

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS & SERVICES COMMITTEE REPORT

WEDNESDAY, MARCH 21, 2001

Present: Ald. Parker (Chair) Ald. Merrill, Johnson, Baker, Coletti, Tattenbaum, Gentile Sangiolo

Also: Bob DeRubeis (Deputy Commisisoner, Parks & Recreation Department), School Committee member Susan Heyman, Assistant Superintendent for Budget and Finance Sandy Guryan, Superintendent Jeff Young and Chief Budget Officer Sandy Pooler

- # 40-01 The following individuals are re-appointed to the NEWTON COMMONWEALTH GOLF FOUNDATION (60 day Board action date 4/6/01):
- F. Constance Kantar, 382 Kenrick Street, Newton, effective 12/31/00, for a term to expire 12/31/03.

ACTION: APPROVED 7-0

NOTE

Ms. Kantar joined the Committee for the discussion of her reappointment. She informed Committee members of some of the work that she and the Foundation have been doing with respect to management and maintenance of the golf course. In particular, she has been concerned with golf balls that are hit off the course onto abutting properties, cars, etc. She also said that they had recently re-hired their management contractor for another five-year term. Ald. Baker said that Ms. Kantar has seen the whole history of the course from before it was even started and has been a member of the Foundation since its founding. Ald. Johnson asked about Chandler Pond in Brighton and the effect of pesticides and fertilizers and other chemicals used on the course on the pond. Ms. Kantar said she is a member of the Chandler Pond Preservation Society and that the course has done a good job of attempting to address those kinds of conservation concerns and that she feels it is very important to do everything possible to protect the environment the quality of the water that runs off the course, so as not to harm surrounding environment. She feels that the course is in the very best hands and people have been aware of the issues that have been affected including a broken pipe and the irrigation issues and are working on them. Ald. Baker moved approval and the motion to approve was voted unanimously 7 in favor, 0 opposed Ald. Gentile not voting.

- #40-01(2) PROGRAMS AND SERVICES COMMITTEE requesting a report on the status of repairs and improvements to the Newton Commonwealth Golf Course.

ACTION: HELD 7-0**NOTE:**

The Chairman of the Foundation, Frank Rice, as well as another member of the Commission; Stan Gaffen, who serves as its Treasurer, joined the Committee for this discussion. Mr. Rice said that the big problem was that a 250-ft. sewer line that runs through the course has broken. This pipe takes 600 to 800 million gallons each day and has actually broken twice in the last two months. It runs from the eighth hole to the eleventh fairway and the Department of Public Works will be running a camera through it soon. He explained that one of the times the DPW was repairing the pipe, they ripped out the end of the pond that the course uses as part of the irrigation system. Fixing it and repairing the pond will cost the course \$20,000 and they will do that as soon as they have Conservation Commission approval from Martha Horn. If, at some point during the golf playing season the pipe breaks again, it will be necessary to shut down the course for two months.

Mr. Rice also said they will be able to pay cash for their irrigation systems which they will need soon, and which will cost about \$600,000. Their first major capital project, making adjustments to the course so that fewer golf balls land on abutting properties, will cost about \$100,000 of the \$400,000 cash they have on hand . (They are moving some of the T's around.) This expenditure will leave them with \$300,00 in cash, so they will need to raise another \$300,000 before they can install a new irrigation system, but Mr. Rice seemed confident that they would be able to do it. He said they had also done a few other improvements recently including putting in a new storm warning system in and defribulator and other health related equipment. They have more capital needs that will have to be attend to in the near future, including putting a new storage house in and new bridges onto the site.

Ald. Coletti said that he would call Public Works Commissioner Rooney tomorrow to discuss the problems with the pipe and the test that are done on it and Ald. Coletti moved hold until the second meeting of April, at which point the committee could get a further report on the work on the site and hopefully these issues would be solved including the pipe. Committee members also asked about whether the City or the MWRA might reimburse the \$20,000 for the damage done to the wall by the City's Public Works Department. Mr. Rice said he is not optimistic, but that he would be looking into that possibility. The motion to hold prevailed unanimously 7 in favor, 0 opposed.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

95-01 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$217,651 from Budget Reserve for the purpose of supplementing both the snow and ice and tree emergency accounts in the Parks and Recreation Department FY01 operating budget as follows:

