

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, SEPTEMBER 9, 2013

7:00 PM
Room 222

ITEMS TO BE DISCUSSED:

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
- #12-13 ALD. YATES requesting that the City's Treasurer/Collector accept credit cards as a method of payment for municipal bills.
- #304-13 HIS HONOR THE MAYOR requesting approval of a settlement of workers' compensation claims against the City of Newton in the amount of twenty-five thousand (\$25,000) relevant to injuries sustained by an employee in 2006 and 2007. [09/03/13 @ 4:56 PM]
- #7-13(2) HIS HONOR THE MAYOR requesting authorization to transfer the sum of thirty thousand dollars (\$30,000) from the Fiscal Year 2014 Budget Contingency Account to the Executive Office Engineering Services Account for the purpose of funding an engineering study regarding the Waban Hill Reservoir and embankment on Manet Road in Chestnut Hill.

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 Joel Reider, 617-796-1145, via email at JReider@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

REFERRED TO LAND USE & FINANCE COMMITTEES

- #193-13 ALD. HESS-MAHAN proposed that the annual fee for an auto dealer license be increased from \$100 to \$200 per G.L. chapter 140 sec. 59.
- #412-12 HIS HONOR THE MAYOR requesting a discussion regarding updating the City's departmental fees and fines. [11/27/12 @ 12:45 PM]
- #14-13(2) HIS HONOR THE MAYOR requesting amendment of the Municipal Whistleblower Policy, which was approved by the Board of Aldermen on February 4, 2013, to provide a more consistent policy. [03/11/13 @ 5:43 PM]

ITEMS NOT TO BE DISCUSSED:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #288-13 PUBLIC FACILITIES & FINANCE COMMITTEES requesting that the Administration update the Board of Aldermen when a funding source is determined for the Zervas Elementary School Feasibility Study. [07-11-13 @ 10:10 AM]
- #132-13 ALD. HESS-MAHAN & YATES proposing a Resolution to request that the Mayor adopt the provisions of Massachusetts General Laws Chapter 59 Section 5C, which provides for a local property tax exemption of up to 20% of the average assessed value of residential properties, which are the principal residences of taxpayers. [03/13/13 2:29 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #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]
- #15-13 FINANCIAL AUDIT ADVISORY COMMITTEE requesting review and acceptance of the revised City of Newton Investment Policy. [12/18/12 @ 9:31 AM]

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]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #322-12(4) HIS HONOR THE MAYOR requesting authorization to amend the Fiscal Year 2014 Budget Board Order #322-12(2) for the Public Buildings Department by reducing the Municipal Building Maintenance – Building Improvements line item by one hundred fifty thousand dollars (\$150,000) and increasing the Municipal Building Maintenance – Public Buildings R&M by one hundred fifty thousand dollars (\$150,000) in order to create a non-lapsing account for small capital projects. [08/05/13 @ 1:59 PM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

- #316-12(2) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of four hundred seventy-five thousand dollars (\$475,000) to the Planning and Development Department to continue the Newton Homebuyer Assistance Program as described in the proposal amended in December 2012. [01/25/13 @ 12:33 PM]
ZONING & PLANNING APPROVED 6-0 ON 02/11/13

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 and 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.
- #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]
- #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 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 PUBLIC FACILITIES AND FINANCE COMMITTEES

- #83-10(2) COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of six hundred forty-one thousand dollars (\$641,000) from the Community Preservation Fund to the Public Buildings Department to complete the revised Museum Archives, Accessibility, and Fire Suppression project, as described in the Committee's July 2013 recommendation, in addition to the \$101,345 appropriated for the project through Board Orders # 147-08 and #83-10. [07/23/13 @ 1:46 PM]

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

Henry Lasker was discussed and he questioned whether that would be considered “minor”. Alderman Baker confirmed that under the proposed model, the auditorium would be considered “minor”. Alderman Yates thinks the ability to have something named after you should be open to graduates of the schools – citing someone that has some connection or benefit from the program. He disagrees with the prohibition on the sale of naming rights and thinks it should have been done in terms of actual building/construction – starting out with graduates. He mentioned the Newton Wellesley Hospital’s Hall of Donors, as an example where recognition is made for the donation but the physical room that was supported – was not physically, where the recognition was.

Attorney Young also mentioned that the Board might consider whether bricks should be included, as the 911 memorial campaign is selling bricks to raise money. Are bricks like plaques on a wall?

Alderman Baker said he would be happy to spend time on many of these ideas. The Chair recognized Rick Iacobucci from the Newton Schools Foundation to explain where they were in their fundraising activities. He said they were not moving forward under any authority. They respect the process and they are waiting for the Board to decide so they can figure out how they can participate.

