

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, MARCH 12, 2007

Present: Ald. Coletti (Chairman), Lennon, Linsky, Salvucci, Gentile, Parker and Schnipper

Absent: Ald. Lipof

Also Present: Ald. Harney, Sangiolo and Baker: Sandy Pooler (Chief Administrative Officer), Susan Burstein (Chief Budget Officer), Chief Joe LaCroix (Fire), Dan Funk (City Solicitor), Donnalyn Kahn (Assistant City Solicitor), Nick Parnell (Public Buildings Commissioner), Arthur Cabral (Budget & Project Specialist, Public Buildings)

#72-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$154,000 from Free Cash to provide funds to the Purchasing Department for the purchase of new vehicles for various city departments. [02-27-07 @ 4:16 PM]

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

NOTE: Susan Burstein, Chief Budget Officer, was present this evening. She explained that a list of vehicles to be replaced this year was submitted to the Executive Department by Ron Mahan (DPW Maintenance Div.) for six vehicles that have logged in excess of 100,000 miles or are more than 10 years old (range of model year from 1989-2000). The vehicles to be replaced are assigned to the Assessing, Health and Inspectional Services, as well as heavy duty vans (totaling \$54,000 of this appropriation) to be replaced for the Public Buildings Department (range of model years from 1992-1994 with 86,000 to 169,000 miles on them).

Two of the proposed replacement vehicles will be hybrid cars. The Committee reviewed all of the backup information provided and determined that it was appropriate at this time to approve this request. Therefore, the Committee voted 5-0, with Ald. Lennon and Parker not voting, to approve this item.

#73-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$120,895.42 from Budget Reserve to provide funding to make full and final payments related to the settlement of US District Court Civil Action #04-12635-RWZ. [02-27-07 @ 4:16 PM]

ACTION: **APPROVED 7-0**

NOTE: Dan Funk, City Solicitor, and Donnalyn Kahn, Assistant City Solicitor, were present this evening. They explained that this Civil Action decision was handed down on December 1, 2005. This suit was filed for reverse discrimination by 7 individuals seeking positions as firefighters. In effect, these individuals were denied employment back in 2004 due to a discrepancy in the Civil Service lists that were made available. They were passed over after having successfully completed all required pre-employment tests (for details, please refer to attachment #1).

Mr. Funk explained that this court order is for retroactive payment to these 7 individuals, as well as for legal fees associated with the case. These 7 were ultimately hired in May of 2006, therefore, these retroactive payments cover the period from 2004 through that time; this payment also represents payments for education credits as well as associated step increases over the period covered by the suit.

There was a motion to enter into Executive Session to discuss details related to this litigation. That motion carried by a vote of 7-0. After the Executive Session discussion was finished, the Committee then voted 7-0 to approve this item.

REFERRED TO PUB. SAFETY/TRANS. AND FINANCE COMMITTEES

#75-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$110,000) from Budget Reserve for the purpose of supplementing the FY07 Fire Department overtime account. [02-27-07 @ 4:16 PM]

PS&T APPROVED 7-0 ON 3/7/07

ACTION: APPROVED 7-0

NOTE: Chief LaCroix was present this evening. He indicated that, as in past years, the allocated current fiscal year overtime budget will be depleted during this month. Typically, the Department is under-budgeted for overtime, with the understanding that there would be a necessity to come to the Board of Aldermen for additional funds, depending on the needs of the Department. He also explained that this request should cover the anticipated overtime needs of the Department for the remainder of FY07.

David Wilkinson, Comptroller, had prepared a comparison of spending trends for Fire Department overtime (which was attached to this evening's agenda), which showed that this year's spending (at the time that the report was prepared) leaves approximately \$56,000, which will be used up shortly. This request will bring the projected use of overtime funds for the Department to over \$500,000 for FY07.

There was some discussion regarding the various uses of sick time, injuries, minimum manning requirements and vacancies (factors that drive the need for overtime). Chief LaCroix pointed out that, with all factors considered, the Department total is still lower than previous years. He explained that use of sick time has been effectively monitored,

and there are currently 6 vacancies (which will be filled with a new fire academy class which begins next month).

