

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
FINANCE COMMITTEE REPORT

MONDAY, APRIL 9, 2012

Present: Ald. Gentile (Chairman), Ciccone, Linsky, Salvucci, Rice, Blazar, Fuller, and Lappin

Also present: Ald. Baker

City officials present: Ann Cornaro (Payroll/Administration Information Systems Manager), John MacGillivray (Veterans' Agent and Administrative Director of the Licensing Board), Matt Cummings (Chief of Police), Elizabeth Dromey (Director of Assessing), Maureen Lemieux (Chief Financial Officer), and David Wilkinson (Comptroller)

*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.*

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

**NOTE:** The Committee previously discussed the item on March 26, 2012 (report attached) and held it in order to hold a public hearing. As outlined in the report of the previous discussion, the new department should fall under Chapter 2 of the Ordinances instead of Chapter 9 as requested. The public hearing was opened and no one spoke for or against the establishment of a Financial Information Systems Department; therefore, the public hearing was closed.

The Committee requested that the Administration provide an organizational chart to the Board of Aldermen. Chief Financial Officer Maureen Lemieux agreed to provide the chart to the Board. She explained that the new department would be composed of existing personnel positions from other departments within the City, making the creation of the department revenue neutral. Ann Cornaro, who is currently in the Human Resources Department, will head the new department. The part-time person in the IT Department, who is responsible for warrant processing, and the payroll specialist in the Human Resources Department will be moved to the new department, as soon as the department is established. It is Ms. Lemieux's intent to move a water/sewer billing position from the Utilities Division of the Department of Public Works once the water meter project is complete.

Ald. Salvucci moved approval, which carried unanimously.

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

#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**

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

**NOTE:** The Chairman explained that he requested that the above resolution be referred to the Finance Committee because there are financial implications associated with the resolution. There are some unused personnel funds in the Fiscal Year 2012 Licensing Budget; however, there is no available funding in the Health Department's budget next fiscal year to hire someone to provide additional training to the Health Department staff on licensing. There are less than twelve weeks left in this fiscal year, which does not leave a significant amount of time to hire the former Licensing Administrative Assistant in a consulting role.

It was pointed out that the former Licensing Administrative Assistant Patricia Sweeney trained employees of the Health Department for six months before retiring. Ms. Sweeney voluntarily retired and her position is being eliminated in the Fiscal Year 2013 budget. During discussions in the Programs and Services Committee, concerns were raised that the training was intermittent and that the Health Department personnel could benefit from additional training. The Licensing Board has also voiced concern regarding the transition.

It was suggested that the words "if necessary" be added to the resolution language to allow some flexibility in the resolution request to the Administration. It is up to the Administration to decide whether it is necessary to hire Ms. Sweeney as a consultant. Ald. Fuller moved approval of the resolution with the inclusion of "if necessary" in the resolution, which carried unanimously.

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

#130-11 **PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON** requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]

**PUBLIC FACILITIES VOTED NO ACTION NECESSARY 6-0 on 10/19/11  
PROGRAMS & SERVICES APPROVED & REFERRED TO FINANCE 5-0-3 (Fischman, Baker, Blazar abstaining) on 03/21/12**

**ACTION: HELD 6-1-1 (Salvucci opposed, Ciccone abstaining)**

**NOTE:** Docket items #130-11 and #130-11(A) were discussed together as they are essentially the same request to submit a Home Rule Petition to the State Legislature to establish a Capital Preservation Fund modeled after the Community Preservation Fund. The establishment of the fund would require voter approval if the legislature grants the petition. Approval of either item does not commit to the establishment of such a fund but allows the City the option of creating that type of fund.

The main differences between the two items are that the language related to #130-11 proposes a 1% surcharge on real estate with language that would allow a 2.5% surcharge by a ¾ vote of the Board of Aldermen and approval of the Mayor without going back to the voters for approval. Docket Item #130-11(A) language proposes a surcharge of up to 3% on property tax with language that provides for exemptions for property owners of moderate income.

Ald. Baker explained that he had drafted this version based on the proposed State Legislation filed by Representative Ruth Balser requesting the establishment of a Massachusetts Infrastructure Improvement Act. The Chairman suggested that if the Committee wished to approve the concept, it only approve one version and vote no action necessary on the other version to avoid any confusion.

Committee members raised concerns regarding both proposals. Some members felt that a new surcharge was not appropriate when residents are facing an increase in water/sewer rates this year and last year the School Department imposed new fees or increased fees for transportation and student activity fees. It is also likely that a debt exclusion override proposal is on the horizon. The City will need a substantial amount of money in the next two or three years to address its capital needs at the Angier Elementary School. If either of the two docket items is approved, it may create confusion and reflect negatively on a proposed debt exclusion override.

The Programs and Services Committee wanted to give the Executive Department another option to look at if there was interest. The Executive Office did not indicate that it was unwilling to consider this option or that there was an override on the horizon.

Other members felt that establishing this type of fund was similar to proposing a general override. Further information would be needed, such as a financial analysis, which includes the amount of debt service over the next three years, how much revenue would the new fund generate and how the generated revenue meets the City's year-to-year capital needs. The City needs a capital investment strategy that has been thought through.

It was suggested that both items be held for further discussion to allow the Administration to come forward with a plan and funding mechanism to address the City's capital needs for the next few years. Ald. Lappin moved hold, which carried by a vote of six in favor, one opposed, and one abstention. Ald. Salvucci voted against holding the item, as he felt that it was more appropriate to vote the items no action necessary.

#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 7-0-1 (Blazar abstaining) on 03/21/12**

**ACTION: HELD 6-1-1 (Salvucci opposed, Ciccone abstaining)**

**NOTE:** See above note for discussion of this item.

#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]

**ACTION:**      **APPROVED 8-0**

**NOTE:**      Police Chief Matthew Cummings stated that the Police Department is requesting funds to replace 48 bullet resistant body armor vests. The purchase of the vests is fully reimbursable. The state reimburses 50% of the cost and the federal government reimburses 50% of the cost. The reimbursement will be used to establish a revolving fund for vest replacements in the future negating the need for an appropriation. The revolving fund will allow vests to be replaced on an as needed basis.

Vests typically have a life of eight to twelve years because materials contained in the vests break down overtime. However, it is the department's policy to replace vests that are over five years of age, as recommended by the Department of Justice. The Police Chief provided the attached guide published by the Department of Justice on the selection and application of personal body armor. The Chief also provided the attached body armor replacement schedule, which provides a list of all members of the Police Department, what type of body armor they have been issued, the date issued, the first replacement date and the current replacement due date of each vest.

Ald. Lappin moved approval, which carried unanimously.

#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]

**ACTION:**      **APPROVED 8-0**

**NOTE:**      The request was discussed at the Committee's last meeting on March 26, 2012 (report attached) and held for further information. Director of Assessing Elizabeth Dromey provided the information, which was attached to the agenda for the meeting. The information included a memo, a breakdown of the property revaluation special appropriation, pending Appellate Tax Board cases and a budget for the fund for the next three years. Comptroller David Wilkinson also provided a breakout of the past five years of the Property Tax Abatement and Exemption ("Overlay") Activity, which is attached.

One of the points raised at the last meeting was whether the City should settle its case with Verizon. The Administration has decided to move forward with an appeal. It is a small cost for the City to appeal the case and if the City wins the appeal, the City gains a substantial amount of money.

There is approximately \$200,000 in the overlay account and with the addition of these funds, there will be \$450,000 to provide funds for expert witnesses, outside counsel, new

computer equipment, and software associated with the revaluation. Ms. Dromey believes that the \$450,000 is enough money to handle the cases before the tax board and provide the administration of the state mandated revaluation. Chief Financial Officer Maureen Lemieux added that she expects to move the stipend line item within the revaluation account to the general budget. The stipends are for the three assessors who are State certified appraisers. The stipend is used to keep up with the education required to keep up with the licensing requirements. It saves the City a significant amount of money to have the certified appraisers on staff, as they can represent the City in some of the Appellate Tax Board cases.

