

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, DECEMBER 8, 2008

Present: Ald. Coletti (Chair), Parker, Freedman, Lennon, Schnipper and Gentile

Absent: Ald. Salvucci and Johnson

City Staff: Lt. Hugh Downing (Newton Police Department), Scott Perrin (Athletic Director NSHS), Bob DeRubeis (Park & Recreation Department), Fran Towle (Commissioner of Park & Recreation Department), Mayor David Cohen, Lou Taverna (City Engineer), Arthur Cabral (Buildings Department), Sandy Pooler (Chief Admin. Officer, Chief LaCroix (Fire Department) and Angela Smagula (Assistant City Solicitor)

Others Present: Paul Terrell (Gale Associates)

Appointment by His Honor the Mayor

#458-08 JAMES NOTARTOMASO, 154 Wildwood Avenue, Newtonville, MA 02460, appointed as a Constable for the City of Newton for a term of office expiring November 30, 2011. [11-12-08 @ 2:01 PM]

**ACTION:** **APPROVED 4-0-1 (Ald. Freedman abstaining), Gentile not voting**

**NOTE:** The Committee received a letter dated November 7, 2008, from His Honor the Mayor recommending the appointment of Mr. Notartomaso as a Constable.

A copy of his application and a copy of his CORI report were attached to the agenda. Tonight, Mr. Notartomaso provided the Committee with a copy of his \$5,000 Public Official Bond issued to the City of Newton, attached to report.

Mr. Notartomaso and Mayor Cohen were present this evening for an interview with the Committee. Committee members reviewed his experience and he is known to members of the Finance Committee. Mayor Cohen indicated his willingness to appoint Mr. Notartomaso as a Constable and to affirm his appointment.

Ald. Coletti asked Mr. Notartomaso to contact Jeffrey Silton, one of the Cities longest serving Constables in order to receive a copy of the training booklet Mr. Silton prepared which has been a very effective tool in assisting new Constables on the discharge of their duties, actions and responsibilities on performing Constable duties in the City of Newton.

Ald. Lennon is pleased to have Mr. Notartomaso appointed as a Constable and made the motion to approve his appointment.

#246-08      ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor and the School Committee to prohibit immediately the use of any city-owned vehicle for commuting purposes in excess of ten miles from the physical boundaries of Newton and to limit use of city-owned vehicles to circumstances where an emergency response is likely during non-business house and in which the necessary equipment is carried for such emergency response. [7-2-08 @ 12:12 PM]

**ACTION:**      **HELD 6-0**

**NOTE:**      Tonight, Committee members received a copy of the current City of Newton Policy for Commuting with City Vehicles effective November 1992, which Ald. Coletti had received from Ron Mahan. Mr. Mahan was a member on the Committee in 1992 when the Committee wrote this active commuting policy.

Committee members also received a 'draft' of City of Newton Policy for Commuting with City Vehicles prepared by the Executive Department for the review by the Committee. Also attached was a list of vehicles owned by the City, which included the list of heavy equipment vehicles and other functioning equipment, and a two-page list of take home vehicles.

Committee members were specifically interested in reviewing at this time the take home vehicle list and expressed their concerns that their earlier request for the commuting distance or where the vehicle is being garage had not been received.

This evening, Sandy Pooler, Chief Admin. Officer provided the Committee with a revised two-page list of City of Newton Vehicle listing dated December 4, 2008 indicating which City vehicles are taken home including the distance these vehicles are commuting.

Ald. Coletti indicated all material was delivered to the Committee but did not meet their requirements of the forty-eight hour notice for distribution allowing the Committee to discuss the material therefore; a motion was made to hold this item.

Ald. Coletti stated once the Committee receives a new revised list on the vehicles which will be produced by the Inspectional Services Department the Committee will review the list, the two policies and the take home vehicle list and then the Committee will be prepared to review and discuss this item.

**REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES**

#464-08      HIS HONOR THE MAYOR requesting to appropriate one hundred ten thousand dollars (\$110,000) from bonded indebtedness for the purpose of purchasing two heavy duty trucks for the Parks and Recreation Department [11-25-08 @ 4:58 PM]

**PROGRAM & SERVICES APPROVED 7-0 (Hess-Mahan not voting)  
on 12-3-08**

**ACTION:**      **APPROVED 6-0**

**NOTE:** A letter dated November 25, 2008 was submitted to the Committee from Fran Towle, Commissioner of Park & Recreation Department indicating that they would like to purchase two heavy-duty trucks.

- Cabover with one-ton chassis truck at the cost of \$50,000 replacing a 1995 Chipper truck with radio.
- One ton 4x4 truck with a plow at the cost of \$60,000 replacing a 1990 Chevrolet one-ton dump with radio and plow.

Some Committee members asked if in fact the item was on the Capital Plan and how long had the request for these vehicles been on the list and asked if there were any additional vehicles needing immediate replacement.

The Committee had a brief discussion about the fact that all departments have to submit their request for new vehicles to go onto the Capital Plan list knowing the Executive Department prioritizes the vehicles.

Ald. Coletti stated the Executive Department has committed to six new vehicles for the Public Works Department, six vehicles for the Fire Department, seven vehicles for Inspectional Services and Assessing Departments and the requested trucks for Parks & Recreation Department.

Ald. Coletti assumes these vehicles will be bought between now and April 2009.

Without debate, Committee members voted in favor.

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

#192-08 **HIS HONOR THE MAYOR** requesting authorization to appropriate and expend \$5,069,783 from the following sources for the purpose of installing new fields and track at Newton South High School:

Capital Stabilization Fund.....\$1,851,783  
Bonded Indebtedness.....\$3,218,000

(C) and to establish an appropriate vehicle into which \$500,000 may be transferred from the Capital Stabilization Fund to support the annual maintenance of these fields. [05-13-08 @ 5:02 PM]

**(A) BOARD APPROVED \$300,000 FOR DESIGN on 07-14-08**

**(B) BOARD HELD BALANCE @ \$1,551,783 FROM CAPITAL STABILIZATION FUND AND \$3,218,000 FROM BONDED INDEBTEDNESS on 07-14-08**

**(C) HELD ESTABLISHMENT OF FUND FOR ANNUAL MAINTENANCE PUBLIC FACILITIES APPROVED (B) AND (C) 7-0 ON 12-3-08**

**APPROVED (B) 5-0-2 (Hess-Mahan, Sangiolo abstaining; Johnson not voting)**

**APPROVED (C) 5-0-2 (Hess-Mahan, Baker abstaining; Johnson not voting)**

**ACTION: APPROVED 6-0**

**NOTE:** Ald. Coletti stated the Program & Services and Public Facilities Committees held a joint meeting on December 3, 2008 and he assumes there will be a substantial report written by these Committees who reviewed the plans.

Tonight, the Finance Committees discussion focused on the wrap-up items relating to earlier meetings held to review the plans with Lou Taverna, City Engineer and Paul Terrell, Gale Associates.

Committee members were interested and asked if there is a plan for roughing work in the plumbing for the future addition of bathrooms for this facility as it is anticipated there will only be portable toilets used.

There was concern about the utilization of GO textile fabric in order to guarantee and ensure that the area underneath the track will not sink overtime because of the weight that is on top of some amount of Peat, which is an unstable surface underneath the track.

There was also a request that this stabilization fabric be used over the large sidewalk areas that may be plowed in order to ensure the concrete panels will not sink into the ground during plowing season as well as under the bleacher area where the weight of the bleachers will create some settling of that area.

