

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, FEBRUARY 14, 2011

7 PM  
Room 222

**ITEMS TO BE DISCUSSED:**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE**

#43-11 HIS HONOR THE MAYOR requesting that the budget for the Newton North High School construction project be amended by transferring from various miscellaneous line items and the Owners Contingency line item the sum of two million five hundred eight-three thousand six hundred ninety seven dollars and eleven cents (\$2,583,697.11) to the Construction Manager at Risk line item for the purpose of providing funding for the estimated cost of additional abatement work related to the demolition phase of the project as follows:

From: Reallocation of miscellaneous accounts .....\$583,697.11  
Owners Contingency.....\$2,000,000.00

To: Construction Manager at Risk .....\$2,583,697.11  
[02-03-11 @ 11:57 AM]

**PUBLIC FACILITIES APPROVED 5-0 (Gentile, Albright not voting 2/9/11)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE**

#42-11 HIS HONOR THE MAYOR requesting a transfer of three hundred thousand dollars (\$300,000) from various departments' salary accounts to supplement the expenditures associated with the removal of snow and ice as follows:

	<u>Account Number</u>	<u>Department</u>	<u>Amount</u>
From:	0110301-511001	Executive .....	\$10,000
	0110501-511001	Purchasing .....	\$15,000
	0110601-511002	Assessing .....	\$15,000
	0110901-511001	Human Resources.....	\$35,000
	0111103-511001	Information Technology .....	\$40,000
	0111401-511001	Planning.....	\$25,000
	0140103-511002	DPW-Vehicle Maint.....	\$35,000
	0140104-511002	DPW – Street Maint .....	\$25,000
	0150101-511001	Health & Human Svcs Adm.....	\$50,000
	0160103-511001	Newton Free Library .....	\$50,000

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 Kathleen Cahill, 617-796-1125, via email at [KCahill@newtonma.gov](mailto:KCahill@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

To: 0140110-513001 Snow & Ice – Overtime.....\$100,000  
 0140110-5273 Snow & Ice – Rental Veh.....\$100,000  
 0140110-5532 Snow & Ice – Sand/Salt.....\$100,000

[01/31/11 @ 5:04 PM]

**PUBLIC FACILITIES APPROVED 6-0 (Gentile not voting 02/09/11)**

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

#373-10(2) ALD. GENTILE, HARNEY, SANGIOLO requesting an amendment to §20-13 of the City of Newton Revised Ordinances to adjust the structure, as well as increase the amount of the fines associated with non-compliance of §20-13, **Noise Control**, to reflect the following: first violation: issuance of a warning; second violation: \$100 fine; third violation: \$200 fine; fourth violation: \$300 fine. [01-05-11 @ 10:00 PM]

**PROG & SERV APPROVED 7-0 (Linsky not voting on 02/09/11)**

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

#360-09(3) PROGRAMS AND SERVICES COMMITTEE requesting the creation of a revolving account for the purpose of managing the fees collected from the granting of off-leash dog licenses. [10/07/2010 @ 2:30pm]

**PROG & SERV APPROVED AS AMENDED 8-0 on 02/09/11**

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

#125-09 THE POST AUDIT & OVERSIGHT COMMITTEE requesting creation of a public tree protection ordinance and amendment of the current tree ordinance as recommended in the Tree Preservation Ordinance Report. [04/17/09 @ 9:14 PM]

**PROG & SERV APPROVED 7-0 (Merrill not voting) on 10/6/10**

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

#307-10 PROGRAMS AND SERVICES COMMITTEE proposing a RESOLUTION to the Interim Director of Health and Human Services to increase the tobacco seller's license fee. [10/25/210 @ 4:34pm]

**PROG & SERV NO ACTION NECESSARY 6-0 (Merrill not voting) on 01-19-10**

**REFERRED TO COMM. PRES., PUB FAC & FINANCE COMMITTEES**

#147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]

**COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08**

**(A) DESIGN FUNDS ESTIMATE \$37,500.00 – BOA APPROVED (B)**

**BALANCE OF PROJECT ESTIMATE \$321,900.00 – HELD**

**PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON PART B 8-0 on 05/05/10**

**ITEMS NOT SCHEDULED FOR DISCUSSION:****REFERRED TO CMTE ON COMMUNITY PRES & FINANCE COMMITTEES**

- #32-11 COMMUNITY PRESERVATION COMMITTEE recommending that \$37,500 be appropriated from the fiscal 2011 historic resources reserve of the Community Preservation Fund to create or update under the direction and control of the Planning & Development Department the Massachusetts Historical Commission survey forms for the city's approximately 140 buildings constructed between 1830 and 1840. [01-11-11 @3:35 PM]

