for that site. He cannot support the request and will abstain, as it seems like grandiose plans are coming forward. Ald. Johnson is in line with Ald. Freedman's comments. She was happy to see that fundraising money was a portion of the original funds for the study and would like additional fundraising money for this portion, as well. She also stated that without knowing which direction the project is going she cannot support the item and for these reasons, she will abstain from voting on a motion of approval.

Commissioner Parnell spoke on the scale of the project. The more expensive less realistic options are being weeded out and the options are more in line with what could be done on the site for reasonable money. The Commissioner is not pushing for anything more elaborate than what is needed to run the bathhouse and address access issue. When the master plan is complete, he will bring it back to both Committees. He would also expect some type of outside

fundraising to take place to help defray some of the costs of the actual improvements to Crystal Lake.

Ald. Brandel pointed out that when the original item came before the Programs & Services Committee, they were told that there would be no need for additional money. He will be abstaining for the same reasons stated by Ald. Freedman and Johnson. He would ask that the Commissioner provide something in writing that states exactly how the funds will be used. Ald. Salvucci asked if there were any conceptual plans developed and if they exist, why they have not been given to the Board. The Commissioner responded that conceptual plans exist and he can put them on the city's web site. Ald. Lappin felt that the committees should be seeing how the original \$50,000 was spent before approving the additional money. Without that information, Ald. Lappin cannot support the item. Ald. Johnson stated that she would like to see where the study is at this point before further funding is approved. Commissioner Parnell will provide both Committees with a link to the conceptual plans and estimates on the web through e-mail, as the plans are best viewed in color.

Several members of both Committees wanted an opportunity to review the information that Commissioner Parnell will be providing. Ald. Schnipper suggesting the possibility of taking up the item at the next meeting, as it will have no impact on when the item is voted out by the full Board. The delay will allow the Aldermen to look at the conceptual plans and estimates before a vote is taken on the item. Ald. Johnson supported the suggestion of meeting jointly on the item on October 22, 2008. Ald. Lappin moved hold in Public Facilities, which carried unanimously. Ald. Johnson moved hold in the Programs and Services Committee, which carried by a vote of six in favor, one opposed.

REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES

#329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09-02-08 @ 12:00 PM]

PROGRAMS & SERVICES HELD 8-0 on 10/15/08

ACTION: **HELD 7-0**

NOTE: The Programs and Services Committee joined the Committee for discussion of this item. Ald. Johnson provided the Committees with some background on the docket item. Ald. Johnson, Albright and Linsky receive numerous calls regarding the noise generated due to the construction of the new Newton North High School. Currently, the noise ordinance gives the Mayor the authority to grant a permit for the waiver of the ordinance's time restrictions. There have been issues regarding waivers that have been granted to Dimeo Construction for construction of the new high school.

Ald. Johnson pointed out that the section of the noise ordinance giving the Mayor the authority to grant waivers also states that appropriate procedures for processing the requests must be established. There are no procedures currently in place. The Board of Aldermen is not informed about the waivers until after they are granted.

Ald. Johnson would like Ald. Linsky, Albright and herself to work with the administration to establish procedures. She asked that the item be held in the Committees in case they cannot reach consensus regarding the procedures.

Ald. Albright feels that part of the problem is that the neighbors do not know what to expect on any given day in terms of construction. If they new what to expect in the short-term and long-term, they would be a happier group of people. She understands that at the last neighborhood liaison meeting the Commissioner provided a projection of noise over a period of time that was to be posted on the web site. The Commissioner stated that the document was posted to the web site in the past few days.

Ald. Gentile pointed out that notification regarding noise has improved recently. Dimeo Construction has prohibited the use of machinery with a back-up sensor that beeps after 7 PM. Dimeo has also reduced the size of the concrete pours to have the concrete cured earlier in the day. They are limiting the time of day in which the concrete can be delivered, because the sooner it is poured the more time it has to cure.

Ald. Brandel stated that the Newton North High School project is not the only public construction that has taken place in the City. There have been other problems with construction taking place after hours. The MBTA often does repairs at night and does not inform the neighbors. He would like to see a process that includes a requirement of at least a 48-hour notification that there is a permit being granted for a noise ordinance waiver. Most people are willing to go along with the waiver as long as they know about it in advance. Ald. Gentile would like to see a mailing to the neighbors of a brief weekly construction report. It will provide the neighborhood with a sense of what will be going on with the project.

Ald. Yates moved hold in the Public Facilities Committee, which carried unanimously and Ald. Merrill moved hold in Programs and Services Committee, which carried unanimously.

#385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11-21-07 @ 10:23 AM]

ACTION: **HELD 7-0**

NOTE: There will be an executive session of the Board on Monday evening to discuss a protest to the Attorney General's Office on one of the bids. In addition, NStar has asked that the City place a mechanism in the new school that would alter the power that is delivered to the high school and allow improved service to the neighborhood. It is an additional service request because there is an upfront cost; therefore, Ald. Schnipper has requested that it come to the Board, if the city goes forward with the proposal. The Committee held the item with no further discussion.

