

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, JANUARY 28, 2013

7:00 PM
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

#42-13 HIS HONOR THE MAYOR requesting authorization to expend the sum of twelve thousand eight hundred sixty dollars from the Legal Claims/Settlements Account as full and final settlement of a claim for damage from a city tree to the roof and gutters of a residence on Gralynn Road. [01/14/13 @ 5:33 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#54-12(2) PUBLIC FACILITIES COMMITTEE proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]
PUBLIC FACILITIES APPROVED AS AMENDED 8-0 on 01/09/13

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#427-12 ALD. DANBERG, BLAZAR, CROSSLEY, JOHNSON, LINSKY, RICE, FISCHMAN, YATES, & HESS-MAHAN requesting an increase in the fine for violation of Section 26-9 Putting snow and ice upon streets, sidewalks, and bridges, as listed in Section 20-21(d) relative to the costs incurred in maintaining sufficient levels of enforcement and consistent with fees charged by surrounding communities. [12/05/12 @ 7:33 PM]
PUBLIC FACILITIES APPROVED 8-0 on 01/09/13

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#44-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of five hundred thousand dollars from the Reserve for Removal of Snow & Ice to two accounts within the Department of Public Works as follows:
Regular Overtime.....\$125,000
(0140110-513001)
Rental Vehicles\$375,000
(0140110-5273) [01/14/13 @ 5:34 PM]
PUBLIC FACILITIES APPROVED 6-0 on 01/23/13

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #43-13 HIS HONOR THE MAYOR requesting authorization to transfer the sum of sixty two thousand dollars (\$62,000) from Free Cash to Parks & Recreation Forestry/Tree Services for the purpose of removing defective trees. [01/14/13 @ 5:34 PM]
PROG & SERV APPROVED 5-0 on 01/23/13
- #17-13 COMPTROLLER transmitting the Budgetary Basis Annual Financial Report for fiscal year ending June 30, 2012 for Board of Aldermen review/acceptance.
- #13-13 FINANCIAL AUDIT ADVISORY COMMITTEE providing the annual report of the Financial Audit Advisory Committee for review by the Finance Committee of the Board of Aldermen. [12/18/12 @ 9:31 AM]
- #15-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of the revised City of Newton Investment Policy. [12/18/12 @ 9:31 AM]
- #14-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of a City of Newton Whistleblower Policy. [12/18/12 @ 9:31 AM]
- #317-12 HIS HONOR THE MAYOR submitting the FY14 - FY18 Five-Year Financial Forecast for Board of Aldermen review/acceptance. [10/09/12 @ 2:38 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #39-12 HIS HONOR THE MAYOR requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]
PROG & SERV VOTED NO ACTION NECESSARY 3-1-0 (Linsky opposed) on 01/09/13

ITEMS NOT SCHEDULED FOR DISCUSSION:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE

- #41-13 ALD. CROSSLEY, FULLER AND SALVUCCI requesting a discussion with the administration to review how the city inventories, plans for, budgets and accounts for needed smaller capital expenditures (currently set at under \$75,000), which are excluded from the Capital Improvement Plan (CIP); how to make these non-CIP capital maintenance items visible, and how to integrate them with the overall planning, CIP, and budgeting processes. [01/14/13 @ 5:02 PM]

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

- #428-12 ALD. CICCONE & FULLER requesting a discussion with the Executive Office and the Police Department regarding police staffing and overtime costs. [12/07/12 @ 1:34 PM]
- #412-12 HIS HONOR THE MAYOR requesting a discussion regarding updating the City's departmental fees and fines. [11/27/12 @ 12:45 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 PM]

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

- #281-12 HARRY SANDERS requesting creation of an ordinance to allow pawnbrokers in the City of Newton pursuant to G.L. c. 140 section 70 with potential for non-fixed location of business. Secured property storage would not entail retail walk-in; model would entail possible satellite locations enabling the possibility of integrating Newton students. [08-31-12 @ 12:25 PM]

REFERRED TO ZONING & PLANNING, LAND USE & FINANCE COMMITTEES

- #273-12 ALD. CROSSLEY & HESS-MAHAN requesting a restructuring and increase in fees for permits charged by the Inspectional Services Department and fees charged by the Planning Department and City Clerk to assure that fees are both sufficient to fund related services provided and simple to administer. [09-10-12 @ 1:17 PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @ 4:46 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton. [07/18/12 @ 4:34 PM]

- #248-12 RECODIFICATION COMMITTEE recommending that **ARTICLE IV. PURCHASES AND CONTRACTS, Secs. 2-182 through 2-205**, be amended to make it consistent with state law.
- #247-12 RECODIFICATION COMMITTEE recommending that Chapter 18 MEMORIAL FUNDS AND TRUSTS be reviewed relative to the consequences and practices of special legislation passed by the General Court in 2007, Chapter 75 of the Acts of 2007, in which the City sought and was granted an exemption from G.L. Chapter 44 §54, which intent was to allow the City greater flexibility in terms of investments.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #185-12 ALD. BAKER, BLAZAR, SANGIOLO, LINSKY, ALBRIGHT & DANBERG requesting that the Board of Aldermen adopt a RESOLUTION to His Honor the Mayor asking that, when the Mayor seeks future Board approval for bonding the cost of additional capital facilities or equipment for the schools, he include in that funding request, as well as in the city-wide Capital Improvement Plan, the estimated costs needed for funding the capital technology needs of the Newton Schools, including the appropriate portions of the estimated project costs of the School Committee's three-year district-wide technology plan not anticipated to be funded by the Information Technology Department budget; the anticipated technology grants from Boston College for the elementary schools; and/or estimated revenue from the E-rate Technology Reimbursement Program. [06/11/12 @ 11:23 PM]
PROG & SERV APPROVED 6-0 on 07/11/12
- #102-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from cable contract receipts for the purpose of constructing Phase I of III to connect all city facilities with high-speed fiber infrastructure for continued reliance on the IT network. [04-09-12 @ 3:40 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #54-12(2) PUBLIC FACILITIES COMMITTEE proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #39-12 HIS HONOR THE MAYOR requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #383-11(4) HIS HONOR THE MAYOR recommending that Section 29-80 (b)(1) of the City of Newton Revised Ordinances, 2007 be amended by revising the stormwater rates as follows: single-family residences \$25 per year, two-family residences \$37.50 per year, and multi-family (3 units or more), commercial, industrial, and institutional properties (to include non-profits) would be charged at a rate of \$25 per Equivalent Residential Unit of 2,600 square feet of impervious surface on the property to take effect on July 1, 2012. [04-09-12 @ 2:39 PM]
- #140-11 ALD. HESS-MAHAN requesting acceptance of MGL Chapter 59 §5c which allows communities to shift the tax burden away from homeowners who live in lower than average valued single and multi-family homes to owners of higher valued homes, second homes, and most apartment buildings. {04-15-11 @ 3:07 PM]

REFERRED TO PROG & SERV, PUB FACIL. & FINANCE COMMITTEES

- #130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]
PUBLIC FACILITIES NO ACTION NECESSARY 6-0 (Lennon not voting) on 10/18/11
PROGRAMS & SERVICES APPROVED 5-0-3 (Fischman, Baker, Blazar abstaining) on 03/21/12
- #130-11(A) PROGRAMS & SERVICES COMMITTEE requesting the Finance Committee review alternate proposed Home Rule Legislation language related to the creation of a Capital Preservation Fund.
PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining) on 03/21/12

REFERRED TO PUBLIC SAFETY&TRANS & FINANCE COMMITTEES

- #363-10(2) ALD. ALBRIGHT proposing a trial of parking meter free Saturdays between Thanksgiving and New Year for the shopping areas to support shopping at local businesses in Newton. [02-10-12 @9:13 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]
Architectural Design and Engineering/ Next Scheduled Fire Station \$400,000
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

REFERRED TO LAND USE & FINANCE COMMITTEES

- #276-10 ALD. FULLER, CROSSLEY, DANBERG, LINSKY requesting a review of guidelines for mitigation fund provisions to maximize the use of such funds on behalf of the city together with mechanisms by which the city can better track such funds to ensure they are used in a timely fashion.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.

Respectfully submitted,

Leonard J. Gentile, Chairman



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#42-13

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

January 14, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

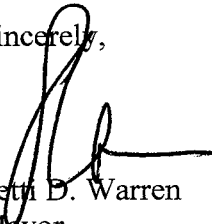
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to authorize the expenditure of \$12,860 from Acct # 0110893-5725 Legal Claims/Settlements as full and final settlement of a claim filed by Baruch Ticho of 48 Gralynn Road, Newton for damage to the roof and gutters.

Attached you will find the details of the claim as provided by City Solicitor, Donnalyn Lynch-Kahn.

Thank you for your consideration of this matter.

Sincerely,



Seth D. Warren
Mayor

RECEIVED
Newton City Clerk
2013 JAN 14 PM 5:33
David A. Oison, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

CITY SOLICITOR
DONNALYN B. LYNCH KAHN

ASSOCIATE CITY SOLICITOR
OUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS

MARIE M. LAWLOR
ANGELA BUCHANAN SMAGULA
ROBERT J. WADDICK
MAURA E. O'KEEFE
JEFFREY A. HONIG
ALAN J. MANDL
JULIE B. ROSS

August 29, 2012

Mayor Setti D. Warren
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

RE: Baruch Ticho v. City of Newton

Dear Honorable Mayor Warren:

This claim involves a large city-owned tree which fell during Tropical Storm Irene on August 28, 2011. The tree fell directly on and damaged the home of Baruch Ticho at 48 Gralynn Road, Newton.

There was evidence provided by the Tree Warden that the tree had significant rot and decay in the roots and base of the trunk. In addition, there was evidence that the city was on notice of the tree's condition. Approximately one year prior to the incident, an extremely large branch of the tree had fallen, taking down and damaging power and phone lines on the street in front of the property. The City removed the fallen portion of the tree. Although no damage was caused to his property at that time, the homeowner requested on two subsequent occasions that the City remove the remainder of the diseased tree. The City, however, took no action. There is little question of the City of Newton's liability.

The homeowner, Baruch Ticho, has made a claim for damage to the roof and gutters of his home in the amount of \$12,860.00 for the cost to repair, broken down as follows:

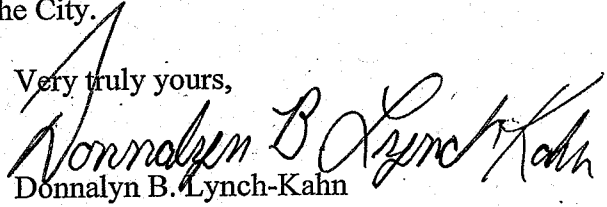
- \$ 300.00 Emergency repair of roof to remove debris, cover and weatherproof holes;
- \$2500.00 Repair of damage to slate roof and roof boards;
- \$10,060.00. Replace custom-made wood gutter, aluminum gutter and downspouts.

