



The Commonwealth of Massachusetts

Executive Office of Environmental Affairs

251 Causeway Street, Suite 900

Boston, MA 02114-2119

MITT ROMNEY
GOVERNOR

KERRY HEALEY
LIEUTENANT GOVERNOR

ELLEN ROY HERZFELDER
SECRETARY

Tel. (617) 826-1000
Fax (617) 826-1181
<http://www.mass.gov/envlr>

April 22, 2003

Fran Towle, Commissioner
Parks and Recreation Department
70 Crescent St.
Newton MA 02466

Re: Forte Park

Dear Ms. Towle:

This letter is to confirm that EOEA has set aside federal funding through the Land and Water Conservation Fund for renovations planned at Forte Park. However, due to a nearly 30% decrease in the FY03 federal LWCF apportionment, the Forte Park project will be phased over the next two federal fiscal years by offering \$125,000 this year, and \$125,000 in FY04 pending the outcome of the federal budget process.

Last November in the original grant offer letter, we also asked for several documents necessary to complete the federal application to the National Park Service. All were submitted, including a revised cost estimate. Now that the project must be divided into two phases, I propose that the first \$125,000 be set aside for the lighting work, and the second for the balance of the project. NPS will require that each phase "stand alone", meaning that completion of Phase 1 will result in a viable park, and not a partially completed and unusable open space. If you have an alternate suggestion for the division of the phases, please contact Jennifer Soper at your earliest convenience.

The project time-lines must also be adjusted to accommodate the new two-phase approach. Phase 1 must be completed and administratively closed-out by June 1, 2004. Phase 2 will be submitted for funding to NPS by DCS once the federal FY04 apportionment has been allocated. The tentative time-line for completion of Phase 2 will be June 1, 2005. Please remember, do not proceed with the construction until the National Park Service has approved the application, and DCS has approved the final design. If you anticipate any difficulties in meeting these spending targets at any time, please contact my office without delay.

A special note for federally funded projects - your project will be reimbursed at exactly 50% of the total project cost of \$250,000 for Phase 1, and \$250,000 for Phase 2. If you pay less than the total project cost for the renovation, you will be reimbursed at exactly 50% of that new figure. The reimbursement rate figure cannot be changed after the National Park Service has approved the project; therefore it is critical that the total project cost and reimbursement rate is accurate to ensure that you receive the total grant award. Please contact DCS immediately to revise contract documents if necessary.

Received

APR 28 2003

RECREATION DEPT.

cc: Channon

Page 2.

Reimbursement will also be contingent upon satisfying the following conditions:

1. Executing all project agreements and state standard contracts;
2. Submitting the final design and contract specifications, including the required permits to this office for review no longer than 60 days after NPS contract approval;
3. Submitting all reimbursement documents detailed on the enclosed procedures;
4. A copy of the Land and Water Conservation Fund project agreement has been recorded at the Registry of Deeds, and a marginal notation entered on the deed to the property; and
5. Installation of a LWCF program acknowledgement sign (see enclosure).

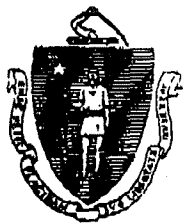
Remember that acceptance of the federal grant requires that the property remain open to the general public and prohibits any other use other than outdoor public recreation. Conversion of the property to any other use requires the park department to abide by Article 97 of the Amendments to the State Constitution as well as the Land and Water Conservation Fund Project Agreement.

Jennifer will continue to administer this grant, and she can be reached at (617) 626-1015 if you need further assistance. I do appreciate your patience and flexibility in adapting this project and will work diligently to secure the second phase of funding as soon as possible.

Sincerely,


Joel A. Lerner
Director

cc: David B. Cohen, Mayor
Senator Edward M. Kennedy
Senator John F. Kerry
Congressman Barney Frank
Representative Kay Khan



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MAY 28 2003

RECREATION DEPT.

Mitt Romney
GOVERNOR

Kerry Healey
LIEUTENANT GOVERNOR

Ellen Roy Herzfelder
SECRETARY

Tel: (617) 626-1000
Fax: (617) 626-1181
<http://www.state.ma.us/envir>

May 23, 2003

Dear Prospective Applicant:

Thank you for your interest in the FY04 Annual Grant for the Self-Help, Urban Self-Help, and federal Land and Water Conservation Fund (LWCF) Programs. These programs provide financial assistance to cities and towns for the purchase of conservation land, the purchase of parkland, or the renovation or development of public outdoor recreation facilities.

