

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE REPORT
MONDAY, JUNE 14, 2004

Present: Ald. Coletti (Chairman); Gerst, Linsky, Stewart, Parker and Schnipper

Absent: Ald. Gentile and Lipof

Also Present: Ald. Sangiolo and Baker; Ann Cornaro (IT Director), Eileen McGettigan (Assistant City Solicitor), Bob Rooney (DPW Commissioner), Lou Taverna (Utilities Director; DPW), David Wilkinson (Comptroller), Chief Cordero (Police), Superintendent Bob McDonald (Police), Nick Parnell (Public Buildings Commissioner), David Naparstek (Public Health Commissioner), Mark Gilroy (ISD), Sandy Pooler (Chief Budget Officer), Mike Rourke (Chief Administrative Officer)

CHAIRMAN'S NOTE: Due to the fact that the City Hall Print Shop is closing early this week, this report was produced in less time than usual in an effort to get it to the print shop before closing. Therefore, some of the notes on these items have been abbreviated.

#277-04 HIS HONOR THE MAYOR requesting that the sum of \$564,977 be appropriated from cable franchise payments made by Comcast for the purpose of completing the City fiber network.

ACTION: APPROVED 5-0 (Linsky not voting)

NOTE: Ann Cornaro, Director of Information Technology, and Mike Rourke, Chief Administrative Officer, were present this evening. They presented a letter dated May 28th. They reviewed the backup information (which was attached to this evening's agenda). The map presented illustrates the layout of the City's infrastructure.

Jeff Knight, from the Fire Department Telecommunications Division, and Joe Mulvey, Assistant Director of IT, were also present this evening. They discussed the analysis of the work that has already been done and what needs to be done. (For the benefit of non-Committee members, this information is attached to this report)

The City, in its attempt to own its infrastructure, continues to use monies received as franchise payments from RCN and Comcast. The Board of Aldermen has supported this endeavor. Phase I is already complete. The funds requested through this item will go a long way towards covering the costs associated with Phases III-V.

The Committee voted 5-0, with Ald. Linsky not voting, to approve this item.

#278-04 HIS HONOR THE MAYOR requesting that the sum of \$126,389 be appropriated from the Municipal Liability Self-Insurance Fund for the purpose of settling the City's liability under state and federal laws for waste disposal at the Beede Waste Oil site in Plaistow, New Hampshire.

ACTION: **APPROVED 5-0 (Linsky not voting)**

NOTE: The Committee was joined this evening by Assistant City Solicitor Eileen McGettigan. She presented a letter dated May 28th. This item relates to the fact that, in the late 1980's and early 1990's, the City had its waste picked up by various transporters. Approximately 3,000 gallons of the City's waste oil and 50 tons of contaminated soil (from the Lincoln-Eliot School site and the Parks and Recreation site on Crescent Street) were transported to a waste receiving facility (the Beede Waste Oil site) in Plaistow, New Hampshire.

Unfortunately, during the early 1990's, this facility became non-compliant with EPA guidelines. At that point, the New Hampshire Department of Environmental Services and the EPA shut down this facility and designated it a "superfund" site, and began determining who was transporting materials to this site for dumping, and who had hired those transporters to dump the goods. Based upon the amount of materials brought onto the Beede site, each generating community and all transporters have been assessed a fee for the cleanup of the Beede site (which is estimated at a total of \$70 million). The EPA has set a non-negotiable fine (\$6.38/gallon). Based upon a conversion factor for the soil, (\$36.00/lb), it has been determined that the City's fine for the cleanup of this site is \$126,389.

In return for the City paying this money prior to August 9th, the EPA and the New Hampshire Department of Environmental Services will not bring any future legal action against the City for cleanup costs at the Beede site. In addition, the settlement agreement prohibits other responsible parties from suing the City for additional amounts. If the City does not pay this money before August 9th, this will mean that the City has rejected the EPA/NHDES offer, and there will be additional costs associated with the settlement of this issue after that date.

The Committee had some concern that the transporter should be held fully responsible for the dumping of these materials, but understood that, under DEP regulations, the City must pay its share for this cleanup. The Committee urged the City to contact the transporters to recuperate these funds. Unfortunately, many of these companies are no longer in existence.