RECEIVED
Newton City Clerk
2013 JAN 15 PM 12:50
David A. Oison, CMC
Newton, MA 02459

This demand has been reviewed internally in consultation with the Commissioner of Inspectional Services, who confirms that the cost to repair this damage is reasonable. Although the house was built in 1931 and wooden gutters have a typical useful life of thirty to fifty years, the homeowner provided documentation that the gutters had recently been replaced in October, 2008. The tree-damaged gutters included a round wood gutter that was custom built to fit the turret and the front of the Tudor-style house.

Therefore, I respectfully request that you docket this item seeking to appropriate \$12,860.00 from the Budget and Reserve Account, and authorize expenditure thereof as full and final settlement of the above claim against the City.

Very truly yours,


Donnalyn B. Lynch-Kahn
City Solicitor

Cc: Marie M. Lawlor
Assistant City Solicitor



DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE COMMISSIONER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

January 4, 2013

To: Anthony Salvucci, Chairman, Public Facilities Committee

From: David F. Turocy, Commissioner of Public Works

Subject: Curbing Betterments

For the purposes of reviewing the minimum assessment threshold for curbing betterments, attached is the current list of residences that have requested curb betterments. There are 147 residences on the list.

Costs shown reflect the amount that would be the responsibility of the resident and are 50% of the total costs. The City of Newton would be required to pay the remaining 50%, as well as the initial expenses for any amount that was put on a betterment plan and not paid upfront.

The estimated costs for all of this work is \$663,236; the residents' portion would be \$331,618. The average individual betterment cost per resident is \$2,256 and the current ordinance allows residents to put all of their costs on a betterment plan once they exceed the threshold of \$500.

cc: Lou Taverna, City Engineer

Every owner of an estate shall be responsible for any revamping of a driveway or sidewalk required within his own property by the installation of betterment walks, or reconstruction of streets, sidewalks or driveway entrances to meet the proper line and grade as established by the city engineer. The expense of such revamping within his own property shall be borne entirely by the owner. (Rev. Ords. 1973, § 19-88)

Sec. 26-68. Plans, specifications and methods to be employed in construction.

Sidewalks shall be constructed in conformance with current specifications of the city. Upon the subgrade as established in section 26-47 shall be placed approved binding gravel thoroughly compacted and rolled to a depth below finish grade conforming to the specified thickness of the selected type of wearing surface. Upon this gravel base shall be applied, in conformance with current specifications of the city, either a bituminous concrete or cement concrete wearing surface. Wherever required on driveway and driveway entrances, the wearing course shall be of greater thickness than the sidewalks, but in no case shall the gravel base be less than six (6) inches in depth. (Rev. Ords. 1973, § 19-89)

Sec. 26-69. Heating wires in sidewalks and driveway entrances; permission; approval of plans; rules and regulations.

Upon petition of any owner of an estate, the commissioner of public works, may, after a plan therefor has been approved by the inspector of wires, grant permission for the installation of heating wires in sidewalks and driveway entrances in accordance with rules and regulations for such installations promulgated under the authority hereof by the commissioner of public works and approved by the board of aldermen and in accordance with such terms and conditions as the commissioner of public works shall see fit to impose for the protection of the general public and public property. The expense of such installation, including all necessary excavation and repaving, whether or not performed by the city, shall be borne by the owner of such estate. (Rev. Ords. 1973, § 19-90; Ord. No. 90, 10-6-75)

Sec. 26-70. Sidewalk construction; when to be initiated by city.

(a) Whenever the city undertakes reconstruction of a public way which serves as either an arterial or collector roadway, such project shall include at the sole expense of the city, the construction of sidewalks at all locations within the project area where there are not existing cement concrete or bituminous concrete sidewalks, unless otherwise exempted under subsection (c). The word “reconstruction” shall be interpreted herein to mean any roadway improvement project which includes pavement reclamation or milling. The terms “arterial” and “collector” in this and the following section, shall be interpreted to mean those terms as used in the standards of the American Association of State Highway and Transportation Officials or any similar organization.

(b) The city shall construct sidewalks at its sole expense subject to the availability of funding at all locations which are included on a list of sidewalk snow clearing routes published by the commissioner of public works pursuant to section 26-8A of these ordinances and where there are not existing cement concrete or bituminous concrete sidewalks, unless otherwise exempted under subsection (c).

(c) No sidewalks shall be constructed under this section at those locations where the commissioner of public works determines that construction of a sidewalk is not feasible due to steep grade, site constraints, lack of use, inadequate width of the public way right-of-way or public safety reasons.
(Ord. No. S-324, 5-2-88; Ord. No. V-84, 6-3-96)

Sec. 26-71. Sidewalk construction requested by owners.

(a) Whenever the owner of an estate abutting on a public way requests that a sidewalk be constructed abutting such estate, the city may construct such sidewalk. The commissioner of public works shall receive the petitions of owners requesting the construction of sidewalks and shall prioritize them as follows:

First priority: Requests for sidewalk construction

- (1) on any arterial or collector roadway where there are not existing cement concrete or bituminous concrete sidewalks; or
- (2) at any location that may be deemed by the commissioner of public works or the chief of police to be a potentially serious safety hazard for pedestrians; or
- (3) on any public way which is being resurfaced or reconstructed; or
- (4) on an established pedestrian route to a heavily used destination such as a village center, school, bus stop, train station, or recreation area.

Second priority: Requests for sidewalk construction at locations where sidewalks already exist on approximately fifty percent (50%) or more of the same side of the public way;

Third priority: All other requests for sidewalk construction.

(b) The owner of the abutting estate shall pay fifty percent (50%) of the total cost of sidewalks constructed under this section in the following manner:

- (1) in the event that said fifty percent (50%) amount is five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83, § 26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent amount;
- (2) in the event that said fifty percent (50%) amount is less than five hundred dollars (\$500), it shall be paid by the owner prior to construction;
- (3) notwithstanding the provisions of (2) above, in the event that such a sidewalk is constructed together with a curbing installation pursuant to section 26-73(b), and the owner's fifty percent (50%) share for the sidewalk and curbing costs totals five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83 §26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent (50%) amount.

(c) For those requests for sidewalk construction which are prepaid, the commissioner of public works shall proceed with the construction, subject to availability of funding and in accordance with subsection (d). For those sidewalk construction requests which are not prepaid, the commissioner, acting in accordance with subsection (d), shall periodically forward them to the board of aldermen for its consideration under the betterment laws.

(d) For those requests which are received prior to April 15 of each year, all actions by the commissioner of public works and the board of aldermen pursuant to subsection (c) shall be taken in accordance with the priorities assigned pursuant to subsection (a), provided however, that the commissioner of public works shall have the authority to act upon a *First Priority* request at any time, regardless of date received.

(e) Requests for replacement of an existing bituminous concrete or cement concrete sidewalk which is in good condition with a material which is different from the existing material shall not be approved unless (1) the replacement sidewalk would match the prevailing material of the existing sidewalks on the public way and (2) the owner pays the full construction costs to the city prior to construction or receives a permit from the commissioner of public works for a private contractor to construct the replacement sidewalk at the owner's sole expense. (Ord. V-84, 6-3-96)

Section 26-72. Materials for sidewalk construction.

(a) All sidewalks hereinafter constructed shall consist of either bituminous concrete or cement concrete in accordance with the provisions of section 26-47(c).

(b) The material used at a particular location should match the prevailing material of the existing sidewalks on the public way, as determined by the commissioner of public works. (Ord. V-84, 6-3-96)

Section 26-73. New curbing installation.

(a) Whenever the city undertakes reconstruction of a public way such project shall include the installation of curbing at those locations that the commissioner of public works determines to require curbing for the purpose of public safety or drainage. The installation of curbing pursuant to this subsection (a) shall be at the sole expense of the city.

(b) Whenever the owner of an estate abutting on a public way requests that curbing be installed abutting such estate, the city may install such curbing. The commissioner of public works shall receive the petitions of owners requesting the installation of curbing and shall prioritize as follows:

First Priority: Request for curb installation

- (1) on any portion of an arterial or collector roadway, where there is not existing curbing; or
- (2) at any location that is deemed by the commissioner of public works or the chief of police to be a potentially serious safety hazard for pedestrians and/or motorists; or
- (3) to alleviate drainage or erosion problems, or where the steepness of the slope of the public way is 3% or greater.

Second Priority: Requests for curb installation at locations where curbing already exists on approximately fifty percent (50%) or more of the same side of the public way.

Third Priority: All other requests for curbing installation, except at those locations where the commissioner of public works determines that such curbing would serve no public purpose.

(c) Whenever curbing is installed pursuant to subsection (b), the owner shall pay fifty percent (50%) of the total cost thereof in the following manner:

- (1) in the event that said fifty percent (50%) amount is five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83 §26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent (50%) amount;
- (2) in the event that said fifty percent (50%) amount is less than five hundred dollars (\$500), it shall be paid by the owner prior to construction, except as otherwise provided in section 26-71(b)(3).

(d) For those requests for curbing which are prepaid, the commissioner of public works shall proceed with the installation, subject to availability of funding and in accordance with subsection (e). For those curbing installation requests which are not prepaid, the commissioner of public works, acting in accordance with subsection (e) shall periodically forward them to the board of aldermen for its consideration under the betterment laws.

(e) For those requests which are received prior to April 15 of each year, all actions by the commissioner of public works and the board of aldermen pursuant to subsection (d) shall be taken in accordance with the priorities assigned pursuant to subsection (b), provided however, that the commissioner of public works shall have the authority to act upon a *First Priority* request at any time, regardless of date received. (Rev. Ords. 1995, Ord. No. V-84, 6-3-96)

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#54-12(2) PUBLIC FACILITIES COMMITTEE proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]

ACTION: **APPROVED AS AMENDED 8-0**

NOTE: During the Committee's discussion of the creation of a revolving fund specifically for individual requests for sidewalk and/or curb betterments, the Commissioner of Public Works stated that it would be beneficial to the betterment program if the assessment minimum for betterments were raised from \$500 to \$2,000. By changing the assessment minimum, there would be additional funds to address the initial expenses for betterments.