In anticipation of, and contingent upon, the availability of funds, I am pleased to announce that my office, through the Division of Conservation Services (DCS), will conduct the annual FY04 grant round for these programs. I invite you to apply for funds by the filing deadline of **August 29, 2003**. By that time we expect to know how much state funding will be available. Due to the time it takes for you to prepare applications, I wanted to give you as much time as possible and hope that you will apply. While the amount of state bond funds to be made available is unknown at this time, we do expect approximately \$2 million to be appropriated by Congress for the stateside LWCF Program. These federal monies may be utilized either for conservation or active recreation projects.

Self-Help Program

The Self-Help Program provides funds to conservation commissions for the purchase of conservation land. The priority for this year's Self-Help grant awards will be for the purchase of open space for biological conservation (including species and habitats) and protection of sensitive stream, river, lake and pond watersheds. Projects that augment existing conservation lands, or connect to existing conservation lands, and thereby help to preserve the integrity and health of the local or regional ecosystems, will receive greater consideration for funding.

Urban Self-Help Program

The Urban Self-Help Program assists cities and urban towns with the acquisition, construction and/or renovation of parks. The priorities for this year's Urban Self-Help grants will be the innovative re-use of brownfield sites and projects that provide recreational opportunities to urban populations. Projects servicing a statewide or regional population will be given special consideration.

Bah
hanna

Prospective Applicant
May 23, 2003

Page 2

LWCF Program (Land and Water Conservation Fund)

These federal grant monies can be used for either state or local agency conservation or park projects as long as outdoor recreation is the primary use. The focus for conservation projects is identical to the Self-Help Program. Park projects should reflect the same project focus as the Urban Self-Help program. The federal funds are being announced in anticipation of a congressional appropriation for FY04. Approximately \$2 million is expected from the federal L&WCF appropriation. Applicants should apply to the Self-Help Program for conservation land acquisition projects, and to the Urban Self-Help Program for parkland acquisition, improvement, or development projects. The National Park Service, pending the federal appropriations process, will announce the total money available to the stateside LWCF Program next fall. The Executive Office of Environmental Affairs (EOEA) reserves the right to determine the allocation of state and federal sources of grant funds as project and budgetary conditions warrant.

The Self-Help, Urban Self-Help, and LWCF Programs each have specific eligibility requirements and are awarded on a competitive basis. Grants for state assistance range from 52-70% reimbursement based upon a community's equalized valuation per capita (EVPC) decile rank, and 50% for federal assistance. The maximum grant award for any project has been set at \$500,000, but may be reduced or increased at my discretion.

Proposals must advance watershed and ecosystem protection and Smart Growth and community preservation. Such projects should promote sustainable communities by protecting significant environmental or recreation resources, guiding development away from these resources and to appropriate development areas, and should maximize accessibility via alternative transportation modes (e.g., public transit, bicycle, walking). Proposals should involve inter-municipal and municipal-state cooperation, and multiple partners whenever possible. I encourage you to collaborate when possible with nonprofit conservation organizations such as your local land trust. EOEA and its agencies have been working with nonprofits on *The Statewide Land Conservation Plan - a Partnership*, a map of land in Massachusetts that is of interest to many conservation stakeholders. This map will be available online within the next few months. In the meantime, applicants may contact our MassGIS office at www.mass.gov/mgis to obtain a copy. I also invite you to visit the Community Preservation page of EOEA's web site at www.mass.gov/envir and click on Community Preservation, for information that can help you implement land conservation projects in the broader context of historic preservation, housing, and transportation considerations.

I encourage each and every community to take advantage of this opportunity. Please contact DCS at (617)-1011, if you wish to learn more about these grant programs and to request an application package. More information and application forms may also be found on the DCS web page at www.state.ma.us/envir/dcs. Thank you for your partnership in land conservation.

Regards,



Ellen Roy Herzfelder



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GOVERNOR

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September 9, 2003

The Honorable David B. Cohen
Office of the Mayor
1000 Commonwealth Avenue
Newton, MA 02466

Re: Forte Park.
LWCF #25-00469


Dear Mayor Cohen:

I am pleased to officially confirm that the National Park Service has approved the Forte Park renovation project for \$125,000 in federal Land and Water Conservation Fund financial assistance.

Please be advised that acceptance of this federal grant subjects the property to the provisions of P.L. 88-578 Section 6(f) and Article 97 of the Articles of Amendment to the State Constitution which prohibits converting the subject property for use other than public outdoor recreation. Ms. Fran Towle, project coordinator, has been made aware of this and other federal regulations pertaining to the program and has additional documentation for this project.