**REFERRED TO PROG. AND SERVICES AND FINANCE COMMITTEES**

- #373-10 ALD. GENTILE, HARNEY, SANGIOLO requesting amendment to §20-13, *Noise Control*, of the City of Newton Revised Ordinances to prohibit outdoor athletic events from starting before 7 AM and increase the maximum fine to \$300. [12-10-10 @ 12:53 PM]  
**PROGRAMS & SERVICES HELD on 02/09/11**

**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]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #311-10 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:  
  
(A) Architectural Design and Engineering/Next Scheduled Fire Station \$400,000  
A-2 - HELD \$270,000 for final design bidding and construction admin  
[11/29/10 @ 3:23 PM]

**REFERRED TO PS&T, PUB. FACIL. AND FINANCE COMMITTEES**

- #310-10 ALD. DANBERG, ALBRIGHT, BAKER, BLAZAR, CROSSLEY, FISCHMAN, FREEDMAN, HESS-MAHAN, JOHNSON, LINSKY, MERRILL, RICE AND SCHNIPPER requesting that §26-8 and §20-21 of the City of Newton Rev. Ords., 2007, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers to sidewalks abutting their property and to review and amend enforcement provisions including structure of fines, for snow removal violations. [10/25/10 @ 4:39 PM]  
**PUBLIC FACILITIES APPROVAL AS AMENDED FAILED TO CARRY 3-3 (Gentile, Lappin, Lennon opposed) on 01/19/11**  
**PS&T APPROVAL AS AMENDED FAILED TO CARRY 2-3-1 (Ciccione, Shapiro, Swiston opposed; Harney abstaining) on 01/19/11**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #365-10 HIS HONOR THE MAYOR requesting authorization to appropriate and expend the sum of three hundred ninety-five thousand dollars (\$395,000) from the FY 2011 Overlay Surplus Reserve Account for the purpose of funding a Comprehensive Citywide Capital Assessment. [11/29/10 @ 3:23 PM]

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

- #363-10 ALD. ALBRIGHT & DANBERG 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. [11/15/10 @ 6:30 PM]

**REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES**

- #311-10(B) HIS HONOR THE MAYOR requesting an appropriation in the amount of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding the Manet Road Emergency Communications Radio Tower Replacement, which is included in the FY 2011 Capital Improvement Plan. [11/29/10 @ 3:23 PM]  
**PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0 on 12/08/10**

**REFERRED TO PUBLIC FACILITIES, PROG&SERV AND FINANCE COMMITTEES**

- #312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10-27-10 @ 11:07 AM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #311-10 HIS HONOR THE MAYOR submitting the FY'12-FY'16 Capital Improvement Program, totaling \$174,246,135 pursuant to section 5-3 of the Newton City Charter and the FY'11 Supplemental Capital budget which require Board of Aldermen approval to finance new capital projects over the next several years. [10/18/10 @ 5:24PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #264-10 ALD. CROSSLEY, SCHNIPPER & FULLER requesting a discussion of the status of new water meter installations, and to consider payment mechanisms to help customers if they receive an extraordinary, one-time, water bill from an accurate accounting of past usage over an extended period of time. [09/16/10 @ 11:59 am]
- #259-10 COMPTROLLER transmitting Annual Financial Report for the audit of fiscal year ending June 30, 2010 for Board of Aldermen review/acceptance. [09/13/10 @ 12:26 PM]
- #78-10 ALD. FULLER, GENTILE, FREEDMAN, JOHNSON, DANBERG AND BAKER requesting a review of the elements of the Financial Management Guidelines of January 2008, together with the Mayor's Office, to ensure they meet the current needs of the City. [03/09/10 @ 8:23 AM]

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

- #391-09(2) ALD. DANBERG, MANSFIELD, VANCE & HESS-MAHAN requesting the establishment of a municipal parking mitigation fund whose proceeds, derived from payments-in-lieu of providing off-street parking spaces associated with special permits, will be used solely for expenses related to adding to the supply of municipal parking spaces, improving existing municipal parking spaces, or reducing the demand for parking spaces.