FROM:	Budget Reserve.....	\$217,651
TO:	Snow – Equipment Rental (0160242-5273).....	\$147,531
	Snow – Overtime (0160242-5130).....	\$ 8,051
	Tree Emergencies – Equipment Rental (0160243-5273).....	\$ 52,162
	Tree Emergencies – Overtime (0160243-5130).....	\$ 9,907
	TOTAL.....	\$217,651

ACTION: APPROVED 5-0-1(COLETTI ABSTAINING; BAKER AND JOHNSON NOT VOTING)

NOTE: The Deputy Commissioner of Parks and Recreation, Bob DeRubeis, joined the Committee for the discussion of this item. He said that the remaining seed money in the account after the last storm was sufficient for two four-to-seven inch storms so there was far less money available for snow and ice removal and tree emergencies than was needed for the two storms that occurred (both of which were greater in magnitude than that for which we had budgeted).

Ald. Coletti asked about the removal of tree limbs and said he was not pleased with the performance of the contractors who, he said, at 8:00 AM already had wood chips in the backs of their trucks and proceeded to drive around without picking up many branches. He thinks that Newton has far more branches and fallen trees than other community in our area and said that he has actually followed the truck around and has seen how little work they have done. Ald. Merrill said he has also seen these contractors and concurs with Ald. Coletti's assessment. Mr. DeRubeis added that one of the reasons why the amount of money expended (\$52,000) was so high relative to the usual tree contract was due to the higher emergency rate than the regular rate under the contract. Ald. Coletti requested a breakdown of what we got for that \$52,000, in terms of what hours the contractor works and what exactly they did during those hours, and he asked to have that in time for the Finance Committee's consideration of this item. Mr. DeRubeis assured the Committee we would have that information. The motion was then moved to approve the item; 5 in favor, 0 opposed, 1 abstention (Ald. Coletti) with 2 members of the Committee not voting, (Ald. Baker and Ald. Johnson.)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

96-01 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$879,190 from Budget Reserve for the purpose of supplementing the FY01 School Department operating budget.

ACTION: APPROVED 8-0

NOTE: The Committee was joined for discussion of this item by School Committee member Susan Heyman, Assistant Superintendent for Budget and Finance Sandy Guryan, Superintendent Jeff Young and Chief Budget Officer Sandy Pooler. The Committee was informed that in addition to the \$879,000 that was promised during the budget process by the Mayor that was needed to make up this fiscal year's budget gap, there is a new additional deficit of 1.2 million dollars.

Assistant Superintendent Guryan reported the sources of the additional gap as follows:

- \$400,000 came from Medicare and other accounts that were not calculated accurately.
- Ms. Guryan said the School Department has known since September that they would have a deficit in their budget and were hoping that positive things would turn up over the course of the year and they have been tracking it. They budgeted turnover savings (vacant positions and the differential between old higher salaries and new, lower ones in positions filled with more junior teachers) at \$1 million and it came in at \$1.1 million, for a net positive of \$100,000 and the run rate of all salaries had come to \$454,000, that includes that \$100,000, so that put them in the positive side by \$454,000;
- However, they had a deficit in special education aides, they had to hire an additional 14 equivalent aides and also the rates were slightly higher than earlier anticipated, which cost them \$350,000 and the Medicare budget was not adequately funded—it was short by \$300,000. and Ms. Guryan said that was her fault that she hadn't calculated that correctly, they level-funded it when, in fact, it went up significantly. There were two components to that, they budgeted the payroll tax at \$584,000 and it worked out to \$776,000 and they budgeted Medicare, Part B, at \$243,000 and it worked out to \$346,500 so that was \$192,000 deficit payroll tax and \$103,500 deficit in the Medicare, Part B, account.

Ald. Baker asked when they found out about the increases in Special Education costs. Ms. Guryan answered that they were getting this information throughout the year. Even today (March 21), they found out about more placements. Ald. Baker asked about whether Newton's

percentage of students in Special Ed was typical of the communities in Massachusetts. The Committee was informed that yes, our number was typical.