The Committee urged that the City should work very hard (through establishment of policies and whatever other means necessary) to avoid this problem in the future. Since 1994, this issue of disposal of materials has not been a problem with the City. The Committee voted 5-0, with Ald. Linsky not voting, to approve this request.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#281-04 HIS HONOR THE MAYOR requesting that the sum of \$110,000 be expended from Water Surplus for the purpose of funding overtime expenses in the Water Division of DPW and to fund the final phase of Police Detail charges for reservoir security for the remainder of this fiscal year. *NOTE: request received by City Clerk on 6/10 seeking to amend this item to \$145,000 to cover the costs for overtime and police details related to the 6/5 Dedham Street water main break.*

ACTION: **APPROVED AS AMENDED 5-0 (Linsky not voting)**

NOTE: This item represents the final payment of funds required to continue Police Details (where the City's underground water storage has been monitored, around the clock, for safety purposes). \$30,000 of these funds will cover the costs associated with installation of water services and repairs. \$80,000 of these funds will cover the costs associated with the overtime detail costs for security. The final \$35,000 will cover the costs for departmental overtime and Police coverage that was necessary due to the June 5th Dedham Street water main break.

The Committee was pleased to note that, since security upgrades at the reservoir will be completed by June 30th, there will be no need for the 24-hour police coverage after July 1. The Committee fully supported this item and voted 5-0, with Ald. Linsky not voting, to approve this item. *This item will be discussed and acted upon by the Public Facilities Committee on Wednesday evening, June 16th.*

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#282-04 HIS HONOR THE MAYOR requesting that the sum of \$290,000 be appropriated from the Environmental Solid Waste Fund (a.k.a. the Sale of Recyclables fund) for the purpose of supplementing the FY04 refuse collection budget in the Department of Public Works.

ACTION: **APPROVED 6-0**

NOTE: Commissioner Rooney was present this evening. He indicated that the Department has seen a marked increase in the tonnage of trash being left curbside for pickup. This increase of more than 2,000 tons is creating a shortfall in the City's Solid Waste Disposal contract. The Department is attempting to modify its collection in an effort to keep more recyclable materials out of the waste stream. Solid waste collection this year is projected to cost \$4,116,679. This is approximately 32,831 tons of trash. The

Department will exceed its FY04 budget by \$289,584. Therefore, the amount of \$290,000 is being requested at this time.

It is hoped that the Department of Public Works will continue to seek out ways to keep the trash collection under control. Please refer to the attached chart showing trends since 1997.

The Committee voted 6-0 to approve this request.

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#280-04 HIS HONOR THE MAYOR requesting that the sum of \$23,500 be transferred from the Inspectional Services Salary account to various Inspectional Services Capital accounts for the purpose of allowing the department to purchase and install a new filing system and to allow the Public Buildings Department to construct a conference room near the front of the ISD office.

ZONING & PLANNING TO MEET

ACTION: **APPROVED 6-0**

NOTE: Mark Gilroy was present this evening, along with Nick Parnell, Public Buildings Commissioner. They presented a plan for the installation of a small conference room in the far right corner of the front of the Inspectional Services Department. This item will also fund the purchase of a new lateral filing system in the Department. This will allow the Department to take its 60 separate filing systems and merge them into one, more efficient system. This system, which will cost \$18,500, will allow for more storage and take up less space. The additional floor space created by this change will be used by the Historic, Conservation, and additional planners (there will be total of 4 employees from the Planning Department moving upstairs). The purpose of this move is to better assist the public and the Inspectional Services Division in its processing of requests.

The Committee reviewed the information presented and agreed that this is a project worth pursuing at this time. Therefore, the Committee voted 6-0 to approve this request.

#276-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$19,569 from Free Cash for the purpose of funding payments to the East Middlesex Mosquito Control District to conduct mosquito larva control in catch basins in order to control the spread of West Nile Virus.

ACTION: **APPROVED 6-0**

NOTE: David Naparstek, Health Commissioner, was present this evening. He indicated that this appropriation will allow the Department to continue its process of using an environmentally friendly larva control. This year, Vectolex will not be used (as it was last year); the new product to be used is Altosid. This change is recommended because it is suspected that mosquitos develop a resistance to the Vectolex, which makes

it ineffective. Mr. Naparstek explained that this new compound is consistent with the City's pest management policies and should control the spread of West Nile Virus.