Congratulations to you and Ms. Towle for your dedication to preserving public outdoor recreation. Please contact Jennifer Soper of my staff at (617) 626-1015 or jennifer.soper@state.ma.us if you have any questions about the completion of the project.

Sincerely,


Joel A. Lerner
Director

cc: Senator Edward M. Kennedy
Senator John F. Kerry
Congressman Barney Frank
State Senator Cynthia Stone Creem
Representative Kay Khan
Representative Ruth B. Balser
Representative Peter J. Koutoujian

Received

SEP 18 2003

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September 9, 2003

Fran Towle, Commissioner
Parks and Recreation Department
70 Crescent St.
Newton MA 02466

Re: Forte Park,
LWCF #25-00469

Dear Ms. Towle:

Congratulations on getting approval for the renovation project at Forte Park from the National Park Service. Now on to the details of executing the Project Agreement and state standard contract.

Enclosed are the Project Agreement and state standard contract, as well as several assurances that must be signed by Mayor David B. Cohen, and returned to DCS. (The Project Agreement is a local "version" of the agreement signed between EOEA and NPS, and a copy of that is enclosed for your files.) Please have all copies signed, return one to this office, and retain the other for your files. Note that by signing the Project Agreement, the City of Newton agrees to comply with the program regulations for the Land and Water Conservation Fund as stipulated in the agreement and the General Provisions. Please also have the accompanying Application for Federal Assistance and Assurance for Construction Programs signed, and returned, as well.

In addition to this Project Agreement, there is a State Standard Contract Form that also must be signed and returned. This document allows our fiscal department to establish an account for your project. No reimbursement request can be honored unless the State Standard Contract, including the Contractor Authorized Signature Verification Form, is signed and returned. You must also include a certified copy of the City Council Order authorizing the project since this document will be required to execute the state standard contract.

Please refer to the enclosed guidance documents for information on requesting your reimbursement. Final payment will be made after the renovations have been completed, the request for reimbursement has been submitted to DCS by the city, and a final inspection has been done by DCS.

Remember that acceptance of the federal grant requires that the property remain open to the general public and prohibits any other use other than outdoor public recreation. Conversion of the property to any other use requires the City to abide by Article 97 of the Articles of Amendment to the State Constitution as well as the Land and Water Conservation Fund Project Agreement.

Received

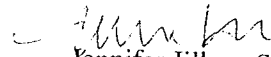
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Page 2.

I look forward to receiving the signed documents, and can be reached at (617) 626-1015 if you need further assistance.

Sincerely,


Jennifer Jillson Soper
Regional Planner

enc.

cc: Mayor David B. Cohen

Jennifer Goldson

From: "Channon Ames" <comes@CI.NEWTON.MA.US>
Organization: City of Newton
To: "Jennifer Goldson" <jgoldson@newtonma.gov>
Date sent: Mon, 23 May 2005 09:42:22 -0400
Subject: Re: (Fwd) Re: Forte Park CPA Project
Priority: normal

Hi Jennifer,

At this point we have only been reimbursed the \$105,252 that was recently received for Forte Park. The remaining funds from phase 1 have been added to the \$250,000 for phase 2. After phase 2 is completed we will receive another reimbursement. Please let me know if you have any other questions.

Channon Ames

From: "Jennifer Goldson" <jgoldson@newtonma.gov>
To: comes@ci.newton.ma.us
Date sent: Thu, 19 May 2005 10:26:03 -0400
Subject: (Fwd) Re: Forte Park CPA Project
Copies to: aStern@foley.com,
ddickson@newdirections.com,
dwilkinson@newtonma.gov
Priority: normal

Channon -

Please see the message below from Dave Wilkinson regarding the recent federal reimbursement for the Forte Park project. I had thought that the phase I reimbursement was suppose to be \$125K and that phase II would then be the other \$125K to total 50% of the original CPA grant, which was \$500K. In total, CPA was suppose to be reimbursed \$250K from the federal grant. Why was this recent reimbursement only \$105,252? Have we received any prior reimbursements? And/or, do we expect a future reimbursement? If so, when and at what amount?

I'd be very grateful if you would clarify this for me prior to the CPC meeting on Wednesday 5/25.

Thank you,
Jennifer

----- Forwarded message follows -----

From: "Wilkinson David, Comptroller City of Newton" <dwilkinson@newtonma.gov>
To: "Jennifer Goldson" <jgoldson@newtonma.gov>
Date sent: Tue, 10 May 2005 13:31:56 -0400
Subject: Re: Washington Park Lighting Project

Copies to: ftowle@ci.newton.ma.us
Priority: normal

Jennifer,

The Forte Park federal grant reimbursement came in this AM-
almost a year from the date that parks billed it - \$105,252.61 is
being credited as revenue to the CPA fund.

