

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, FEBRUARY 28, 2011

Present: Ald. Freedman (Acting Chairman), Ciccone, Linsky, Salvucci, Rice, and Fuller

Absent: Ald. Danberg and Gentile

Also present: Matthew Cummings (Chief of Police), Angela Smagula (Assistant City Solicitor), Lou Taverna (City Engineer), Maureen Lemieux (Chief Financial Officer), and David Turocy (Acting Commissioner of Public Works)

#56-11 HIS HONOR THE MAYOR requesting acceptance, appropriation, and expenditure of fourteen thousand four hundred forty dollars (\$14,440) grant from the FY2011 Automated License Plate Reader (ALPR) Grant Program offered by the Massachusetts Executive Office of Public Safety and Security. [02/14/11 @ 6:00 PM]

ACTION: **APPROVED 6-0**

NOTE: Police Chief Matthew Cummings stated that if the Board authorizes the acceptance and expenditure of the grant from the Massachusetts Executive Office of Public Safety and Security, it would enable the Police Department to purchase one more automated license plate reader (ALPR). The additional ALPR would be mounted on a police cruiser for traffic education and enforcement. The City is the first in the state to begin using automated license plate readers.

With the inclusion of this ALPR, the Police Department will have a total of six, which should be operational within the next four weeks. However, the parking control software will not be available for six weeks. The parking control software does not include the ability to identify stolen cars or other criminal violations. The plan is to mount three ALPR systems to parking control cars and three to cruisers. The six vehicles should cover the entire City for both parking control and traffic enforcement.

Ald. Fuller moved approval, which carried unanimously.

#57-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twelve thousand dollars (\$12,000) from Budget Reserve to the Law Department's Judgments and Settlements account as full and final settlement of a civil claim filed against the City as a result of a fall at the old Newton North High School. [02/14/11 @ 6:00 PM]

ACTION: **APPROVED 6-0**

NOTE: Assistant City Solicitor Angela Smagula reviewed the proposed settlement of a civil claim with the Finance Committee. The claim was filed in 2007 after an elderly woman was injured because of a fall at the Elm Street entrance at the old Newton North High School. The woman suffered severe injuries that included a broken hip and the woman still suffers chronic pain associated with the accident. The woman brought a claim of \$100,000 against the

City on the basis that the City was negligent in providing appropriate lighting in the area. Several of the lights in the canopy over the entrance to the school were out, as well as a vandal light located on one side of the doors to the school.

The Law Department carried out a thorough investigation of the claim. It is apparent that the woman has definite cause for the claim. After extensive negotiations, the Law Department and the women reached an agreement of a \$12,000 settlement, which is very good for the City.

Ald. Ciccone inquired if the Public Buildings Department was notified regarding the bulb outages. The department was notified and it was explained that the lights located in the canopy are not replaced individually but as a group because it requires a bucket truck to reach the lights. The Public Buildings Department waits for notification from the school custodian before replacing the lights.

Ald. Salvucci moved approval, which carried unanimously.

#58-11 CITY ENGINEER requesting approval of the following Order and Schedule of Sewer Assessments for completed Common Sewer Extension in Wood End Road, Bowdoin Street, and Hillside Road. [02/14/11 @ 3:01 PM]

<u>S-B-L</u>	<u>OWNER/ADDRESS</u>	<u>BK./PG.</u>	<u>AMT</u>
54-30-09	Nicholas Zessoules 1 Bowdoin Street	14092/295	\$2,759.75
54-30-08	Anne Sullivan 3 Bowdoin Street	13957/197	\$\$3,159.75
54-30-14	Milton & Henrica Bordwin 87 Hillside Road	10738/121	\$2,097.25
53-30-12	Charles Hoban and Elizabeth Hiser 93 Hillside Road	28083/238	\$2,434.75

ACTION: APPROVED 6-0

NOTE: The City Engineer Lou Taverna explained that in 2006 the Public Works Commissioner requested the construction of a sewer in Wood End Road from an existing manhole to Bowdoin Street, to Hillside Road to address an issue at 93 Hillside Road. The home at 93 Hillside Road was renovated in 2005 and the owner abandoned the septic system for a sewer hook-up. During the renovation, the sewer service was erroneously connected to the public drain system. The problem was reported to both the Department of Environmental Protection and the Environmental Protection Agency. The city was not fined, as there was only a minimal amount of pollution that was diluted without requiring any remediation. The sewer extension was completed in 2006 and this is request is to assess the sewer betterment to the property owners.