There was some concern that the purchase of a server, computer workstations, software, and related equipment are part of the revaluation budget. It was explained that these things were typically contained in the revaluation budget and that in order to perform the revaluation these things needed to be purchased.

Some of the Appellate Tax Board cases are being handled by outside counsel, particularly ones related to telecommunication. The City does not have an in-house attorney with both telecommunications and litigation expertise. It was suggested that the Administration should investigate the possibility of hiring an attorney with those types of expertise, as it would appear a significant amount of the cases are related to telecommunications.

The revaluation account is a special appropriation account. These accounts are generally set up to allow appropriations to be made outside the operating budget for multi-fiscal year projects like the revaluation. When the purpose for which the appropriation was made is complete, any unobligated balances are closed to the City's capital stabilization fund. Comptroller David Wilkinson provided the attached schedule of expenditures and transfers related to special appropriation accounts.

Ald. Lappin moved approval, which carried unanimously.

The Committee adjourned at 8:35 p.m. and all other items before the Committee were held without discussion. Draft Board Orders for the above items that are recommended for Board of Aldermen action are attached.

Respectfully submitted,

Leonard J. Gentile, Chairman

sewer system from assessment. The new draft language is attached. Ald. Rice moved approval, which carried unanimously.

*Public hearing assigned for April 9, 2012:*

#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.*

**ACTION:**     **HELD 7-0 (Gentile not voting)**

**NOTE:**       The Mayor is requesting the establishment of a new Financial Information Systems Department. The department should fall under Chapter 2 of the Ordinances instead of Chapter 9 as originally requested. Chapter 2 would allow the proposed department to report to the Executive Department, which is the appropriate location. The new department will be a resource dedicated to the financial groups and the financial personnel throughout the city. The department will be responsible for the processing of all payrolls for the city, processing the city's receivables, and providing support and training related to financial software to other City departments. It is important to have a separate department staffed with the appropriate personnel to improve the City's payroll and billing processes thereby reducing errors and creating efficiencies.

The new department will be headed by Ann Cornaro. Ms. Cornaro has already been working on the responsibilities outlined in the attached draft ordinance. The Administration will be moving the part-time person in the IT Department, a position in Human Resources, and eventually a person in the Utilities Division, who works in water/sewer billing, into the new department. The personnel for the department will be established through the budget. The person from the Utilities Division will not be moved until all issues with the water meter replacement project have been resolved. It is yet to be determined where the new department will be physically located but the Administration is looking at a variety of options.

Ald. Ciccone moved hold on the item in order to hold the required public hearing on April 9, 2012, which carried unanimously. Acting Chairman Fuller requested that Committee members submit any questions before the public hearing.

**REFERRED TO ZONING AND PLANNING AND FINANCE COMMITTEES**

#102-11     ALD. HESS-MAHAN, JOHNSON, COMMISSIONER LOJEK & CANDACE HAVENS requesting an amendment to Chapter 17 to establish a fee for filing a notice of condo conversion. [03-29-11 @ 4:55PM]  
**ZAP APPROVED 7-0 on 06/13/11**

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.**

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.

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



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,

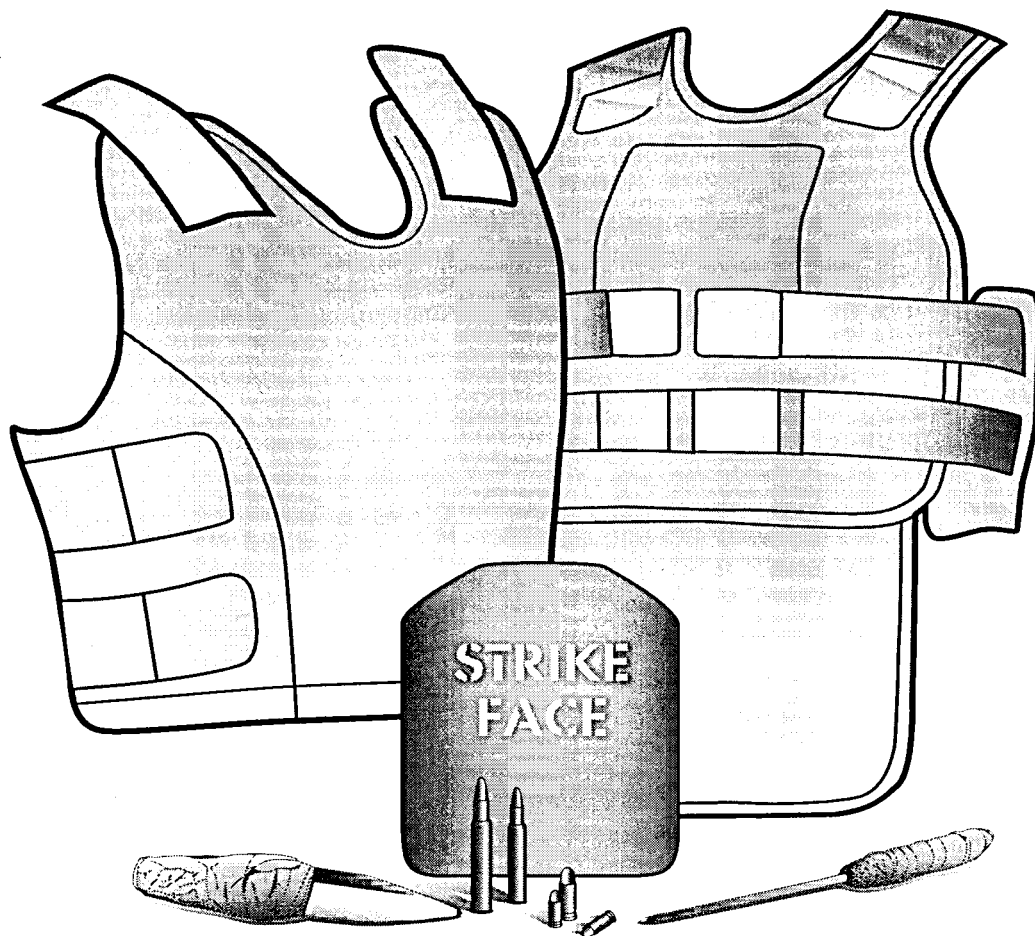
THEREFORE BE IT RESOLVED:

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, if necessary.



# Selection and Application Guide to Personal Body Armor

NIJ Guide 100-01 (Update to NIJ Guide 100-98)



**SELECTION AND APPLICATION GUIDE TO PERSONAL BODY ARMOR**

## 10. Maintaining Body Armor

The proper care of today's modern body armor requires taking precautions when cleaning the garment. Every model of armor that complies with NIJ standards has an instruction label indicating how to clean the components. Individuals should follow these instructions, making certain that anyone else who cares for the garment is also aware of the correct cleaning procedures.

The protective panels, or inserts, of body armor should be washed by hand with cold water, using a sponge or soft cloth and mild home laundry detergent. Most manufacturers strongly recommend that the protective panel never be submerged in water. Bleach (including nonchlorine or peroxide-based bleach) or starch, even when highly diluted, should not be used as these may reduce the garment's level of protection. If a model of armor has a removable carrier, it is possible that the carrier may be machine washable. However, it is imperative to follow the manufacturer's care instructions found on the protective panel and carrier labels.

Body armor panels or inserts are not to be machine washed or dried, either in the home or commercially. The fabric can be damaged by laundry equipment, ultimately affecting its performance. Commercial laundries also use commercial detergents, which are much harsher than home detergents, and pose another threat to maintaining the ballistic- or stab-resistant properties of the fabric. According to DuPont, perchlorethylene is the only drycleaning solvent found so far that does not significantly degrade the ballistic protection provided by current body armor.<sup>21</sup> However, to eliminate the possibility of an accident and avoid the variety of drycleaning solvents in use, drycleaning armor is not recommended.

Most modern body armor contains water-repellant treated or inherently water-repellant fabrics, making hand washing possible by preventing the water used to wash the vest from degrading the ballistic capabilities of the vest. However, rinsing thoroughly is still important to remove all traces of soap. Rinsing properly prohibits the accumulation of residual soap film, which can absorb water and reduce the protective properties of certain types of ballistic- or stab-resistant fabric.