Respectfully submitted,

Sydra Schnipper, Chairman

DISCLAIMER OF RIGHTS IN ROADWAY

(Property Address: 1012-1018 Chestnut Street, Newton, Massachusetts)

WHEREAS, John F. Logan and Marie T. Logan, as Trustees of the Progeny Trust, u/d/t dated January 30, 1989, recorded with Middlesex South Registry of Deeds at Book 19638, Page 419, (hereinafter "Logan-Progeny") are the owners of a certain parcel of land pursuant to a confirmatory deed recorded on May 4, 1989, at said Deeds ("Registry") at Book 19800, Page 469, which parcel is located at the corner of Winter Street and Chestnut Street in the City of Newton, and is shown as Parcel "1" on a plan of land entitled "[THIS WILL BE A NEW PLAN, BASED ON VTP ALTA/ASCM LAND TITLE PLAN WITH PROPER DESIGNATION OF PARCEL TO BE INCORPORATED INTO THE MAIN PARCEL]" dated October , 2008, prepared by VTP Associates, Inc. to be recorded at the Registry herewith (the "NEW Plan;" said parcel of land being also described herein as the "Wheeler Land"), which Plan is made a part hereof; and

WHEREAS, the City of Newton, a municipal corporation with an address of 1000 Commonwealth Avenue, Newton, Massachusetts 02459 (hereinafter "Newton") is the owner of certain rights and easements for a public way known as Winter Street by grant of various owners, one of which having been Loring Wheeler (hereinafter "Original Grantors"), dated November 10, 1837, recorded at the Registry at Book 377, Page 130 (the "Winter Street Deed");

WHEREAS, Logan-Progeny and Newton have agreed that certain ambiguous language contained in the Winter Street Deed created a question as to Original Grantors' intention as to the extent of the layout and boundary of Winter Street adjacent to the land upon which the "store" therein referenced was and is located, which is believed to be the northerly portion of the building identified as #1012-1018 as shown on said Plan;

WHEREAS, said ambiguous language has resulted in Winter Street being laid out by Newton running around the northerly boundary and without disturbance to said "store", and with certain Newton records and plans showing the southerly boundary of Winter Street running along the northerly portion of said "store";

WHEREAS, Logan-Progeny and Newton are desirous to establish with certainty the boundaries of their respective properties have agreed that the layout of Winter Street should abut the land represented by the area shown on the [NEW] Plan designated in the detail as "Store Parcel" (the " Land"); and

WHEREAS, the Board of Aldermen of Newton has approved the disclaiming of any right, title, and interest in the Land in Board Order #-08, a certified copy of which is to be recorded prior hereto.

NOW THEREFORE, in consideration of \$1.00 and the mutual covenants contained herein, Logan-Progeny and Newton hereby agree as follows:

1. DISCLAIMER IN RIGHTS TO LAND

Acting in accordance with the approval and direction of the Board of Aldermen, Newton, through David B. Cohen, Mayor, hereby declares that it disclaims any right, TITLE or interest in or to the Land shown and so-designated on the ALTA Plan.

2. ESTABLISHMENT OF BOUNDARY

Logan-Progeny and Newton hereby agree that the boundary between Winter Street and the Store Parcel shall be as shown on the Plan, and it is further agreed that the Store Parcel is and shall become a part of Parcel "1".

3. AGREEMENT WITH RESPECT TO FUTURE STREET TAKING RIGHTS

Logan-Progeny hereby agree, on behalf of themselves and their heirs, successors and assigns, and in consideration of the action herein taken by Newton, that, by the acceptance, execution and recording of the within instrument, in the event that the building presently located on Parcel "1" is destroyed or demolished and reconstruction or construction of the building or portion thereof within the Store Parcel does not occur within five (5) years after said destruction or demolition and, in the event Newton shall thereafter exercise its rights under M.G.L. ch. 79 (or such successor statute) to take all or a portion of said Store Parcel for street purposes to straighten Winter Street at the intersection with Chestnut Street, then no damages shall be therefore due to the then owners of 1012 -1018 Chestnut Street and the Land.

WITNESS OUR HANDS AND SEALS THIS _____ DAY OF _____, 2008.

JOHN F. LOGAN, TRUSTEE

MARIE T. LOGAN, TRUSTEE

CITY OF NEWTON
by David B. Cohen, Mayor

Approved as to Form and Substance by
City of Newton Law Department

by _____
(name)
Assistant City Solicitor

COMMONWEALTH OF MASSACHUSETTS
County: Middlesex, ss.

