

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA

MONDAY, APRIL 9, 2012

7 PM
Room 222

ITEMS TO BE DISCUSSED:

Public hearing

#77-12 HIS HONOR THE MAYOR proposing pursuant to Sec. 6-2 an amendment to Chapter 9 of the City of Newton Revised Ordinances, 2007 by creating Article II to establish a Financial Information Systems Department. [03/12/12 @ 4:09 PM] *N. B. The Board shall not more than 30 days from 03/19/12 hold a public hearing on the proposed new city agency and shall report no later than the second regular meeting of the Board of Aldermen following the hearing either that it approves or that it disapproves of the plan; said reorganization shall become effective ninety days after the date it is received by the Board unless the Board has prior to that date voted to disapprove the plan or unless a later effective date is specified in the plan.*

#297-11(4) PROGRAMS & SERVICES COMMITTEE approving a RESOLUTION to His Honor the Mayor that should the Board of Aldermen approve docket #297-11(3), assigning the Licensing Board of Commissioners to the Department of Health and Human Services, the administration retain former licensing administrative assistant Patricia Sweeney to provide additional training to the staff taking over her duties .
PROGRAMS & SERVICES APPROVED 8-0 on 03/31-12

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]
PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 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

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.

#76-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from the March 12, 2012 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors to the Assessing Department Revaluation Account to support expert services required for such items as utility valuation and testimony for cases before the Appellate Tax Board. [03/12/12 4:09 PM]

#88-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of thirty six thousand dollars (\$36,000) from Free Cash for the purpose of replacing 48 expired, or soon to be expired, bullet resistant body armor vests currently worn by Newton Police Officers. [03-26-12 @ 4:37 PM]

ITEMS NOT TO BE DISCUSSED:

#89-12 HIS HONOR THE MAYOR submitting the final report from the IT Advisory Committee for presentation to the Board of Aldermen. [03/26/12 @ 4:37 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#85-12 ALD. LENNON & LAPPIN requesting a review and possible ordinance amendment to review and adjust the salary of the Clerk Clerk/Clerk of the Board of Aldermen pursuant to Article XI of the *Rules and Orders of the Board of Aldermen 2012-2013* [03/26/12 @10:25 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]
PUBLIC FACILITIES HELD 7-1 (Salvucci opposed) on 03/21/12

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#79-12 COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of nine hundred thirty eight thousand sixty-three dollars (\$938,063) to the Planning & Development Department for the creation of seven units of affordable rental housing at 12 and 18-20 Curve Street, West Newton, as described in the proposal submitted by Myrtle Village, LLC. [03/01/12 @ 5:00 PM]

REFERRED TO PUBLIC SAFETY & TRANS AND FINANCE COMMITTEES

#78-12 HIS HONOR THE MAYOR proposing amendments to Sections 19-9 and 19-199 of the City of Newton Revised Ordinances, 2007 to increase the penalties for handicap parking violations in Section 19-9 and to clarify that handicap parking violation penalties apply not only to spaces on public ways but also to handicap spaces on private property open to public access in accordance with Section 19-199; to update language in Section 19-199 regulating minimum width of handicap spaces; to add language pertaining to cross-hatch areas as required by state law; and to reference governing Architectural Access Board regulations. [03/12/12 @4:09 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]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #383-11 HIS HONOR THE MAYOR submitting the FY13-FY17 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter and the FY12 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next several years. [10/31/11 @ 3:12 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #374-11 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of twenty-five thousand dollars (\$25,000) from FY11 Free Cash for the purpose of repairing/replacing a broken jail cell door and track at Police Headquarters. [10/31/11 @ 2:49 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, PUBLIC FACIL. AND FINANCE COMMITTEES

- #367-10 HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
- (B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]
 - (A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.
 - (B1) \$923,375 for installation of 4 modulares was approved on July 11, 2011
 - (B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.
 - (B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.
 - (B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.

(B2D) One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools to be voted 03/05/12.

#367-10(B2) – \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.

REFERRED TO PUBLIC SAFETY & TRANSPORTATION & 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



City of Newton, Massachusetts
Office of the Mayor

#77-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

SETTI D. WARREN
MAYOR

March 12, 2012

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

RECEIVED
Newton City Clerk
2012 MAR 12 PM 4:09
David A. Oison, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to create a new Financial Information Systems Department, which shall be established for the following purposes:

- (1) Process payroll for the city, including the school department and including retirees;
- (2) Provide to city treasurer data necessary to prepare reporting required by state and federal agencies;
- (3) Generate receivables for the City, including but not limited to Real Estate, Excise, and Personal Property Tax billings;
- (4) Support and train other city departments, including the school department, in use of financial software;
- (5) Implement new financial modules as needed.

This department is intended to be a resource for financial personnel throughout the City by supporting administrators as the City enhances departmental financial processes such as payroll, scheduling, etc.

Draft Ordinance language is attached. Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

March 16, 2012

Item #77-12 DRAFT FOR DISCUSSION

Insert, after Article VI in Chapter 2 ADMINISTRATION, a new **Article VII, Financial Information Systems Department** as follows:

ARTICLE VII. FINANCIAL INFORMATION SYSTEMS DEPARTMENT

Sec. 2-363 Established.

There is hereby established a financial information systems department in the city.

Sec. 2-364 Director, authority.

The financial information systems department shall be headed by a director who is appointed by the mayor. The director shall be responsible for planning, organizing and controlling the overall activities of financial information systems, and shall act as liaison between the department of financial information systems and other departments of municipal government.

Sec. 2-365 Functions of department.

The financial information systems department shall:

- (1) Process payroll for the city, including the school department and including retirees;
- (2) Provide to city treasurer data necessary to prepare reporting required by state and federal agencies;
- (3) Generate receivables for the city, including but not limited to real estate, excise, and personal property tax billings;
- (4) Support and train other city departments, including the school department, in use of financial software;
- (5) Implement new financial modules as needed.

RECEIVED
Newton City Clerk
2012 MAR 16 PM 3:25
David A. Olson, CMC
Newton, MA 02459

Deleted: ¶

March 16, 2012
Item #77-21 DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON
IN BOARD OF ALDERMEN

ORDINANCE NO.

March , 2012

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

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 2 ADMINISTRATION as follows:

1. Insert, after Article VI in Chapter 2 ADMINISTRATION, a new **Article VII, Financial Information Systems Department** as follows:

ARTICLE VII. FINANCIAL INFORMATION SYSTEMS DEPARTMENT

Sec. 2-363 Established.

There is hereby established a financial information systems department in the city.

Sec. 2-364 Director, authority.

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The financial information systems department shall:

- (1) Process payroll for the city, including the school department and including retirees;

- (2) Provide to city treasurer data necessary to prepare reporting required by state and federal agencies;
- (3) Generate receivables for the city, including but not limited to real estate, excise, and personal property tax billings;
- (4) Support and train other city departments, including the school department, in use of financial software;
- (5) Implement new financial modules as needed.

Approved as to legal form and character:

DONNALYN LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#76-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

March 12, 2012

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

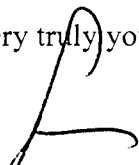
RECEIVED
Newton City Clerk
2012 MAR 12 PM 4:09
David A. Olson, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate the sum of \$250,000 from the March 12, 2012 Declaration of Overlay Surplus as declared by the Chairman of the Board of Assessors, Elizabeth Dromey to the Assessing Department Revaluation Account to support expert services required for such items as utility valuation and testimony for cases before the Appellate Tax Board.