Body armor fabric should never be dried outdoors, even in the shade, as ultraviolet light is known to cause degradation of certain types of ballistic fabric. Tests have demonstrated that ballistic efficiency is significantly and adversely affected by exposure to sunlight for extended periods of time.

Each time body armor is washed, it should be inspected for any signs of wear. If the protective materials are not covered with a permanent cover (which is highly uncommon for a typical modern vest), and it appears that the thread used to sew layers together is wearing badly or that the fabric is unraveling, the vest should be returned to the manufacturer for replacement. Officers should never attempt to repair armor themselves under any circumstances.

Today, most manufacturers market concealable body armor with the protective panel sealed within a moisture barrier, such as thin rip-stop nylon or coated cloth, instead of chemically

## SELECTION AND APPLICATION GUIDE TO PERSONAL BODY ARMOR

waterproofing the fabric. The owner of such armor must routinely inspect it to be sure that the cover of the protective inserts has not been cut or damaged, which would allow moisture to penetrate the protective panel. Even if the outer covers have not been cut or otherwise damaged, the moisture barrier can still be damaged. When the protective material or the outershell carrier rubs over the protective panel cover as a result of the normal flexing that occurs when body armor is in use, it can wear through the cover and expose the armor to moisture penetration. It should also be noted that certain types of covering materials tend to make the armor much warmer to wear, because it significantly reduces the rate at which perspiration can evaporate or be absorbed.

The exceptional ballistic- and stab-resistant efficiency of materials used to construct body armor compensates for any of these limitations associated with maintenance and care. The user can easily care for and properly maintain body armor and ensure that it provides its rated protection throughout its service life.

When caring for hard armor, it is important to remember that hard body armor, particularly ceramic material, must be handled carefully because it is fragile. Ceramic materials—such as boron carbide, aluminum oxide, or silicon carbide—are extremely brittle. Such armor should not be dropped on hard surfaces and when used, the ceramic must serve as the striking (exterior) surface. It should also be inspected before each use to ensure that no surface cracks are present that would degrade ballistic performance.

### Body Armor Life Expectancy

One of the most frequently asked questions the National Law Enforcement and Corrections Technology Center (NLECTC) receives is, “How long does body armor last?” Unfortunately, no definitive answer can be given to this question. Every piece of armor will eventually have to be replaced. Body armor is not a one-time buy. For example, if a department changes its service weapons or ammunition, the armor worn by its officers must be shown to protect against the new weapons systems. The armor must be capable of defeating typical ammunition threats that the officers may face (see chapter 6). If an agency determines that the ammunition threats that they face have increased, upgrading to a higher level of protection may be appropriate. An individual’s body weight may change over time, and armor that no longer fits or is uncomfortable is likely not to be worn.

Since no two pieces of armor are exposed to identical wear or care, each must be evaluated individually. Armor can generally be classified according to its appearance: “New,” “Good,” “Fair,” or “Poor.” Currently, the only method to evaluate armor’s performance is destructive ballistic testing. The National Institute of Justice (NIJ), through its NLECTC system, is investigating development of alternative methods to evaluate body armor’s ongoing performance and lifespan. The first step in this process is the introduction of the Baseline Ballistic Limit Test in NIJ Standard–0101.04. See page 41 for further discussion of this test.

**SELECTION AND APPLICATION GUIDE TO PERSONAL BODY ARMOR**

Age alone does not cause body armor's ballistic resistance to deteriorate. The care and maintenance of a garment—or the lack thereof—have been shown to have a greater impact than age on the length of service life of a unit of body armor. Armor that is 10 years old and has never been issued may be perfectly acceptable for use, provided that the rated level of protection is still appropriate for the typical threats faced. Conversely, 2- or 3-year-old armor that has been worn regularly and improperly cared for may not be serviceable.

Limited studies of the ballistic-resistant capabilities of armor used for extended periods of time were initiated in 1983 by DuPont, at which time some of the armor tested had been in service for more than 8 years. Both the DuPont testing and a 1986 study by NIJ<sup>22</sup> (*Ballistic Tests of Used Body Armor*) found that age alone does not degrade the ballistic properties of armor. Armor manufactured in 1975 that remained in inventory without issue exhibited ballistic-resistant properties identical to those at the time of manufacture. Both research studies included armor that had been in use for as long as 10 years and that had ballistic properties that were indistinguishable from those of unused armor manufactured at the same time.

NIJ tests failed to demonstrate any significant differences in 10-year-old armor, regardless of the extent of use or apparent physical condition. For this testing, 24 Type I vests made of Kevlar<sup>®</sup>, issued as part of the original NIJ demonstration project in 1975, were returned by the departments. The vests were separated into categories based on use and wear. Eight vests had never been worn, another eight showed signs of heavy wear, and four showed signs of moderate or light wear. The test demonstrated that the armor that had been used showed no significant loss of ballistic performance when compared to the units that were not used.

In contrast, data from the DuPont study showed that used vests had lesser ballistic performance than new vests. Some vests with marginal performance had been in use for only 3 to 5 years. DuPont researchers concluded that, regardless of age, use and abuse can cause ballistic decay. For example, one poorly performing 3-year-old vest appeared to have been exposed to excessive ultraviolet radiation.

DuPont suggests that testing be considered at between 3 and 5 years of use,<sup>23</sup> but NIJ believes that tests are not necessary until the armor has been in service for 5 years. NIJ agrees, however, that armor should be visually inspected at least once a year and that ballistic tests should be conducted if the armor shows signs of excessive wear. If armor is worn only occasionally and properly maintained, there is no reason to be concerned that ballistic-resistant properties have deteriorated.

Independent of the above research studies, some departments have established formal replacement policies based solely on the length of time since the date of issuance. Some departments have selected 5 years for an automatic replacement cycle. Departments need to recognize that a replacement policy should be consistent with the way officers use their armor. If armor is worn only occasionally, such as tactical armor, the policy might be limited to purchasing armor for newly hired recruits and replacing a defined percentage to accommodate problems of fit or excessive wear and tear. However, a department with a high wear rate may wish to select a routine cycle, based on length of service.

## SELECTION AND APPLICATION GUIDE TO PERSONAL BODY ARMOR

Another issue relative to replacement guidelines is the manufacturer's warranty. Many body armor manufacturers currently offer a 5-year warranty on the products they sell to criminal justice agencies. This 5-year period is generally thought to be a reflection of the guidelines established by the early research conducted by DuPont. Recently, some manufacturers have offered warranties as long as for 12 years after purchase. It is important for agencies to recognize that a manufacturer's warranty should not be interpreted as a benchmark for service life. The warranty exists solely to limit the manufacturer's liability on the product and is not a reflection of the anticipated service life of the product.

For example, most new cars come with some type of manufacturer's warranty, such as 3 years or 36,000 miles, whichever comes first. The condition of each car sold under this warranty will vary due to any number of conditions (e.g., type/frequency of maintenance, variations in driving habits and conditions), but it is safe to say that the vast majority of these cars will still be operating at the end of this warranty period, and a significant number of these cars will offer many more miles of reliable service afterward. However, the manufacturer will no longer be responsible for any future major maintenance problems or cosmetic flaws. The same is true for protective armor. If the armor is properly cared for, shows no visible flaws or defects, still properly fits the officer, and still provides an adequate level of protection based upon a current assessment of the threats encountered, then it should be reasonable to presume that unit of armor is still serviceable. However, the manufacturer will not be held liable for any claims of inadequate performance after the expiration of the warranty period. For agencies that determine that it is not feasible to replace armor in accordance with a manufacturer's warranty cycle, the continued use of serviceable units of armor is definitely better than the alternative—to not wear the armor and have no protection. In this case, however, it is advisable for the agency to consult its liability insurance carrier to determine the implications this may have for its respective policy.

### Testing Used Ballistic-Resistant Body Armor by Departments

It appears that until further studies are conducted and nondestructive test methods developed, a department has little choice but to periodically conduct ballistic tests of representative samples of its armor. If it can afford to, a department should initiate test programs to evaluate the ballistic-resistant protection provided by existing armor—particularly if it has armor that is more than 5 years old. The department should consider replacement if the ballistic properties of armor are questionable.