Committee members expressed their following concerns:

- 1) The Committee is still waiting for their questions to be answered from the engineering company who is proposing to complete the installation using GO textile fabric that will be used. This will continue to be discussed up to the time the fields are installed pending the review of the data, which will be generated by the firm who will be completing the work after the field is stripped of its topsoil.
- 2) The utilization of the driveway on the side of the fields whether the road would be one way or two way and whether there would be catch basins to prevent water running off the driveways onto the fields. In addition, whether there would be appropriate fencing on the roadway to ensure the plows could remove the snow without damaging the fencing or fields.
- 3) Review of the problems currently existing on the right side of the football stadium where the City uncovered some hazardous material, which was dumped earlier in the form of asphalt shingles. The City is currently going through a remediation process with the DEP and the Committee wanted to make sure that the appropriate sign-offs were received from the DEP and this will not impact the performance of work on top of an area where the City is known to have small amounts of hazardous material. Committee members also want the assurance there will be no impact on safety, and utilization of the fields. It would have been appropriate at this time to remove this material. The City perhaps should have hauled this material to an asphalt plant but would have cost an estimate of \$100,00 to \$150,000 to complete this project and file the necessary reports. At this time, the City has chosen not to take this step in disturbing this material. Therefore, the City will receive the appropriate signed paperwork from DEP indicating there will be no health threat to the students or others who will be using the fields.

A motion was made to approve this item.

#462-08 HIS HONOR THE MAYOR requesting to appropriate six thousand six hundred sixty-eight dollars and forty-three cents (\$6,668.43) from Budget Reserve for the purpose of settling a claim filed against the City of Newton. The claim arises out of a motor vehicle accident in which a City truck struck another truck causing damage to the private vehicles plow. [11-25-08 @ 4:57 PM]

**ACTION:** **APPROVED 6-0**

**NOTE:** Angela Smagula, Assistant City Solicitor joined the Committee for discussion on this item.

Ms. Smagula informed the Committee this appropriation request is for a settlement of damage to a privately owned vehicles plow.

The accident occurred on Commonwealth Avenue, Newton, MA on February 13, 2008, when a City of Newton Department of Public Works employee backed up his plow truck into the driver's side of the plow truck.

The appraisal of damages for the claim was in the amount of \$9,785.86. Upon review, it appeared that the majority of the damage was the replacement of a Fisher Plow in the amount of \$4,617.43.

The City used an independent appraiser and an independent owner of plow trucks review the appraisal. It was the City's belief that the blade of the plow did need to be replaced, but that the rest of the body of the plow was not in need of replacement. The City has priced the blade at approximately \$1,500. Consequently, the City has subtracted \$3,117.43 (the difference between \$4,617.43, minus \$1,500) from the total of \$9,785.86 and made an offer of \$6,668.43, which the person accepted.

The Committee agreed the City operator was at fault and made the motion to approve this item.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#468-08 HIS HONOR THE MAYOR requesting to appropriate and expend one hundred five thousand dollars (\$105,000) from Free Cash for the purpose of the continued clean up of various 21E sites at the Elliot Street yard, Cabot School, Horace Mann School, and Newton South High School Football field. This also includes replacing the Veeter Root at the Hawthorne Field House and Carr School. [11-25-08 @ 4:58 PM]

**PUBLIC FACILITIES APPROVED 5-0 (Ald. Lennon not voting)**  
**on 12-3-08**

**ACTION:** **APPROVED 5-0 (Ald. Parker not voting)**

**NOTE:** Committee members reviewed the Public Buildings Department FY09 Supplemental Budget, attached to report.

The appropriation request is for the purpose of the continued clean up various 21E sites:

- \$15,000 for the Elliot Street yard remediation

- \$25,000 for continued underground remediation at the Cabot School
- \$35,000 for the continued remediation of the underground problem at the Horace Mann School
- \$10,000 for the Newton South High School Football field.
- A total of \$85,000

The Building Department anticipates an additional \$25,000 to be requested in the spring for the replacement of Veeter Root at the following locations:

- \$10,000 for the Hawthorne Field House
- \$10,000 for the Carr School
- A total of \$20,000

The Committee reviewed this material and with the understanding and breakdown provided by the Building Department was prepared to support this item. Committee members asked that the Building Department provide them with a total amount spent over the past seven to eight years on each of these projects specifically the Cabot School and Horace Mann School. The Building Department will provide the Committee with this request.