Thank you for your consideration of this matter.

Very truly yours,


Setti D. Warren
Mayor

From: Overlay Surplus
01-3497

250,000

To: Revaluation
C106001-1341


250,000

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE


03/15/2012

City of Newton



Setti D. Warren
Mayor

ASSESSMENT ADMINISTRATION

Elizabeth Dromey, Director

#76-12
Telephone
(617) 796-1160
Telefax
(617) 796-1179
tdd-tty
(617) 796-1089
Email
assessing@newtonma.gov
dromey@newtonma.gov

March 12, 2011

David C. Wilkinson, Comptroller
City of Newton
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Mr. Wilkinson:

In accordance with Chapter 59, Section 25 of the Massachusetts General Laws, please accept this letter as formal notification of declaration of overlay surplus. This declaration covers the overlay accounts delineated in the table below:

ACCOUNT	AMOUNT DECLARED SURPLUS
FY 2009	\$ 400,000.00
FY 2010	\$ 350,000.00

The total amount declared surplus is **\$750,000**.

Of this amount, I am requesting that \$250,000 be appropriated to the Revaluation Account (C106001) to fund expert witnesses, court costs and legal services to defend utility and telecommunications values that have been appealed.

If you require additional information regarding this matter, please let me know.

Sincerely,


Elizabeth Dromey, Director
Assessment Administration

cc: Mayor Setti D. Warren
Alderman Leonard J. Gentile, Finance Chairman
Maureen Lemieux, Chief Financial Officer
James G. Reardon, Treasurer/Collector

1000 Commonwealth Avenue, Newton, MA 02459-1449

www.newtonma.gov

**City of Newton
Interoffice Memorandum**

Date: April 4, 2012

To: Alderman Leonard Gentile, Chairman, Finance Committee

From: ^{ED} Elizabeth Dromey, Director of Assessment Administration

Subject: Follow Up to Questions on Revaluation Funding Request

cc: Board of Aldermen
Maureen Lemieux, Chief Financial Officer

At the Finance Committee meeting on March 26, 2012, you and other members of the committee requested additional information on the Revaluation Account.

Attached is a breakdown of annual expenditure activity since June 30, 2003 of the Property Revaluation Special Appropriation.

Also attached is a listing of pending Appellate Tax Board cases. Most of the fiscal year 2012 cases have not been filed yet. We are expecting both NStar and National Grid to file appeals. NStar's fiscal year 2012 assessment is \$102,669,100. The total taxes amount to \$2,188,905.221. The value the company will be contesting amounts to \$578,211 in taxes. National Grid's fiscal year 2012 assessment is \$47,025,400. The total taxes amount to \$1,002,581.53. The value the company will be contesting amounts to \$370,986 in taxes.

The final attachment is a budget for the fund for the next three years.

You also inquired about how much we paid Anthony Ambriano, Esq. for legal services pertaining to the Verizon New England, Inc. appeal. Since 2010, we have paid Mr. Ambriano \$31,000 for legal services related to the Verizon appeal.

As a final note, you wondered whether we should pursue settlement with Verizon. Based on a conversation with Mayor Warren, Robert Rooney, Maureen Lemieux, Mr. Ambriano and myself, we have decided to go forward with an appeal of the Verizon decision for the following reasons:

- We believe we have a strong case for appeal.
- Newton, along with Boston, was the lead case on the issues at hand and there are many other cities and towns with outstanding cases that were not consolidated with the lead case. Another municipality, not part of the lead case, could take the case to the SJC.
- Verizon has no incentive to settle with only Newton.

CITY OF NEWTON, MASSACHUSETTS
GENERAL FUND
PROPERTY TAX REVALUATION SPECIAL APPROPRIATION
ANNUAL EXPENDITURE ACTIVITY AND CURRENT BALANCE
Fiscal Year 2004 to Date {1}

	Balance		BO#	BO#	Budget	Expended											Unbudgeted
	Forward	6/30/2003	420-03	132-10	Total	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012 YTD	Encumbered	Balance	
Special appropriation control	\$ 431,240.46	\$ 500,000.00	\$ 350,000.00	\$ 1,281,240.46	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Full time salaries	-	-	-	-	-	6,655.20	331.20	-	-	-	-	-	-	-	-	-	(3,852.93)
Seasonal wages	-	-	-	-	-	-	-	-	25,488.38	19,471.87	20,281.09	24,314.36	22,938.05	16,381.59	-	(135,871.74)	
Work by other departments (legal)	-	-	-	-	-	-	-	-	8,516.15	30,000.00	42,634.02	-	-	-	-	(81,150.17)	
Stipends	-	-	-	-	-	-	-	-	30,115.74	30,115.74	30,115.75	30,115.76	29,923.42	22,038.73	-	(202,425.50)	
Clothing allowance	-	-	-	-	-	-	149.99	-	-	-	-	-	-	-	-	(149.99)	
Computer equipment maintenance	-	-	-	-	-	2,916.00	1,000.00	1,500.00	-	532.00	-	-	-	-	-	(5,948.00)	
Software maintenance	-	-	-	-	-	-	-	7,834.95	-	-	-	-	-	-	-	(43,570.95)	
Consultants	-	-	-	-	-	-	-	-	11,000.00	34,505.00	10,968.00	11,178.00	10,200.00	17,845.00	-	(73,550.00)	
Legal services	-	-	-	-	-	-	-	-	2,970.00	3,368.59	20,804.40	18,421.28	-	13,998.05	-	(108,691.71)	
Court costs	-	-	-	-	-	4,293.36	10,396.31	118,749.45	32,285.11	25,292.40	6,079.33	-	-	-	-	(197,095.96)	
Vehicle use reimbursement	-	-	-	-	-	-	-	92.00	-	-	-	-	-	-	-	(92.00)	
Postage	-	-	-	-	-	-	-	814.76	-	6,140.29	5,338.10	8,448.52	5,390.27	-	-	(26,131.94)	
Printing	-	-	-	-	-	-	-	1,210.00	-	-	-	1,130.54	-	2,200.00	-	(4,540.54)	
Computer supplies	-	-	-	-	-	530.00	-	3,536.66	-	-	-	-	-	-	-	(3,536.66)	
Dues & memberships	-	-	-	-	-	95.95	5.76	426.84	(591.39)	-	-	-	-	-	-	(530.00)	
Medicare payroll tax	-	-	-	-	-	1,431.85	27,969.95	25,975.00	395.00	2,877.44	16,604.57	395.00	395.00	466.49	-	(76,510.30)	
Computer software	-	-	-	-	-	3,632.99	40,919.00	575.54	14,111.73	16,403.24	27,775.65	1,278.80	3,723.57	-	-	(108,720.52)	
Computer hardware	-	-	-	-	-	-	-	1,529.00	-	-	-	-	-	-	-	(1,529.00)	
Audio visual equipment	-	-	-	-	-	1,504.12	-	-	-	-	-	-	5,786.00	-	-	(7,290.12)	
Office furniture	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Special appropriation balance	\$ 46,781.95	\$ 88,661.63	\$ 201,434.58	\$ 118,335.73	\$ 147,530.10	\$ 186,702.10	\$ 97,455.38	\$ 107,955.59	\$ 82,105.39	\$ 4,162.74	\$ 200,115.27	-	-	-	-	-	