As discussed in more detail in chapter 6, the Office of Law Enforcement Standards (OLES) has developed a performance assurance program to help determine the ongoing performance of body armor currently in service or a new production unit of a previously tested and approved model. The Baseline Ballistic Limit test establishes a benchmark of penetration performance and provides a reliable and consistent way to retest NIJ-compliant armor. The ballistic limit test does not have a pass or fail performance requirement, but provides additional information about the ballistic performance of a given armor model. The ballistic limit testing is done after the armor model has successfully passed the traditional penetration and backface signature testing.

**SELECTION AND APPLICATION GUIDE TO PERSONAL BODY ARMOR**

The performance assurance program is based on a modified form of ballistic limit testing, commonly known as  $V_{50}$ . (See the discussion of  $V_{50}$  testing in chapter 6, page 40.)

As a guideline, an agency should test extensively only when purchasing a significant quantity of armor. Armor testing is expensive, and departments must plan their actions based on their circumstances. For example, a department could probably buy at least four new sets of armor, depending on the threat level, for the cost of one NIJ test.

A department that elects to implement an armor-testing program for used or inservice armor must clearly establish the testing objective. Generally, this objective is to satisfy the department that its armor still provides as consistent a level of protection as when originally purchased. In these cases, the ballistic limit determination test outlined in sections 5.17 through 5.21 of NIJ Standard-0101.04 provides an abbreviated methodology for performing these tests.

An agency considering performing the ballistic limit determination test in accordance with NIJ Standard-0101.04 should initially select a sample of armor for testing that shows the heaviest signs of wear and use. This should be done for two reasons. First, it represents the “worst-case” scenario for testing, and second, it is the most logical unit of armor to be replaced, since the testing is destructive and the sample cannot be reissued after the test is completed. It is also highly recommended that the test be performed by a qualified independent testing laboratory, preferably one that is NIJ/NLECTC approved to perform compliance tests in accordance with NIJ Standard-0101.04. (A list of approved laboratories can be obtained by calling NLECTC at 800-248-2742, or from NLECTC’s Internet site, JUSTNET, at <http://www.justnet.org>.) It is important to note that these test procedures are only applicable to models of armor that comply with NIJ Standard-0101.04. A vest that complies with a previous edition of the standard cannot be tested in this manner, as no baseline ballistic limit data exists for these models.

If armor passes the test, there should be no cause for concern. If the armor fails the test, the department should not automatically assume that all of the vests of that particular model owned by the department are unsafe. Rather, this suggests that these particular used vests have questionable protection capabilities. The agency may want to consider conducting additional testing of other units of this model from the same material production lot number, which should be indicated on the ballistic panel label. This testing will help determine if the failure was an isolated one or is representative of the entire purchase lot. If further testing results in additional failures, all vests from that lot of material should be replaced. Also, agencies that experience retest failures should contact NLECTC at 800-248-2742 and arrange to have their vests compared to the originally tested vests stored in NLECTC’s archives. On several occasions, vests that have failed an agency’s retesting have been found to differ in construction from the vest originally tested by the manufacturer as part of NIJ’s voluntary compliance testing program.

When a unit of armor fails testing, the department will probably consider seeking redress from the manufacturer. Before taking such action, departments should do the following:

## SELECTION AND APPLICATION GUIDE TO PERSONAL BODY ARMOR

- Ensure that the vests were originally tested to an NIJ standard (and to which version of the NIJ standard) before testing samples to that standard's requirements. A manufacturer can be held responsible only for the terms of the contract it signed and the standards and specifications in that contract. Unless the department's purchase contract clearly addresses testing armor in service, lists the tests that will be conducted, and specifies the department's recourse should armor fail tests, NIJ recommends that the department carefully study its situation before proceeding.
- Have the legal adviser examine the contract and any statement on the armor label to determine whether grounds for legal action exist.

If the department decides to go forward with testing, it should contact the manufacturer. Establish in advance testing objectives, action to be taken based on the test results, and the manufacturer's position concerning the nature of tests to be performed. The manufacturer should have the right to be present during the testing. Given the opportunity to work with a department to determine a mutually satisfactory course of action, reputable manufacturers will normally cooperate. Conversely, a manufacturer suddenly confronted with allegations of a problem with its product without prior indication of the department's planned actions can be expected to become defensive, if not adversarial. Also, a manufacturer may have a legitimate complaint if its product's performance is questioned based on incorrect or improper test results. Even worse, if officers know of questionable data, they may lose confidence in their armor and stop wearing it.

A department that wants to conduct its own testing must, at a minimum, have a reliable chronograph and properly conditioned backing material. The use of alternate backing material (phone books, newspapers), and of commercially loaded ammunition of unknown velocity, is certain to provide inconsistent test data that cannot be correlated to testing conducted through NLECTC's voluntary compliance-testing program.

Departments that cannot afford to conduct ballistic testing at independent laboratories should at least follow these NIJ-recommended procedures:

- Inspect each unit of armor carefully upon purchase and prior to issue. Any evidence of poor workmanship or visible differences from samples shown before purchase should be brought to the manufacturer's attention immediately.
- Ensure that each unit of armor is properly and durably labeled in accordance with the requirements of the NIJ standard. Each ballistic panel should be clearly labeled with the NIJ-complying model designation as it appears in the *Personal Body Armor Consumer Product List*.
- Upon issue, the quartermaster or supervisor responsible for issuing the equipment should use a permanent marker to legibly enter on the label the name of the officer to whom the armor is issued and the date of issue. If possible, photocopies of these labels should be made and placed in a designated file.





NEWTON POLICE DEPARTMENT  
BODY ARMOR REPLACEMENT SCHEDULE

As of 03/07/2012

OFFICERS NAME	MANUFACTURER	LEVEL	ISSUED DATE	REPLACE DATE	ISSUED DATE	REPLACEMENT DUE DATE
Abbruzzese, Michael	US ARMOR	II	04/20/01	09/23/11	01/11/12	01/09/17
Adam, Russell	SECOND CHANCE	II	04/20/01	04/20/06	07/19/06	07/18/11
Anastasia, Paul	SECOND CHANCE	III-A	04/20/01	04/20/06	09/14/06	09/13/11
Anderson, Nils	SECOND CHANCE	III-A	04/20/01	04/20/06	06/27/06	06/26/11
Annese, Brett	SECOND CHANCE	III-A	04/20/01	04/20/06	05/18/06	05/17/11
Apotheker, Bruce	FIRST CHOICE	III-A	04/20/01	04/20/06	08/24/06	08/23/11
Aucoin, Edward	SECOND CHANCE	II	04/20/01	04/20/06	09/14/06	09/13/11
Babcock, John	US ARMOR	II	04/20/01	09/23/11	1/9/2012	01/07/17
Bartinelli, John	FIRST CHOICE	II	04/20/01	04/20/06	06/28/07	06/26/12
Bartinelli, Lauren	DIAMONDBACK			08/23/11	11/07/11	11/05/16
Bellevue, Michelle			08/19/03	8/19/2008	10/17/08	10/16/13
Benes, Richard	US ARMOR			09/23/11	01/10/12	01/08/17
Berube, Dennis	SECOND CHANCE	III-A	04/20/01	04/20/06	08/30/06	08/29/11
Boudreau, Alfred	SECOND CHANCE	III-A	04/20/01	04/20/06	11/04/06	11/03/11
Boudreau, Chris					05/20/11	05/18/16
Boudreau, Edward	SECOND CHANCE	III-A	04/20/01	04/20/06	08/20/06	08/19/11
Boudreau, Jeffrey	US ARMOR			09/23/11	01/11/12	01/09/17
Boudreau, Kimberly	US ARMOR			09/23/11	01/12/12	01/10/17
Boudreau, Michael	US ARMOR			09/23/11	01/11/12	01/09/17
Boudrot, Edward	SECOND CHANCE	II	04/20/01	04/20/06	11/08/07	11/06/12
Bradley, Richard	SECOND CHANCE	II-A	04/20/01	04/20/06	09/07/06	09/06/11
Cahoon, Kenneth	FIRST CHOICE	II	04/20/01	04/20/06	08/23/06	08/22/11
Calderon, David	US ARMOR			09/23/11	01/10/12	01/08/17
Chieu, Raymond	US ARMOR			09/23/11	01/10/12	01/08/17
Chisholm, Glenn	FIRST CHOICE	II	04/20/01	04/20/06	08/23/06	08/22/11
Ciru, James	FIRST CHOICE				01/20/10	01/19/15
Clafin, George	US ARMOR	II	04/20/01	09/23/11	01/09/12	01/07/17
Clafin, John	ARMOR EXPRESS	II		05/27/11	07/27/11	07/25/16
Clements, Richard	US ARMOR	II	04/20/01	09/23/11	01/10/12	01/08/17
Cloonan, Thomas	US ARMOR	II	04/20/01	09/23/11	01/11/12	01/09/17
Colella, Matthew	US ARMOR			09/23/11	01/12/12	01/10/17
Coney, Kim	US ARMOR		08/05/03	09/23/11	01/10/12	01/08/17
Cottens, Steve			10/27/00	10/27/05	02/11/11	02/10/16