When a property owner requests a curb or sidewalk betterment and the betterment is completed, the City is responsible for 50% of the total cost of a betterment and the property owner is responsible for the other 50% of the cost. Currently, if the property owners cost exceeds the threshold of \$500, they can put all of the costs on a betterment plan, which is then paid over 20 years. If a betterment is placed on a 20-year payment plan, the City is then responsible for covering the initial expense of the betterment.

The Commissioner of Public Works provided the attached memo and the current list of property owners that have requested curb betterments. The estimated cost of the 147 requested betterments is \$663,236 of which the property owners' portion would be \$331,618. The average individual betterment cost per property owner is \$2,256. If the ordinances were amended, the property owner would pay the entire cost of their share of a betterment if it were under \$2,000.

Committee members asked when the property owner would pay for the betterment. The Department of Public Works would collect the money when it intended to do the work. The Committee felt that the ordinance should state that the work must be done during the same construction season as the money is collected.

Chapter 26 Section 71 (b)(3) and Chapter 26 Section 73 (c)(1) were inadvertently left out of the docket request but should also be included in the request to increase the assessment minimum from \$500 to \$2000. With that, a motion to approve the item as amended to include language regarding performing the work in the same construction season and include Chapter 26, Section 71(b)(3) as part of the ordinance amendment. The motion for approval as amended carried by a vote of eight in favor and none opposed. The draft ordinance is attached.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#427-12 ALD. DANBERG, BLAZAR, CROSSLEY, JOHNSON, LINSKY, RICE, FISCHMAN, YATES, & HESS-MAHAN requesting an increase in the fine for violation of Section 26-9 Putting snow and ice upon streets, sidewalks, and bridges, as listed in Section 20-21(d) relative to the costs incurred in maintaining sufficient levels of enforcement and consistent with fees charged by surrounding communities. [12/05/12 @ 7:33 PM]

ACTION: **APPROVED 8-0**

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

2013

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to Section 26-71, **Sidewalk construction requested by owner**, and Section 26-73, **New curbing installation**, as follows:

1. In Section 26-71(b)(1), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
2. In Section 26-71(b)(2), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
3. In Section 26-71(b)(3), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
4. In Section 26-73(c)(1), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
5. In Section 26-73(c)(2), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor

The commissioner shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school and senior services department personnel, interested neighborhood organizations, houses of worship, parent-teacher associations, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be made available during the month of November each year. The list of persons available to provide snow clearing assistance for a fee shall be available upon request to any Newton resident. Low income elderly or low income handicapped persons requesting volunteer snow clearing assistance shall be referred to the senior services department to be matched with available volunteers. For the purposes of this section, "elderly" shall be defined as a person sixty (60) years of age or older, "handicapped person" shall be defined as a person with a physical condition which substantially limits the ability to engage in physical snow clearance activities and "low income" shall be defined in accordance with guidelines established by the United States Department of Housing and Urban Development for the Community Development Block Grant Program. (Ord. No. U-23, 7-11-94; Ord. No. 175, 05-26-05)

Sec. 26-8C. Same—Snow clearance standards.

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

Sec. 26-8D. Trial program for removal of snow and ice from sidewalks.

In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps shall be treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed. This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot covered by Section 26-8. The mayor or his designee is authorized to coordinate volunteer snow clearing assistance or to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2013 unless terminated earlier or renewed or modified by the board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section. (Z-83, 3-21-11)

Sec. 26-9. Putting snow and ice upon streets, sidewalks and bridges.

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This

section shall not apply to municipal snow removal operations. (Rev. Ords. 1973, § 19-9; Ord. No. T-166, 8-12-91; Ord. No. X-97, 07-12-04)

Sec. 26-10. Gates, doorsteps, cellar openings, etc.

No person shall make or maintain any gate, doorstep, window, portico, porch or entrance or passageway to any cellar or basement, or any other structure projecting or swinging into or upon any street or sidewalk without a permit in writing from the commissioner of public works. No person shall suffer the platform or grate of the entrance to the passageway to his cellar or basement in any street or sidewalk to protrude above the surface thereof; and every such entrance or passageway shall, at all times, be kept covered by a suitable and substantial platform or grate, except when temporarily authorized to be kept open by the commissioner of public works. When so kept open, it shall be protected by a sufficient railing on both sides, at least two and one-half (2-1/2) feet high, and shall be lighted at night. (Rev. Ords. 1973, § 19-10)

Sec. 26-11. Apertures under streets and sidewalks, permit fees.

(a) No person shall make or cause to be made any aperture in or under any street or sidewalk for any purpose without first obtaining a written permit from the commissioner of public works. Permit fees shall be paid in accordance with the schedule set forth in paragraph (b) of this section. No person shall leave any aperture in a sidewalk, except when in actual use and properly guarded.

(b) The fees for street and sidewalk openings shall be as follows:

Application fee	\$100.00
Inspection and maintenance fee for excavations of 100 sq. ft. or less.....	\$150.00
Each additional 100 sq. ft. or portion thereof.....	\$50.00
Inspection and maintenance fee for corings	\$10.00 each
minimum charge	\$25.00
Inspection and maintenance fee for shut-off holes	\$50.00

(Rev. Ords. 1973, § 19-11; Ord. No. 90, 10-6-75; Ord. No. T-161, 7-8-91; Ord. No. X-55, 6-16-03)

Sec. 26-12. Conditions of maintaining coalholes, vaults, posts, wires, etc., in streets.

Every owner of an estate maintaining any cellar, vault, coalhole or other excavation under the part of the street which is adjacent to or a part of his estate shall do so only on condition that such maintenance shall be considered as an agreement on his part to hold the city harmless from any claims for damage to himself or the occupants of such estate resulting from gas, sewage or water leaking into such excavation or upon such estate. Every such owner and every person maintaining a post, pole or other structure in a street, or a wire, pipe, conduit or other structure under a street, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the city to keep the same and the covers thereof in good repair and condition at all times during his ownership and to indemnify and save harmless the city against any damages, costs, expenses or compensation which it may sustain or be required to pay by reason of such excavation or structure being under or in the street or being out of repair during his ownership, or by reason of any cover of the same being out of repair or unfastened during his ownership. (Rev. Ords. 1973, § 19-12)

Sec. 26-13. Excavations near streets.

§ 20-21 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-21

- (Section 20-40(c)).....\$50.00
- () Improper height of fence, residential zoning district (Section 20-40(d)).....\$50.00
- () Improper height of fence, non-residential zoning district (Section 20-40(e)).....\$50.00
- () Improper positioning and/or use of inappropriate material of fence
(Section 20-40(f)(1))\$50.00
- () Use of barbed or razor wire; sharp prongs (Section 20-40(f)(2)).....\$50.00
- () Failure to comply with requirements for Scenic Road fences (Section 20-40 (f)(6))\$50.00
- () Failure to comply with requirements for visibility on corner lots
(Section 20-40 (f)(7))\$50.00

Sec. 5-21. Regulation of Inadequately Maintained Vacant Properties

- () Any offense\$300.00

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

-PENALTY
- () Warning\$0.00

Sec. 3-22. Vaccination certification.

- () Any offense \$50.00

Sec. 3-23. License fees; vaccination; certification and exemptions (dogs)

- () Any offense \$50.00

Sec. 3-24. Disturbing the peace by barking, etc.

- () Any offense \$50.00

Sec. 3-25. Complaint of nuisance; investigation by dog officer.

- () Any offense \$50.00

Sec. 3-26. Restraint of dogs.

- () Any Offense..... \$50.00

Sec. 3-27. Muzzling or confinement of dogs.

- () Any offense \$50.00

Sec. 3-29. Removal and disposal of canine waste.

() Any Offense..... \$50.00

Sec. 20-13. Noise Control

() First offense in calendar year Warning

() Second offense in calendar year.....\$100.00

() Third offense in calendar year\$200.00

() Fourth or subsequent offense in calendar year\$300.00

Sec. 26-8. Removal of snow and ice from sidewalks in certain districts.

() Any offense \$25.00

Sec. 26-24. Permitting material to remain upon sidewalks and streets.

() Any offense \$25.00

Sec. 26-9. Putting snow and ice upon streets, sidewalks and bridges

() Placing snow or ice on a public way (street, sidewalk or bridge)..... \$25.00

() Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge) \$25.00

(e) DEPARTMENT OF PARKS AND RECREATION: The commissioner of parks and recreation, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to issue written notice of the following violations:

..... PENALTY

() Warning:.....\$0.00

Sec. 21-82. Removal of a tree without a permit

()Any offense\$300.00

Sec. 21-83. Failure to comply with a condition contained in a tree removal permit

()Any offense\$300.00

Sec. 21-85. Failure to replace a tree

()Any offense\$300.00

Sec. 21-86. Failure to make a payment into the tree replacement fund

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#54-12(2) PUBLIC FACILITIES COMMITTEE proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]

ACTION: **APPROVED AS AMENDED 8-0**

NOTE: During the Committee's discussion of the creation of a revolving fund specifically for individual requests for sidewalk and/or curb betterments, the Commissioner of Public Works stated that it would be beneficial to the betterment program if the assessment minimum for betterments were raised from \$500 to \$2,000. By changing the assessment minimum, there would be additional funds to address the initial expenses for betterments.

When a property owner requests a curb or sidewalk betterment and the betterment is completed, the City is responsible for 50% of the total cost of a betterment and the property owner is responsible for the other 50% of the cost. Currently, if the property owners cost exceeds the threshold of \$500, they can put all of the costs on a betterment plan, which is then paid over 20 years. If a betterment is placed on a 20-year payment plan, the City is then responsible for covering the initial expense of the betterment.

The Commissioner of Public Works provided the attached memo and the current list of property owners that have requested curb betterments. The estimated cost of the 147 requested betterments is \$663,236 of which the property owners' portion would be \$331,618. The average individual betterment cost per property owner is \$2,256. If the ordinances were amended, the property owner would pay the entire cost of their share of a betterment if it were under \$2,000.

Committee members asked when the property owner would pay for the betterment. The Department of Public Works would collect the money when it intended to do the work. The Committee felt that the ordinance should state that the work must be done during the same construction season as the money is collected.

