



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

Telephone
(617) 796-1100

Telefax
(617) 796-1113

E-mail
Dcohen@ci.newton.ma.us

June 16, 2006

2006 JUN 16 PM 5:38
CITY CLERK
NEWTON, MA. 02159

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

Ladies and Gentlemen:

I respectfully request that your Honorable Board split docket item #230-06 into two items. At this time, I request that you appropriate one million seventy-six thousand two hundred fifty dollars (\$1,076,250) toward project management and construction manager services. Doing so will allow the project to continue without costly delay and will allow your Honorable Board to continue your site plan deliberations.

I ask this in response to several points raised in a memorandum of June 2, 2006 from Aldermen Albright, Johnson, and Linsky, who wrote that the provisions of section 5-58 for the Revised Ordinances of the City of Newton, the so called "site plan review" provisions, "seemingly prohibit" consideration of a the full funding request in docket item #230-06. They are quite correct in clarifying that certain portions of the current appropriation request could be voted before site plan approval and others must await final site plan approval. The appropriation request of \$3,648,750 in docket item #230-06 contains several elements, including requests for funds for further architectural, project management, and construction manger services.

Part (b) of section 5-58 provides that, "The Board of Aldermen shall not approve an appropriation for any funds for preparation of *detailed construction drawings* for a project applicable under this section until the requirement of (a)(1) through (a)(6) above have been satisfied." (Emphasis added.)

It is critically important to vote on the \$1 million to allow the City to bring a Construction Manager on board. While your Honorable Board deliberates over the details of the site plan, the Project Manger should proceed with preparations to engage a Construction Manger. As the attached letter from the Public Buildings Commissioner explains, he needs \$1,076,250 to continue the services of the Project Manager and to enter into a contract with a Construction Manager.

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



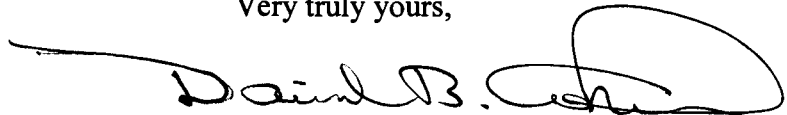
DEDICATED TO COMMUNITY EXCELLENCE

Currently, there are sufficient funds in the previous \$3.8 million appropriation to allow the architect to continue work during the summer to produce *design documents*, which are documents prepared before preparation for final, full *detailed construction drawings*. The design documents will provide sufficient detail to allow the City to contract for the services of a Construction Manager and to begin the process of negotiating a Guaranteed Maximum Price.

The drafters of section 5-58 were clear in the language they used. It conditions Board of Aldermen approval of detailed construction documents on final site plan approval. By splitting docket item #230-06 into two, your Honorable Board can defer approval of the remaining two million five hundred seventy-two thousand five hundred dollars (\$2,572,500) until the completion of site plan approval, while allowing the background work on securing a construction manager to continue in a timely manner.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "David B. Cohen", with a large, sweeping flourish at the end.

David B. Cohen
Mayor

DBC: smp

2008 JUN 16 PM 5:38
CITY CLERK
NEWTON, MA. 02159