Ald. Gentile asked whether there was a deficit in the Medicare account of previous years and was informed by Assistant Superintendent Guryan that there had been a problem in this account last year, as well. Ald. Johnson asked if the Medicare was level-funded in FY2000 and that was inadequate by \$400,000 and had to be made up, why was it level-funded this year. The answer was essentially that it was human error, that they didn't calculate what they actually need since the formulas were available to them and they should have done the work.

- The next piece of the gap was that they had an insufficient budget for classified advertising for vacant positions including administrators, teachers, and aids. There was a \$179,900 deficit in the advertising dues and membership budget.

Ald. Johnson asked how they were using technology and employee referrals to find people and whether they were. The Superintendent replied that they had not been using these techniques very much in past years, but they were starting to use those techniques now as it is getting harder to find qualified applicants. Ald. Johnson asked what their turnover rate was and for the non-aid positions. Of the 132 new hires, 40 were new positions and the remainder were retiring people and of the aides about 50% were due to turnover, people leaving the system.

Ald. Coletti asked about the use of co-op positions and whether they are taking people from local schools, and they said they were taking advantage of those programs.

Ald. Sangiolo asked how the School Department expected to be bailed out every year, after budgeting in such a way that they end up with deficits.

Ald. Gentile said that if they had known about these problems since September, they should have dealt with the deficit earlier and it would have been much less of a problem. Sandy Guryan continued with her list and said that the total Special Ed budget is about one million dollars in deficit. (Presumably since she had identified \$350,000 in the aides, the remaining \$650,000 was the result of higher tuition's being paid to Special Education outplacement providers.)

The School Department had also gotten some grants last year that they didn't get this year and at the beginning of February, they realized they would have a \$400,000 non-Special Ed deficit and they put into effect a

partial hiring freeze designed to hold back \$400,000 to make that up and believed at that time they were going to be getting about \$500,000 additional funds from the administration to make up the remainder of their deficit. They have concluded that they will be able to stretch that \$400,000 in savings to about \$450,000 as part of their budget freeze. They also have a four and half million dollars that are encumbered, but not yet spent, most of which is Special Ed tuitions (over three million dollars). Some is also for transportation contracts and fuel oil costs. Ms. Guryan is currently in the process of closing as many open orders as she can and she hopes to save another \$450,000 through that process, which would bring the savings to \$900,000 of the \$1.2 million deficit They now have a complete hiring freeze, except that they won't leave any classrooms vacant. To the extent they have existing aides in the school where a teacher goes on maternity leave or leaves for another reason, they plan to transfer those aides, but will have to hire some teachers. They project \$60,000 in additional salary savings and Ms. Guryan also said she believes there are \$32,000 in credits in the treasurer's office which are being credited back, which they haven't gotten back yet so they could make up another \$92,000 of the deficit that way, which would leave it at \$208,000 which they do not yet have a plan for addressing.

Superintendent Young said that the hiring freeze has had the effect that, for example, while several of the middle schools had already hired their softball coaches, Oak Hill had not as of the time of the hiring freeze, so there will be no girls softball in Oak Hill unless a coach is hired. He expressed concern that as a matter of equity, does that mean they could have boys baseball, but not girls softball? Ms. Guryan said she didn't think that the hiring freeze would effect spring sports. The biggest problem people were complaining about was the freeze on orders for appropriation was that teachers can't get toner for copiers and printers and they are complaining loudly about that.

Sandy Pooler said it is important to get through this year with a plan that works and he thinks that there has been good communication. Ald. Gentile said he thinks the softball coach position should be filled right away. [CHAIRMAN'S NOTE: The Superintendent was in error. Softball coaches are hired through athletic fee revolving accounts and are not affected by the freeze on new expenditures.]

Ald. Sangiolo said the hiring freeze is the School Department's fault for poor budgeting. Ald. Johnson asked when a plan would be ready. Assistant Superintendent Guryan said by the end of the week that is when they committed to getting it to the Mayor. Ald. Baker said that he wants to go ahead and vote for the \$879,000 and take the rest of it up as a separate item. Ald. Merrill concurred with that view. The Committee then created a (2) of the item

#96-01(2) PROGRAMS AND SERVICES requesting discussion of the budget deficit in the School Department.