Chapter 26 Section 71 (b)(3) and Chapter 26 Section 73 (c)(1) were inadvertently left out of the docket request but should also be included in the request to increase the assessment minimum from \$500 to \$2000. With that, a motion to approve the item as amended to include language regarding performing the work in the same construction season and include Chapter 26, Section 71(b)(3) as part of the ordinance amendment. The motion for approval as amended carried by a vote of eight in favor and none opposed. The draft ordinance is attached.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#427-12 ALD. DANBERG, BLAZAR, CROSSLEY, JOHNSON, LINSKY, RICE, FISCHMAN, YATES, & HESS-MAHAN requesting an increase in the fine for violation of Section 26-9 Putting snow and ice upon streets, sidewalks, and bridges, as listed in Section 20-21(d) relative to the costs incurred in maintaining sufficient levels of enforcement and consistent with fees charged by surrounding communities. [12/05/12 @ 7:33 PM]

ACTION: **APPROVED 8-0**

NOTE: Ald. Danberg explained that the request is to increase the fine for illegally dumping snow on city sidewalks and streets while plowing or shoveling. The current fine is \$25 per offense and does little to dissuade plowing contractors. Surrounding communities like Waltham and Watertown have much higher fines, which range from \$100 to \$300. The Committee felt that it was appropriate to raise the fine. A graduated fine of \$100 for the first offense, \$200 for the second offense, and \$300 per offense for the third offense and any other offense after that, which occurs in one calendar year.

Newton Police Sergeant Jay Babcock raised concerns that individual officers are not equipped with computer devices that can determine whether a person has multiple offenses. Therefore, the Police Department would need to further research how to institute this type of graduated fine. Several Committee members supported the graduated fine, as the fine would be given to the property owner and not the contractor. The smaller fine would allow the property owner to address the offense with the contractor.

Ald. Albright made a motion to approve the graduated fine and it was approved unanimously. The Committee charged the Police Department with finding a way to implement a graduated fine system and suggested that they work with the Information Technology Department.

CITY OF NEWTON
IN BOARD OF ALDERMEN
ORDINANCE NO.
2013

BE IT ORDAINED BY THE BOARD OF ALDERMEN
OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to Section 20-21 **Enforcing persons and revised ordinances subject to civil fine**, with respect to subsection 20-21 (d) **POLICE DEPARTMENT** by:

1. Deleting the following language:

“Section 26-9. Putting snow and ice upon streets, sidewalks and bridges”

- () Placing snow or ice on a public way (street, sidewalk or bridge)..... \$25.00
- () Placing snow or ice on a public way (street, sidewalk or bridge)..... \$25.00

and by:

2. Inserting in place thereof the following language:

“Section 26-9. Putting snow and ice upon streets, sidewalks and bridges”

- () Placing snow or ice on a public way (street, sidewalk or bridge)
 - First offense\$100.00
in calendar year
 - Second offense\$200.00
in calendar year
 - Third offense\$300.00
in calendar year”

- () Placing snow or ice on a public way (street, sidewalk or bridge)

First offense\$100.00
in calendar year

Second offense\$200.00
in calendar year

Third offense\$300.00
in calendar year



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#44-13

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(617) 796-1100

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TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

January 14, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RECEIVED
Newton City Clerk
2013 JAN 14 PM 5:34
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$500,000 from Acct # 0110498-5794 Reserve for Removal of Snow & Ice to the following accounts:

Acct # 0140110-513001	Regular Overtime	\$125,000
Acct # 0140110-5273	Rental Vehicles	\$375,000

The City has incurred approximately \$700,000 to date in expenditures in this account. Therefore, this request is meant to be proactive so that funds would be available in the event of another storm this winter.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

Public Works Department
 FY13 Snow and Ice Projected Spending Through Thursday January 10, 2013

	A	B	C=A+B	D	E=C-D	
0140110	DESCRIPTION	ORIGINAL FY13 APPROPRIATION	TRANSFERS AND BOARD ORDERS	REVISED APPROPRIATION	EXPENDED, ENCUMBERED AND TO BE PROCESSED	AVAILABLE
511001	SALARY WAGES	\$0	\$5,000	\$5,000	4,911	\$89
511002	FULL TIME WAGES/HOURLY	\$0	\$0	\$0	0	\$0
513001	REGULAR OVERTIME	197,800	\$0	\$197,800	174,154	\$23,646
513001A	REGULAR OVERTIME - BUILDINGS/SCHOOLS	30,000	\$0	\$30,000	5,672	\$24,328
513004	WORK BY OTHER DEPARTMENTS - OVERTIME	1,000	\$0	\$1,000	6,036	(\$5,036)
514311	DRIVING BONUS/STAND-BY SNOW PAY	30,000	\$0	\$30,000	20,470	\$9,530
514318	SNOW WATCH PAY	20,000	\$0	\$20,000	9,233	\$10,767
514321	PROMPTNESS PAY STIPEND	1,200	\$0	\$1,200	253	\$947
5273	RENTAL: VEHICLE & EQUIPMENT	200,000	\$0	\$200,000	297,738	(\$97,738)
5273A	RENTAL: VEHICLE & EQUIPMENT BUILDINGS/SCHOOLS	100,000	\$0	\$100,000	60,448	\$39,553
5386	WEATHER FORECAST SERVICE	1,655	\$0	\$1,655	1,655	\$0
5480	GASOLINE	34,425	\$0	\$34,425	0	\$34,425
5481	DIESEL FUEL	63,930	\$0	\$63,930	0	\$63,930
5484	VEHICLE REPAIR PARTS	75,000	\$0	\$75,000	34,414	\$40,586
5532	SAND AND SALT	239,990	\$0	\$239,990	77,085	\$162,905
5712	MEALS	0	\$0	\$0	0	\$0
5783	PRIVATE PROPERTY DAMAGE	5,000	\$0	\$5,000	0	\$5,000
57MEDA	MEDICARE PAYROLL TAX	0	\$0	\$0	2,284	(\$2,284)
TOTALS		\$1,000,000	\$5,000	\$1,005,000	\$694,352	\$310,648



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#43-13

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RECEIVED
Newton City Clerk
2013 JAN 14 PM 5:34
David A. Olson, CMC
Newton, MA 02459

January 14, 2013

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

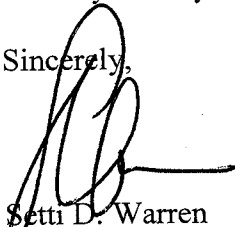
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$62,000 from June 30, 2012 Free Cash to Acct 01602011-5243 Parks & Recreation Forestry/Tree Services.

Following Hurricane Sandy, the City has made a concerted effort to remove the most defective trees (at least 120 of approximately 400) as categorized through the USDA Forest Service Tree Risk Assessment Guidelines. Fortunately, the mild weather has enabled our contractor to continue this effort so that most of the most defective trees will be removed this winter.

Thank you for your consideration of this matter.

Sincerely,



Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



SETTI D. WARREN
MAYOR

NEWTON PARKS AND RECREATION DEPARTMENT

124 Vernon St, Newton, MA 02458
Office: (617) 796-1500 / Fax: (617) 796-1512
TDD/TTY: (617) 796-1089
parks@newtonma.gov



ROBERT J. DERUBEIS
COMMISSIONER

RECEIVED
Newton City Clerk
2013 JAN 15 PM 12: 50
David A. Olson, CMC
Newton, MA 02459

December 6, 2012

Honorable Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton, Mass. 02459

Dear Mayor Warren:

I am writing to respectfully request that you docket with the Honorable Board of Aldermen for consideration a request to appropriate and expend \$62,000.00 to cover the cost of Forestry Equipment Rental expenditures for the month of December.

The expenditures will be utilized to remove approximately 120 hazardous trees that have been identified throughout the city. The vehicle for identification was USDA Forest Service Tree Risk Assessment Guidelines. The assessment categorizes the condition of trees based on a number of criteria, and it was determined that the 120 aforementioned trees were the most defective.

Sincerely,

Robert J. DeRubeis
Commissioner

cc: Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
Marc Welch, Superintendent of Forestry

COMMISSION MEMBERS	WARD 1 - BETHEL CHARKOUDIAN WARD 2 - ARTHUR MAGNI, CHAIRMAN WARD 3 - PETER JOHNSON	WARD 4 - FRANCIS J. RICE WARD 5 - WALTER S. BERNHEIMER II WARD 6 - ANDREW STERN	WARD 7 - RICHARD TUCKER, VICE-CHAIR WARD 8 - DONALD FISHMAN SECRETARY-ROBIN MCCLAUGHLIN
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ALTERNATES: MICHAEL CLARKE, JOE FRASSICA, PETER KASTNER, JACK NEVILLE,

Financial Audit Advisory Committee

2012 Annual Report

January 10, 2013

In December 2010, the Board of Aldermen established a Financial Audit Advisory Committee. The purpose of the Committee is to assist the Comptroller and the Board's Finance Committee in the review of audit and fiscal accountability matters. One of its duties is to report annually confirming that its responsibilities have been carried out.

The Committee consists of nine members. The Finance Committee chair is a member (Lenny Gentile) as well as three other Aldermen appointed by the President of the Board of Aldermen (Ruthanne Fuller, Vicki Danberg, Scott Lennon). The President of the Board of Aldermen, with input from the Board appoints four citizens of the City with financial expertise (Gail Deegan, Bob Fox, Howard Merkowitz, and Tony Logalbo). The President of the Board of Aldermen, upon the recommendation of the Chair of the School Committee, also appoints one School Committee member (Matt Hills). The President of the Board, in consultation with the Finance Committee Chair, appoints the Chair of this Financial Audit Advisory Committee from among the members of the Board of Aldermen on the Committee (Ruthanne Fuller).

The Financial Audit Advisory Committee met for the first time in March 2012. The Committee met eight times. In addition, the Committee had four sub-committees:

(1) Accounting and Audit Sub-Committee: This sub-committee met twice. It reviewed responses by City personnel to specific concerns in the Auditor's Management letter (water and sewer billings, Newton Community Development Authority, police details, student activity funds, unclaimed checks, old outstanding checks, bank account reconciliations, technology disaster recovery plan, and technology test database). Significant progress was made in all areas. The full discussion of the Newton Community Development Authority's relationship with the City will continue in the early part of 2013. The sub-Committee also recommended that the Auditor's contract be extended by one year to cover this fiscal year. The contract is put out to bid approximately every five years. Therefore, in 2013, this sub-committee will undertake the process for selecting the City's Auditor (determining what process will be used, working with the Comptroller to develop a Request for Proposal, reviewing submissions, conducting interviews, recommending the Auditor). Committee Chair: Gail Deegan. Committee Members: Howard Merkowitz, Vicky Danberg, Ruthanne Fuller (ex officio).

(2) Internal Controls & Financial Policies and Procedures Sub-Committee: This sub-committee met once in 2012. The focus of the sub-committee for 2012 was on cash management -- receipts and disbursements. The Chair of the sub-committee, Tony Logalbo, met with various department heads. In addition, the Auditor, Sullivan, Rogers & Company, was asked to do a site visit at the Parks and Recreation Department and suggested ways to strengthen cash management in this department. The work will continue in 2013. Committee Chair: Tony Logalbo. Committee Members: Scott Lennon, Ruthanne Fuller (ex officio).