Without debate, Committee members voted in favor.

#351-08      ALD. COLETTI requesting discussion on the status of School Building Authority reimbursements to the City of \$46.6 million for the Newton North High School project. [09-30-08 @ 1:54 PM]

**ACTION:**      **HELD 6-0**

**NOTE:**      Tonight, the Committee received an update. The City is continuing their work towards getting the final documentation and approval by the State on when they will be reimbursing the City this \$46.6 million for the Newton North High School project.

The motion was made to hold this item pending a future update from the Executive Department on December 22, 2008.

**REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES**

#466-08      HIS HONOR THE MAYOR requesting to appropriate One hundred twenty seven thousand five hundred seventy seven dollars (\$127,577) from Free Cash to the Fire Department for the purpose of purchasing six new support vehicles. [11-25-08 @ 4:54 PM]

**PUBLIC SAFETY & TRANSPORTATION APPROVED 8-0 on 12-3-08**

**ACTION:**      **APPROVED 6-0**

**NOTE:**      Chief LaCroix, Newton Fire Department joined the Committee for discussion on this item.

The Committee received a letter from His Honor the Mayor dated November 25, 2008 requesting this appropriation from Free Cash to the Fire Department for the purpose of purchasing six new support vehicles.

Chief LaCroix indicated he would like to purchase the following vehicles, which will include the necessary equipment including the emblems, bars, lettering, and lights.

- One Expedition at the cost of \$34,300.
- Three Ford Focus costing each \$15,154.00
- Two Ford Taurus costing each \$24,585.00.

These vehicles will replace C-1, C-2, C-3, C-7, C-9, and C-10.

The Deputy Chiefs Expedition has approximately 175,000 miles and most of the other vehicles are beyond repair.

It is hoped these vehicles will be purchased from the Greater Boston Police Council State Bid and will be outfitted with all necessary equipment including emergency lighting, emergency radio communications, and emergency flashers. These vehicles will also be specially painted and decaled with the City of Newton logo.

Chief LaCroix indicated his original request was for \$228,000 to cover the cost of purchasing eight vehicles and two light trucks. The Executive Department reduced the Chief's request to six vehicles and no light trucks.

Without debate, the Committee made the motion for approval to purchase these six vehicles.

#463-08      HIS HONOR THE MAYOR requesting to appropriate and expend one thousand two hundred fifty dollars (\$1,250) from Salary Reserve for the purpose of funding a stipend to be paid to the Sealer of Weights and Measures who will take on additional duties and serve as the hearing officer for the appeal of tickets issued by the Fire Department and Fire Prevention Division. [11-25-08 @ 4:54 PM]

**ACTION:**      **APPROVED 6-0**

**NOTE:**      Chief LaCroix, Newton Fire Department once again joined the Committee for discussion on this item.

The Committee received a Chapter 148 A Code Enforcement Officer of the General Laws of Massachusetts Section 5. Fines, penalties and assessments, both General Laws cover letter and Massachusetts Non-Criminal Fire Code Violation Notice are attached to report.

This Act discusses how the funds are in fact received, the assessments collected in the enforcement, training process and education for inspectors.

Requirements are also stated in order for the certification under State Law to oversee the assessments. Training and education requirements which Mitch Baker, Sealer of Weights and Measures has already attended and has become State certified.

The State Law allows the stipend for the municipal hearing officer and under this act, Mr. Baker will be receiving a stipend. The Act indicates that the amount shall not be less than \$2,500 per year; this request is for a half a year. The request for \$1,250.00 will be from January 1 through June 30.