Ald. Hess- Mahan added that we might want to consider further defining the categories of naming for people informing the committee that some policies only allow naming for dead people. Alderman Baker said he was aware that there are policies to name only for people who are no longer living and a prohibition for those who are currently serving in public office. Ald. Hess-Mahan shared the story of his mother’s church naming in her honor before she had passed on.

The Chair, in summing up the discussion, recommended that since there seems to be interest in pursuing the proposal, that a subcommittee be formed to define what the various issues that have been brought up. The subcommittee will consist of Ald. Baker, Blazer and the Chair and they will work on the issues over the summer and have committed to bring some report back to the Committee by the second meeting in September.

A motion was made to hold the item. The motion carried unanimously.

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]

ACTION: **APPROVED 6-0**

NOTE: Ald. Linsky chaired this portion of the meeting. Ald. Baker explained that he is concerned about the mechanism not the needs of the schools. The Resolution is designed to say to the Mayor, please fund the technology needs of the schools like everything else on the city side, as part of our capital and operating budget. The funding mechanism should be the same with our schools.

Ald. Hess-Mahan said he had no problem with the item. Alderman Sangiolo reported her conversation with Chief Operating Officer, Bob Rooney. She reported that he suggested that this was not necessarily an issue to put technology on the Capital budget, but smaller items did not make sense. It may make more sense to put the larger items on the capital budget.

Alderman Baker said if there is a \$5 million need, some components would be expensive and likely to go on the capital budget. Alderman Fuller suggested the technology stuff would most likely go on the operating budget and not be bonded. Alderman Sangiolo reported that Mr. Rooney suggested infrastructure could be a major cost to the school technology plan and could be put in but that it would be prioritized with everything else.

Alderman Baker said that he wants to see if the Mayor will respond to the technology needs of the schools, and that those needs should not function on donations. If they need it, it should be funded like everything else.

Ald. Yates agrees but also thinks it is foolish not to avail ourselves to other possible funding sources. He does not want to foreclose any possibilities. Ald. Sangiolo said the resolution does not foreclose other funding sources. Ald. Yates thinks it might. Ald. Linsky, a co-docketor of the item, responded to Ald. Yates that the resolution should not be read with that intent.

Ald. Fuller said she was not sure about the role of the Board of Aldermen and the role of the School Committee. She said she believes there are many things we, the Board, think the School Committee should be doing. She said she can imagine 20 resolutions from the Board to the Mayor and the School Committee. She sees this as a slippery slope, and while she understands the instinct, she does not necessarily think that it is a role of the Board. She asked, is not that the role of the School Committee, given all the priorities, to sort it out. Isn't that their job?

Ald. Sangiolo responded that there is a role for the Board to play. When the School Committee needs funding, they come to the Board for approval. In terms of setting policy, the most we can do is to let them know how we feel and more importantly, how our constituents feel and that is through resolutions. She likened it to resolutions filed by Ald. Fuller in the past to the Executive Department regarding several city departments – for example sewer infrastructure or resolutions regarding funding the unfunded pensions. The Board does not have authority to interfere in the role of the Executive – all we can do is submit resolutions to the Mayor to let him know how our constituents and we feel and how we would like him to proceed.

Ald. Baker said the Schools have identified this as a priority and that the docketors do not want to let this go unfunded and thinks the Mayor should take notice.

Ald. Fuller responded that then this is choice for the Mayor and he would have to make to take the funding from one pot to another. Ald. Baker agreed that yes, it is a choice similar to other choices he has to make with other departments and other needs.

Ald. Linsky added, that he thinks Ald. Fuller raises some good points. He thinks that this is not micro managing it but just recognizing the need. It was obvious to many Aldermen that funding technology has been a scattered approach. Ald. Linsky broke the issue down into three categories: 1) is it comprehensive; 2) is it sufficient; 3) is it being funded the right way. He also sees this as not about limiting the ability to get resources in, just coordinating it. He understands that some of the co-docketors may feel differently. He said it is up to us to decide how we want to proceed.

Ald. Sangiolo, in addressing Ald. Fuller, added that when it comes to the Schools, there seems to be a sense that we cannot touch them that they are an entity unto themselves. Yet, with other municipal departments, we have free range. That should not be the case.

Ald. Baker moved approval of the item. The item carried unanimously 6-0.

