

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, DECEMBER 7, 2005

Present: Ald. Johnson (Chair), Ald. Coletti, Parker, Fischman, Merrill, Sangiolo, Baker, Hess-Mahan

Other Alderman Present: Ald. Gentile

Also Present: Ouida Young (Law Department)

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

#452-05      HIS HONOR THE MAYOR requesting an appropriation in the amount of \$25,000 from the debt reserve fund within the Capital Stabilization Fund for the purpose of allowing the Law Department to retain the services of outside counsel to represent the City's interests in regard to close-out costs for the Newton South High School project.

**ACTION:**      **APPROVED 7-0 (Parker not voting)**

**NOTE:**      Ms. Young explained that this is a straightforward request. Newton South has been a very difficult project and there is a real need for someone who has gone through public construction close-out projects to give the City the type of advice needed in order to put the City in the best possible position. The Law Department is requesting that Mr. Garrity work with the Law Department to develop a detailed close out strategy, that will allow the City to implement it step by step. This particular project will have punch list items, direct payment demand issues that are presently outstanding, as well as liquidated damages that need to be looked at. There are many claims on both sides. An experienced individual is needed to deal with this. Assistant City Solicitor Young concluded by explaining that Attorney Garrity specializes in construction law and represents public agencies and is a good solid litigator.

Ald. Coletti asked if Peabody Construction is in bankruptcy presently and asked if the City could recover funds or attempt to stop additional claims for work performed to finish the job. Ms. Young said that one of the first routes to pursue would be claiming liquidated damages as well as actual damages.

Ald. Hess-Mahan questioned what the potential exposure would be. Ms. Young has not summarized those claims but said it could possibly be a million plus. President Baker was in agreement that this item should be approved. Ald. Fischman was also in agreement that the item should be approved. Ald. Coletti asked about the response of DRA and Ms. Young indicated they have been extremely professional and behaved in a very credible manner. Ald. Sangiolo asked if there was a way for the City Solicitor to provide the Board with a copy of the strategy created by Mr. Garrity would they please do so. Chairman Johnson wanted to amend the words "if there is a way" to "there needs to be a way." This will enable the Board to be well informed as this work proceeds.

There was a motion to approve the item and the item was approved 7-0 (Parker not voting)

**REFERRED TO PROGRAMS & SERVICES, PUBLIC FACILITIES AND FINANCE COMMITTEES**

#453-05 HIS HONOR THE MAYOR requesting that the sum of \$150,000 be appropriated from bonded indebtedness for the purpose of funding a space needs study for the elementary schools throughout the City.

**ACTION:** **REFERRED TO 2006-2007 Board approved 7-0 (Parker not voting)**

**NOTE:** Mr. Pooler noted this request was something the School Committee asked for. The School Department has been advised to have information available. [The Draft RFP should be attached to the report even though it went out with last week's packet] There will be a draft RFP in the Friday packet and a letter from the School Committee. Ald. Sangiolo asked about three million dollars for bonding to renovate the elementary and other schools. Mr. Pooler responded that we would have to bond money for other projects across the city. The way the numbers worked out, this is the first year bonding could start for other things. A number of things have been submitted to the Board already and that comes to just under three and a half million dollars this year. This is the first year we will be able to bond for other things. Ald. Coletti indicated that he would like substantial information before this item is discussed again.

Reappointment by His Honor the Mayor

#420-05 BARBARA SULLIVAN, 89 Arlington Street, Newton reappointed as a member of the NEWTON CHILD CARE COMMISSION for a term expiring on January 1, 2008 (60-day Board action date 01-20-06)

**ACTION:** **APPROVED 7-0**

**NOTE:** Back-up information was available to the Committee and since Ms. Sullivan is a reappointment, the Committee voted 7-0 to approve.

#369-05 ALD. JOHNSON on behalf of the Clerk of the Board/City Clerk Search Committee recommending David A. Olson for appointment by the Board of Aldermen to succeed Edward G. English as Clerk of the Board and Newton City Clerk.

**Held in committee 11/09/05**

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

**REFERRED TO PUB. SAFETY/TRANS. AND PROG. & SERV. COMMITTEES**

#346-05 ALD. JOHNSON AND ALBRIGHT requesting discussion with the Mayor, Police and Fire Chiefs and Health Commissioner regarding the City of Newton's city-wide emergency preparedness.

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

#47-05 ALD. SANGIOLO requesting amendment to the Tree Preservation Ordinance to provide a provision for notification to the Board of Aldermen of any price adjustment for payment for trees removed in accordance with the ordinance.

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

#329-05 ALD. JOHNSON & ALD. ALBRIGHT requesting that the **Noise Ordinance** be revised and updated to better reflect the noise problem being faced by the City.

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

##225-05 ALD. JOHNSON, DANBERG, FISCHMAN, HESS-MAHAN, PARKER AND SANGIOLO requesting a 3 month, 6 month, and 12 month update regarding the reorganization of the Health and Human Services organization in light of the Board's concern that there was an insufficient focus on youth services.

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

#243-05 HIS HONOR THE MAYOR proposing the Revised Ordinances, 2001, re the Jackson Homestead and the city's museum operation be amended to clarify the duties and roles of the Director and Trustees of the Jackson Homestead.