The Committee members questioned why the betterments are being requested now, as the project was completed in 2006. Mr. Taverna stated that there was confusion regarding how the betterment process worked. Mr. Taverna was under the impression that the estimates that were

provided at the time would suffice as the request for assessment. The Committee asked what the cost of the project was to the City. Mr. Taverna estimated that the cost was \$50,000. The betterment assessments would cover approximately \$10,451 of that cost. The betterment assessments are set by ordinance; therefore, the City cannot assess any additional charges. Committee members felt that it would be appropriate to docket an item to review the betterment assessment ordinance to determine whether the assessment amounts should be increased. Ald. Fuller and Salvucci will work on language for a docket item. Ald. Rice moved the item, which carried unanimously.

At the request of the Committee, the Engineering Division and the Clerk of the Board's Office will work together to ensure that all past betterments have been assessed.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#59-11 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash for the purpose of supplementing the snow and ice budgets in the Department of Public Works.
[02/14/11 @ 6:00 PM]

ACTION: **APPROVED 6-0**

NOTE: Chief Financial Officer Maureen Lemieux and Acting Commissioner of Public Works David Turocy reviewed the request for \$500,000 from Free Cash to provide additional funds for snow and ice operations. At this point, the City has spent \$3,823,000 to date on snow and ice operations. There is a shortfall in the snow and ice accounts in the Department of Public Works. The above request will close the shortfall in the accounts and leave \$100,000 available.

There was some discussion in the Executive Office regarding amending the item but it was decided that a request would be filed later for additional funding, when there is a better sense of how much money is needed. Ald. Salvucci stated that the budget should include a realistic amount of funding for snow and ice operations when it is submitted to the Board of Aldermen for approval. Ms. Lemieux stated that it is her goal to get that funding in the budget but she does not believe that it will be in next year's budget. However, it is likely that there will be a much larger amount of money in those accounts in next year's budget compared to past years.

Ald. Salvucci moved approval of the item, which carried unanimously.

Chairman's note: The Chief Financial Officer provided the Committee with an update on the remaining Free Cash. Once the \$500,000 for snow and ice is appropriated from Free Cash, \$1.2 million will remain in the account. Ms. Lemieux expects that the Public Works Department will require an additional \$300,000 to \$400,000 for snow and ice. In addition, she expects to use \$150,000 from Free Cash for police overtime and another \$150,000 for fire overtime. There may also be some other accounts that will require funding from Free Cash. The Parks and Recreation Department's Emergency Tree Maintenance Account is underfunded but Ms. Lemieux will use funds from marathon money to supplement the account.

The meeting adjourned at 7:40 p.m. and all other items before the Committee were held without discussion. Draft Board Orders for the above items are attached.

Respectfully submitted,

John Freedman, Chairman

CITY OF NEWTON
IN BOARD OF ALDERMEN

, 2011

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the authorization to expend a grant by the Massachusetts Executive Office of Public Safety and Security in the amount of fourteen thousand four hundred forty dollars (\$14,440) from the FY2011 Automated License Plate Reader Grant Program to be used for the purchase of an automated license plate reader be and is hereby approved.

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON
IN BOARD OF ALDERMEN

2011

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman, Leonard J. Gentile, the sum of twelve thousand dollars from Budget Reserve for the purpose of settling a claim that arose out of a fall at the former Newton North High School.

FROM:	Budget Reserve (0110498-5790).....	\$12,000
TO:	Law Department, Legal Settlements (0110893-5725).....	\$12,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON

IN BOARD OF ALDERMEN

2011

ORDERED:

That in accordance with the recommendation of the Finance Committee through its Chairman, Leonard J. Gentile, the following Order and Schedule of Sewer Assessments for completed Common Sewer Extension in Wood End Road, Bowdoin Street, and Hillside Road, as approved by Board Order #464-05, be and is hereby approved:

<u>S-B-L</u>	<u>OWNER/ADDRESS</u>	<u>BK./PG.</u>	<u>AMT</u>
54-30-09	Nicholas Zessoules 1 Bowdoin Street	14092/295	\$2,759.75
54-30-08	Anne Sullivan 3 Bowdoin Street	13957-197	\$3,159.75
54-30-14	Milton & Henrica Bordwin 87 Hillside Road	10738/121	\$2,097.25
53-30-12	Charles Hoban and Elizabeth Hiser 93 Hillside Road	28083/238	\$2,434.75

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date _____

CITY OF NEWTON
IN BOARD OF ALDERMEN

2011

ORDERED:

That, in accordance with the recommendation of the Public Facilities Committee through its Chairman Sydra Schnipper and the Finance Committees through its Chairman Leonard J. Gentile, the sum of five hundred thousand dollars (\$500,000) be and is hereby appropriated from Free Cash for the purpose of supplementing the snow and ice budget for the Department of Public Works:

FROM:	Free Cash (01-3497).....	\$500,000
TO:	Public Works 0140110-57MEDA	\$7,500
	0140110-513001	\$392,500
	01401110-5273	\$100,000

Under Suspension of Rules
Readings Waived and Approved

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTID. WARREN
Mayor

Date _____