----- End of forwarded message -----



NEWTON PARKS AND RECREATION DEPARTMENT

70 Crescent Street, Newton, MA 02466

Office: 617 796-1500

Fax: 617 796-1512



FRAN L. TOWLE
COMMISSIONER

DAVID B. COHEN
MAYOR

June 6, 2006

Jennifer Soper
Executive Office of Environmental Affairs
Land and Water Conservation Fund
100 Cambridge St. Suite 900
Boston, MA 02114

Dear Ms. Soper,

Enclosed please find the Newton Parks and Recreation Department's reimbursement information for the Forte Park Lighting Project, Phase 2, LWCF #25-00469. This reimbursement is the first of two partial reimbursement requests for this project. The total amount requested for this reimbursement is \$235,677.76 with an anticipated refund to the City of \$117,838.88 which represents the 50% reimbursement allowed by the contract.

This packet contains the following information for reimbursement:

1. An Outlay Report and Request for Reimbursement Form (SF-271)
2. A Cost Recap Sheet
3. Copies of the front and back of canceled checks with invoices – arranged in chronological order
4. Copies of the signed contracts for John G Crowe Associates, Green Acres Landscaping, and Weed and Feed/DHT

Should you have any questions about the enclosed information please feel free to contact me at (617) 796-1500.

Sincerely,

Fran L. Towle
Commissioner
Parks and Recreation

COMMISSION
MEMBERS

WARD 1 - JENNIE DEVITO
WARD 2 - ARTHUR MAGNI
WARD 3 - PETER JOHNSON

WARD 4 - FRANCIS J. RICE, VICE CHAIRMAN
WARD 5 - WALTER S. BERNHEIMER II
WARD 6 - ANDREW STERN, CHAIRMAN

WARD 7 - VACANT
WARD 8 - MYRA TATTENBAUM
FAYE HAYS - COMM. SECRETARY

ALTERNATES: MICHAEL CLARKE, PETER KASTNER, JACK NEVILLE

www.ci.newton.ma.us/parks

| | | | | |
|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------|
| OUTLAY REPORT AND REQUEST FOR REIMBURSEMENT FOR CONSTRUCTION PROGRAMS <i>(See instructions on back)</i> | | OMB APPROVAL NO. 0348-0002 | | PAGE _____ OF _____ PAGES |
| | | 1. TYPE OF REQUEST <input type="checkbox"/> FINAL <input checked="" type="checkbox"/> PARTIAL | | 2. BASIS OF REQUEST <input type="checkbox"/> CASH <input type="checkbox"/> ACCRUAL |
| 3. FEDERAL SPONSORING AGENCY AND ORGANIZATIONAL ELEMENT TO WHICH THIS REPORT IS SUBMITTED Land and Water Conservation Fund | | 4. FEDERAL GRANT OR OTHER IDENTIFYING NUMBER ASSIGNED BY FEDERAL AGENCY 25-00469 | | 5. PARTIAL PAYMENT REQUEST NO. #1 of 2 |
| 6. EMPLOYER IDENTIFICATION NUMBER | 7. RECIPIENT'S ACCOUNT NUMBER OR IDENTIFYING NUMBER 046-001-404 | PERIOD COVERED BY THIS REQUEST | | |
| | | FROM (Month, day, year) 01/01/2005 | | TO (Month, day, year) 04/01/2006 |
| 9. RECIPIENT ORGANIZATION Name: City of Newton No. and Street: 1000 Commonwealth Ave City, State and ZIP Code: 02459 | | 10. PAYEE (Where check is to be sent if different than item 9) Name: No. and Street: City, State and ZIP Code: | | |