**ACTION:** **APPROVED 7-0 (Parker not voting)**

**NOTE:** Documentation was available on this item from the Law Department. The Committee voted to approve 7-0

**REFERRED TO PS&T and PROGRAM & SERVICES COMMITTEES**

#273-04 ALD. GENTILE requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 4 in the State Retirement System.

**PS&T APPROVED AS AMENDED 5-0 on 10/6/04**

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

**NOTE:** Ald. Gentile joined the Committee for this discussion. The original recommendation was to move the two dedicated apparatus mechanics from Group 1 to Group 4. The Chief has spoken strongly in favor of this and has given a number of positive reasons. He pointed out how they do go to different fires and assume many of the risks that the rank and file firefighters do. The bottom line is that it has become apparent to everybody that to make the switch from Group 1 to Group 4 costs would be too prohibitive. The Committee agreed on the following new docket item:

#273-04(2) ALD. GENTILE requesting home rule legislation to reclassify the two "dedicated fire apparatus mechanic" positions from Group 1 to Group 2 in the State Retirement System.

**Chairman's Note:** This new item will be referred to Finance and Public Safety. .

**ACTION:** **REFERRED TO THE 2006-2007 BOARD 7-0**

#346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

#242-03 ALD. JOHNSON, SAMUELSON AND SANGIOLO requesting a discussion to determine times and places where dogs may be off leash on public grounds excluding schoolyards.

**ACTION:** **REFERRED TO 2006-2007 BOARD 7-0**

#421-02 ALD. PARKER, LINSKY, JOHNSON, BRYSON, LENNON & MANSFIELD requesting rules amendment to improve opportunity for public participation in deliberative process.  
Rules Subcommittee Approved 2-1 (Johnson & Parker in favor, Lipsitt against) on 10/24/03;  
Rules Subcommittee Held on 11/3/04

**Rules Subcommittee Held 2-1 (Johnson) on 1/10/05**

**ACTION: NAN 6-0-1 (Parker not voting , Hess-Mahan abstaining)**

#367-03 ALD. MANSFIELD requesting consideration of ordinance(s) to allow enforcement of Parks & Recreation Commission regulations regarding swimming and boating at Crystal Lake.

**ACTION: REFERRED TO 2006-2007 BOARD 7-0**

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

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

**ACTION: NAN 7-0**

#79-04 ALD. PARKER & GERST requesting discussion of the development of a Citywide wireless internet access network in Newton.

**ACTION: REFERRED TO 2006-2007 BOARD 7-0**

#432-02 ALD. PARKER, JOHNSON, LINSKY, LIPSITT, LAPPIN, BAKER requesting ordinance change and home rule legislation to implement a policy of indexing automobile excise tax to emissions and/or fuel economy, so low-pollution vehicles have lower taxes than those that pollute more.

**ACTION: DENIED 5-2 (Sangiolo, Hess-Mahan)**

#242-05 ALD. SANGIOLO requesting the Executive Department and IT Departments post all city board and commission meeting agendas and minutes on to the City Website.

**ACTION: REFERRED TO 2006-2007 BOARD**

#191-03 ALD. SANGIOLO requesting a discussion with the Information Technology and Clerk of the Board Departments re increasing efforts to source reduce the amount of paper to be duplicated and to disseminate more information via the Internet.

**ACTION: REFERRED TO 2006-2007 BOARD**

#431-04 ALD. LIPOF, HESS-MAHAN, HARNEY recommending the reduction of the size of the Board of Aldermen from 24 members to 16 members: 8 Ward Aldermen and 8 At-Large Aldermen.

**ACTION: REFERRED TO 2006 2007 BOARD**

#171-04 ALD. HESS-MAHAN requesting home rule legislation authorizing local voting rights for permanent resident aliens residing in Newton.

**Item recommitted by Full Board on February 7, 2005**

**ACTION: REFERRED TO 2006 2007 BOARD**

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

#428-05 HIS HONOR THE MAYOR submitting the FY07-FY11 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter which requires Board of Aldermen approval of a plan to finance \$179,120,279 of new local projects over the next several years:

SUMMARY

PUBLIC WORKS (City-Funded)	\$ 12,544,000
PUBLIC WORKS (Grant/Fee Funded)	\$ 53,255,000
PUBLIC SAFETY.	\$ 3,910,289
PUBLIC BUILDINGS	\$ 5,420,420
SCHOOL DEPARTMENT	\$ 92,415,000
PARKS AND RECREATION	\$ 8,807,410
OTHER	\$ 2,768,160
TOTAL	\$179,120,279

**ACTION: REFERRED TO 2006-2007 BOARD**

#437-05 ALLAN CICCONE, 22 West Street, Newton, requesting the Board of Aldermen file a home rule petition amending the Charter re filling vacancies on the Board of Aldermen and School Committee so if an alderman or school committee member resigns or dies while in office, the runner up to that person in the last election would fill that vacancy. If there is no runner up for this person the Mayor, with the approval of the Board of Aldermen, would appoint a citizen in that district to fill that vacancy.

**ACTION: REFERRED TO 2006-2007 BOARD 7-0**

#438-05 ALD. YATES requesting that the maintenance, care, and management of the city's historic burial grounds be transferred from the Parks and Recreation Department to the Newton History Museum.

**ACTION: REFERRED TO 2006-2007 BOARD 7-0**

Respectfully submitted,  
Marcia Johnson, Chair