On this day of _____, 2008, before me, the undersigned notary public, personally appeared JOHN F. LOGAN, trustee as aforesaid, proved to me through satisfactory evidence of identification, which was _____ of the identity of the person, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Notary Public:
My commission expires:

#358-08(2)

CITY OF NEWTONIN BOARD OF ALDERMEN

October 20, 2008

**DISCLAIMER OF RIGHTS IN ROADWAY
AFFECTING PRIVATE LAND AT 1 012-1018 WINTER STREET**

WHEREAS, the City of Newton, is the owner of certain rights and easements for a public way known as Winter Street by virtue of an 1837 deed; and

WHEREAS, the Owners and the City have agreed that certain ambiguous language contained in the deed created a question as to extent of the layout and boundary of Winter Street adjacent to the land upon which a "store" therein referenced was and is located; and

WHEREAS, the Owners and the City are desirous to establish with certainty the boundaries of their respective properties have agreed that the layout of Winter Street should about the land upon which the store is located, as shown on the plan of land by VTP Associates entitled " dated October , 2008 (the "Chestnut Street Land Plan").

ORDERED:

That the Board of Aldermen hereby authorizes His Honor the Mayor to DISCLAIM any rights the City of Newton may have in the land designated as Store Land on the Chestnut Street Land Plan, in respect to the premises at 1012-1018 Chestnut Street, now owned by John F. Logan and Marie T. Logan, as Trustees of the Progeny Trust, u/d/t dated January 30, 1989, recorded with Middlesex South Registry of Deeds at Book 19638, Page 419 (the "Owners").

Under Suspension of Rules
Readings Waived and Adopted

etc etc

PROGRAMS AND SERVICES COMMITTEE REPORT

Wednesday, January 23, 2008

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#359-07 HIS HONOR THE MAYOR requesting that the sum of \$50,000 be appropriated from Free Cash to conduct a study of the properties along Crystal Lake for the purpose of developing a Master Plan for the redevelopment of these city-owned properties. [10-30-07 @ 5:17 PM]

ACTION: APPROVED 4-2-1 (Ald. Johnson, Brandel opposed; Ald. Freedman abstaining)

NOTE:Introduction

Commissioner Towle introduced Janice Bourque, Chair of the Crystal Lake Task Force. She noted that Ms. Bourque and the community have spent an enormous amount of time and effort along with the committee to evaluate the property and put together a plan. One thing that has come to the forefront was that they all felt they needed advice and expertise to put together a plan so that residents have an idea of what might happen to this area. To do that they needed the money requested in this item.

Need for Study

Ms. Bourque said the task force was a group of concerned and committed citizens. Right now the plan included the bathhouse area and 20 Rogers Street. She noted that in trying to figure out how the area might best be used, everyone seemed to come up with a different plan without understanding the environmental or structural state of conditions were or what the issues regarding run-off, etc. might be and what the impact of any refurbishing, reuse or replacement might be. In November of 2006, the community was asked for its input and ideas and those were consolidated and given to the task force to put together some type of plan. In that process, they also recognized that they needed to go through an RFQ process. They have been involved with Commissioner Parnell in crafting that and it's been reviewed and just about ready to go out to various organizations to find out what type of team they might put together to address the multiple concerns and issues. There was also a lot of discussion around the cost of the bath house, integration of parking, etc. They didn't really have the expertise to know and understand what the real costs would be and how any work could be phased in.

Commissioner Parnell concurred that the area needed an independent study and a cohesive vision. He said they didn't need a grand, expensive vision but a plan for maintaining the land and so forth. Ald. Parker said he was one of the aldermanic representatives on the task force and one of the questions that needed to be answered was what the structural constraints of the building and the topography were. That would include things like the run off in the parking lot going into the lake and the ingress or egress of the parking lot. They were running up against the limits of their expertise and they didn't want to come up with any plans that, in the end, were unfeasible. Ald. Parker said he perceived this study as an unbiased look at the City's options. It would provide a range of options, some affordable, some not, and the opportunity for use of CPA funds or community fundraising would become more viable. He said people didn't like to contribute to planning, but to the actual finished product.

Cost/RFQ

Ald. Hess-Mahan asked if the \$50,000 appropriation would still be enough if 230 Lake Avenue was acquired. Ald. Parker said that it would because by the time the RFQ went out they would know whether or not 230 Lake Avenue would be part of the plan. Commissioner Parnell said this was going to be a broad based look at the area and would give the task force an outside, expert perspective. He said they have a number of on-call architects and on-call landscape people. They would run a proposed team or group of teams by the task force and let them know who they were thinking of using. Using an RFQ process would take months. Using the RFQ form, however, allowed them to solicit and get feedback and dialogue.