#207-08(2) PROGRAMS & SERVICES COMMITTEE requesting discussion with the Executive Department and various City Department heads regarding use of debt exclusions to address city needs. [03-14-11 @ 10:26AM]

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: The item has been discussed several times in Committee and with the Executive Department. The Executive Department is aware of their options; therefore, further discussion is not needed at this time. There was a motion for no action necessary, which carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07/17/08 @ 9:53 AM]

FINANCE VOTED NO ACTION NECESSARY on 3/8/10

ACTION: **HELD 6-0**

NOTE: Ald. Johnson asked that the item be held in order to have the Human Resources Director present for the discussion. A motion to hold was made and voted unanimously.

#298-09 ALD. MANSFIELD proposing Home Rule Legislation to amend Article 2, Section 2-1(c) Composition; Eligibility; Election and Term of the Newton Charter to establish four-year terms for Aldermen-at-Large with the provision for one Aldermen-at-Large to be elected from each ward at each biennial municipal election. [09-29-09 @ 6:45 PM]

ACTION: **NO ACTION NECESSARY 6-0**

#304-13



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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E-mail
swarren@newtonma.gov

September 3, 2013

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

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to approve the settlement of workers' compensation claims by Christopher Mazzola (sections 34, 35, 34A, 36, and attorney's fees) against the City of Newton relevant to his injuries of 11/27/2006 and 10/19/2007, in the amount of \$25,000.00.

Thank you for your consideration of this matter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Setti D. Warren".

Setti D. Warren
Mayor

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Newton City Clerk
2013 SEP -3 PM 4: 56
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton



Setti D. Warren
Mayor

DEPARTMENT OF HUMAN RESOURCES

1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Telephone (617) 796-1260
Fax (617) 796-1272
TTY (617) 796-1089

September 3, 2013

Mayor Setti D. Warren and
Honorable Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Christopher Mazzola
City of Newton/Self-Insurer
Lump Sum Settlement/Sections 34, 35, 34A, 36, and Attorney's Fees
DOI: 11/27/2006 AND 10/19/2007

Dear Mayor Warren and Honorable Board of Aldermen:

I respectfully recommend and request your approval to settle this employee's workers' compensation claims (sections 34, 35, 34A, 36, and attorney's fees) against the City of Newton relevant to his injuries of 11/27/2006 and 10/19/2007, in the amount of \$25,000.00.

I would appreciate your docketing this item with the Board of Aldermen.

Respectfully Submitted,

Lori D. Burke RN, MPH, COHN-S
Workers' Compensation Manager
Health & Safety Officer



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#7-13(2)

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swarren@newtonma.gov

August 6, 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 \$30,000 from the FY2014 Budget Contingency to Acct # 0110301-530203 Executive Office, Engineering Services for an engineering study regarding the Waban Hill Reservoir and Embankment on Manet Road in Chestnut Hill in order to further understand the options for reuse of the embankment, reservoir, and the entire site.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

DAVID A. OLSON, CMC
Newton, MA 02459

2013 AUG - 6 AM 11:30

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Newton City Clerk



City of Newton



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

Setti D. Warren
Mayor

August 1, 2013

To: Mayor Setti D. Warren

From: David F. Turocy, Commissioner of Public Works

A handwritten signature in black ink, appearing to read "D. Turocy".

Via: Robert R. Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer

Re: Request to Appropriate Funds for Engineering Study
Waban Hill Reservoir and Embankment, Manet Road

Public Works respectfully requests an appropriation of \$30,000 for an engineering study regarding the Waban Hill Reservoir and Embankment on Manet Road in Chestnut Hill. The purpose of the engineering study is to further understand the characteristics of the reservoir embankment, in order to further advance the various options for reuse of the embankment, reservoir, and the entire site.

The engineering study will consist of site investigations including soil borings, soil sampling and testing, slope stability analysis, and recommendations including major maintenance of the embankment, the feasibility of removing a portion of or all of the embankment, stormwater control, and expected life cycle of the embankment with proper maintenance techniques.

Please docket this item with the honorable Board of Aldermen for consideration.

CC: Lou Taverna, City Engineer
David Wilkinson, Comptroller
Ron Mendes, DPW Business Manager



THE 188TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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PART I	ADMINISTRATION OF THE GOVERNMENT (Chapters 1 through 182)	PREV NEXT
TITLE XX	PUBLIC SAFETY AND GOOD ORDER	PREV NEXT
CHAPTER 140	LICENSES	PREV NEXT
Section 59	Licensing authorities; expiration; fees; application; prerequisites; premises; ordinance regulations; revocation; notice	PREV NEXT