(3) Risk Assessment, Monitoring and Compliance Sub-Committee. This sub-committee met three times in 2012. The focus for the year was on developing internal whistleblower policies and procedures. A draft of this policy has been reviewed and will go to the Finance Committee in January 2013 and then to the full Board of Aldermen for approval. Committee Chair: Bob Fox. Members: Gail Deegan, Scott Lennon, Ruthanne Fuller (ex officio).

(4) Investment Policies Ad Hoc Sub-Committee. This ad hoc sub-committee met four times in 2012 to review the investment policies for short-term and medium-term cash. A draft of this policy has been reviewed and will go to the Finance Committee and then the full Board of Aldermen. Committee Chair: Howard Merkowitz. Members: Lenny Gentile, Matt Hills, Ruthanne Fuller (ex officio).

One of the policies that the Financial Audit Advisory Committee suggests be implemented in the years ahead relates to federal and state grants. Chris Rogers from the City's auditing firm, Sullivan, Rogers & Company, has noted that grants can be difficult to administer and grant requirements must be met to ensure a smooth audit without findings. When the Finance Committee authorizes a grant expenditure, a specific individual should be assigned to be the grant administrator. The municipal side of the City should also receive grant administration training from the School Department's Grant Coordinator who has extensive experience in this area.

In closing, I would like to thank all members of the Committee for their time and insight. The expertise of our citizen members – Gail Deegan, Bob Fox, Tony Logalbo and Howard Merkowitz – has been invaluable. Quite a few staff members have invested considerable time in reviewing and improving the City's internal policies and procedures. Our work went more smoothly and improved substantively from the wise counsel of David Wilkinson and Shawna Sullivan. Thank you.

Respectfully submitted,

Alderman Ruthanne Fuller, Chair
Financial Audit Advisory Committee

City of Newton Investment Policy

I. Responsibilities and Scope	2
A. Responsibilities	
B. Scope	
II. Standards of Care	3
A. Prudence	
B. Ethics and Conflict of Interest	
III. Objectives	3
A. Safety	
B. Liquidity	
C. Return	
D. Quality of Services, Cost, Community Support	
IV. Suitable and Authorized Investments	4
A. General Operating Funds	
B. City Trust Funds	
C. Retirement Funds	
D. Investment Restrictions	
V. Authorized Financial Institutions, Brokers/Dealers and Depositories	6
VI. Investment Guidelines	6
A. Safety	
B. Liquidity	
C. Diversification	
D. Maturity	
E. State Treasurer's Pooled Fund	
F. Certificates of Deposit and U.S. Treasury and Government Agency Securities	
G. Mutual Funds	
H. Repurchase Agreements	
I. Bank Ratings	
J. FDIC Insurance	
K. Collateralization	
VII. Safekeeping and Custody	11
A. Custody	
B. Delivery vs. Payment	
C. Internal Controls	
IX. Reporting	12
A. Reports	
B. Performance Standards and Evaluation	
C. Marking to Market	
D. Fees	
E. Arbitrage	
F. Exemptions	
G. Performance Monitoring	

I. Responsibilities and Scope

A. Responsibilities

The Mayor, the Treasurer and the Comptroller shall develop the policy for investment of City funds for the approval of the Board of Aldermen. This policy shall be reviewed on a regular basis and, at a minimum, every four years. The Treasurer shall report on the review to the Board of Aldermen Financial Audit Advisory Committee.

The Treasurer has the responsibility and authority to manage the investment of City Funds (see Massachusetts General Laws, Chapter 44, section 55B and Acts of 1985, Chapter 740). The Treasurer shall carry out established written procedures and internal controls for the operation of the investment program consistent with this investment policy. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. If the Treasurer wishes to make a decision to deviate from the terms of this policy, the Treasurer shall obtain prior written approval from the Board of Aldermen. The Treasurer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

The selection of financial institutions and broker/dealers authorized to engage in transactions with the City of Newton shall be at the sole discretion of the Treasurer.

The Treasurer, as required by Massachusetts General Laws, Chapter 44, section 55B, must invest all public funds, except those required to be kept uninvested for purposes of immediate distribution. Invested funds are required to be “invested in such a manner as to require the payment of interest on the money at the highest possible rate reasonably available, taking account of safety, liquidity, and yield.” (Ref: Ch 740, Acts of 1985 and Chapter 44, section 55B)

The Treasurer and those responsible to the Treasurer shall be bonded as required by law and insured for their fiduciary responsibilities.

The Treasurer shall be responsible for monitoring changes to the General Laws governing the type and method of investing City funds referred to in this Investment Policy.

B. Scope

This investment policy is to be used by the Treasurer as a general guideline for the investment of the City of Newton’s cash assets. The policy applies to the following:

- General Operating Funds (which includes Special Revenue Funds, Stabilization Funds, most Self-Insured Trust Funds, Capital Project Funds, Internal Service Funds and Agency Funds)
- City Trust Funds and one Self-Insured Trust Fund, the Workers Compensation Insurance Fund

II. Standards of Care

A. Prudence

The standard of prudence used by the Treasurer and employees involved in the investment process shall be the "prudent person" standard. Such fiduciaries must act in the manner of a prudent person, with judgment and care, discretion and intelligence. They must act not for speculation but for investment, considering the probable safety of the capital as well as the probable income to be derived, with the understanding that no investment is completely without risk. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

B. Ethics and Conflict of Interest

The Treasurer and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

III. Objectives

City funds are to be invested in a manner which will meet the daily cash flow demands of the City of Newton. The investment activities shall conform to all applicable federal and state statutes and City ordinances governing the investment of public funds. In addition, the City's investment activities will be managed by the Treasurer to achieve the primary objectives, in order of priority, of safety, liquidity and return.

A. Safety

Safety of principal is the foremost goal of the City of Newton's investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital. Safety also is the assurance that the investment expectation will be fulfilled in a timely fashion. To attain this objective, diversification of types of investments, duration of investments and financial institutions holding the investments shall be considered. The Treasurer shall invest in quality issues and comply with state statutes regarding investment requirements.

B. Liquidity

After safety, the next most important objective is liquidity. The investment portfolio shall remain sufficiently liquid to enable the City to meet all operating, debt service and cash needs that may be reasonably anticipated without substantial transaction costs. Liquidity is accomplished by structuring the portfolio so that securities mature concurrently with cash needs (static liquidity). In addition, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets (dynamic liquidity). The Treasurer shall continue to analyze the cash flow of all funds on a regular basis to ensure maximum cash availability.

C. Return

Return on investment is the third priority after the safety and liquidity objectives described above. The City's investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the City's investment risk constraints and liquidity needs.

The Treasurer shall continue to pool cash from several different funds for investment purposes, in order to obtain the best possible return on all cash investments. The Treasurer shall continue to analyze market conditions and investment securities on a regular basis to determine the maximum yield to be obtained. The Treasurer shall continue to invest the maximum amount of idle cash on a continuous basis taking advantage of disbursement float whenever possible.

D. Quality of Services, Cost, Community Support

To repeat, the most important investment goals are, in order of priority, safety, liquidity and return on investment. Once all three of those criteria have been met, the Treasurer, when appropriate, may also give consideration to:

- (1) Quality of services provided by the financial institution;
- (2) The ability of the City to minimize costs, either those charged by the financial institution or the internal costs borne by the City of Newton in managing its relationship(s) with financial institutions; and,
- (3) Investing for the betterment of Newton's local economy.

IV. Suitable and Authorized Investments

Consistent with the Massachusetts General Laws and generally accepted practices, the following investments will be permitted by this policy.

A. General Operating Funds (which includes Special Revenue Funds, Stabilization Funds, most Self-Insured Trust Funds, Capital Project Funds, Internal Service Funds and Agency Funds)

General operating will be invested by the Treasurer in accordance with MGL, Ch. 44, sec. 55, 55A, 55B.

1. U.S. Government obligations, U.S. Government agency obligations, and U.S. Government instrumentality obligations with a maturity of less than one year;
2. Repurchase Agreements secured by U.S. Government or Agency obligation with a maturity of less than 90 days from a trust company, national bank or banking company;
3. Certificates of Deposit with a maturity of less than two years from trust companies, national banks, savings banks, banking companies, or cooperative banks.
4. Money Market Deposit Account from a commercial bank, mutual savings bank, savings and loans, and cooperative banks; or
5. State Investment Pool (MGL Ch. 29, sec 38A), i.e., pooled investment funds operated under the authority of the State Treasurer in the Massachusetts Municipal Depository Trust (“MMDT”)

B. City Trust Funds

City trust funds will be invested by the Treasurer in accordance with the Acts of 2007 Ch. 75. This chapter specifies that, notwithstanding any general or special law to the contrary, the Treasurer of the City of Newton may invest the funds of the City in the custody of the Treasurer in accordance with the investor rule, and sections 3, 4, 5, 8 and 9 of Chapter 203C of the General Laws. The Treasurer, in consultation with each trust fund board of trustees, shall develop investment policies which shall include an asset allocation policy for each trust fund and shall select professional investment advisors to manage the funds.

C. Retirement Funds

Pension funds are under the jurisdiction of the City of Newton’s Contributory Retirement System. The restrictions imposed by Sections 54 and 55 do not apply to city retirement systems. A breakdown of these investments may be obtained either from the Director of the Newton Contributory Retirement System or by consulting the Retirement page of the City of Newton website. Quarterly information about fund investments is posted on this site.

D. Investment Restrictions

The City at the present time will not invest in the following types of investments:

- Derivatives, hedging, or speculative type of investments;
- Reverse Repos, Leveraging or similar investments;
- Master Trust and Custodial Bank Security Lending Programs;
- Any other investment type not authorized by this policy; and,
- Any entity doing business with Sudan pursuant to Newton City Ordinances Sec. 2-117, except as exempted by the ordinance.

V. Authorized Financial Institutions, Brokers/Dealers and Depositories

The Treasurer shall organize and maintain banking relationships designed to ensure investment of all available funds in disbursement accounts.

The Treasurer will maintain a list of financial institutions authorized to provide investment services. In addition, a list will also be maintained of approved security broker/dealers selected by creditworthiness (minimum capital requirement \$10,000,000 and at least five years of operation). These may include "primary" dealers or regional dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule).

All financial institutions and broker/dealers who desire to become qualified bidders for cash management services and investment transactions must supply the following as appropriate:

- Depositories, custodians, and dealers are selected or qualified through competitive procedures, including requests for proposals for cash management services;
- Provide compliance certification from the Broker/Dealer and an independent auditor for capital adequacy requirements. Broker/Dealers conducting transactions with the City are required to comply with the Federal Reserve Bank of New York's capital adequacy guidelines as a condition of doing business.
- Audited financial statements;
- Proof of National Association of Securities Dealers (NASD) certification;
- Proof of state registration;
- Certification of having read, understood and agreeing to comply with the City's investment policy.