NEWTON POLICE DEPARTMENT  
BODY ARMOR REPLACEMENT SCHEDULE

Cummings, Matthew	FIRST CHOICE	II	04/20/01	04/20/06	06/22/06	06/21/11
Cupoli, Kevin	SECOND CHANCE	II	04/20/01	04/20/06	05/19/06	05/18/11
Curry, Carolyn	FIRST CHOICE	II	04/20/01	04/20/06	09/13/06	09/12/11
Daly, John	SECOND CHANCE	III-A	04/20/01	09/23/11	01/12/12	01/10/17
Dangelo, Kenneth	SECOND CHANCE	II	04/20/01	04/20/06	08/24/06	08/23/11
Dempsey, Steven	US ARMOR	II	04/20/01	09/23/11	01/11/12	01/09/17
Destefano, Thomas	SECOND CHANCE	II	04/20/01	04/20/06	09/19/06	09/18/11
Devine, Daniel	US ARMOR			09/23/11	01/09/12	01/07/17
Donovan, Robert	SECOND CHANCE	II	04/20/01	04/20/06	07/02/07	06/30/12
Doucette, Damien			04/27/05	04/27/10	03/03/11	03/01/16
Dowling, Dennis	FIRST CHOICE	III-A	04/20/01	04/20/06	08/24/06	08/23/11
Downing, Hugh	SECOND CHANCE	II	04/20/01	04/20/06		12/29/04
Doyle, Katie	US ARMOR		04/26/05	09/23/11	01/12/12	01/10/17
Edrehi, Charles	SECOND CHANCE	III-A	04/20/01	04/20/06	01/09/12	01/07/17
Eldridge, Frank	US ARMOR	III-A	04/20/01	09/23/11	01/09/12	01/07/17
Emmanuel, Steven			02/20/02	02/20/07	02/22/07	02/21/12
Fleming, Dawn	FIRST CHOICE				10/17/08	10/16/13
Fleming, Donald	FIRST CHOICE	II	04/27/05	04/27/10	04/27/10	04/26/15
Foley, Frank	US ARMOR	III-A	08/05/03	09/23/11	01/09/12	01/07/17
Fontano, Stephen	SECOND CHANCE	III-A	04/20/01	04/20/06	05/27/06	05/26/11
Gabriel, Adam			02/10/03	02/10/08	02/07/08	02/05/13
Gassett, Linda	SECOND CHANCE	II	04/20/01	04/20/06	04/20/06	04/19/11
Geagan, Thomas	SECOND CHANCE	II	04/20/01	04/20/06	08/29/06	08/28/11
Geary, Dennis	US ARMOR	III-A	04/20/01	09/23/11	01/11/12	01/09/17
Giardina, Stephen					10/01/11	09/29/16
Gibson, Christopher	US ARMOR			09/23/11	01/09/12	01/07/17
Gourdeau, Joanne	ARMOR EXPRESS		09/23/04	09/23/09	12/03/09	12/02/14
Gromada, Marc	FIRST CHOICE	II	04/20/01	04/20/06	09/07/06	09/06/11
Hagopian, Mark	US ARMOR			09/23/11	01/12/12	01/10/17
Harris, Glenn	SECOND CHANCE	III-A	04/20/01	04/20/06	08/31/06	08/30/11
Healy, Declan	US ARMOR			09/23/11	01/12/12	01/10/17
Healy, Sean	SECOND CHANCE	II	03/19/03	03/19/08	02/20/09	02/19/14
Henderson, H. Brian	SECOND CHANCE	II	04/20/01	04/20/06	08/28/06	08/27/11
Hill, Gregory	DIAMONDBACK		08/19/03	08/23/11	11/07/11	11/05/16
Hill, Robert	DIAMONDBACK			08/23/11	11/07/11	11/05/16

NEWTON POLICE DEPARTMENT  
 BODY ARMOR REPLACEMENT SCHEDULE

Iarossi, Michael	US ARMOR			09/23/11	01/09/12	01/07/17
Keefe, Robert	US ARMOR			09/23/11	01/09/12	01/07/17
Keleigh Donohue		II			05/01/11	04/29/16
Knox, Brandon					05/20/11	05/18/16
Koerber, Peter	US ARMOR	II	03/28/05	09/23/11	01/10/12	01/08/17
Lau, Justin					10/01/11	09/29/16
Lavalle, Edward			01/10/03	01/10/08	12/18/08	12/17/13
Lazarakis, Zoi					03/01/11	02/28/16
Lee, Bob	US ARMOR			09/23/11	01/09/12	01/07/17
Leitch, Bradford	US ARMOR	II	04/27/05	09/23/11	01/12/12	01/10/17
Leone, Charles	FIRST CHOICE	II	03/28/05	03/28/10	03/28/05	03/27/10
ISchlegel, Jason					10/08/09	10/07/14
MacDonald, David	SECOND CHANCE	III-A	04/20/01	04/20/06	05/22/06	05/21/11
Mace, Jeffrey	US ARMOR	II	04/20/01	09/23/11	01/10/12	01/08/17
MacNair, Christopher	SAFARILAND	II	12/26/02	09/15/11	12/01/11	11/29/16
MacNair, Dina			08/05/03	08/05/08	01/08/09	01/07/14
March, Robert					05/20/11	05/18/16
Marchand, Scott	FIRST CHOICE	II	08/19/03	08/19/08	10/22/08	10/21/13
Marini, Rocco	SECOND CHANCE	II	11/25/02	11/25/07	02/21/08	02/19/13
Marino, Kenneth	SECOND CHANCE	II	04/20/01	04/20/06	09/27/06	09/26/11
Marzilli, Christopher	FIRST CHOICE	II	04/20/01	04/20/06	05/19/06	05/18/11
McCarthy, James	SECOND CHANCE	II	04/20/01	04/20/06	07/19/06	07/18/11
McCarthy, Thomas	US ARMOR	II	04/20/01	09/23/11	01/09/12	01/07/17
McLaughlin, Joseph	SECOND CHANCE	II	11/14/02	11/14/07	03/06/08	03/05/13
McLean, Sean			11/28/01	11/28/06	07/30/07	07/28/12
McMains, George				10/03/07	10/03/07	10/01/12
McNeil, Ronald				10/01/11	10/01/11	09/29/16
McSweeney, Michael	SAFARILAND	III	11/26/02	11/26/07	08/26/08	08/25/13
Mead, Ed	US ARMOR		10/27/00	09/23/11	01/12/12	01/10/17
Mikoleit, Lisa	US ARMOR			09/23/11	01/12/12	01/10/17
Mintz, Howard	SECOND CHANCE	III-A	04/20/01	04/20/06		12/29/04
Nardelli, Daniel	US ARMOR		04/11/05	09/23/11	01/10/12	01/08/17
O'Brien, Dennis	US ARMOR			09/23/11	01/09/12	01/07/17
O'Connell, John	FIRST CHOICE	III-A	03/28/05	03/28/10	05/27/10	05/26/15
Paglia, Richard	SECOND CHANCE	II	04/20/01	04/20/06	05/19/06	05/18/11