ACTION: HELD

NOTE: Ald. Coletti said he was disturbed by where we are right now. He thinks that regular instruction kids are the ones who are going to lose out. He is distressed that the Board has been left out of the loop since we are the appropriating authority. Chief Budget Officer Sandy Pooler said that there are very few things that we can go forward with this year in the capital budget. We are not going to have much a capital budget this year and there isn't a lot of money to make up this school deficit. Ald. Gentile proposed to attach a resolution to #96-01, which the Committee decided to send to the Mayor and School Administration as follows:

#96-01(3) PROGRAMS AND SERVICES requesting that the hiring freeze in the School Department not cause the elimination of any program that was approved as part of the FY01 budget.

Ald. Baker said that while he, too, is unhappy at the way the budget deficit has been handled, he will abstain on the resolution because he doesn't know whether some programs that were voted as part of the budget will have to be eliminated to make up the gap. Ald. Gentile said he is not saying he wouldn't support an additional appropriation to help close the School Department budget gap if the Mayor proposes it as an alternative to eliminating programs. He added that he would give any additional appropriation request for the schools serious consideration. Ald. Parker said that he agrees with the sentiment of Ald. Gentile's resolution that we should not eliminate any programs, but is concerned that we should not require the School Department to spend money that it doesn't have. Ald. Parker said he would also abstain on the resolution until he had a chance to see a complete set of numbers. The resolution was approved by the Committee 6 in favor, 0 opposed, 2 abstaining (Baker & Parker) and the main item was voted (\$879,000) 8 in favor, 0 opposed.

93-01 HIS HONOR THE MAYOR requesting authority to file Home Rule Legislation that would authorize the City of Newton to grant to the Massachusetts Water Resources Authority certain permanent easements in Edmands Park and Bulloughs Pond Park for the purpose of MWRA's construction and maintenance activities on the Weston Aqueduct, and upon enactment by the Legislature, authority to negotiate with and grant such permanent easements to the MWRA.

ACTION: APPROVED SUBJECT TO CONDITIONS 7 In favor, 0 opposed, 1 absent (Ald. Merrill)

NOTE: The Committee was joined by Catherine Farrell from the Law Department, Trudy Riley of General Counsel's Office of MWRA, Paul Rullo, Engineer at the MWRA and Tom Gawrys of the Public Affairs Department of the MWRA. Mr. Gawrys presented this item, initially saying that three large-diameter water supply mains are located in the City of Newton. This particular line is approx. 100 years old and goes through the Bulloughs Pond area and the Edmands Park area and that they currently have 10 ft. easements around these pipes, but as part of new environmental laws, the drain valves need to be upgraded so that they remove any chlorine at the blow off points. He said they need additional space at the blow offs of 250 and 300 sq. ft. respectively of the drains, one in into a stream in Edmands Park and one into Bulloughs Pond. This project will require home rule legislation by the Board of Aldermen and then action by the legislature to approve the easement because these parcels are in parkland, which is protected by state law. They also requested that the easement be continued in a stretch of land that used to be in a public way (what is called a "paper road" since it was never actually built) through Edmands Park that dates back before it was a park. They need that easement so they can access the pipe for repairs and cleaning. They assured the Committee that all the work in these additional areas to install valves that remove chlorine would be underground and that they would be fixing anything they damaged above ground. They also promised other remediation, like improving paths and doing resurfacing, both of which were components of the Geller Plan that was developed as part of the mitigation for the Boston College Soccer Field. The Mayor had asked them to implement as many of the recommendations of the Geller Plan as possible, and they have agreed to carry out a number of the recommendations.

Ald. Baker asked what the scope of the easements would be and whether there would be a guarantee that the ground would be put back in the shape it was put in and whether there would be any assurances that any use by future administrations of the MWRA would all be below ground and in the terms and specifications as laid out by the MWRA in their presentation and whether we should condition the home rule legislation. It was suggested by the Chair and by the Law Department that the condition be included in the easement, not in the home rule legislation and Assistant City Solicitor. Ms. Farrell volunteered to write language to include in the easement. The MWRA officials present agreed that would not be problem for them.

Ald. Gentile then moved approval of the home rule legislation, subject to the amendment to the easement requested by Ald. Baker and Chair and others to its inclusion in the packet before the Board meeting. Ald. Gentile's motion to approve subject to those conditions prevailed 7 in favor, 0 opposed, 1 absent Ald. Merrill.

Respectfully submitted,

Ken Parker, Chair