An annual review of the financial condition and registration of qualified bidders will be conducted by the Treasurer.

VI. Investment Guidelines

A. Safety

Investments will be limited to relatively low risk financial instruments in anticipation of earning a fair return relative to the risk being assumed. Similarly, investments are limited to financial instruments that have higher credit risks with all fixed income investments rated A or above by Standard & Poors (S&P) or a similar rating by another nationally recognized rating agency.

B. Liquidity

To ensure liquidity to meet ongoing obligations, the Treasurer will maintain an appropriate portion of the portfolio in readily available cash, money market funds, the State Treasurer's Pooled Fund, or overnight repurchase agreements. At least 25% of the portfolio shall be invested in cash or marketable securities which can be sold to raise cash in one business day's notice. The Treasurer shall maintain a minimum of three months of budgeted operating expenditures in short term investments to provide sufficient liquidity

for expected disbursements. The Treasurer will make longer-term investments only with funds that are not needed for current cash flow purposes.

C. Diversification

The City of Newton will limit risk by diversifying its investments by investment type, by issuer, and by maturity.

- With the exception of U.S. Treasury securities and the State Treasurer's investment pools, no more than 25% of the City's total investment portfolio may be invested in a single investment type, unless that investment category carries full FDIC insurance. Note: Investment types are those required for disclosure in the Comprehensive Annual Financial Report (CAFR) by Generally Accepted Accounting Principles (GAAP). In 2011, these included U.S. agencies debt securities, corporate bonds, money market mutual funds, mutual bond funds, certificates of deposit, equity securities, equity mutual funds, and real estate investments.
- With the exception of the U.S. Treasury securities and the State Treasurer's investment pools, no more than 15% of the City's total investment portfolio may be invested with a single financial institution, unless that single financial institution's investments carries full FDIC insurance or are fully collateralized.
- With the exception of the U.S. Treasury securities and the State Treasurer's investment pools, no single banking institution shall hold in excess of 25% of the Treasurer's cash balance (cash and investments) for more than three consecutive days.
- MGL c. 44, § 55 specifies that a municipality may not at any one time have on deposit in a bank or trust company an amount exceeding 60% of the capital and surplus of that institution and a total of all the municipality's accounts must not exceed 60% of the institution's net equity. The City of Newton has a more stringent policy. The City of Newton will not have on deposit in a bank or trust company an amount exceeding 15% of capital and surplus of that institution and a total of all the municipality's accounts must not exceed 15% of the institution's net equity, unless those deposits carry full FDIC insurance or are fully collateralized.

Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time subsequent to the purchase of a particular issuer or investment type. Securities do not necessarily need to be liquidated to realign the portfolio; however, consideration should be given to liquidation and to this matter when future purchases are made to ensure that appropriate diversification is maintained.

D. Maturity

The City will limit risk by staggering the maturity of securities to avoid concentrations in any one maturity sector. All General Operating Funds maximum final maturity is one year or less unless specific authority requires it to be shorter.

E. State Treasurer's Pooled Fund, a.k.a., Massachusetts Municipal Depository Trust

The Massachusetts Municipal Depository Trust (MMDT) is an investment pool created by the Commonwealth under the supervision of the State Treasurer's Office. The Massachusetts Municipal Depository Trust (MMDT) combines the funds of Massachusetts public units and invests on their behalf in short-term instruments of the U.S. Treasury and Government Agencies and large corporations and financial institutions, thus offering investors, such as the City of Newton, the opportunity to earn higher yields through a professionally managed fund. According to the State Treasurer, the Trust's investment policy is designed to maintain an average weighted maturity of 90 days or less and is limited to high-quality, readily marketable fixed income instruments, including U.S. Government obligations and highly-rated corporate securities, with maturities of one year or less. Assets are invested only in "tier 1" and "tier 2" credit quality securities. Investments in the MMDT are not a deposit in a bank and are neither insured nor guaranteed by the Commonwealth of Massachusetts, the FDIC, or the U.S. Government or any of its agencies. Although the MMDT Cash Portfolio is managed to seek to maintain a stable \$1.00 unit price, there is no guarantee it will be able to do so and a loss of principal is possible with these pools. The degree of safety of the MMDT has been deemed collateralized by the Government Accounting Standards Board 5(GASB) in its qualification of state investment pools in financial statements.

The City of Newton will continue to use this highly liquid, comparatively safe pool as an integral part of its overall investment strategy when, in the Treasurer's judgment, liquidity is necessary, or it is advantageous to do so, taking advantage of disbursement float whenever possible. There is no limit on the amount of funds that may be invested in the State Treasurer's Pooled Fund.

F. Certificates of Deposit and U.S Treasury and Government Agency Securities

The City of Newton will use bank certificates of deposit and/or U.S. Treasury and Government Agency securities for maturity periods which provide a favorable rate differential compared to the state Treasurer's pooled investment based upon the Treasurer's judgment and taking advantage of disbursement float whenever possible.

- Certificates of Deposit: The Treasurer may invest in Certificates of Deposit with a maturity of less than one year or less from trust companies, national banks, savings banks, banking companies, or cooperative banks.
 - No more than 15% of the portfolio shall be invested in Certificates of Deposit in any one financial institution.
 - For any one financial institution, Newton's investment in its Certificates of Deposit will not exceed 15% of the capital and surplus of that institution as of its most recent annual report.
- U.S Treasury and Government Agency Securities: The City will use these securities, with a maturity of one year or less, for reasons of diversification and security. Treasury securities will be purchased either at auction or through the

secondary market. Agency securities will only be purchased through registered dealers. There is no limit on the amount of funds that may be invested in U.S Treasury and Government Agency securities.

G. Mutual Funds

The City may from time to time invest trust funds, as allowed, in a mutual fund consistent with the following:

- Portfolio diversification, liquidity, and professional management;
- Maturity of Fund is less than 60 days;
- Regulated by the Securities and Exchange Commission;
- Portfolio consists only of domestic securities;
- Portfolio contains no derivative products;
- Favorable market risk (volatility) rating from nationally recognized rating agency; and
- Maintains a high rating from a nationally recognized rating agency such as Morningstar.

H. Repurchase Agreements

A repurchase agreement (or repo) is economically similar to a secured loan. It is the sale of securities together with an agreement for the seller to buy back the securities at a later date for a higher price. The City of Newton, who would initially sell the security, is effectively a borrower. The buyer of the security -- effectively the lender -- receives securities as collateral.

The City of Newton will use repurchase agreements only on a limited basis when no other more favorable options are possible and then only for a duration of no more than three days and only with a bank with a top bank rating (if using Veribanc, a rating of Green).

Except in the case of overnight repurchase agreements used for the investment of available float in one of the City's operating accounts, any agreement entered into by the City will be on a delivery versus payment basis.

Any Repo purchased by the City Treasurer is subject to the following:

- Special caution used in selecting parties with whom the City will conduct repurchase transactions;
- The ability to identify the parties acting as principals to the transaction;
- The use of a Master Repurchase Agreement, or the use of a Public Securities Association Repurchase agreement with added language addressing delivery, substitution, margin maintenance, margin amounts, seller representations and governing law;
- The use of proper collateralization practices to protect funds invested in repos:

1. Collateral will be in the form of U.S. Treasury or Government Agency securities delivered to the City's third party custodian.
2. Delivery of underlying securities through physical delivery or safekeeping with the City's custodian; and
3. Over collateralization ("haircuts") or marking-to-market practices are mandatory.

I. Bank Ratings

The Treasurer will assess the financial condition of the banks in which the City of Newton invests by reviewing bank rating guides and banks' Reports of Financial Condition and by periodic discussions with the institutions about their financial condition. Primary emphasis will be placed on a bank's capital adequacy, loan quality and profitability before determining suitability for City investments.

The Treasurer will use a reputable bank rating service or services in judging the risk characteristics of the available banks. The Treasurer will invest funds only in institutions with a top rating from a reputable bank rating service. In the case of Veribanc, the bank must have a green rating. If the bank rating falls to yellow, the Treasurer must inform the Chief Financial Officer and the Chair of the Board of Aldermen's Finance Committee. The Treasurer will closely monitor the situation and move the funds if and when appropriate.

M. FDIC Insurance

The size of the City's investment portfolio precludes the use of only FDIC insured products. Efforts will be made to maximize FDIC insurance protection and period modifications to this policy may be made to take advantage of changing FDIC regulations.

All FDIC accounts will be kept within the maximum coverage level as a maximum unless additional collateralization or insurance (i.e. DIF coverage for Massachusetts banks) is provided and the yield is advantageous.

N. Collateralization

Massachusetts has no legal requirement for collateralizing public deposits. Until adoption of collateralization legislation, the Treasurer will provide as much security as possible for the City of Newton's bank investments through the prudent selection process described above. In addition, all cash accounts will be kept within the maximum FDIC coverage level unless additional collateralization or insurance (i.e. DIF coverage for Massachusetts banks) is provided and the yield is advantageous. One type of investment requires collateralization: Repurchase Agreements.

When collateralization is required, the City of Newton will have all pledged collateral held at an independent third-party institution outside the holding company of their bank in the name of the City of Newton, and evidenced by a written agreement. The value of the pledged collateral will be marked to market monthly, or more frequently, depending

on the volatility of the collateral pledged. The margin level of the pledged collateral must be at least 102% of the face value of the security and may be higher depending on the liquidity and volatility of the collateral pledged. Substitutions of collateral must meet the requirements of the collateral agreement, be approved by the entity in writing prior to release, and the collateral should not be released until the replacement collateral has been received. When surety bonds are used in lieu of collateral, they should be limited to those insurers of the highest credit quality as rated by A.M. Best or another nationally recognized rating agency. The City of Newton requires monthly reporting directly from the custodian. The custodian must warrant and be signatory to the agreement.

VII. Safekeeping and Custody

A. Custody

For administrative ease, custody accounts may be established in the name of the City of Newton in order to receive and hold book entry U.S. Treasury and Government Agency securities purchased by the City from commercial banks, collateral for any repurchase agreements to which the City is party, and collateral against any bank investments the City may require.

B. Delivery vs. Payment (DVP)

All trades where applicable will be executed by deliver vs. payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds. Securities will be held by a third party custodian as evidenced by safekeeping receipts.

C. Internal Controls

The Comptroller is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal controls' structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation costs and benefits require estimates and judgments by management.