Slid	Number	Street Name	Landuse	Year	Value	Name	Rate	Tax
117810	VARIOUS		505	2003	\$13,134,800	VERIZON NE INC	20.63	\$270,970.92
404222	VARIOUS		505	2003	\$11,700	SPRINT SPECTRUM LP	20.63	\$241.37
117800	VARIOUS		505	2003	\$26,400	SPRINT COMMUNICATIONS	20.63	\$544.63
404892	VARIOUS		505	2003	\$50,000	OMNIPONT HOLDINGS INC	20.63	\$1,031.50
117850	VARIOUS		505	2003	\$1,700	A T & T CORP INTERSTATE DIV	20.63	\$35.07
117840	VARIOUS		505	2003	\$115,400	A T & T COMM OF NE	20.63	\$2,380.70
404220	VARIOUS		505	2003	\$87,100	GLOBAL CROSSING N A	20.63	\$1,796.87
117830	VARIOUS		505	2003	\$269,300	MCI WORLDCOM NETWORK SERVICES	20.63	\$5,555.66
117800	VARIOUS		505	2004	\$74,900	SPRINT COMM	19.37	\$1,450.81
404222	VARIOUS		505	2004	\$1,435,600	SPRINT SPECTRUM	19.37	\$27,807.57
409828	VARIOUS		505	2004	\$4,300	ALLEGANCE TELECOM OF MA INC	19.37	\$83.29
117840	VARIOUS		505	2004	\$273,000	AT & T COMM OF NE	19.37	\$5,288.01
117850	VARIOUS		505	2004	\$320,500	AT & T CORP INTERSTATE DIV	19.37	\$6,208.09
404220	VARIOUS		505	2004	\$257,600	GLOBAL CROSSING	19.37	\$4,989.71
404892	VARIOUS		505	2004	\$50,000	OMNIPONT HOLDINGS INC	19.37	\$968.50
117810	VARIOUS		505	2004	\$13,761,200	VERIZON NE INC	19.37	\$266,554.44
117810	VARIOUS		505	2005	\$8,259,300	VERIZON N E INC	18.02	\$148,832.59
403828	VARIOUS		505	2005	\$3,000	ALLEGANCE TELECOM OF MA INC	18.02	\$54.06
117840	VARIOUS		505	2005	\$180,200	A T & T COMM OF NE	18.02	\$3,247.20
404576	VARIOUS		505	2005	\$315,100	AT & T CORP INTERSTATE	18.02	\$5,678.10
404220	VARIOUS		505	2005	\$7,400	CONVERSENT COMM OF MA	18.02	\$133.35
404222	VARIOUS		505	2005	\$186,000	GLOBAL CROSSING N A NET INC	18.02	\$3,351.72
117800	VARIOUS		505	2005	\$266,600	SPRINT SPECTRUM LP	18.02	\$4,804.13
405055	VARIOUS		505	2005	\$49,600	SPRINT COMMUNICATIONS CO	18.02	\$893.79
PP 405609	VARIOUS		505	2005	\$2,100,800	TELEPORT COMM GROUP	18.02	\$37,856.42
	VARIOUS		502	2005	\$1,169,000	MASSPCSCO	18.02	\$21,065.38
117850	VARIOUS		505	2006	\$323,000	AT&T CORP	17.72	\$5,723.56
117840	VARIOUS		505	2006	\$703,500	AT&T of NE	17.72	\$12,466.02
404576	VARIOUS		505	2006	\$355,600	CONVERSANT COMM	17.72	\$6,301.23
404220	VARIOUS		505	2006	\$189,300	GLOBAL CROSSING	17.72	\$3,354.40
405609	VARIOUS		502	2006	\$1,169,000	MASSPCSCO	17.72	\$20,714.68
405859	VARIOUS		502	2006	\$850,000	OMNIPONT COMMUNICATIONS, INC	17.72	\$15,062.00
117800	VARIOUS		505	2006	\$49,200	SPRINT COMM	17.72	\$871.82
404222	VARIOUS		505	2006	\$139,100	SPRINT SPECTRUM	17.72	\$2,464.85
405055	VARIOUS		505	2006	\$146,000	TELEPORT COMM	17.72	\$2,587.12
117810	VARIOUS		505	2006	\$26,091,600	VERIZON NE INC	17.72	\$462,343.15

Subj	Number	Street Name	Landuse	Year	Value	Name	Rate	Tax
117830		VARIOUS	505	2007	\$360,300	MCI COMMUNICATIONS	17.64	\$6,355.69
117800		VARIOUS	505	2007	\$49,600	SPRINT COMM CO LP	17.64	\$874.94
404222		VARIOUS	505	2007	\$113,100	SPRINT SPECTRUM LP	17.64	\$1,995.08
117840		VARIOUS	505	2007	\$704,400	AT&T CO OF NE	17.64	\$12,425.62
117850		VARIOUS	505	2007	\$317,800	AT&T CORP	17.64	\$5,605.99
404576		VARIOUS	505	2007	\$8,900	CONVERSANT COMM	17.64	\$157.00
404220		VARIOUS	505	2007	\$187,500	GLOBAL CROSSING NA	17.64	\$3,307.50
405055		VARIOUS	505	2007	\$2,229,700	TELEPORT COMMUNICATIONS	17.64	\$39,331.91
117810		VARIOUS	505	2007	\$31,902,400	VERIZON NEW ENGLAND	17.64	\$562,758.34
405609		VARIOUS	502	2007	\$1,079,000	MASSPSCCO	17.64	\$19,033.56
33024 0017	375	CHERRY ST	1020	2008S	\$774,000	KAMHOLZ SCOTT E & KAREN LEVINE Asked for Findings of Fact	9.70	\$3,847.75
33024 0017A	377	CHERRY ST	1020	2008S	\$707,400	STEWART JENNIFER L & R DAVID Findings of Fact Requested	9.70	\$4,314.53
118810		VARIOUS	502	2008	\$4,694,400	COMCAST OF MA	18.46	\$86,658.62
117840		VARIOUS	505	2008	\$683,300	AT&T CO OF NE	18.46	\$12,613.72
117850		VARIOUS	505	2008	\$310,000	AT&T CORP	18.46	\$5,722.60
404576		VARIOUS	505	2008	\$11,500	CONVERSANT COMM	18.46	\$212.29
404220		VARIOUS	505	2008	\$183,100	GLOBAL CROSSING NA	18.46	\$3,380.03
117830		VARIOUS	505	2008	\$348,200	MCI COMMUNICATIONS SERVICES	18.46	\$6,427.77
405579		VARIOUS	505	2008	\$265,100	NEXTEL COMMUNICATIONS OF THE MID-ATLANTIC	18.46	\$4,893.75
405859		VARIOUS	505	2008	\$1,746,900	OMNIPONT COMMUNICATIONS	18.46	\$32,247.77
117800		VARIOUS	505	2008	\$49,700	SPRINT COMMUNICATIONS	18.46	\$917.46
404222		VARIOUS	505	2008	\$114,600	SPRINT SPECTRUM LP	18.46	\$2,115.52
405055		VARIOUS	505	2008	\$2,267,700	TELEPORT COMMUNICATIONS	18.46	\$41,861.74
117810		VARIOUS	505	2008	\$27,156,200	VERIZON NEW ENGLAND	18.46	\$501,303.45
33015 0015	93	BORDER ST	400	2009	\$1,640,900	GB REALTY TRUST	19.00	\$31,177.10
41009 0002	2300	COMMONWEALTH AVE	112	2009	\$8,065,400	CHATHAM PROPERTIES LLC	9.96	\$80,331.36
51028 0008B	201	NEEDHAM ST	322	2009	\$6,186,800	201 NEEDHAM ST LLC	19.00	\$117,549.20
51028 0008	233	NEEDHAM ST	340	2009	\$10,145,900	NEEDHAM ST EQUITY PARTNERS LLC	19.00	\$192,772.10
PP 405609		VARIOUS	501	2009	\$1,072,400	MASSPSCCO	19.00	\$20,375.60
117850		VARIOUS	505	2009	\$980,300	AT&T CORPORATION	19.00	\$18,625.70
404576		VARIOUS	505	2009	\$10,700	CONVERSANT COMMUNICATIONS	19.00	\$203.30
404220		VARIOUS	505	2009	\$180,300	GLOBAL CROSSING NORTH AMERICAN	19.00	\$3,425.70
117830		VARIOUS	505	2009	\$377,000	MCI COMMUNICATIONS SERVICES	19.00	\$7,163.00
117800		VARIOUS	505	2009	\$49,000	SPRINT COMMUNICATIONS	19.00	\$931.00
405055		VARIOUS	505	2009	\$2,306,300	TELEPORT COMMUNICATIONS	19.00	\$43,819.70
117810		VARIOUS	505	2009	\$23,636,000	VERIZON NEW ENGLAND	19.00	\$449,084.00
405674		VARIOUS	505	2009	\$11,800	XO COMMUNICATIONS	19.00	\$224.20
405988		VARIOUS	508	2009	\$2,395,900	NEW CINGULAR WIRELESS PCS LLC	19.00	\$45,522.10
PP 403354	320	WASHINGTON ST	501	2009	\$527,500	NEXTEL COMMUNICATIONS MID ATLANTIC INC	19.00	\$10,022.50
					\$1,308,600	STARWOOD NEWTON RLTY LLC/SHERATON NEWTON	19.00	\$24,863.40