CPA Funds/Community Contributions

Ald. Johnson said that she knew of many projects funded with CPA money that were for design studies only and perhaps this should be one of them. She did not want to support this as she didn't think this should come out of operating money and she didn't think there was enough support, financially, from the community. Ald. Freedman agreed but said he appreciated the volunteer efforts of the neighbors. Ald. Johnson noted that many projects have been postponed because the community did not come up with any money.

Ald. Hess-Mahan said that City owned property that was acquired with CPA funds could use further CPA funds for a study. The bath house was not acquired with CPA funds. He said that was the problem with Albemarle as well because the City already owned that property. Ald. Freedman wondered if the amount of CPA funds could be used pro rata for the property that was acquired with CPA funds at Crystal Lake.

Limits of the Task Force

Ms. Bourque said the task force put together with no financial responsibility. Their charge was to come up with a plan to recommend to the City based on community input. They wanted to take that information to the professionals who would do this study to see what was or was not possible. If they were unable to have this study done, they didn't feel they would be able to make much of a recommendation, and they would disband the task force. There would be no further work for them to do.

Timing

Ald. Freedman said he felt the timing for this project was all wrong. He said he didn't see much value in a plan that would lay out the area but would not cost it out. At best they would end up with some interesting ideas to think about while they postponed any work for a long time because of the financial situation of the City. At worst it would raise false hopes and expectations for an area that was completely unaffordable for the City now and in the future. Ald. Johnson said she also felt the timing was off as there were many other projects in the City that needed to be addressed in a difficult economy.

The Committee passed this item by a vote of 4-2-1.

IN BOARD OF ALDERMEN

BOARD ACTIONS

Monday, March 3, 2008

Present: Ald. Albright, Brandel, Ciccone, Coletti, Fischman, Freedman, Gentile, Hess-Mahan, Johnson, Harney, Lappin, Lennon, Linsky, Mansfield, Merrill, Parker, Salvucci, Sangiolo, Schnipper, Swiston, Vance, Yates and Baker

Absent: Ald. Danberg

THE BOARD OF ALDERMEN DISCUSSED AND VOTED THE FOLLOWING ITEM ON SECOND CALL:

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#359-07 HIS HONOR THE MAYOR requesting that the sum of \$50,000 be appropriated from Free Cash to conduct a study of the properties along Crystal Lake for the purpose of developing a Master Plan for the redevelopment of these city-owned properties. [10-30-07 @ 5:17 P.M.]
PROG. & SERV. APPROVED 4-2-1 (Ald. Johnson, Brandel opposed; Ald. Freedman abstaining) on 1/23/08

Motion to suspend the rules to allow an oral report from the Finance Committee Approved by Voice Vote

FINANCE APPROVED at an amended amount of \$35,000 5 yeas, 2 nays (Johnson and Salvucci) and 1 abstaining (Freedman)

Motion to substitute report of Finance Committee for Programs and Services Approved by Voice Vote.

Approved at \$35,000 16 yeas, 7 nays (Brandel, Freedman, Harney, Johnson, Lappin, Salvucci, Swiston) and 1 absent (Danberg)

the Comptroller requested this transfer. The funds are available due to the Comptroller not requesting authorization to fill the Deputy Comptroller position this year. As a result, funds are available to be transferred to supplement this audit fee amount for this year.

The committee clearly understood the increase fee for the special audits performed by Sullivan, Rogers and Company as a transfer.

Motion was made for approval without hesitation.

#159-08 HIS HONOR THE MAYOR requesting a transfer of sixteen thousand dollars (\$16,000) from the pension account to the health benefits account in the water fund. This transfer aligns the benefit costs for the current and former employees in this fund. [4-15-08 @6:33 PM]

ACTION: **APPROVED 4-0**

NOTE: The committee received a letter dated April 14, 2008 from the Executive Department and a letter dated March 20, 2008 from Tom Daley, Commissioner of Public Works. This \$16,000.00 is coming from the water enterprise account into a water service connection health insurance account.

The Comptroller's office is projecting the year-end surplus in the non-contributory pension benefits line item and a short fall in the health insurance line item. More individuals than anticipated have taken advantage of the health insurance benefits in the FY'08 necessitating this transfer.

The committee understood the requirements of transferring this account to align the necessary expenditures.

Motion was made to approve without hesitation.

#359-07(2) HIS HONOR THE MAYOR requesting acceptance of and authorization to expend a gift of fifteen thousand dollars (\$15,000) from the Newton Conservators for the purpose of funding the balance of the fifty thousand dollars (\$50,000) Crystal Lake Master Plan development. [4-15-08 @6:33 PM]

ACTION: **APPROVED 4-0**

NOTE: Revenue status report was provided by the Comptroller's account indicating \$15,000.00 was received as a gift. His Honor the Mayor is now requesting money from the Newton Conservators to be appropriated to Crystal Lake Master Plan development.

The \$15,000.00 has been received and the money is now being appropriated in the \$50,000.00.

The committee without debate approved this item.