Accordingly, the Comptroller shall establish a process for independent review by an external auditor to assure compliance with policies and procedures. The internal controls shall address the following points:

- Control of collusion;
- Separation of transaction authority from accounting and record keeping;
- Custodial Safekeeping;
- Avoidance of physical delivery securities;
- Clear delegation of authority to subordinate staff members;
- Written confirmation of telephone transactions for investments and wire transfers;
- Wire transfer agreements with lead bank or third party custodian.

IX. Reporting

A. Reports

Cash Budget: The Treasurer will prepare, maintain, and keep current a cash budget in sufficient detail to adequately plan the annual investment and debt program.

Cash Analysis: The Treasurer shall prepare a Cash Analysis report monthly for the Chief Financial Officer and the Treasurer will submit it to the Board of Aldermen on a quarterly basis for its review.

Investment Report: The Treasurer shall prepare an investment report at least quarterly, including a management summary that provides a clear picture of the status of the current investment portfolio and transactions made over the last quarter. This management summary will be prepared in a manner that will allow the City to ascertain whether the investment activities during the reporting period have conformed to the investment policy. The report shall be provided to the Mayor, the Finance Committee of the Board of Aldermen, and Comptroller on a quarterly basis. The report will include at a minimum the following:

- The cash balance by bank
- The total assets of each bank
- The cash balance in each bank as a percent of City deposits
- The cash balance vis a vis the limits identified in this policy
- The excess problem loan (EPL) as a percent of each bank's assets

Annual Report: The Treasurer will prepare an annual report of the calendar year in conjunction with an investment policy review. This report shall include comparisons of City's return to the Benchmark Index return, shall suggest policies and improvements that might enhance the investment program, and shall include an investment plan for the coming year. The report shall be provided to the Mayor, the Finance Committee of the Board of Aldermen, and Comptroller in February each year.

B. Performance Standards and Evaluation

The investment portfolio will be managed in accordance with the guidelines specified within this policy. The portfolio should obtain a market average rate of return during a market/economic environment of stable interest rates. The portfolio's performance shall be compared on a regular basis, at least annually, to market returns.

C. Marking to Market

A statement of the market value of the portfolio shall be issued at least quarterly. This will ensure that the minimal amount of review has been performed on the investment portfolio in terms of value and subsequent price volatility.

D. Fees

Fees for securities and mutual fund based investments may be charged on a managed or transaction fee basis whichever is more cost effective, as determined by the Treasurer. Fees may therefore be paid/recorded based on a pre-determined payment schedule (e.g. quarterly, annually), netted against income distributions or netted against the investment's purchase price.

E. Arbitrage

Certification that states bond proceeds are not to be used for purposes of arbitrage. Bond issues (and any proceeds thereof) are to be used for the intended purpose; not considered surplus for investment in higher yielding, taxable securities.

F. Exemptions

Any investment currently held that does not meet the guidelines of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested only as provided by this policy.

G. Performance Monitoring

The Treasurer along with designated financial staff, auditor, and the Comptroller may review the performance of the entities selected to provide services through the RFP process. The review may occur off the fiscal year calendar due to information reporting and collection limitations. The results of the review will become part of the next quarterly report.

Annual Review:

- Cash accounts marked against competitors. Failure of the bank to provide competitive interest rates on comparable products and services will reflect negatively on the fee or service relationship established by a competitive proposal process. Long-term lagging of interest rates behind competitors may require an interim RFP to be executed by the Treasurer. Yield comparisons will be against competitors' product or services (i.e., checking to checking, savings to savings, money market to money market).
- Investment Yield Comparisons: Investment accounts marked against selected indices and market.
- Services Provided. Meeting contractual agreement and performance standards set by RFP.
- Annual Review of financial condition of each entity

Triennial Review:

- Annual Review Procedures
- Execution and Completion of RFP for Cash Management Services

Municipal Whistleblower Policy

Purpose:

The City of Newton is committed to providing a safe workplace with high standards of personal ethics and legal conduct. The City of Newton investigates all complaints by employees of violations of City policies, as well as unethical conduct, illegal conduct or conduct that violates high standards of personal ethics. This policy is intended to provide a process to raise concerns about such conduct and reassurance that employees reporting such conduct are protected from retaliation.

Definition:

A whistleblower, as defined by this policy, is an employee of the City of Newton who, in good faith, reports an activity that he/she considers to be a violation of a City of Newton policy or unethical, illegal, or a violation of high standards of personal ethics, such as stealing, incorrect financial reporting or other serious improper conduct. The whistleblower has neither the authority, nor the responsibility, for investigating any questionable activity or for determining fault or corrective measures.

Examples of unlawful activities are violations of federal, state or local laws. Examples include discrimination, harassment, billing for services not performed, requesting pay for hours not worked, stealing City property, reporting injuries that did not occur in the course of employment, falsifying payroll records, other fraudulent financial reporting and any other unlawful conduct.

Process:

If an employee has knowledge of or a concern regarding unlawful, unethical activities or fraudulent financial reporting, the employee should first report it to his/her supervisor or department head. The employee can also report directly to Director of Human Resources, City Solicitor, Chief Financial Officer or Mayor. In addition, the employee can report directly to the Chair of the Financial Audit Advisory Committee, in person, or via the internet by filling out the confidential form on the City of Newton website located at [xxxxxxx](#). When the City receives a complaint, there will be a prompt, complete and thorough investigation into the allegations. The City will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the City will arrange for an independent investigator as soon as possible. Any employee (referred to above as a whistleblower) will be expected to cooperate, if necessary, to provide information to the independent investigator.

Reporting:

The City Solicitor and the Director of Human Resources will jointly report to the Mayor and the Financial Audit Advisory Committee, via its Chair, on a quarterly basis or sooner when necessary. The report will include all inquiries, activity on cases and resolution of complaints.

Safeguards:

Whistleblower protections include confidentiality whenever possible. However, identity may be disclosed to conduct a thorough investigation and to comply with the law. The Whistleblower will be advised if it becomes necessary to disclose his/her identity and the reason why disclosure is necessary. The City will not retaliate against any employee who engages in protected whistleblower activity. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing.

Anonymity - The City investigates all complaints. Concerns expressed anonymously will be investigated appropriately, but consideration will be given to the seriousness of the issue, the credibility of the concern and the likelihood of confirming the allegations. It is difficult to investigate an anonymous claim because, in most cases, it is impossible to ask appropriate follow-up questions or to get accurate information.

Protection Against Retaliation – This policy includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, decreases in job duties, adverse comments in the employment record, negative reviews, poor work assignments or threats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact the Human Resources Director, City Solicitor, Chief Financial Officer or Mayor immediately. The whistleblower can also report to the Chair of the Financial Audit Advisory Committee. The City will take an initial statement to determine the need for an independent investigation. If it is determined that an independent investigation is warranted, the City will arrange for an independent investigator as soon as possible. Any whistleblower will be expected to cooperate, if necessary, to provide information to the independent investigator.

Resolution:

When the investigation is complete, the employee who initiated the complaint will be informed, to the extent appropriate and allowable by law, of the results of the investigation. If it is determined that inappropriate or illegal conduct has occurred, the City will act promptly to correct or eliminate the offending or illegal conduct and, if appropriate, will impose disciplinary action, up to and including termination.

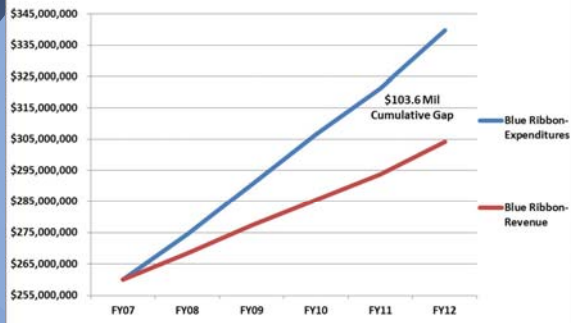
FIVE YEAR FINANCIAL FORECAST FY2014 – FY2018



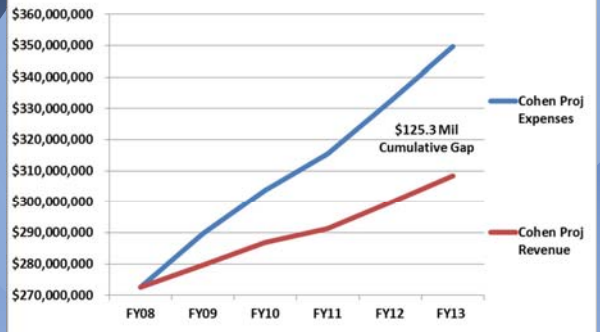
City of Newton, Massachusetts
Setti D. Warren, Mayor
15 October 2012

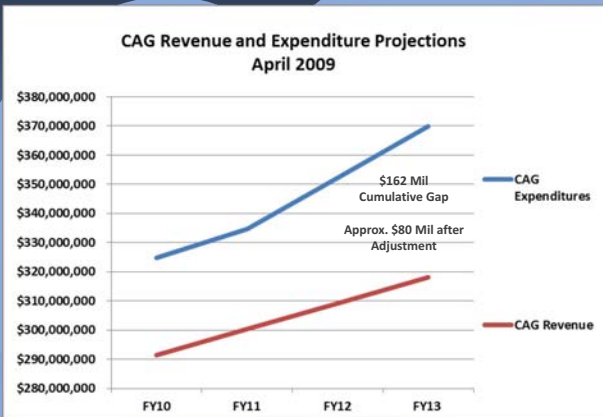
Sustainable Budget Strategy

Blue Ribbon Revenue & Expenditure Projections February 2007



Cohen Administration Revenue and Expenditure Projections October 2008

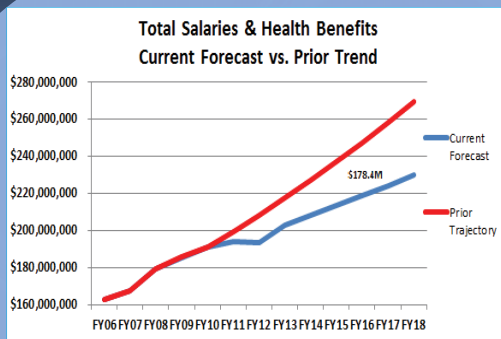




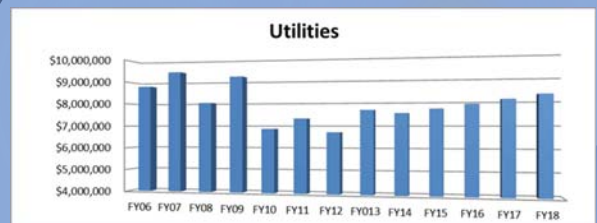
Achieving Financial Stability

- > Collective Bargaining Agreements
- > Zero-Based Budgeting
- > Performance-Based Management
- > Comprehensive Citywide Infrastructure Assessment
- > Economic Development