Shl	Number	Street Name	Landuse	Year	Value	Name	Rate	Tax
82028 0012	80 BALDPATE HILL RD		101	2010	\$1,634,100	KAIZ SABRA	10.41	\$17,010.98
33015 0015	93 BORDER ST		400	2010	\$1,640,900	GB REALTY TRUST	19.93	\$32,703.14
82002 0030	7 HAMMELL PL		130	2010	\$367,500	7 HAMMELL PL LLC	10.41	\$3,825.68
82037 0094	0 KESSELER WAY		132	2010	\$810,100	C S KESSELER LLC	10.41	\$16,145.29
82057 0093	0 KESSELER WAY		130	2010	\$691,300	C S KESSELER LLC	10.41	\$13,777.61
82037 0095	0 KESSELER WAY		130	2010	\$2,241,600	C S KESSELER LLC	10.41	\$44,675.09
82037 0080	0 KESSELER WAY		130	2010	\$1,251,000	C S KESSELER LLC	10.41	\$24,932.43
41031 0016	163 LEXINGTON ST		112	2010	\$7,252,200	CAPPASO DONATO DTR	10.41	\$75,495.40
51028 0029B	19 NEEDHAM ST		340	2010	\$517,000	KSKIM UBC EQUITY PTNR LLC	19.93	\$10,303.81
51028 0025C	19 NEEDHAM ST		340	2010	\$2,160,000	KSKIM UBC EQUITY PTNR LLC	19.93	\$43,048.80
51028 0025D	19 NEEDHAM ST		340	2010	\$2,430,000	KSKIM UBC EQUITY PTNR LLC	19.93	\$48,429.90
51028 0029A	19 NEEDHAM ST		322	2010	\$905,200	KSKIM UBC EQUITY PTNR LLC	19.93	\$18,040.64
51023 0025	19 NEEDHAM ST		340	2010	\$891,500	KSKIM UBC EQUITY PTNR LLC	19.93	\$17,767.60
51028 0008G	225 NEEDHAM ST		325	2010	\$8,473,000	NEEDHAM ST ACQUISITIONS LLC	19.93	\$168,866.89
51028 0005	55 TOWER RD		400	2010	\$12,998,400	NORTHLAND TOWER RD INVESTORS INC	19.93	\$259,056.11
117850	0 VARIOUS		505	2010	\$929,000	BOARD V COR & AT&T CORP INT DIV	19.93	\$17,651.00
404576	0 VARIOUS		505	2010	\$10,300	CONVERSANT COMM MA	19.93	\$195.70
404220	0 VARIOUS		505	2010	\$173,300	GLOBAL CROSSING NA	19.93	\$3,292.70
404221	0 VARIOUS		505	2010	\$980,500	LEVEL 3 COMM LLC	19.93	\$18,629.50
117830	0 VARIOUS		505	2010	\$218,200	MCI COMM SERV INC	19.93	\$4,145.80
117800	0 VARIOUS		505	2010	\$50,200	SPRINT COMM CO LP	19.93	\$953.80
405055	0 VARIOUS		505	2010	\$2,918,900	TELEPORT COMM GRP	19.93	\$55,459.10
117810	0 VARIOUS		505	2010	\$56,446,400	VERIZON NE INC	19.93	\$1,072,481.60
406150	0 VARIOUS		505	2010	\$8,500	XO COMM INC	19.93	\$161.50
PP 118810	0 VARIOUS		502	2010	\$8,238,300	COMCAST OF MA INC	19.93	\$164,189.32
PP 406389	0 VARIOUS		502	2010	\$1,072,400	SPRINT WIRELESS LEASING CO	19.93	\$21,372.93
22005 0033	304 WALNUT ST		325	2010	\$1,686,100	CASEY ROBERT J TR	19.93	\$33,603.97
PP 120180	1 WELLS AVE		502	2010	\$413,000	NE DEVELOPMENT	19.93	\$8,231.09
84034 0002B	7 WELLS AVE		340	2010	\$14,521,100	7/57 ACQUISITION LLC	19.93	\$289,405.52
84034 0002C	75 WELLS AVE		340	2010	\$41,389,700	NS WELLS ACQUISITION LLC	19.93	\$824,896.72
84034A0004B	94 WELLS AVE		340	2010	\$1,568,200	NINETY FOUR WELLS LLC	19.93	\$31,254.23
84034 0002S	181 WELLS AVE		340	2010	\$3,813,100	EAST-WEST ENTERPRISES CO LTD	19.93	\$75,995.08
61036 0001	808 BEACON ST		341	2011	\$2,078,800	BANK OF AMERICA	20.89	\$43,426.13