The Committee understood the need for this appropriation and voted 7-0 to approve this request.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#76-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]

**PUBLIC FACILITIES APPROVED 6-0-1 (Ald. Gentile abstaining)
on 3/7/07**

ACTION: MOTION TO APPROVE FAILS TO CARRY 2-4-4 (Ald. Lennon, Salvucci, Gentile and Coletti opposed; Ald. Linsky abstaining)

NOTE: Nick Parnell, Public Buildings Commissioner, and Arthur Cabral, Budget and Project Specialist for the Public Buildings Department, were present this evening. A letter dated February 27th was submitted by the Mayor requesting these funds to perform a public buildings study and prepare a comprehensive long-range plan to assess the capital needs throughout the city. This study will include evaluation of each building envelope, structural, electrical, plumbing, mechanical and life safety systems, as well as a life cycle cost analysis and remediation plan with associated cost estimates.

The Committee reviewed information submitted by Commissioner Parnell regarding the RFQ. Please refer to attachment #2 to this report. There was over 40 minutes of discussion on this item as it relates to the Mayor's original proposal (to study the 21 largest buildings in the City), rather than extending this item to all 51 buildings. The Committee was expecting a report with significant recommendations for immediate action on some of the buildings with more serious problems. The concern was that the fire stations have been put back into this study, even though there was a plan for over \$13 million worth of renovations for those buildings alone. Many members of the Committee expressed frustration that, by the results of this report, in January of 2008 there will be a list of expensive repairs to be made to all buildings that may be virtually impossible to implement; the Committee would like to see the fire station repairs project move forward without the need to await results of this extensive study.

The Executive Department pointed out that the Blue Ribbon Commission Report requested that this study be performed (which includes school buildings and municipal buildings). That is the reason that this request was docketed before the Board.

The Committee disagreed with this approach and had questions for the Executive Department regarding their refusal to distribute the report related to the recommended Fire Station repairs. Mr. Pooler indicated that the report in question will be turned over to the firm that will perform this general public buildings study and will eventually be provided to the Board of Aldermen when the final recommendation plan is available (sometime during 2008).

Committee members were not satisfied with this approach, therefore, the motion to approve this item failed to carry (resulting in denial) by a vote of 2-4-1, with Ald. Coletti, Gentile, Salvucci and Lennon opposed and Ald. Linsky abstaining).

CHAIRMAN'S NOTE: Due to conflicting Committee reports, this item will automatically be placed on Second Call on the floor of the Board on March 19th.

#377-06(2) HIS HONOR THE MAYOR requesting that Board Order #377-06 be amended by authorizing acceptance and expenditure of an additional sum of \$5,000, received as grant funds from the Massachusetts Department of Housing and Community Development for the work of the Newton Centre Task Force. This increase brings the grant total to \$40,000. [02-27-07 @ 4:18 PM]

ACTION: APPROVED 7-0

NOTE: Susan Burstein, Chief Budget Officer, explained that this item was filed as a result of the fact that an additional amount of \$5,000 was released for this purpose (funds that were previously held back). A letter was submitted by Mike Kruse which explained that these funds will be added to the original grant funds (\$35,000), bringing the total to \$40,000.

This addition to the grant was the result of Gov. Patrick rescinding the cuts made by former Gov. Romney for this and other projects. These funds will expire in June of this year. The funds will be used for the work of the Newton Center Task Force.

The Committee voted 7-0 to approve this increase in the grant amount.

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

#56-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$131,883,000 for the purpose of paying costs of engineering, designing, constructing, originally equipping and furnishing a new NNHS, demolishing the old NNHS structure, and all other associated costs with these projects. The funding source is to be a combination of long-term debt, MSBA low-interest loans, and grant funds. [02-13-07 @ 5:29 PM]

PUBLIC FACILITIES APPROVED 3-0-4 (Albright, Mansfield, Salvucci, Weisbuch abstaining)

ACTION: HELD 7-0

NOTE: The Committee was joined by Susan Burstein and Sandy Pooler for the beginning of its review of this item. The Committee reviewed the outline proposed by Ald. Coletti, as well as the information provided by the Executive Department (which was distributed in the weekly packet on March 9th). The Committee reviewed items 1-6 on Chair Coletti's proposed outline. Copies of the audio from this discussion may be requested through the Clerk's office, as a final written report will be prepared when the Committee finishes its discussion of this item (anticipated for the March 26th meeting).

Ultimately, the Committee voted 7-0 to hold this item until March 26th. It is expected that Mayor Cohen will be present at that time to discuss item #7, which relates specifically to the financing plan to be included, as well as construction design plans (including debt overrides vs. conventional bonding, as well as expected state reimbursement).

The Committee adjourned at approximately 11:00 p.m.

Respectfully Submitted,

Paul E. Coletti, Chair