Collective Bargaining Agreements

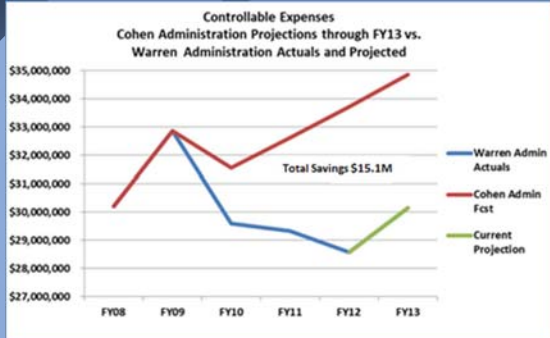


Zero Based Budgets



Natural Gas, Electricity, Gasoline, Heating Oil

Zero Based Budgeting

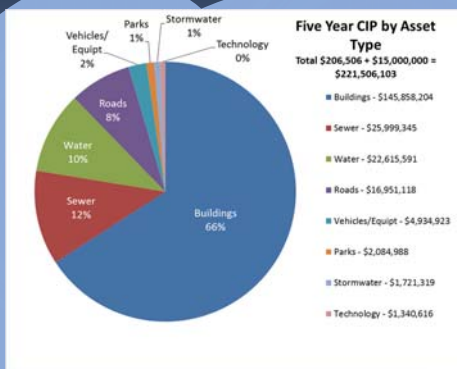


Utilities, Gasoline, Services, Solid Waste & Supplies and Materials

Performance Management

Metric	Metric Goal	Avg	Target	Actual	Result	YTD	YTD	Trend
1. Enforce the law and prevent crime in the City	Keep detected patrol levels at or below their monthly average	1454	1454	1272	🟢	20973	11480	🟢
Patrols		0	0	0	🟢	0	0	🟢
Reserves		0	0	0	🟢	4	2	🟢
Resident		1	1	0	🟡	6	13	🟡
Patrols - Community	Keep crime levels at or below their monthly average	4	4	3	🟢	26	26	🟢
Patrols - Commercial		22	22	20	🟢	111	124	🟢
Patrols - Residential		99	99	41	🟡	325	430	🟡
Patrols - Traffic		5	5	1	🟡	14	10	🟡
Total Patrols		130	130	66	🟡	756	640	🟡
2. Promote and enhance traffic safety	Keep traffic accidents	94	94	97	🟡	825	900	🟡
Vehicle - Vehicle accidents		113	113	83	🟢	857	734	🟢
Vehicle - Civilian accidents	Keep accident levels at or below their monthly average	5	5	10	🟡	10	10	🟡
Vehicle - Permitted accidents		0	0	4	🟡	18	16	🟡

Capital Improvements



Breakout of Five-Year CIP Projects by Asset Type
*Includes \$15,000,000 in anticipated MSBA funding support

Economic Development



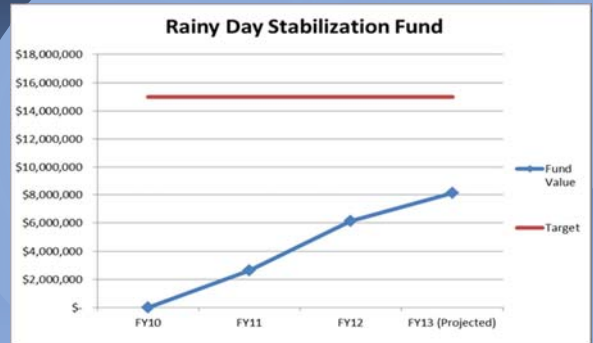
Chestnut Hill Square

#317-12

Continued Challenges

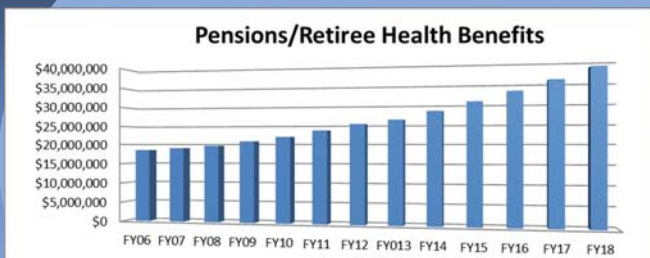
#317-12

Reserves



#317-12

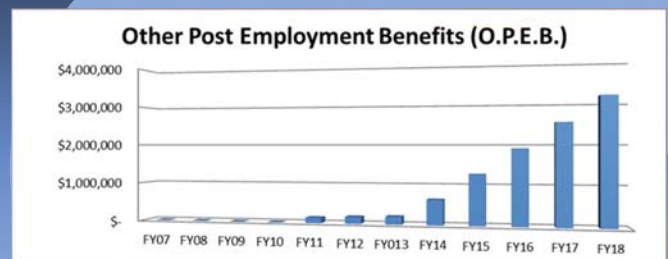
Pension and Retiree Health Benefits



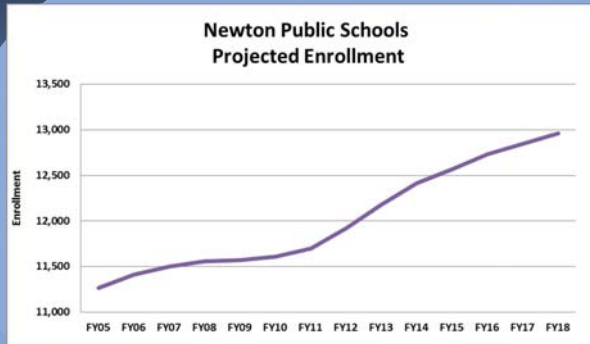
Lower Investment Income & Change in Mortality Tables

#317-12

OPEB



Growth in Enrollment

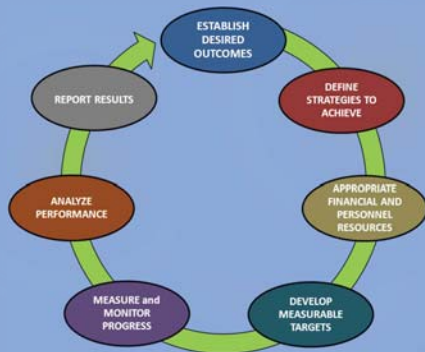


Approximately 600 Additional Students in Last 3 Years
Additional 700 in next 5 years

Addressing Capacity Issues

- Modular classrooms (4) added to Oak Hill in 2010-11
- Modular classrooms (4) added to Burr, Horace Mann and Zervas in December 2011/January 2012
- F.A. Day construction to add permanent classrooms (6) and reconfigure key internal spaces
- Limited use of buffer zones to place incoming students
- Relocation of citywide programs to maximize space available
- Carr School – Renovating for Use as Swing Space – available Summer 2014

Outcome-Based Budgeting



Defining Desired Outcomes

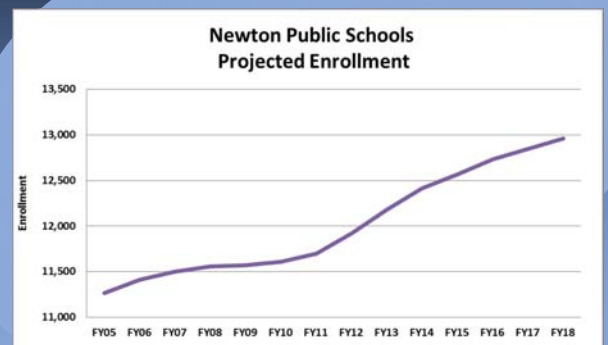


Moving the City Forward
Mayor Warren's Recommendations

One Community
Three Questions

OPERATING OVERRIDE
\$8,400,000

Growth in Enrollment - \$4,500,000



Teachers, Aides, Student Supplies, Space Needs

#317-12

Road Repair – \$1,000,000



#317-12

Curbs and Sidewalks



#317-12

Public Safety Personnel and Equipment \$500,000

Police Department Scorecard

City of Newton Performance Management Scorecard August 2012

Metric	Metric Goal	Monthly			Calendar Year (1/1/12 - 12/31/12)			
		Avg.	Target	Actual	Result	YTD	YTD	Trend
1. Enforce the law and prevent crime in the City								
Directed patrol	Keep directed patrol levels at or below their monthly average	1424	1434	1272	0	10973	11490	0
Permits		0	0	0	0	0	0	0
Police		0	0	0	0	4	2	0
Violations		3	1	2	0	6	13	0
Unattended vehicles	Keep crime levels at or below their monthly average	4	4	0	0	39	26	0
Arrests		22	22	89	0	111	150	0
Arrests		98	98	61	0	393	438	0
Police stops		5	5	1	0	44	37	0
Total Park Licenses		130	130	86	0	756	646	0
2. Promote and enforce traffic safety								
Total traffic accidents		94	94	97	0	825	800	0
Vehicle-vehicle accidents		113	113	83	0	657	734	0
Vehicle-cyclist accidents	Keep accident levels at or below their monthly average	5	5	10	0	20	30	0
Vehicle-pedestrian accidents		0	0	4	0	18	36	0

#317-12



Expand/Renovate Zervas Elementary School

#317-12



Relocate Wires Division and Replace Fire Headquarters and Station 3

#317-12

Debt Exclusion



Angier Elementary School

#317-12



Angier – Cafeteria

#317-12



Angier – Water Infiltration

Debt Exclusion



CABOT ELEMENTARY SCHOOL

#317-12



Cabot – Window and Door Deterioration

#317-12

Override Calculator



#317-12

City of Newton, Massachusetts Estimated Residential Property Tax Increase Resulting From An Affirmative Vote on March 12, 2013

Please Note:

**This information is being provided as an estimate only
Assessed Value reflects current Fiscal Year 2012 Value
Property Values will be updated when available (Est Dec 2012)**

Please enter an address below:

House Number

Street Name

Unit (if applicable)

#317-12

TAX IMPACT
\$0.50 per thousand dollars of valuation

Median Single Family Value
\$686,000
IMPACT
\$343 per year

TAX RELIEF

- Cost of Living Adjustment to Elderly Hardship – Income & Asset Levels
- Elderly Tax Work Off Program w/Proxy
- Veterans Tax Work Off Program w/Proxy
- Tax Deferral Program

C.A.G., Blue Ribbon, and Cohen Administration Expense Trends vs. Warren Administration Trends

