



David B. Cohen
Mayor

November 4, 2009

City of Newton, Massachusetts Office of the Mayor

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To the Newton community,

I write to provide you with an update on the progress we are making on the constructing of the new Newton North. The project remains under budget and on schedule for a September, 2010 opening. This update is particularly timely in view of the inaccuracies written in news articles appearing in this week's *Newton TAB*. This note is intended to provide you with accurate information and to assure you that we are making steady progress toward the successful completion of this important project.

The headline "Code violations could delay North" is baseless. **We remain on track for the opening of the school on September, 2010, and the project schedule is not in jeopardy.** The *TAB* is speculating that the Plumbing Board's decision on our variance request could delay the project, which is untrue. Here are the facts.

Should that variance be denied, we will perform the needed work to satisfy the Plumbing Board while continuing our construction project according to schedule. Also untrue is that we've violated a Massachusetts plumbing code. The rainwater system we've installed is not specifically identified in current state plumbing codes. It is a state-of-the-art, environmentally sound system that captures rainwater and reuses it inside the building. We applied for a variance from the Plumbing Board to use plastic pvc pipe – the most common material used for pipes that are carrying rainwater – rather than more costly cast iron; and these pipes have been in place and effective for more than a year. We are currently awaiting their ruling on this issue.

I also want to make it clear that safety and quality of work are my highest priorities when it comes to this project. The masonry work is being performed by D'Agostino Associates, Inc., a highly regarded Newton business that has been operating for nearly 50 years. D'Agostino was by far the low bidder on this project, and because it is a non-union company appears to be a target of unions. In essence, a union representative trespassed on to the construction site, took photos of an unfinished wall, and then criticized the company for allegedly shoddy work. I will say unequivocally that the work of all the contractors on this job is rigorously examined and tested for safety and quality by third-party entities. I have no doubt that the construction work at the new Newton North will meet the high standards set by this community, and any substandard work will not be tolerated or accepted.

A second inaccuracy also appeared on the front page of today's *TAB*, with the headline, "City ignoring requests for public info." The city is not ignoring these requests. In fact, we have turned over hundreds of documents at their request, however, there are some additional materials being requested that we believe are not in fact "public info." Specifically, the plumbers union is requesting that the city produce all emails and written correspondence between our contractors and their sub-contractors. These are private companies hired by the city to construct the new Newton North, and their correspondences is neither in the custody of the city nor are they public records. Forcing these companies to take the time and expense of producing these voluminous, private records would distract them from their on-the-job duties and is simply not in the best interest of the city or this project.

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Again, to be clear, this project remains on schedule for opening on September, 2010; and we are in no way withholding public information. I remain pleased with the quality and pace of work on the Newton North project, and we can all be assured that this will be a community facility of which we can all be proud.

Very Truly Yours,

A handwritten signature in dark ink, appearing to read "David B. Cohen". The signature is fluid and cursive, with a large, stylized initial "D" at the end.

David B. Cohen