The Committee understood the need for continuation of this program, and voted 6-0 to approve this request.

#195-04(2) HIS HONOR THE MAYOR requesting that Board Order #195-04 be (209-04) reduced by the sum of \$28,000, leaving the sum of \$32,000 appropriated to the Parks and Recreation Dept. for tree pruning and planting. The \$28,000 will be deposited into Free Cash and used to offset the elimination of Parks and Recreation field use fees, as requested by the Board of Aldermen during FY05 Budget deliberations.

ACTION: **APPROVED 6-0**

NOTE: Since this item came about as a result of a RESOLUTION from the Board of Aldermen during FY05 budget review, the Committee did not hold debate on it. The Committee voted 6-0 to approve this request.

#207-04(2) HIS HONOR THE MAYOR requesting that Board Order #207-04 be (209-04) reduced by the sum of \$10,000, leaving the sum of \$90,000 appropriated for DPW sidewalk betterment projects. The \$10,000 will be deposited into Free Cash and used to offset the elimination of Parks and Recreation field use fees, as requested by the Board of Aldermen during FY05 Budget deliberations.

ACTION: **APPROVED 6-0**

NOTE: Since this item came about as a result of a RESOLUTION from the Board of Aldermen during FY05 budget review, the Committee did not hold debate on it. The Committee voted 6-0 to approve this request.

#279-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$36 from Salary Reserve for the purpose of adjusting the salary budgets of the Veterans Services/Sealer of Weights and Measures Departments.

ACTION: **APPROVED 5-0 (Coletti not voting)**

NOTE: This item is necessary to correct an oversight in the appropriation of funds to these accounts.

Without debate, the Committee voted 5-0, with Ald. Coletti not voting, to approve this request.

REFERRED TO PS&T, PUB. FACILITIES AND FINANCE COMMITTEES

#203-04(2) **HIS HONOR THE MAYOR** requesting an appropriation in the amount of \$65,000 from Free Cash for the purpose of funding the following Public Buildings Department projects:

Police Dispatch Ctr. Improvements.....\$65,000

PS&T APPROVED 5-0 (Gentile not voting) on 5/19/04

PUB FAC APPROVED 5-0 ON 5/19/04

ACTION: **APPROVED 6-0**

NOTE: Commissioner Parnell, Chief Cordero, and Superintendent Bob MacDonald were present this evening. They explained that these improvements are requested in order to make the vestibule and entrance to the Police Station more customer-friendly (by enlarging the front area where citizens enter the station) and to also make the area more secure by changing the corridor setup (in the area of the command room where officers get their instructions daily). By doing this, the Department believes it will be able to use some of the newly created space to make the Dispatch area more effectively functional.

The only request made by the Committee was that, in the installation of the adjusted and modified wall space, rather than blocking the windows with paper (so that citizens cannot see into the command center), one-way mirror installation should be considered so that occupants of the Dispatch Center can see who is in the corridor.

With that consideration, the Committee voted 6-0 to approve this request.

REFERRED TO PUB.SAFETY/TRANS. AND FINANCE COMMITTEES

#250-03(2) **HIS HONOR THE MAYOR** proposing Ordinance amendment to allow for increases in fines for violations of parking ordinances, in accordance with the recommendations of the Public Safety/Transportation Committee and the Police Chief.

PS&T APPROVED AS AMENDED ON 4/7/04

ACTION: **APPROVED AS AMENDED 4-1-1 (Coletti opposed; Gerst abstaining)**

NOTE: (Please see attachment #3 for details on the proposed fine increases) An analysis of the current fees was performed by the Police Department in conjunction with the Executive Department. The recommendation is to increase the following fines; handicapped parking, blocking handicapped access curb cuts, hydrant violations, road/driveway blockage, restricted area, meter violation, overnight parking. It is hoped that anyone interested in the details of these fines will review the attached information.

These fines were proposed to be increased in an effort to get more compliance with the City's current parking ordinances. The increase in handicapped parking violation fine will bring Newton into the range of fines that is regulated at the State level (we are currently below the minimum allowable by State Law).