Penalties and assessments fall under this chapter as well. The penalties and assessments shall be paid to the Commonwealth and be forwarded to the Department of Fire Services revenue account for the purposes of enforcement, training and education of state code enforcement officers.

Committee members understood Mr. Baker will follow the strict guidelines, duties, and responsibilities and the process of how the various violation notices will be written and who has the authority to write these as specified in Chief LaCroix's letter.

Committee voted without hesitation to approve Mitch Baker as the hearing officer for the appeal of tickets issued by the Fire Department and Fire Prevention Division.

#459-08      HIS HONOR THE MAYOR requesting to appropriate thirteen thousand, two hundred dollars (\$13,200) from Budget Reserve to the Police Department for the purpose of paying an FY07 bill for services received for the repair of a fire alarm monitor in the dispatch center. [11-25-08 @ 4:54 PM]

**ACTION:**      **APPROVED 6-0**

**NOTE:**      Lt. Hugh Downing, Newton Police Department and Chief LaCroix, Newton Fire Department joined the Committee for discussion of this item.

This appropriation is for an an outstanding bill for emergency repairs to a digitizer 3505 and for the installation of a new Zetron M26 control panel in the Dispatch Center. These services were performed and delivered by R.B. Allen Co., Inc. in August and November 2007.

The digitizer is a fire alarm monitor and the M26 control panel allows dispatchers to control auxiliary fire equipment with the capability to send alerts to the fire stations. These communications were damaged but it is unclear how the incident happened. According to reports, Root beer was inadvertently spilled on both the control panel and the digitizer, which damaged both beyond repair taking them out of service during regular business hours at the combined dispatch center. This incident created an emergency situation requiring a backup server from the fire station be dismantled and installed as an active system in order to reactivate 50% of the City's combined dispatched capacity.

To this date, no one has made claim to this accident. According to the rules in the dispatch center, no liquids are allowed in the facility.

Committee expressed their concerns to Chief LaCroix and Lt. Downing indicating the violation to City violation with food in these areas as well as the fact this work was performed under an



invalid purchase order therefore, the vendor who performed the work was not able to paid for almost one half years. Committee members also expressed to Chief LaCroix their frustration on this accident and the cost impact of \$13,200 to the City either due to negligence or improper application of the policies and procedures within each department.

A motion was made to approve this item in order for this vendor to be paid but it is a recommendation for the Post Audit & Oversight Committee to review the circumstances to make a report to return to the Finance Committee.

#461-08      HIS HONOR THE MAYOR requesting to appropriate the sum of four hundred seventy-three thousand, four hundred seventy-four dollars (\$473,474) from wage reserve to the Police Department payroll accounts to make FY07 and FY08 retroactive salary payments and fully reflect FY09 wages pursuant to the agreement reached with the Newton Police Superior Officers Association. [11-25-08 @ 4:55 PM]

**ACTION:**      **APPROVED 6-0**

**NOTE:**      Lt. Hugh Downing, Newton Police Department once again joined the Committee for discussion of this item.

The Committee reviewed the contract, which was agreed upon by the City of Newton and the Newton Police Superior Officers Association.

The various percentages that relate to the relationship between the Lieutenants, Captains, Chiefs and Police Officers were included in the appendixes to the new contract.

The Committee reviewed the detailed rates and the differences between the phases, which were received by the senior officers when on traffic detail.

Committee members found the contract satisfying with the pattern the City has established with the other marketing units, which have already been settled.

The Committee accepted the contract, agreed on the appropriation to settle this union contract in the hopes Police Officers will have their retroactive salaries by Christmas.

Without debate, the Committee approved this item.