Sh#	Number	Street Name	Landuse	Year	Value	Name	Rate	Tax
64003 0012	1099	BEACON ST	325	2011	\$2,283,200	WABAN 132 LLC	20.89	\$47,666.05
54022 0055	1188	BEACON ST	104	2011	\$1,650,800	COLD SPRING GREEN LLC	10.9	\$18,102.72
54022 0056	1192	BEACON ST	104	2011	\$1,390,700	COLD SPRING GREEN LLC	10.9	\$15,158.63
33015 0015	93	BORDER ST	400	2011	\$1,640,900	GB REALTY TRUST/ BERBECO GEORGE R TR	20.89	\$34,278.40
82002 0020	160	BOYLSTON ST	113	2011	\$43,420,000	AVALON AT CHESTNUT HILL INC	10.9	\$473,278.00
82002 0001	300	BOYLSTON ST	323	2011	\$68,978,800	MAVFLOWER ATRIUM LLC	20.89	\$1,440,967.13
44025 0010	2034-2060	COMMONWEALTH AVE	324	2011	\$7,179,500	AUBURNDALE PLAZA LTD PTRNSHP/SHAW'S SUPERMARKET	20.89	\$149,979.76
44623 0016	45	CRESCENT ST	316	2011	\$2,519,300	FOWLER FREDERICK V JR TR	20.89	\$52,628.18
82040 0005	69	DORCAR RD	101	2011	\$761,600	YU TACHIEN & TIEFANY	10.9	\$8,301.44
52043 0039	34-36	ERIE AVE UNIT 34	102	2011	\$724,600	PRESSMAN ARTHUR L	10.9	\$7,898.14
82037 0080	34-36	ERIE AVE UNIT 36	102	2011	\$724,600	QUINT BYRON & PATRICIA	10.9	\$7,898.14
82037 0095	156	HARWICH RD	101	2011	\$1,493,400	CS KESSELER LLC	10.9	\$16,278.00
82037 0094		KESSELER WAY	130	2011	\$2,196,800	CS KESSELER LLC	10.9	\$23,945.12
82037 0093		KESSELER WAY	132	2011	\$810,100	CS KESSELER LLC	10.9	\$8,830.09
61033 0002	10	LANGLEY RD	340	2011	\$5,662,300	CS KESSELER LLC	10.9	\$7,384.75
41031 0016	155-163	LENGINGTON ST	112	2011	\$7,252,200	NEWTON LANGLEY LIMITED PARTNERSHIP	20.89	\$118,703.25
51028 0025	19-31	NEEDHAM ST UNIT 21-1	340	2011	\$891,600	CAPPASSO DONATO D TR	10.9	\$79,048.98
51028 0025A	19-31	NEEDHAM ST UNIT 21-2	322	2011	\$905,200	CS KIM UBC EQUITY PARTNERS LLC	20.89	\$18,623.44
51028 0025B	19-31	NEEDHAM ST UNIT 33-3	340	2011	\$517,000	CS KIM UBC EQUITY PARTNERS LLC	20.89	\$18,909.63
51028 0025C	19-31	NEEDHAM ST UNIT 4	340	2011	\$2,160,000	CS KIM UBC EQUITY PARTNERS LLC	20.89	\$10,800.13
51028 0025D	19-31	NEEDHAM ST UNIT 5	340	2011	\$2,584,000	CS KIM UBC EQUITY PARTNERS LLC	20.89	\$45,122.40
405580	86	NEEDHAM ST	502	2011	\$2,600	NEW CINGULAR WIRELESS POS LLC	20.89	\$53,979.76
51028 0008G	225	NEEDHAM ST	325	2011	\$8,473,000	NEEDHAM ST ACQUISITIONS *ABATED \$15828.35	20.89	\$54.31
83030 0012	260	NEEDHAM ST	322	2011	\$7,593,100	NORTHLAND 260 NEEDHAM ST LLC	20.89	\$177,000.97
51028 0006	275-281	NEEDHAM ST	323	2011	\$9,436,200	NEEDHAM ST ASSOCIATES / FRIEDMAN ARTHUR TR	20.89	\$158,619.86
51028 0005	55	TOWER RD	400	2011	\$12,800,000	NORTHLAND TOWER ROAD INVESTORS LLC	20.89	\$197,122.22
406527		VARIOUS	501	2011	\$124,300	AGRICREDIT ACCEPTANCE LLC	20.89	\$2,673,922.00
118810		VARIOUS	502	2011	\$9,257,300	COMCAST DFMAL INC	20.89	\$2,596.63
405674		VARIOUS	508	2011	\$1,872,900	NEW CINGULAR WIRELESS POS LLC	20.89	\$193,385.00
PP117850		VARIOUS	505	2011	\$909,900	AT&T CORP	20.89	\$39,124.88
PP404576		VARIOUS	505	2011	\$9,400	CONVERSENT	20.89	\$19,007.81
PP404520		VARIOUS	505	2011	\$169,500	GLOBAL CROSSING NORTH AMERICAN NETWORKS INC	20.89	\$166.37
PP404221		VARIOUS	505	2011	\$992,000	LEVEL 3 COMMUNICATIONS LLC	20.89	\$3,540.86
PP405257		VARIOUS	505	2011	\$218,600	MCI COMMUNICATIONS SERVICES INC	20.89	\$20,722.88
PP404004		VARIOUS	505	2011	\$445,000	QWEST COMMUNICATIONS CORP	20.89	\$4,566.55
PP117800		VARIOUS	505	2011	\$48,800	SPRINT COMMUNICATIONS CO LP	20.89	\$9,296.05
PP405055		VARIOUS	505	2011	\$2,944,800	TELEPORT COMMUNICATIONS GROUP D/B/A AT&T	20.89	\$1,019.43
PP117810		VARIOUS	505	2011	\$55,093,000	VERIZON NEW ENGLAND INC	20.89	\$61,516.87
PP406150		VARIOUS	505	2011	\$8,500	XO COMMUNICATIONS INC	20.89	\$1,150,892.77
12007 0001	45	WABAN ST	111	2011	\$730,800	SAMIA LEONARD J	10.9	\$7,965.72
64003 0010		WALNUT ST	390	2011	\$236,700	WABAN 132 LLC	20.89	\$4,944.66
22005 0033	304-306	WALNUT ST	325	2011	\$1,690,400	CASEY J ROBERT TRICVS	20.89	\$35,312.46
64003 0011	875	WALNUT ST	337	2011	\$634,200	ASHKOURI	20.89	\$13,248.44
31007 0040	1188	WASHINGTON ST	340	2011	\$118,400	ASHKOURI	20.89	\$2,473.38
31007 0040B	1188	WASHINGTON ST	340	2011	\$215,000	ASHKOURI	20.89	\$4,491.35
31007 0040D	1188	WASHINGTON ST	340	2011	\$206,600	ASHKOURI	20.89	\$4,315.87
31007 0004G	1188	WASHINGTON ST	340	2011	\$215,600	ASHKOURI	20.89	\$4,503.88
84034 0002B	7	WELLS AVE	340	2011	\$14,521,100	NS 7/57 ACQUISITION LLC	20.89	\$303,345.78
84034 0002C	75-95	WELLS AVE	340	2011	\$41,389,700	NS WELLS ACQUISITION LLC	20.89	\$864,630.83
84034 00004B	94	WELLS AVE	340	2011	\$1,568,200	NINETY FOUR WELLS LLC	20.89	\$32,759.70
84034 0002D	111	WELLS AVE	337	2011	\$1,950,500	NS WELLS ACQUISITION LLC	20.89	\$40,745.95
84034 0002S	181	WELLS AVE	340	2011	\$3,813,100	EAST-WEST ENTERPRISES CO LTD	20.89	\$79,655.66
84034 0002U	199	WELLS AVE	340	2011	\$6,626,900	MPL GROUP INC TR / 199 WELLS REALTY TRUST	20.89	\$138,435.94

**CITY OF NEWTON
ASSESSMENT ADMINISTRATION
STATE-MANDATED REVALUATION
Budget Plan 4-4-2012**

Computer Assisted Mass Appraisal (CAMA) Software

Programming & Consulting \$ 40,000

Hardware (System Requirements for New Version of Vision CAMA)