NEWTON POLICE DEPARTMENT  
BODY ARMOR REPLACEMENT SCHEDULE

Paglia, Robert	SECOND CHANCE	II	04/20/01	04/20/06	07/20/07	07/18/12
Panica, John	US ARMOR		08/05/03	09/23/11	01/10/12	01/08/17
Powell, Tyrone	US ARMOR	II	04/20/01	09/23/11	01/12/12	01/10/17
Raymond, Zachary			03/01/02	03/01/07	06/06/07	06/04/12
Robinson, David	SECOND CHANCE	II	04/20/01	04/20/06	04/20/06	04/19/11
Rooney, Melanie	US ARMOR	II	03/02/05	09/23/11	01/12/12	01/10/17
Rosenbaum, Eric	FIRST CHOICE				07/20/10	07/19/15
Rudd, Kevin			12/29/01	12/29/06	04/30/07	04/28/12
Rufo, Lawrence	US ARMOR	II-A	04/20/01	09/23/11	01/10/12	01/08/17
Sampson, Robert	SECOND CHANCE	II	04/20/01	04/20/06	04/30/07	04/28/12
Scalfreto, Francis	SAFARILAND		05/14/03	05/14/08	05/14/08	05/13/13
Schaefer, David			08/05/03	08/05/08	10/12/08	10/11/13
Schlegel, Amada	FIRST CHOICE				01/22/10	01/21/15
Schlegel, Jason	FIRST CHOICE				01/20/10	01/19/15
Setiabudi, Gita	SECOND CHANCE	II	11/27/02	11/27/07	01/08/08	01/06/13
Siegal, Derek						07/01/12
Solomon, Alan	US ARMOR		12/15/01	09/23/11	01/12/12	01/10/17
Spalding, William			08/05/03	08/05/08	04/02/10	04/01/15
Spirito, David	US ARMOR	II	04/27/05	09/23/11	01/12/12	01/10/17
Sullivan, Daniel			02/11/02	02/11/07	05/21/07	05/19/12
Tempesta, David	SECOND CHANCE	II-A	04/20/01	04/20/06	05/18/06	05/17/11
Tocci, Matthew				10/01/11	10/01/11	09/29/16
Torres, Ralph	US ARMOR			09/23/11	01/09/12	01/07/17
Tramontozzi, Brian						03/05/12
Tramontozzi, Gerald	SECOND CHANCE	II	04/20/01	04/20/06	08/21/06	08/20/11
Umina, S. Andrew	US ARMOR	II	04/20/01	09/23/11	01/11/12	01/09/17
Valente, Daniel			11/19/01	11/19/06	08/24/06	08/23/11
Vello, Andrew						
Wade, Michael				11/19/06	01/01/07	12/31/11
Wade, Peter	FIRST CHOICE	II	10/08/09	10/08/09	01/20/10	01/19/15
Wallace, Brian					01/29/10	01/28/15
Walsh, Daniel					01/17/08	01/15/13
Walsh, Thomas	US ARMOR			09/23/11	01/09/12	01/07/17
Walton, Timothy	ARMOR EXPRESS	II		10/01/10	10/01/10	09/30/15
Webb, David	SECOND CHANCE		04/20/01	04/20/06	08/20/06	08/19/11
Wilson, Jeremy	US ARMOR	II	04/20/01	09/23/11	01/10/12	01/08/17

Chief Financial Officer Maureen Lemieux stated that the Capital Stabilization Fund contained approximately \$16 million when Mayor Warren took office. The prior Mayor's intent was to deplete the Capital Stabilization Fund over three years by using \$5 million a year to balance the budget. The Administration took a different view and felt that in that fourth year when the City no longer had the additional \$5 million, it would be detrimental to the city. The Administration has changed the slope of how those funds were, and are, being used. In Fiscal Year 2011, the Administration used \$5.8 million of the fund, and in Fiscal Year 2012, the Administration used 4.8 million for the budget. When the 5-year Financial Plan was provided in November 2011, the intent was to use \$3.7 million but because it has been such a favorable winter, the recommendation will be to take \$2.7 million. This will preserve the fund for an additional year and there will be \$2.1 million for the Fiscal Year 2014 budget. Moody's Investor Services was concerned that the city was depleting the Capital Stabilization Fund without another reserve account. Moody's is pleased that the city opted to create the Rainy Day Stabilization Fund as a reserve.

There was some concern that the Department of Public Works would need additional funds within this fiscal year. The department has been doing supplementary construction projects this winter, as there has been little snow. The additional projects require extra supplies and materials. Public Works Commissioner David Turocy stated that he is aware of a shortage in the asphalt account but it is in the range of \$100,000. Maureen Lemieux explained that she would sweep all the accounts in the Public Works Department to provide funds for asphalt. The Public Works Department has had several vacancies within the department throughout the year and there are unspent appropriations.

There was a question regarding maintaining the city's bond rating and how a change in the rating would impact the city financially. The Committee will continue the discussion regarding the importance of the bond rating and its financial impact at a later date.

Ald. Lappin moved approval, which carried unanimously.

#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]

**ACTION:**      **HELD 8-0**

**NOTE:**      Chairman of the Board of Assessors Elizabeth Dromey has declared a total of \$750,000 surplus in the FY 2009 and FY 2010 Overlay Accounts. The Chief Financial Officer plans to use \$500,000 of that money for next year's budget. Ms. Dromey is requesting that \$250,000 of those funds be appropriated to hire expert services to provide support of the city's valuations before the Appellate Tax Board especially valuations related to telecommunications and utilities. In addition, the Assessing Department has a number of cases that have resulted in pending litigation, which will require the services of outside attorneys.

A recent court decision allows a different methodology for valuing the utility equipment of National Grid and NStar. In the past, the value was developed by using the net book value of the assets, which essentially does not reflect the real market value of the property. In addition, it allows equipment that is still in use to be depreciated completely. For example, in Newton the National Grid property is old; therefore, what would amount to approximately \$600,000 in taxes is off the books because the equipment has depreciated down to nothing. Ms. Dromey plans to hire experts to help defend the new values placed on the equipment and/or property.

Verizon appealed the back taxation by Newton and Boston of their poles and wires in the appellate court and won the appeal. Since the case began, the State has clarified the language that poles and wires are taxable. The City of Newton and Boston are proceeding with an appeal to the State Supreme Court. The Chairman asked if there was any consideration to meeting with Verizon and attempting to settle before going to court. It would limit the City's exposure and may be the best approach. Ms. Dromey agreed to discuss the option with her counterpart in Boston and the attorney. However, most of the work needed for the appeal was completed as part of the appellate case. It is expected that an additional \$10,000 is needed to appeal the decision. The City of Boston and Newton are splitting the cost of the attorney. The Committee requested information from Ms. Dromey regarding how much the city has spent on the attorney for the Verizon case.

There is currently \$200,000 in the revaluation revolving fund but given the cases that are on the horizon and the types of experts that will need to be hired; the Assessing Department will need the additional requested \$250,000. The Committee requested the following information: the initial amount of money budgeted to the revaluation account, a history of budget to actuals for the revaluation account, a breakdown of how much has been appropriated, when it was appropriated and how much is being spent, and how much money is left in the 2009 and 2010 overlay surplus accounts. In addition, the Committee would like a breakout of all the overlay accounts for the past ten years.

Ald. Lappin moved hold on the item until the requested information is available, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES**

#89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers.