| 11. STATUS OF FUNDS | | | | | | |
|------------------------------------------------------|-------------|------------|--------------|------|------------|------------|
| CLASSIFICATION | PROGRAMS -- | | FUNCTIONS -- | | ACTIVITIES | TOTAL |
| | (a) | (b) | (c) | (d) | | |
| a. Administrative expense | \$ | \$ | \$ | \$ | | 0.00 |
| b. Preliminary expense | | | | | | 0.00 |
| c. Land, structures, right-of-way | | | | | | 0.00 |
| d. Architectural engineering basic fees | | 29,835.40 | | | | 29,835.40 |
| e. Other architectural engineering fee | | | | | | 0.00 |
| f. Project inspection fees | | | | | | 0.00 |
| g. Land development | | | | | | 0.00 |
| h. Relocation expense | | | | | | 0.00 |
| i. Relocation payments to individuals and businesses | | | | | | 0.00 |
| j. Demolition and removal | | | | | | 0.00 |
| k. Construction and project improvement cost | | 204,978.07 | | | | 204,978.07 |
| l. Equipment | | | | | | 0.00 |
| m. Miscellaneous cost | | 864.29 | | | | 864.29 |
| n. Total cumulative to date (sum of lines a thru m) | | 235,677.76 | 0.00 | 0.00 | | 235,677.76 |
| o. Deductions for program income | | | | | | 0.00 |
| p. Net cumulative to date (line n minus line o) | | 235,677.76 | 0.00 | 0.00 | | 235,677.76 |
| q. Federal share to date | | 117,788.88 | | | | 117,788.88 |
| r. Rehabilitation grants (100% reimbursement) | | | | | | 0.00 |
| s. Total Federal share (sum of lines q and r) | | 117,788.88 | 0.00 | 0.00 | | 117,788.88 |
| t. Federal payments previously requested | | | | | | 0.00 |
| u. Amount requested for reimbursement | \$ | 117,788.88 | \$ | \$ | \$ | 117,788.88 |
| v. Percentage of physical completion of project | | 100 % | % | % | % | % |

| | | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------|----------------------------------------------------------------|
| 12. CERTIFICATION I certify that to the best of my knowledge and belief the billed costs or disbursements are in accordance with the terms of the project and that the reimbursement represents the Federal share due which has not been previously requested and that an inspection has been performed and all work is in accordance with the terms of the award. | a. RECIPIENT | SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | DATE REPORT SUBMITTED |
| | | TYPED OR PRINTED NAME AND TITLE Fran Towle, Commissioner | TELEPHONE (Area code, number, and extension) (617) 796-1500 |
| | b. REPRESENTATIVE CERTIFYING TO LINE 11V | SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL | DATE SIGNED |
| | | TYPED OR PRINTED NAME AND TITLE | TELEPHONE (Area code, number, and extension) |

**LAND AND WATER CONSERVATION FUND PROJECT
REIMBURSEMENT COST RE-CAP SHEET PARTIAL REIMBURSEMENT #1 OF 2**

MUNICIPALITY: City of Newton – Parks and Recreation Department
PROJECT Forte Park Playfield Lighting Phase 2 **LWCF#** 25-00469

Vendor: United States Postal Service
Date of Check: 01/14/2005
Check Number: Copy of Receipt
Check Amount: \$333.33
Classification: Miscellaneous

Vendor: High Tech Signs
Date of Check: 09/30/05
Check Number: 105199
Check Amount: \$450.00
Classification: Miscellaneous

Vendor: Staples
Date of Check: 01/26/2005
Check Number: Copy of Receipt
Check Amount: \$30.96
Classification: Miscellaneous

Vendor: John G Crowe Associates
Date of Check: 11/11/05
Check Number: 108882
Check Amount: \$3,000.00
Classification: Design

Vendor: John G Crowe Associates
Date of Check: 02/04/2005
Check Number: 059655
Check Amount: \$4,000.00
Classification: Design

Vendor: High Tech Signs
Date of Check: 12/9/05
Check Number: 111264
Check Amount: \$50.00
Classification: Miscellaneous

Vendor: John G Crowe Associates
Date of Check: 04/29/2005
Check Number: 067440
Check Amount: \$18,110.00
Classification: Design

Vendor: Green Acres Landscaping
Date of Check: 12/16/05
Check Number: 111845
Check Amount: \$32,242.18
Classification: Construction

Vendor: Green Acres Landscaping
Date of Check: 06/30/2005
Check Number: 074979
Check Amount: \$35,845.25
Classification: Construction

Vendor: Weed and Feed/DHT
Date of Check: 12/16/05
Check Number: 111947
Check Amount: \$24,119.52
Classification: Construction

Vendor: John G Crowe Associates
Date of Check: 06/30/2005
Check Number: 074998
Check Amount: \$3,435.40
Classification: Design

Vendor: Weed and Feed/DHT
Date of Check: 01/27/2006
Check Number: 115410
Check Amount: \$13,753.23
Classification: Construction

Vendor: Green Acres Landscaping
Date of Check: 09/16/05
Check Number: 104135
Check Amount: \$99,017.89
Classification: Construction

Vendor: John G Crowe Associates
Date of Check: 3/24/2006
Check Number: 119885
Check Amount: \$1,290.00
Classification: Design

REIMBURSEMENT =
TOTAL EXPENDITURES OF: \$ 235,677.76 x 50 % = \$ 117,838.88