14 Workstations, Monitors, Operating Systems \$ 9,600

Proliant HP DL370 Server & Windows OS \$ 10,400

4 scanners \$ 4,000

Personnel Costs

Seasonal Wages \$ 30,000

Appraiser Certification \$ 30,000

Printing Costs

30,000 Revaluation Information Brochures \$ 3,500

Postage Costs \$ 22,500

Litigation

Legal Services \$ 85,000

Expert Witnesses \$185,000

Court Costs \$ 30,000

Total \$450,000

CITY OF NEWTON, MASSACHUSETTS
SUMMARY OF MAJOR FINANCIAL RESERVES

	Certified Free Cash	Overlay Surplus	Snow/Ice Reserve	Budget Reserve	Rainy Day Stabl. Fund	Wage Reserve	Suppl. 2012 Local Aid	Parking Meter Receipts	FEMA Storm Reimbursements	CPA Fund Balance	Stormwater Surplus	Sewer Surplus	Water Surplus	Capital Stabilization Fund	OPEB Trust
Beginning balance - July 1, 2011	\$ 6,793,864	\$ -	\$ 1,361,225	\$ 500,000	\$ 2,648,966	\$ 175,000	\$ -	\$ 318,188	\$ -	\$ 6,157,731	\$ 514,528	\$ 1,899,007	\$ 1,843,456	\$ 5,139,489	\$ 137,295
Additions/adjustments	-	750,000	-	-	2,503,501	-	359,397	1,182,408	530,350	95,054	-	-	-	418,550	175,254
Year to date appropriations/uses	(4,528,864)	-	-	(483,250)	-	(126,549)	(359,397)	-	-	(4,000)	(150,000)	-	-	(223,953)	-
Pending FY 2012 appropriations	(61,000)	(250,000)	-	(16,750)	-	-	-	-	-	(938,063)	-	-	-	-	-
Designated - FY 2012 Snow/Ice	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Designated - FY 2012 Budget Reserve	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Designated - FY 2012 Other	-	-	-	-	-	-	-	-	(530,350)	-	-	-	-	-	-
Designated - FY 2013 Budget	(2,000,000)	(500,000)	-	-	-	-	(1,650,000)	-	-	-	-	-	-	(2,700,000)	-
Designated - FY 2014 Budget	-	-	-	-	-	-	-	-	-	-	-	-	-	(2,101,557)	-
Available balance:	\$ 204,000	\$ -	\$ 1,361,225	\$ -	\$ 5,152,467	\$ 48,451	\$ -	\$ (149,404)	\$ -	\$ 5,310,722	\$ 364,528	\$ 1,899,007	\$ 1,843,456	\$ 532,529	\$ 312,549
								{4}	{3}	{1}				{2}	

{1} Community Preservation Fund:
 Reserved - Open Space \$ 349,235
 Reserved - Historic Preservation 752,518
 Reserved - Community Housing 46,446
 Reserved - CPA Purposes 4,162,523
 Total CPA Fund Balance \$ 5,310,722

{2} Capital Stabilization Fund:
 Reserved - Water & Sewer \$ 105,000
 Reserved - Debt Funded Projects 12,424
 Designated - Future Debt Service -
 Designated - Fire Station Renovations 5,006
 Designated - Energy Conservation 373,102
 Designated - Ordinary Capital Funding 36,997
 Total Capital Stabilization Fund Balance \$ 532,529

{3} FEMA/MEMA Storm Reimbursements:
 December 2008 Ice Storm \$ 3,302
 Spring 2010 Flooding 78,554
 January 2011 Snow Storm 448,494
 Total FEMA Storm Reimbursements \$ 530,350

Marcia Cooper, Evelyn Road and President of the Green Decade, shared that the membership of the Green Decade cares about noise pollution and about the air that the community is breathing. She believes that the residents of the city are learning that quality of life is more important than immaculate lawns and that the quality of the air we breathe is becoming a greater public concern. The people who are bothered need to be heard and respected.

Les Fiarenzo, 52 Washington Park, voiced his concern over the noise level of leaf blowers especially from the worker's operating them whom he often sees without the proper hearing protection.

Ald. Blazar moved approval of the Leaf Blower Task Force item. The conversation continued on to Ald. Yates' item for which he explained that the impetus of his item was former Senator Lois Pines' experience with construction occurring next to her home which was lengthy and very disruptive. The committee was comfortable with the proposal that Ald. Yates had submitted at the last meeting (attached to this report) generally agreeing with the policy choice of having one maximum decibel level regardless of how many pieces of equipment are running. After a brief discussion on enforcement and whether the enforcing agent should be ISD (though the committee decided against this due to the fact that they haven't yet been consulted and would not be available on weekends), Ald. Baker moved approval of the item.

The committee voted on both items and both were unanimously approved.

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

ACTION: **APPROVED 8-0**

NOTE: See note from item #422-06(2).

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]

**FINANCE VOTED NO ACTION NECESSARY ON 10/12/11
PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON 10/19/11**

ACTION: **APPROVED & REFERRED TO FINANCE 5-0-3(Fischman, Baker, Blazar abstaining)**

#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.

APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining)

CHAIRMAN'S NOTE: Attached to the report is an updated draft for Alderman Baker's version of the Home Rule Petition along with Former Alderman Coletti's draft of the

Home Rule Petition. We can recommit if members are so inclined prior to referring it on to Finance.

NOTE: Former Ald. Coletti joined the committee again to discuss the future of this item. The discussion was focused on choosing between the two drafts - the original language proposed by Mr. Coletti, or the revised home rule petition drafted by Ald. Baker. Alderman Baker based his draft on the draft language provided by State Rep. Ruth Balsler which was previously submitted. Ald. Baker tailored the language to become a home rule petition rather than statewide legislation – as may be proposed by Rep. Balsler. The main difference between the Coletti draft and the Baker draft is that Ald. Baker’s draft asks the public to vote to allow the city to tax them a percentage anywhere up to 3% (as is done with the CPA), whereas the original proposal would ask the public to vote on a 1% increase while also allowing the city to increase this percentage to 2.5% with mayoral approval and a ¾ vote of the full Board. The reason for the amended percentage proposal in Ald. Baker’s draft is that Ald. Baker is concerned that the public won’t be comfortable with allowing an increase to 2.5% without their voting on it again. Fmr. Ald. Coletti is not in favor of writing in 3% and prefers the original item as written which he believes will be much more easily accepted by the voters since it is a lesser percentage. He also stressed that this proposal wouldn’t affect proposition 2 ½. He stated that he wasn’t looking for a way to get higher revenue to surpass prop 2 ½, but rather that he was looking for a way to duplicate that funding with this method and use it in place of prop 2 ½ overrides. It was decided by the committee that both items should move on to Finance (Ald. Sangiolo informed the committee that Ald. Gentile would be willing to take this up again) and that the item should be split so that the main item remains Fmr. Ald. Coletti’s item and item 130-11(A) becomes Ald. Baker’s draft as proposed by the Committee.

Bob Rooney was asked whether or not the Mayor would be interested in this proposal or something similar. Mr. Rooney responded all options are under consideration and that the Mayor’s plan for infrastructure improvements will be released in the fall.

The motion to approve the items and refer them back to Finance Committee was then made. The motions carried 5-0-3 for the main item and 7-0-1 for 130-11(A)

#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.

ACTION: **APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining)**

NOTE: Please see the note for item #130-11.