**PUBLIC FACILITIES APPROVED 8-0 on 03/21/12**

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

**NOTE:** The item was recommitted by the Board of Aldermen in order to include further language within the ordinance amendment to exclude estates already connected to the city's

CITY OF NEWTON, MASSACHUSETTS  
GENERAL FUND  
PROPERTY TAX ABATEMENT AND EXEMPTION ("OVERLAY") ACTIVITY  
All Open Tax Years  
March 31, 2012

	Fiscal Year 2012 Levy	Fiscal Year 2011 Levy	Fiscal Year 2010 Levy	Fiscal Year 2009 Levy	Fiscal Year 2008 Levy	Fiscal Year 2007 Levy
Original Allowance for Abateements & Exemptions	\$ 3,249,822	\$ 2,955,334	\$ 2,828,818	\$ 2,771,614	\$ 2,101,831	\$ 2,900,130
Deficits Raised	-	-	-	-	-	-
Abateements & Exemptions thru June 30, 2011	-	(774,654)	(874,421)	(887,292)	(1,031,265)	(925,163)
Senior Work Program Credits thru June 30, 2011	-	(32,682)	(30,668)	(33,814)	(28,763)	(24,255)
Overlay Surplus Declarations thru June 30, 2011	-	-	(145,000)	(715,565)	(361,101)	(1,288,458)
June 30, 2011 Balances	-	2,147,998	1,778,729	1,134,943	680,702	662,254
FY 2012 Abateements & Exemptions	(465,918)	(252,171)	(208,342)	(166,771)	-	-
FY 2012 Senior Work Program Credits	(42,385)	-	-	-	-	-
FY 2012 Overlay Surplus Declarations	-	-	(350,000)	(400,000)	-	-
<b>Total Abateements &amp; Exemptions thru March 31, 2012</b>	<b>(465,918)</b>	<b>(1,026,825)</b>	<b>(1,082,763)</b>	<b>(1,054,063)</b>	<b>(1,031,265)</b>	<b>(925,163)</b>
<b>Total Senior Work program credits thru March 31, 2012</b>	<b>(42,385)</b>	<b>(32,682)</b>	<b>(30,668)</b>	<b>(33,814)</b>	<b>(28,763)</b>	<b>(24,255)</b>
<b>Total Overlay surplus declarations March 31, 2012</b>	<b>-</b>	<b>-</b>	<b>(495,000)</b>	<b>(1,115,565)</b>	<b>(361,101)</b>	<b>(1,288,458)</b>
<b>March 31, 2012 Available Balances</b>	<b>\$ 2,741,519</b>	<b>\$ 1,895,827</b>	<b>\$ 1,220,387</b>	<b>\$ 568,172</b>	<b>\$ 680,702</b>	<b>\$ 662,254</b>



CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 PROPERTY TAX ABATEMENT AND EXEMPTION ("OVERLAY") ACTIVITY  
 All Open Tax Years  
 March 31, 2012

	Fiscal Year 2006 Levy	Fiscal Year 2005 Levy	Fiscal Year 2004 Levy	Fiscal Year 2003 Levy	Fiscal Year 2002 Levy	Fiscal Year 2001 Levy
Original Allowance for Abatements & Exemptions	\$ 2,806,623	\$ 2,673,282	\$ 2,612,377	\$ 2,518,172	\$ 2,156,379	\$ 2,191,114
Deficits Raised	-	-	-	-	-	-
Abatements & Exemptions thru June 30, 2011	(622,568)	(1,239,660)	(634,924)	(441,164)	(695,199)	(458,132)
Senior Work Program Credits thru June 30, 2011	(25,357)	(24,802)	(8,964)	-	-	-
Overlay Surplus Declarations thru June 30, 2011	(1,593,972)	(1,145,569)	(1,643,070)	(1,740,806)	(1,450,547)	(1,724,964)
June 30, 2011 Balances	564,726	263,251	325,419	336,202	10,633	8,018
FY 2012 Abatements & Exemptions	-	-	-	-	-	-
FY 2012 Senior Work Program Credits	-	-	-	-	-	-
FY 2012 Overlay Surplus Declarations	-	-	-	-	-	-
<b>Total Abatements &amp; Exemptions thru March 31, 2012</b>	<b>(622,568)</b>	<b>(1,239,660)</b>	<b>(634,924)</b>	<b>(441,164)</b>	<b>(695,199)</b>	<b>(458,132)</b>
<b>Total Senior Work program credits thru March 31, 2012</b>	<b>(25,357)</b>	<b>(24,802)</b>	<b>(8,964)</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Overlay surplus declarations March 31, 2012</b>	<b>(1,593,972)</b>	<b>(1,145,569)</b>	<b>(1,643,070)</b>	<b>(1,740,806)</b>	<b>(1,450,547)</b>	<b>(1,724,964)</b>
<b>March 31, 2012 Available Balances</b>	<b>\$ 564,726</b>	<b>\$ 263,251</b>	<b>\$ 325,419</b>	<b>\$ 336,202</b>	<b>\$ 10,633</b>	<b>\$ 8,018</b>

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 PROPERTY TAX ABATEMENT AND EXEMPTION ("OVERLAY") ACTIVITY  
 All Open Tax Years  
 March 31, 2012

	Fiscal Year 2000 Levy	Fiscal Year 1999 Levy	Fiscal Year 1998 Levy	Fiscal Year 1997 Levy	Fiscal Year 1996 Levy
Original Allowance for Abatements & Exemptions	\$ 2,000,817	\$ 2,011,777	\$ 2,489,459	\$ 2,406,769	\$ 3,619,523
Deficits Raised	-	-	-	-	-
Abatements & Exemptions thru June 30, 2011	(544,084)	(765,056)	(578,057)	(644,877)	(1,172,019)
Senior Work Program Credits thru June 30, 2011	-	-	-	-	-
Overlay Surplus Declarations thru June 30, 2011	<u>(1,450,844)</u>	<u>(1,231,683)</u>	<u>(1,903,642)</u>	<u>(1,756,197)</u>	<u>(2,442,414)</u>
June 30, 2011 Balances	5,889	15,038	7,760	5,695	5,090
FY 2012 Abatements & Exemptions	-	-	-	-	-
FY 2012 Senior Work Program Credits	-	-	-	-	-
FY 2012 Overlay Surplus Declarations	-	-	-	-	-
<b>Total Abatements &amp; Exemptions thru March 31, 2012</b>	<b>(544,084)</b>	<b>(765,056)</b>	<b>(578,057)</b>	<b>(644,877)</b>	<b>(1,172,019)</b>
<b>Total Senior Work program credits thru March 31, 2012</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total Overlay surplus declarations March 31, 2012</b>	<b>(1,450,844)</b>	<b>(1,231,683)</b>	<b>(1,903,642)</b>	<b>(1,756,197)</b>	<b>(2,442,414)</b>
<b>March 31, 2012 Available Balances</b>	<b>\$ 5,889</b>	<b>\$ 15,038</b>	<b>\$ 7,760</b>	<b>\$ 5,695</b>	<b>\$ 5,090</b>

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 SPECIAL APPROPRIATIONS  
 SCHEDULE OF EXPENDITURES AND TRANSFERS TO OTHER FUNDS - LEGAL LEVEL OF CONTROL  
 July 1, 2011 - March 31, 2011

	Continued		FY 2012	Final Revised Budget	Expended	Encumbered	Unobligated Balance
	Appropriations	Appropriations					
<b>Purchasing/Central Services</b>							
2012	Vehicle replacement - Health & Human Svs.	-	15,000	15,000	12,990	-	2,010
2002	City-wide telecommunications upgrade	\$ 19,970	-	\$ 19,970	-	-	\$ 19,970
	Total Purchasing Department	19,970	15,000	34,970	12,990	-	21,980
<b>Board of Assessors</b>							
2010	City-wide property tax revaluation program	286,383	-	286,383	82,105	4,163	200,115
	Total Board of Assessors	286,383	-	286,383	82,105	4,163	200,115
<b>Treasurer's Office</b>							
2011	Check endorsing machine replacement	2,130	(1)	2,129	2,129	-	-
	Total City Solicitor's Office	2,130	(1)	2,129	2,129	-	-
<b>Information Technology</b>							
2002	Municipal computer technology program	13,965	-	13,965	5,726	-	8,239
2003	Pentamation software upgrade	30,589	-	30,589	12,369	17,446	774
2009	Community Plus upgrade	3,389	-	3,389	-	-	3,389
2012	City Hall Computer UPS	-	50,000	50,000	-	-	50,000
2012	City Hall Computer Network Upgrade	-	30,000	30,000	1,582	14,482	13,936
2009	MUNIS upgrade	1,485	-	1,485	-	-	1,485
2004	City-wide network improvements	196,451	-	196,451	2,493	-	193,958
1995	Geographic information system	28,246	-	28,246	-	-	28,246
	Total Information Technology Department	274,125	80,000	354,125	22,170	31,928	300,027
<b>Planning &amp; Development</b>							
2010	Norrbega Park improvements	400	-	400	400	-	-
2011	Bicycle racks (MAPC funding advance)	206	(206)	-	-	-	-
2008	Cypress Street tree plantings	-	-	-	-	-	-
	Total Planning & Development Department	606	(206)	400	400	-	-
<b>Public Buildings</b>							
2009	Newton History Museum painting/roof repl. Design	1,825	-	1,825	1,825	-	-
2012	Sr. Center boiler	-	33,250	33,250	25,725	-	7,525
2008	DPW Eliot Street Fuel Tank Replacement	14,985	-	14,985	-	-	14,985