The Committee supported this item. It voted 4-1, with Ald. Coletti opposed, to approve this item.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#161-04 HIS HONOR THE MAYOR proposing Ordinance amendment to provide for new water and sewer rates structure for condominium units and apartments to be billed on par with single family homes.

A) **PF APPROVED CONDO WATER AND SEWER RATES 8-0 ON 4/7/04**

FINANCE APPROVED 5-0-1 (Parker abstaining)

B) **PF MOTION TO APPROVE APARTMENT WATER AND SEWER RATES FAILED TO CARRY 3-4-1 (Mansfield, Schnipper, Salvucci, Lappin opposed; Yates abstaining) on 4/7/04**

FINANCE APPROVED APARTMENT WATER AND SEWER RATES 3-2-1 (Schnipper, Linsky opposed; Parker abstaining)

SUBJECT TO SECOND CALL

NOTE: All members of the Board received a memo from Sandy Pooler (in the packet distributed on 6/11) *see attached*. This memo explained what the rate structure would be, in the event that the Board of Aldermen ultimately supports the creation of a separate rate structure for condominiums and apartments.

The Committee held long discussion on this item, but due to the fact that there are conflicting Committee reports on this issue, this item will automatically be placed on **SECOND CALL** for the Board meeting on 6/21.

Upon the recommendation of the Mayor's office (through Sandy Pooler), the Committee ultimately voted to support the creation of new rate structures for **BOTH** condos and apartments (unlike the Public Facilities vote, which would only establish a separate rate structure for condos). It is important to note that, if only the condo rates are approved by the Board of Aldermen, it will be necessary to file Home Rule Legislation in order to implement such rates (it is expected that Home Rule will not have the support of various constituencies as it goes through the State House). If the Board votes to set up separate rate structures for BOTH condos and apartments, then Special Legislation will not be necessary.

Therefore, item A was approved 5-0-1, with Ald. Parker abstaining. Item B was approved 3-2-1, with Ald. Schnipper and Linsky opposed and Ald. Parker abstaining.

#397-03 KPMG AND COMPTROLLER submitting status report on completion of the financial audit for the City's fiscal year ending 6/30/03.

ACTION: **HELD 5-0 (Schnipper not voting)**

NOTE: David Wilkinson gave the Committee a quick status report on this item. He requested that this item be held until such time as the auditors are ready to come back with their report for Committee review and approval.

Therefore, the Committee voted 5-0, with Ald. Schnipper not voting, to hold this item.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#128-04 ALD. SALVUCCI proposing revocation of the Community Preservation Act to be effective after the completion of the five-year term, as provided in MGL Ch. 44B, Sec.16.

PROG. & SERV. NAN ON 4/7/04 (SEE REPORT)

ACTION: **NO ACTION NECESSARY 4-1 (Schnipper opposed; Gerst not voting)**

NOTE: Since the Board is not prepared to enact this item (as the CPA is in its second year), and the Programs and Services Committee had voted NO ACTION NECESSARY, the Committee also voted NO ACTION NECESSARY on this item this evening by a vote of 4-1, with Ald. Schnipper opposed.

It is important to note that the Board of Aldermen cannot vote to revoke the CPA without a vote from the general public in an election, since that is how the Act was initially put into place.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

#158-01(3) PROGRAMS AND SERVICES COMMITTEE requesting Home Rule Legislation to increase the eligibility threshold for Clause 41A Senior Citizen Tax Deferral program to \$60,000 per year.

PROGRAMS & SERVICES APPROVED 5-0-1 (Parker abstaining) on 6/9/04

ACTION: **APPROVED 6-0**

NOTE: The information on this item was presented to the Committee. The draft of the proposed legislation was prepared by Gayle Smalley (please see attached).

With the help of our Legislators, it is understood that the deferral program amount of \$70,000 can be adjusted to \$60,000 per year. This is a change that would benefit the citizens of Newton in order to allow them to take advantage of this tax relief program.

Since the Committee understood that this amount of \$60,000 would be more acceptable to the State Legislators (than the originally proposed \$70,000), the Committee voted 6-0 to approve this item.

All other items were held. The Committee adjourned at approximately 11:00 p.m.

Respectfully Submitted,

Paul E. Coletti, Chairman