#67-12 ALD. ALBRIGHT seeking a discussion with the Executive Department regarding a plan and timeline for funding an archivist/records manager position for the city to oversee the preservation, cataloguing, and organization of the city archives; provide guidance and assistance to city departments that are maintaining their own archives in order to ensure that

130-11
Received at Atty 3-7-12

Proposed Home Rule Petition

ORDERED:

That the Board of Aldermen hereby requests and authorizes His Honor the Mayor to submit a home rule petition to the General Court for Special Legislation as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the City of Newton requests authority to establish a Capital Preservation Fund. The City of Newton requests authority to impose a 1% surcharge on real estate to be deposited into a Capital Preservation Fund. Such Fund would be used exclusively to proceed with capital improvement projects identified in the Capital Improvement Plan submitted by the Mayor and adopted by the Board of Aldermen. The Board of Aldermen together with the Mayor, will have the authority to identify projects and approve expenditures on an annual basis.

- Funds raised under the Capital Preservation Act shall not be restricted from paying interest and or principal for Bonds sold to finance projects approved by the Mayor and Board of Aldermen.
- This Special Legislation shall allow for a maximum surcharge percentage of 2.5% with approval of the Mayor and 3/4 vote of the full Board of Aldermen.

[Draft dated 03-30-12 of a Capital improvement Plan Home Rule Petition incorporating language based on the model of the Community Preservation Act with modifications made by discussion in the Programs and Services Committee. **Note:** some technical corrections have been made to put the draft in proper form and character and to more closely track the relevant sections of the community preservation act; these included those provisions of the CPA relating to later modification.]

ORDERED:

That the Board of Aldermen hereby requests and authorizes His Honor the Mayor to submit a home rule petition to the General Court for Special legislation as follows:

Section 1. This Act shall be known and may be cited as the Newton Capital Improvement Act. The purpose of this Act is to provide a stable and sustainable source of revenue to assure the ability of the City of Newton to fund the projects set forth in the annual Capital Improvement Plan proposed by the Mayor of Newton (“Mayor”) and adopted by the Newton Board of Aldermen (“Board”).

Section 2. As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:—

“Annual income”, a family’s or person’s gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

“Capital Improvement Act Fund”, the fund established under section 5.

“Real property”, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

“Real property interest”, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

Section 3. (a) Sections 3 to 5, inclusive, shall take effect upon the approval by the Board and their acceptance by the Newton voters of a ballot question as set forth in this section.

(b) Notwithstanding chapter 59 or any other general or special law to the contrary, the Board may vote to accept sections 3 to 5, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59. The proceeds of such surcharge shall be available for expenditure from the Capital Improvement fund provided for in Section 5, below.

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law

shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The Board may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates; or

(3) for \$100,000 of the value of each taxable parcel of residential real property.

(f) Upon approval by the Board, the actions of the Board shall be submitted for acceptance to the voters of Newton at the next regular municipal or state election. The city clerk or the state secretary shall place it on the ballot in the form of the following question: "Shall Newton accept sections 3 to 5, inclusive of Chapter _____ of the Acts of _____, as approved by its Board of Aldermen, a summary of which appears below"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the Newton City Solicitor including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city of Newton, but not otherwise.

(g) The final date for notifying or filing a petition with the city clerk or the state secretary to place such a question on the ballot shall be 35 days before the city election or 60 days before the state election.

Section 4. (a) Upon acceptance of sections 3 to 5, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

Section 5. Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, if the city accepts sections 3 to 5, inclusive, the city shall establish a separate account to be known as the Capital Improvement Act Fund. All monies received in connection with the surcharge, along with any matching state and/ or federal grant funds, and all interest earned on temporarily idle cash balances of the fund, shall be deposited to

said fund, which shall be maintained by the City treasurer. No monies paid into the funds shall be used without an appropriation recommended by the Mayor and approved by a majority vote of the Board of Aldermen, and no appropriation shall be made from the fund for a purpose not provided for in the City's approved Capital Improvement Plan without a 2/3 vote of the Board of Aldermen.

The treasurer may deposit or invest temporarily idle cash balances of the fund in any investment vehicle which the municipal finance laws of the Commonwealth permit for municipalities, subject to such additional restrictions that the City may determine to be in the best interest of the City. The Comptroller of the City shall provide the Mayor and Board of Aldermen with a report on the financial position of the fund; changes in financial results; and budget to actual reporting for each appropriation voted from fund resources at least quarterly, and shall report the fund as a "major fund" in the City's audited Comprehensive Annual Financial Report.

Section 6. If the City accepts sections 3 to 5, inclusive, it may issue, from time to time, general obligation bonds, or notes in anticipation of revenues to be raised pursuant to section 3, the proceeds of which shall be deposited in the Capital Improvement Act Fund, and interest and principal associated with such debt funded from resources of the Capital Improvement Act Fund

Bonds or notes so issued shall be sold competitively, at such rates of interest as shall be necessary and shall be repaid over a period of time that matches the projected useful life of the capital improvement being financed. . Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of chapter 44.

Section 7:

Funds in the Capital Improvement Act Fund may be made available and used by the city or town as the local share of state or federal grants upon recommendation of the Mayor and the Board, as provided for in section 5, if such grants and such local share are used in a manner consistent with the recommendations of the purposes of this chapter.

Section 8. (a) At any time after imposition of the surcharge, the legislative body may approve and the voters may accept an amendment to the amount and computation of the surcharge, or to the amount of exemption or exemptions, in the same manner and within the limitations set forth in this chapter. (b) At any time after the expiration of five years after the date on which sections 3 to 5, inclusive, have been accepted in the City of Newton, said sections may be revoked in the same manner as they were accepted by the City, but the surcharge imposed under section 3 shall remain in effect in Newton, with respect to unpaid taxes on past transactions and with respect to taxes due on future transactions, until all contractual obligations incurred by the city prior to such termination shall have been fully discharged.

DRAFT

ESTABLISHING A MASSACHUSETTS INFRASTRUCTURE IMPROVEMENT ACT.

The General Laws are hereby amended by inserting after chapter 44B the following chapter:-

CHAPTER 44C

THE INFRASTRUCTURE IMPROVEMENT ACT

Section 1. This chapter shall be known and may be cited as the Massachusetts Infrastructure Improvement Act.

Section 2. As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:-

"Acquire", obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. "Acquire" shall not include a taking by eminent domain, except as provided in this chapter.

"Annual income", a family's or person's gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

"Infrastructure improvement committee", the municipal committee established under section 7.

"Legislative body", the agency of municipal government which is empowered to enact ordinances or by-laws, adopt an annual budget and other spending authorizations, loan order, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.

"Property", all city-owned buildings, streets and sidewalks.

"Real property", land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

"Real property interest", a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

Section 3. (a) Sections 3 to 7, inclusive, shall take effect in any city or town upon the approval by the legislative body and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding chapter 59 or any other general or special law to the contrary, the legislative body may vote to accept sections 3 to 7, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59.

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The legislative body may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates; or

(3) for \$100,000 of the value of each taxable parcel of residential real property.

(f) Upon approval by the legislative body, the actions of the body shall be submitted for acceptance to the voters of a city or town at the next regular municipal or state election. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question: "Shall this (city or town) accept sections 3 to 7, inclusive of chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor or town counsel, including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city or town, but not otherwise.

(g) The final date for notifying or filing a petition with the city or town clerk or the state secretary to place such a question on the ballot shall be 35 days before the city or town election or 60 days before the state election.