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 SPECIAL APPROPRIATIONS  
 SCHEDULE OF EXPENDITURES AND TRANSFERS TO OTHER FUNDS - LEGAL LEVEL OF CONTROL  
 July 1, 2011 - March 31, 2011

	Continued	FY 2012	Final Revised	Expended	Encumbered	Unobligated	
	Appropriations	Appropriations	Budget			Balance	
2011	Capital asset assessment	395,000	-	395,000	284,034	110,966	-
2009	Library HVAC improvements	61,680	-	61,680	54,475	1	7,204
2010	School Roof evaluation	16,405	-	16,405	-	-	16,405
2011	Municipal Building improvements	130,913	-	130,913	76,952	32,665	21,296
2012	Eliot St DPW Building staircase repairs	-	40,000	40,000	-	-	40,000
2012	Police station jail cell repairs	-	-	-	-	-	-
2012	Police garage exhaust system	-	23,246	23,246	-	-	23,246
2012	Library/Crafts St Stable snow roof guards	-	60,000	60,000	-	-	60,000
2006	City-Wide Environmental Remediation	-	-	-	-	-	-
	Total Public Building Department	620,808	156,496	777,304	443,011	143,632	190,661
	<b>Police</b>						
2012	Police cruiser defibrillator replacement	-	23,000	23,000	-	22,558	442
	Total Police Department	-	23,000	23,000	-	22,558	442
	<b>Fire</b>						
2003	Emergency Medical Supplies	17,690	-	17,690	1,502	-	16,188
2012	Firefighter Gear Dryer	-	6,399	6,399	6,399	-	-
2012	Fire vehicle mobile data terminals	-	120,000	120,000	-	-	120,000
2012	Fire truck chains	-	39,160	39,160	15,365	141	23,654
2012	Fire support vehicle replacement	-	72,988	72,988	-	72,988	-
2009	Fire rapid response team implementation	5,793	-	5,793	-	-	5,793
2010	CH 148A Fire prevention program	165	-	165	-	-	165
	Total Fire Department	23,648	238,547	262,195	23,266	73,129	165,800
	<b>Inspectional Services</b>						
1993	Archival System	500	-	500	-	500	-
1995	Emergency Building Demolition/Boarding	43,725	-	43,725	-	-	43,725
	Total Inspection Services Department	44,225	-	44,225	-	500	43,725
	<b>Education</b>						
2011	NNHS furnishings sale proceeds	6,151	-	6,151	2,711	315	3,125
2012	SPED Tuition reserve	-	470,292	470,292	470,292	-	-

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 SPECIAL APPROPRIATIONS  
 SCHEDULE OF EXPENDITURES AND TRANSFERS TO OTHER FUNDS - LEGAL LEVEL OF CONTROL  
 July 1, 2011 - March 31, 2011

	Continued	FY 2012	Final Revised	Expended	Encumbered	Unobligated Balance
	Appropriations	Appropriations	Budget			
2010	High School CATV Project	405,696	-	399,649	1,902	4,145
2011	School E-Rate Technology	235,232	-	235,232	-	-
	Total Newton Public Schools	647,079	470,292	1,107,884	2,217	7,270
<b>Public Works</b>						
2006	Parking Lot/Meter Improvements	4,352	(1)	4,351	-	-
2009	Pedestrian activated traffic signals	-	-	(460)	-	460
2010	Lower Falls traffic safety improvements	34,429	-	-	-	34,429
2010	Centre-Pelham traffic signal (Panera mitigation funds)	25,000	-	-	-	25,000
2011	Street improvements	500,000	-	455,714	3,211	41,075
2004	Betterment Sidewalks	5,832	-	5,832	-	-
	Total Public Works Department	569,613	(1)	465,437	3,211	100,964
<b>Public Health</b>						
2007	Mosquito Control Program	3,738	-	3,738	-	3,738
	Total Health Department	3,738	-	-	-	3,738
<b>Human Services</b>						
1999	Sewer Emergency Relief	8,669	-	-	-	8,669
	Total Human Services Department	8,669	-	-	-	8,669
<b>Parks &amp; Recreation</b>						
2009	Playground Safety Equipment	24,369	-	14,951	9,173	245
2009	Newton Highlands Playground Improvements	12,500	-	-	-	12,500
2009	South High School Athletic Field Maintenance	440,184	-	6,151	3,785	430,248
2010	West Newton Common Playground Improvements	12,500	-	-	-	12,500
2010	Newton PRIDE 4th of July Celebrations	10,000	-	10,000	-	-
2011	Mason-Rice Playground Improvements	12,500	-	12,500	-	-
2011	Williams Playground Improvements	12,500	-	-	-	12,500
2011	Lower Falls Community Ctr Playground Improvements	12,500	-	-	-	12,500
2011	Underwood Playground Improvements	12,500	-	-	-	12,500
2010	Highlands War Memorial Repairs	23,506	-	21,000	-	2,506
2011	Emerson Community Center Recreation Equipment	10,000	-	9,291	-	709
	Total Parks & Recreation Department	583,059	-	73,893	12,958	496,208

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 SPECIAL APPROPRIATIONS  
 SCHEDULE OF EXPENDITURES AND TRANSFERS TO OTHER FUNDS - LEGAL LEVEL OF CONTROL  
 July 1, 2011 - March 31, 2011

	Continued Appropriations	FY 2012 Appropriations	Final Revised Budget	Expended	Encumbered	Unobligated Balance
<b>Newton History Museum</b>						
2003 Jackson Homestead Sign Improvements	11,960	-	11,960	1,115	-	10,845
Total Jackson Homestead	11,960	-	11,960	1,115	-	10,845
<b>Total Special Appropriations</b>	<b>\$ 3,096,013</b>	<b>\$ 983,127</b>	<b>\$ 4,079,140</b>	<b>\$ 2,234,400</b>	<b>\$ 294,296</b>	<b>\$ 1,550,444</b>

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.**

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.

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



CITY OF NEWTON

IN BOARD OF ALDERMEN

, 2012

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Leonard J. Gentile, the sum of thirty-six thousand dollars (\$36,000) to be appropriated from Free Cash, be and is hereby appropriated, granted, and expenditure authorized under the direction of the Chief of Police for the purpose of replacing 48 bullet resistant body armor vests :  
at the intersection of Washington Street and Concord Street in Newton Lower Falls as follows.

FROM:	Free Cash (01-3497) .....	\$36,000
TO:	Police Protective Clothing (C201043-58506) .....	\$36,000

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETT D. WARREN  
Mayor

Date: \_\_\_\_\_

CITY OF NEWTON  
IN BOARD OF ALDERMEN

2012

ORDERED:

That, in accordance with the recommendation of the Finance Committee through its Chairman Alderman Leonard J. Gentile, the sum of two hundred fifty thousand dollars (\$250,000) be and is hereby appropriated from the Overlay Surplus to the Assessing Department Revaluation Account to be expended under the direction of the Director of Assessing for the purpose of providing expert services required for valuations and testimony for cases before the Appellate Tax Board.

FROM:	Overlay Surplus (01-3497).....	\$250,000
TO:	Revaluation (C106001-5301).....	\$250,000

Under Suspension of Rules  
Readings Waived and Approved

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor

Date: \_\_\_\_\_