**REFERRED TO PUB.SAFETY & TRANS. & FINANCE COMMITTEES**

#80-08      ALD. SALVUCCI & DANBERG requesting creation of a parking permit program for employees of Newton businesses to allow long-term parking in municipal parking lots. [1-23-08 @1:15 PM]

**PUBLIC SAFETY & TRANSPORTATION APPROVED 5-0 on 11-5-08**  
**ACTION:**      **APPROVED 4-1-1 (Ald. Freedman opposed, Lennon abstaining) with a motion to refer back to Public Safety & Transportation Committee**

**NOTE:** Clint Schuckel, Traffic Engineer joined the Committee for discussion of this item.

Committee members reviewed with Mr. Schuckel the PowerPoint presentation that was attached to the agenda.

The intention is that this parking permit program will be a one- year trial.

The City hopes to take over two hundred parking spaces throughout the City to lease parking spaces to businesses. It is the intention of ten to twelve parking spaces be used per location in order to be used by the employees for long-term parking during the day.

Ald. Coletti stated the reason the Committee received this item was to review the fee. The Committee approved the fee of \$80.00 per month for the parking permit, which will be paid in advance for the exclusive use of these spaces Monday through Saturday during normal business hours 8 am – 6 pm. These parking spaces will be open for general use on Sundays.

Finance Committee members raised some concerns regarding the one-year proposed trial period and the establishment of which department will be responsible for the issuance of permits. During the discussion, it was recommended the City Clerks office take over the responsibility for issuance and collection of these fees.

The Committee made two motions:

- 1) Approving the monthly fee of \$80.00 per parking space.
- 2) Referring this project back to the Public Safety & Transportation Committee for review of the questions that were raised this evening.

#354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]

**ACTION:** **HELD 6-0**

**NOTE:** Sandy Pooler, Chief Admin. Officer once again joined the Committee for discussion on this item.

Mr. Pooler provided members with a very brief update.

Ald. Coletti made the motion to hold for the continuance of receiving updates from the Executive Department.

#349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]

**ACTION:** **HELD 6-0**

**NOTE:** Sandy Pooler, Chief Admin. Officer once again joined the Committee for discussion on this item.

Mr. Pooler provided members with a very brief update.

Ald. Coletti made the motion to hold for the continuance of receiving updates from the Executive Department.

#348-08      ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation. [09-30-08 @ 1:54 PM]

**ACTION:**      **HELD 6-0**

**NOTE:**      Sandy Pooler, Chief Admin. Officer once again joined the Committee for discussion on this item.

Mr. Pooler provided members with a very brief update.

Ald. Coletti made the motion to hold for the continuance of receiving updates from the Executive Department.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#33-08      ALD. COLETTI requesting review of the scope of work and performance of Turner Construction and review of proposed 18-month extension of the Turner Construction contract. Included in discussion will be the process for review of future invoices of Dimeo and other vendor invoices by Turner. [01-15-08 @ 11:14]

**PUBLIC FACILITIES NO ACTION NECESSARY 7-0 on 12-3-08**

**ACTION:**      **HELD 6-0**

**NOTE:**      Sandy Pooler, Chief Admin. Officer once joined the Committee for discussion on this item.

Mr. Pooler provided members with a very brief update.

Ald. Coletti made the motion to hold for the continuance of receiving updates from the Executive Department.

#460-08      HIS HONOR THE MAYOR requesting to appropriate fifteen thousand dollars (\$15,000) from Cable receipts for the purpose of installing a new sound system in the Aldermanic Chambers. [11-25-08 @ 4:53 PM]

**ACTION:**      **APPROVED 6-0**

**NOTE:**      Committee members reviewed a letter dated, November 12, 2008 from David Olson, City Clerk requesting a new sound system for the Aldermanic Chambers.

It is hopeful the replacement of the current system will significantly improve the sound quality within the Chamber including eliminating sound, provide additional stationary and handheld microphones improving the quality for those watching TV and allowing bettered audio files to listen to Committee meetings.

Due to the lateness in the evening, there was no significant discussion on this item.  
Without debate, the Committee voted in favor.

At approximately, 10:50 pm, Ald. Lennon moved for adjournment, which was approved 6-0.

Respectfully Submitted,

Paul E. Coletti, Chairman