(h) If the legislative body does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city or town election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city or town requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city or town clerk or the state secretary shall cause the question to be placed on the

ballot at the next regular city or town election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.

(i) With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or

mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this paragraph are met. This subsection shall take effect in a city or town upon its acceptance by the city or town.

Section 4. (a) Upon acceptance of sections 3 to 7, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

Section 5. (a) A city or town that accepts sections 3 to 7, inclusive, shall establish by ordinance or by-law a

infrastructure improvement community committee. The committee shall consist of not less than five nor more than nine members. The ordinance or by-law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, one member of the conservation commission established under section 8C of chapter 40 as designated by the commission, one member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, one member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and one member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by-law, acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.

(b)(1) The infrastructure improvement committee shall study the needs, possibilities and resources of the city or town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.

(2) The infrastructure improvement committee shall make recommendations to the legislative body for infrastructure improvements projects.

(3) The infrastructure improvement committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes.

(c) The infrastructure improvement committee shall not meet or conduct business without the presence of a quorum. A

majority of the members of the infrastructure improvement committee shall constitute a quorum. The infrastructure improvement committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.

(d) After receiving such recommendations from the infrastructure improvement committee, the legislative body shall then take such action and approve such appropriations from the Community Preservation Fund as set forth herein, and such additional appropriations as it deems appropriate to carry out the recommendations of the infrastructure improvement committee.

(e) For the purposes of community preservation and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two-thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.

(f) Section 16 of chapter 30B shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding section 14 of chapter 40, for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.

A city or town may appropriate money in any year from the Community Preservation Fund to an affordable housing trust fund.

Section 6. In every fiscal year and upon the recommendation of the infrastructure improvement committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, but not including land for recreational use, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. In each fiscal year, the legislative body shall make such appropriations from the infrastructure improvement committee as it deems necessary for the administrative and operating expenses of the infrastructure

improvement committee, but the appropriations shall not exceed 5 per cent of the annual revenues in the infrastructure improvements committee. Funds that are set aside shall be held in the infrastructure improvement committee and spent in that year or later years, but funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town in the commonwealth. The community preservation funds shall not replace existing operating funds, only augment them.

Section 7. Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, a city or town that accepts sections 3 to 7, inclusive, shall establish a separate account to be known as the infrastructure improvement committee of which the municipal treasurer shall be the custodian. The authority to approve expenditures from the fund shall be limited to the legislative body and the municipal treasurer shall pay such expenses in accordance with chapter 41.

The following monies shall be deposited in the fund: (a) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to section 4; and (b) all funds received from the commonwealth or any other source for such purposes; The treasurer may deposit or invest the proceeds of the fund in savings banks, trust companies

incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by section 54 of chapter 44, and any income therefrom shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the recommendations of the community preservation committee and providing administrative and operating expenses to the committee.

SECTION 2. This act shall take effect by the acceptance by a city, town or municipality. In a city such acceptance shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in any other municipality by vote of the legislative body.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#88-12

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

David A. Olson, CMC
Newton, MA 02459

2012 MAR 26 PM 4:37

RECEIVED
Newton City Clerk

March 26, 2012

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 appropriate the sum of \$36,000 from Free Cash for the purpose of replacing 48 expired, or soon to be expired, bullet resistant body armor vests currently worn by Newton Police Officers.

A request and justification from Chief Cummings is attached.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



City of Newton
Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679
TDD/TTY: 617-796-1089

Office of the Chief of Police
HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465

MATTHEW A. CUMMINGS
CHIEF OF POLICE

January 30, 2012

Hon. Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Special Appropriation Request -- Body Armor Replacements

Dear Mayor Warren:

Respectfully request a special appropriation in the amount of \$36,000 for the purpose of replacing forty-eight (48) expired, or soon to be expired, bullet resistant body armor vests currently worn by Newton Police officers. The replacement cost for each vest is approximately \$750.00. I fully expect that this \$36,000 figure will be reimbursed to the City in equal shares of 50/50 by the Federal and State governments over the next 6-12 months. A body armor vest replacement justification sheet is attached. Thank you very much for your consideration of this matter. Please direct any questions to me at extension 2101.

Very truly yours,

Matthew A. Cummings
Chief of Police

Attachment:
Body Armor Vest Replacement Justification Sheet

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS



Newton Police Department

January 30, 2012

Body Armor Replacements

Special Appropriation for Body Armor Replacement Vests (\$36,000)

Justification Regarding Importance:

It is the policy of the Newton Police Department to maximize the safety of all officers through the use of body armor in combination with prescribed safety procedures. All sworn police officers are issued body armor and are required to wear this body armor when engaged in high-risk police activities. There is significant evidence indicating that the use of body armor has a marked effect in reducing the number of deaths and the severity of injuries resulting from police shootings or blunt trauma incidents. According to the International Association of Chiefs of Police, a study conducted from 1975 to 2003 revealed that protective body armor saved the lives of 2,700 police officers. The number of saved police officers' lives has risen significantly since this study was originally conducted in 2003.

Service to Residents:

The loss of one police officer in a small agency can have a crippling effect upon manpower and the agency's ability to deliver services, not to mention the devastating blow that it inevitably has on fellow officers, friends and colleagues. While larger agencies are less vulnerable to manpower disruptions, they too experience devastating emotional blows that can disrupt operations and services. The shooting of an officer creates a wide variety of unanticipated and very costly expenditures for the agency. Possible expenditures include medical bills; funeral expenses; workman's compensation and death benefit payments; increased insurance premiums; sick leave; retirement system costs; legal fees; civil judgments; replacement and retraining expenses; and overtime pay. Viewed solely in a financial light, the effects of an officer's death can have significant consequences on costs and the delivery of services to residents.¹

Ramification of Delaying:

In accordance with Police Department guidelines, body armor use is not a freedom of choice issue, but rather an occupational safety issue. Just as construction workers are not allowed to work without their hard hats and reinforced boots, officers are not allowed to engage in potentially fatal activities without wearing their body armor. Officers are required to respect safety procedures and utilize department-approved safety equipment. Delaying the replacement of these body armor vests may subject Newton Police officers to unnecessary safety hazards when they participate in pre-planned, high risk incidents such as drug raids, warrant apprehensions, warrant executions, etc., or when they are scheduled for duty assignments such as VIP protection, bank details, employment or domestic dispute details where there is the potential for disruptive or violent behavior.

¹ IACP National Law Enforcement Police Center, *Body Armor Concepts and Issues Paper*, Originally published June 1990, revised April 2009.

DRAFT #297-11(4)

CITY OF NEWTON
IN BOARD OF ALDERMEN
MARCH 21, 2012

WHEREAS, Patricia Sweeney has retired from her position as Veterans Services Contact Officer as of January 2012 after 23 years in this position and over 30 years in public service for the City of Newton; and

WHEREAS, this position also served the Licensing Department and Licensing Board of Commissioners; and

WHEREAS, this position provides a crucial function for the Licensing Board of Commissioners and requires a great deal of knowledge to be able to serve the Board properly, which Ms. Sweeney had acquired after many years of service to the city in this position; and

WHEREAS, staff members from the Health Department will be taking over the licensing function that Ms. Sweeney performed during her tenure with the city,

THEREFORE BE IT RESOLVED:

That the Board of Aldermen requests the Executive Department to obtain Patricia Sweeney as a consultant and trainer for the Health Department staff members who will be taking over the duties she once held at the Licensing Department.