Section 59. The police commissioner in Boston and the licensing authorities in other cities and towns may grant licenses under this section which shall expire on January first following the date of issue unless sooner revoked. The fees for the licenses shall be fixed by the licensing board or officer, but in no event shall any such fee be greater than \$200. Application for license shall be made in such form as shall be approved by the registrar of motor vehicles, in sections fifty-nine to sixty-six, inclusive, called the registrar, and if the applicant has not held a license in the year prior to such application, such application shall be made in duplicate, which duplicate shall be filed with the registrar. No such license shall be granted unless the licensing board or officer is satisfied from an investigation of the facts stated in the application and any other information which they may require of the applicant, that he is a proper person to engage in the business specified in section fifty-eight in the classifications for which he has applied, that said business is or will be his principal business, and that he has available a place of business suitable for the purpose. The license shall specify all the premises to be occupied by the licensee for the purpose of carrying on the licensed business. Permits for a change of situation of the licensed premises or for additions thereto may be granted at any time by the licensing board or officer in writing, a copy of which shall be attached to the license. Cities and towns by ordinance or by-law may regulate the situation of the premises of licensees within class 3 as defined in section fifty-eight, and all licenses and permits issued hereunder to persons within said class 3 shall be subject to the provisions of ordinances and by-laws which are hereby authorized to be made. No original license or permit shall be issued hereunder to a person within said class 3 until after a hearing, of which seven days' notice shall have been given to the owners of the property abutting on the premises where such license or permit is proposed to be exercised. Except in the city of Boston, the licensing board or officer may, in its discretion, waive the annual hearing for renewal of a class 3 license. All licenses granted under this section shall be revoked by the licensing board or officer if it appears, after hearing, that the licensee is not complying with sections fifty-seven to sixty-nine, inclusive, or the rules and regulations made thereunder; and no new license shall be granted to such person thereafter, nor to any person for use on the same premises, without

#193-13

the approval of the registrar. The hearing may be dispensed with if the registrar notifies the licensing board or officer that a licensee is not so complying. In each case where such license is revoked, the licensing board or officer shall forthwith notify the registrar of such revocation. Any person aggrieved by any action of the licensing board or officer refusing to grant, or revoking a license for any cause may, within ten days after such action, appeal therefrom to any justice of the superior court in the county in which the premises sought to be occupied under the license or permit applied for are located. The justice shall, after such notice to the parties as he deems reasonable, give a summary hearing on such appeal, and shall have jurisdiction in equity to review all questions of fact or law and may affirm or reverse the decision of the board or officer and may make any appropriate decree. The parties shall have all rights of appeal as in other cases.

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 D. MANDL
JULIE B. ROSS

November 26, 2012

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

Dear Mayor Warren:

This letter is to request the docketing for discussion with the Board of Alderman's Finance Committee, the updating of the City's departmental Fees and Fines.

Thank you.

Very truly yours,

Donnalyn B. Lynch Kahn
City Solicitor

cc: Maureen Lemieux
Chief Financial Officer

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Newton City Clerk

2012 NOV 27 PM 12:45

David A. Olson, CMC
Newton, MA 02459

APPROVED

APPROVED



SETTI D. WARREN
MAYOR

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Office of the Mayor

#14-13

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March 11, 2013

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

Ladies and Gentlemen:

I request your support in amending the City of Newton's *Municipal Whistleblower Policy* (docket item #14-13) which became effective February 4, 2013. There were changes made to the policy at the vote of the full Board which were not vetted by staff of the substantive departments. The amendments provided herein (Enclosure A) provide for a more consistent policy that can be clearly implemented.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

Encl.

Cc: Donnalyn Kahn, City Solicitor
Dolores Hamilton, Director of Human Resources

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David A. Olson, CMC
Newton, MA 02459

#14-13

March 11, 2013

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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 report it to his/her supervisor or department head unless one or both are implicated in such activities or reporting. The employee can also report directly to Director of Human Resources, City Solicitor, Chief Financial Officer or Mayor. If the report involves a supervisor, department head or other high level public official, it may be made to the Office of the Inspector General. -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 <http://apps.newtonma.gov/whistle-blower-form>.

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.

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Enclosure A

#14-13

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. ~~If a whistleblower has reported directly to the Chair of the Financial Audit Advisory Committee, the Chair of the Financial Audit Advisory Committee will inform the Chair of the Finance Committee as soon as possible.~~

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, ~~unwanted transfers to new locations or units, or negative reviews, 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.

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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.

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Enclosure A

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 report it to his/her supervisor or department head unless one or both are implicated in such activities or reporting. The employee can also report directly to Director of Human Resources, City Solicitor, Chief Financial Officer or Mayor. If the report involves a supervisor, department head or other high level public official, it may be made to the Office of the Inspector General.—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 <http://apps.newtonma.gov/whistle-blower-form>.

. 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.

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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.

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