

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE REPORT

MONDAY, SEPTEMBER 24, 2007

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

Absent: Ald. Gentile and Lipof

Also Present: Dan Funk (City Solicitor), Ouida Young (Associate City Solicitor), Susan Burstein (Chief Budget Officer), David Wilkinson (Comptroller), Chief Joseph LaCroix (Fire)

#283-07      HIS HONOR THE MAYOR requesting an appropriation in the amount of \$15,000 from Budget Reserve for the purpose of increasing the Law Department account for outside legal services. This sum will cover the cost of paying the attorney retained to negotiate the closeout of the construction of Newton South High School, as well as allowing the Department to retain the services of Gayle Smalley to complete the task of recodifying the City's ordinances. [09-11-07 @ 4:10 PM]

**ACTION:**      **APPROVED 6-0**

**NOTE:**      City Solicitor Dan Funk was present this evening, along with Associate City Solicitor Ouida Young. They explained that these funds are requested to cover two needs of the Law Department. The first need is to provide further funding to pay Attorney Robert Garrity (of Garrity and Knisely) to assist in the close-out of the Newton South construction project. These funds are needed because the original appropriation of \$25,000 (approved in late 2005) has now been exhausted. Attorney Garrity has worked with the Law Department throughout this closeout process, which has now resulted in the execution of a Settlement Agreement with Travelers Casualty and Surety Company to complete the "punch list" work on this project. The funds requested (\$7,500) will cover legal fees incurred during July 2007 (settlement negotiations) and to pay Attorney Garrity for any further legal expenses related to the project close-out.

The second component to this appropriation request (for the remaining \$7,500) is to retain the services of former Associate City Solicitor Gayle Smalley, under contract, in order to finish the ordinance recodification project and as a short-term legal consultant. Gayle has worked with City Clerk David Olson towards recodification of the City Ordinances, however, the project is not complete yet. Additionally, as the Law Department transitions files and projects that Gayle has worked on over her tenure, her continued periodic input on an as-needed basis will assist the Department in moving forward in a timely manner on many of the pending tasks.

The Committee understood the need for the services of both of these attorneys and, after very brief discussion, voted 6-0 to approve this appropriation request.

**REFERRED TO PUBLIC SAFETY/TRANS. AND FINANCE COMMITTEES**

#272-07 HIS HONOR THE MAYOR requesting an appropriation of \$450,000 from Free Cash to purchase a Fire Engine. [8-28-07 @4:14 PM]

**PS&T APPROVED 6-0-1 (Ald. Lennon abstaining) ON 9/5/07**

*NOTE: See (attached) letter from Mayor (dated 9/21/07) declaring this item to be an emergency measure, pursuant to Sec.2-9 of the Newton City Charter.*

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

**NOTE:** Chief Joseph LaCroix joined the Committee this evening, along with Chief Budget Officer Susan Burstein, to discuss this request.

The Committee reviewed the details of the discussion had by the Public Safety/Transportation Committee on September 9<sup>th</sup> (see attached report excerpt) as well as had some discussion with Chief LaCroix relative to the capital needs for the department. There was also discussion regarding the current pieces of equipment that are available through Pierce Fire Engine Co. (which will be the inventory that the City will choose from to purchase this replacement apparatus).

Committee members understood that this requested appropriation is expected to cover the needs of the Department to purchase this apparatus. Members also understood the need to replace this equipment in as timely a manner as possible.

The Mayor submitted (attached) a letter dated September 21, 2007 declaring this item to be an emergency measure. Committee members supported this declaration, and understood that there will be a need to take a separate vote on the floor of the Board on October 1<sup>st</sup> to enact the emergency preamble for this appropriation (to enable the Chief to go ahead and expedite the purchase of this vehicle without having to wait the usual 20 days before expending these funds).

The Committee voted 6-0 to approve this item.

#267-07 COMPTROLLER transmitting Annual Financial Report for the audit of fiscal year ending 6/30/07 for Board of Aldermen review/acceptance. [8-27-07 @9:50 AM]

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

**NOTE:** Comptroller David Wilkinson was present this evening. He provided the Committee with a very brief overview of the Annual Financial Report for the audit of fiscal year ending 6/30/07.

The Committee thanked Mr. Wilkinson for his continued efficient efforts in maintaining the City's financial records and for working on a regular basis with the outside auditors to ensure that all issues are brought to the forefront and dealt with properly.

The Committee voted 6-0 to approve acceptance of the Annual Financial Report. It is anticipated that, as in previous years, as soon as the audit report is available, the Comptroller will invite the outside auditors to present their findings to the Committee.

#207-07 ALD. COLETTI (FINANCE COMMITTEE CHAIR) submitting City of Newton Financial Policies draft, prepared by the Comptroller, for review and adoption by the Board of Aldermen. [06-12-07 @ 5:50 PM]

**ACTION:** HELD 6-0

**NOTE:** This item was discussed at a previous Committee meeting with Sandy Pooler and Susan Burstein. The review of the proposed Newton Financial Policies is an important step that the Committee members will continue to pursue until it can be finalized and implemented.

The Committee spent some time this evening reviewing the (attached) documentation submitted by Susan Burstein and ultimately voted 6-0 to hold this item for discussion at a subsequent meeting.

**REFERRED TO PROG&SERVICES, PUBLIC FAC & FINANCE COMMITTEES**

#357-06 ALD. COLETTI, PARKER, ALBRIGHT, LINSKY, JOHNSON, MANSFIELD, SANGIOLO, & HARNEY requesting discussion with School Building Assistance Bureau representatives regarding factors affecting state reimbursement for Newton school projects, including Newton North High School.

**PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Ald. Weisbuch not voting) ON 3/21/07**

**ACTION:** NO ACTION NECESSARY 6-0

**REFERRED TO PROG&SERVICES, PUBLIC FACILITIES & FINANCE COMMITTEES**

#379-06 ALD. BAKER, SCHNIPPER, HESS-MAHAN & Vance requesting a report from the Executive Department and City Comptroller on state reimbursement and loan subsidies available for Newton School projects, including Newton North High School, as well as how best to ask for further clarification, as desired, from staff of the Massachusetts School

Building Authority as to such issues as timing, amount and conditions of such funding.

**PUBLIC FACILITIES NO ACTION NECESSARY 7-0 (Ald.**

**Weisbuch not voting) ON 3/21/07**

**ACTION: NO ACTION NECESSARY 6-0**

**NOTE:** The above listed items (#357-06 and #379-06) had been previously discussed and held in this (and other Committees). The Public Facilities Committee voted NAN on these items on 3/21/07. Committee members agreed that this is the proper time to vote NO ACTION NECESSARY on these items. Without debate, the Committee voted 6-0 to support the recommendation of the Public Facilities Committee on each of these two items.

All other items were held. The Committee adjourned at approximately 9:15 p.m.

Respectfully Submitted,

Paul E. Coletti, Chairman