

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE REPORT
SPECIAL MEETING
THURSDAY, NOVEMBER 15, 2001

Present: Ald. Coletti (Chair), Gerst, Ciccone, Bullwinkle, Bryson and Parker

Absent: Ald. Schnipper and R. Lipof

Also Present: Ald. Lipsitt and Samuelson; David Wilkinson (Comptroller), Sandra Guryan (School Dept.), Dan Funk (City Solicitor), Donnalyn Kahn (Assistant City Solicitor), Roy LaMotte (Traffic Engineer), David Tannozzini (Energy Engineer, Public Buildings Dept.)

#391-01 HIS HONOR THE MAYOR requesting authorization to pay previous fiscal year bills using FY02 School Department funds in the amount of \$11,000. Said payments are necessary to cover school lunch invoices from 1997 and 1998 which were not paid in a timely manner.

ACTION: **APPROVED 6-0**

NOTE: A letter dated October 30th was submitted to the Committee. The first bill relates back to the school lunch program. There are \$11,000 in invoices for products and services that should have been paid from the school lunch fund back in 1997 and 1998. However, the payments were not made, and the School Department did not have funds to pay them. These invoices were recently uncovered in an office and, in order to prevent the vendor from going to private collection, the Mayor is recommending that these bills be paid using FY02 School Department funds.

With that understanding, the Committee voted 6-0 to approve this item.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#113-01(7) HIS HONOR THE MAYOR requesting that the FY02 School Department budget appropriation be increased by the sum of \$881,420. The source of funding will be FY02 revenue. This increase in estimates of revenue is possible because the final figure for property tax revenue is higher than the original estimate from the spring of this year.

PROG. & SERV. APPROVED 7-0 ON 11/7/01

ACTION: **APPROVED 6-0**

NOTE: Because of the growth estimates and also tax revenues, it has been determined that the City can increase the School Department budget to the level which the Superintendent had requested. During the budget review process, the Board of Aldermen had requested that

the Executive Department make every effort to provide these necessary funds during this fiscal year. There will be another request for \$150,000 to bring the final School Department budget number up to where it should be. That money will come as soon as Free Cash is certified and a funding source can be determined by the Executive Department for that item.

In the meantime, it is necessary for this item to move forward prior to the setting of the tax rate (on November 28th) so that the City will levy to the limit. With that information, the Committee voted 6-0 to approve this item.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#392-01 HIS HONOR THE MAYOR requesting authorization to pay the sum of \$24,304 to Chartwells, the food management company that manages the school lunch program, to settle a dispute over personnel charges for school lunch monitors during FY01. These funds will be paid from the School Department FY02 budget.

PROG. & SERV. APPROVED 6-0 (SANGIOLO NOT VOTING) ON 11/7/01

ACTION: APPROVED 6-0

NOTE: Sandy Guryan was present this evening and she explained that the City had some issues with the Chartwells food management company regarding monitors who were in some of the elementary schools overseeing children eating lunch during the 12:00 period at various schools. Because they were not directly involved with the provision of the food, the City did not believe that it was responsible to compensate these monitors. Chartwells indicated that these people were not employees preparing the food, the City should be paying them, since they were monitoring the children's behavior.

During mediation on this issue, a common ground was reached at the \$24,304 level, which is still substantially less than what Chartwells had indicated that they should be compensated in order to be made whole. In light of that information, the dispute was settled by the School Department and this request has come about as a result of that agreement. With that understanding, the Committee voted 6-0 to approve this item.

#272-99(2) HIS HONOR THE MAYOR requesting that the sum of \$85,000 be appropriated and expended from the Liability Insurance Fund for the purpose of settling a claim filed against the City of Newton by Ms. Sydney Altman.

ACTION: APPROVED 5-0 (PARKER NOT VOTING)

NOTE: Dan Funk, City Solicitor, and Donnalyn Kahn, Assistant City Solicitor, were present this evening. The Committee voted 5-0, with Ald. Parker not voting, to enter into Executive Session in order to discuss details of this litigation. In Executive Session, the Committee reviewed the specifics relating to the Mayor's letter dated October 30th (attached to this evening's agenda) for settlement of this claim.

Dan Funk submitted a document indicating that the original claim brought against the City by Sydney Altman was in excess of \$350,000. After protracted and difficult negotiations, the City, on behalf of the named parties, agreed to a settlement figure of \$150,000. The settlement ultimately failed to be voted by the Board of Aldermen on October 28, 1999. Mrs. Altman later filed suit in Federal Court and there have been many requests for documents, depositions and discovery motions to date. Negotiation efforts were ongoing when the case was recently ordered into the federal court mediation program under the guidance of Judge A. David Mazzone. The judge worked diligently with all parties and arrived at a settlement of \$85,000. The Law Department recommends that the City should make this payment in order to put this whole issue behind us. The Memorandum of Understanding for this case was read to the Committee this evening.

The Committee agreed that this settlement should be made at this time and voted 5-0, with Ald. Parker not voting, to approve this request.

#393-01 HIS HONOR THE MAYOR requesting that the sum of \$2,950 be transferred within the FY02 Public Works Department Operating Budget from expenses to capital outlays in order to purchase traffic management software for the traffic division.

ACTION: **APPROVED 6-0**

NOTE: Roy LaMotte was present this evening before the Committee. He explained that this request will cover the purchase of an administrative software program that deals with traffic synchronization management. The software will allow the City to generate timing plans and capacity analysis. This is a high-powered product unlike others in the marketplace. The purchase of the Synchro software will allow the City to fully integrate and manage our traffic lighting system.

The Committee had very little discussion on this item and the motion to approve this request carried by a vote of 6-0.

**REFERRED TO FINANCE, ZONING&PLANNING, PROG&SERV
COMMITTEES**

#64-01(3) PROGRAMS & SERVICES COMMITTEE recommending ordinance to implement Community Preservation Act in Newton.

PROGRAMS & SERVICES APPROVED 7-0 ON 9/19/01

ZAP APPROVED AS AMENDED 6-0 ON 10/30/01

ACTION: **NO ACTION NECESSARY 5-0-1**

NOTE: Ald. Lipsitt was present during this discussion. At various times during the meeting this evening, Ald. Samuelson was also present. The Committee held a very brief discussion regarding the implementation of the Community Preservation ordinance.

Ald. Parker presented the justifications for the Programs and Services Committee for establishing the committee with 5 representatives from various departments and volunteer agencies in the city and 4 additional representatives to be appointed by the Mayor and confirmed by the Board of Aldermen (1 resident of Ward 1 or 2, 1 resident of Ward 3 or 4, 1 resident of Ward 5 or 6, and 1 resident of Ward 7 or 8). The Mayoral appointees should all have experience in planning, legal, real estate or insurance/financial matters.

The Committee reviewed how the proposed ordinance would be implemented. Ald. Coletti indicated that there was not a significant amount of time in terms of preparing the Reports Docket and Committee Report for Monday. He specifically asked all members who were present for this discussion to accept the fact that all of the discussion that took place this evening would be detailed in this Committee Report. It is understood that Ald. Bullwinkle, Gerst, Lipsitt and Parker had various issues that they will bring up at the Full Board meeting on Monday the 19th. Most importantly, the program will be run during its first three years of implementation and mechanisms to be utilized in order to adjust the percentage and how the reporting mechanism (to the Board of Aldermen) will be maintained are issues that will be addressed.

After hearing discussion regarding the proposed ordinance and the implementation of the CPA, the Committee voted No Action Necessary on this item 5-0-1, with Ald. Bullwinkle abstaining.

The Committee spent a brief amount of time reviewing all other remaining items on its agenda. At the December 10th meeting, the Committee will refer or vote No Action Necessary on those items as appropriate.

The last item discussed this evening was the following item which had been HELD at the meeting of November 14th for further information:

#388-01 HIS HONOR THE MAYOR requesting acceptance of and authorization to expend the sum of \$45,000, received as a grant from the Massachusetts Technology Park Corporation. Said funds are to be used to support the Million Solar Roofs program.

ACTION: **APPROVED 6-0**

NOTE: David Tannozzini, Energy Engineer for the Public Buildings Department, was present this evening. He presented the attached information to the Committee. There was a lengthy discussion whereby Mr. Tannozzini reviewed the grant application that the City submitted. He explained that none of these grant funds are going to be used directly for the purchase of solar roof equipment; most of the funds are to be used for publicity and outreach in order to continue to solicit corporations and individuals who might be interested in installing these solar panels on their properties. The City intends to

aggregate individuals and businesses for the installation of photovoltaic and solar water heating systems. The City is committed to installing 500 solar panel systems by the year 2010. In the current proposal, the City will identify prequalified sites for photovoltaic installations in Newton. The project tasks will be to participate in the solar collaborative. The grantee will participate in these green power meetings. Market research will also be conducted and the City will assist in the development of a survey for consumer preferences and willingness to pay for these alternative sources of power. Outreach and education will also be included. Materials will be designed and distributed through various media (public access cable tv, websites, community meetings and other means).

All of the members of the Committee expressed their interest in being informed as this list of participants is put together. It is hoped that the only buildings that would be considered for the installation of photovoltaic cells would be school and municipal buildings. It is hoped that representatives of various agencies, including the Green Decade Coalition, will also participate using their personal residences to implement this program.

In case this item gets placed on Second Call on the 19th, there will be further discussion as the Chairman gives the Committee Report. Based on Mr. Tannozzini's agreement to cooperate with the Committee in analyzing the data to be collected through this outreach, the Committee voted 6-0 to approve this item.

All other items were held. The Committee adjourned at approximately 9:30 p.m.

Respectfully Submitted,

Paul E. Coletti, Chairman