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

- #87-09 ALD. SANGIOLO, BRANDEL, FREEDMAN AND HESS-MAHAN requesting a Home Rule Petition to allow the City of Newton to require elected officials to contribute a higher percentage rate for health insurance benefits than is required for other employee groups. [03-10-09 @ 9:17 AM]  
**PROGRAM & SERVICES APPROVED 5-1-1 (Baker opposed; Merrill abstaining; Parker not voting) on 4/15/09**  
**RECOMMITTED TO FINANCE ON 07/12/10**
- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:  
(A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;  
(B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;  
(C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [07-02-08 @ 12:12 PM]
- #207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [07-02-08 @ 12:12 PM]

Respectfully submitted,

Leonard J. Gentile, Chairman

#43-11

Telephone  
(617) 796-1100

Telefax  
(617) 796-1113

TDD  
(617) 796-1089

E-mail  
swarren@newtonma.gov



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

February 3, 2011

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

Ladies and Gentlemen:

As you know, in early December 2010 asbestos was discovered in concealed areas of the exterior wall of the Newton North High School. Since that discovery, the scope of the contamination as well as the abatement plan have been developed with approval by the State's Department of Environmental Protection. A full cost analysis for the abatement of this contamination requires a reallocation of funds within the total appropriation for the project.

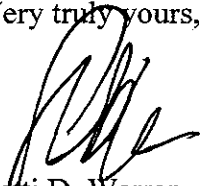
At this point in the project, funds in several accounts are proposed for redistribution toward the anticipated costs through the demolition phase, currently projected through June 2011. As the redistribution in this proposal addresses foreseen costs through demolition, it is anticipated that the Honorable Board will be asked to approve further adjustments in anticipation of the last phase of the project, that of final construction and close out (to include athletic fields, parking lot, and landscaping) currently projected through November 2011.

The attached Budget Summary and Transfer details the proposal for this docket item, but in summary addresses an projected abatement cost as follows:

Estimated Cost of Additional Abatement work:	\$3,950,000.00
Contingency within the Construction GMP	\$1,366,302.89
Reallocation of misc. accounts	\$ 583,697.11
Owners Contingency	<u>\$2,000,000.00</u>
Total:	\$3,950,000.00

As with any funds programmed for this project, any monies that are not used in these accounts will be credited to the City at the project's completion. Thank you for your consideration to this request.

Very truly yours,

  
Setti D. Warren  
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

[www.ci.newton.ma.us](http://www.ci.newton.ma.us)

DEDICATED TO COMMUNITY EXCELLENCE 

CITY OF NEWTON, MASSACHUSETTS  
 HIGH SCHOOL IMPROVEMENT FUND  
 NORTH HIGH SCHOOL NEW CONSTRUCTION PROJECT  
 BUDGET TO ACTUAL REPORT WITH SUMMARY OF RECOMMENDED LINE ITEM TRANSFERS

	Original Budget {1}	Total Amended Budget {2}	Total Expenditures	Encumbrances	Unobligated Balance	Recommended Transfers {5}	Revised Budget Balances
ADMINISTRATIVE SUPPORT SALARIES	\$ 383,213.37	\$ 381,338.84	\$ 299,459.93	\$ -	\$ 81,878.91	\$(81,878.91)	\$ -
WORK BY OTHER DEPARTMENTS	-	5,042.53	4,736.20	-	306.33	(306.33)	-
RENTAL - EQUIPMENT	550,000.00	445,199.40	312,566.74	16,618.08	116,014.58	(100,000.00)	16,014.58
SOLID WASTE DISPOSAL	-	104,800.60	104,790.07	-	10.53	(10.53)	-
RENTAL-STORAGE CONTAINERS	-	14,500.00	12,490.37	1,138.06	871.57	-	871.57
RENTAL-SANITARY FACILITIES	-	18,000.00	12,750.00	800.00	4,450.00	-	4,450.00
CONSULTANTS	200,000.00	2,200,148.77	1,913,546.09	156,623.90	129,978.78	-	129,978.78
ARCHITECTURAL SERVICES	7,000,000.00	16,790,380.51	16,440,778.91	139,601.60	210,000.00	-	210,000.00
CONSTRUCTION CLERK OF THE WORKS	275,000.00	275,000.00	219,400.00	55,600.00	-	-	-
BUILDING SYSTEM COMMISSIONING	350,000.00	390,000.00	350,000.00	-	40,000.00	(40,000.00)	-
CONSTRUCTION PROJECT MANAGEMENT	2,500,000.00	4,384,951.00	4,160,791.00	114,840.00	109,320.00	-	109,320.00
CONSTRUCTION MANAGER AT RISK {4}	119,358,690.33	161,741,506.33	150,049,254.00	11,689,561.00	2,691.33	2,583,697.11	2,586,388.44
BLUEPRINTING	49,548.50	49,548.50	6,900.25	-	42,648.25	(42,648.25)	-
LEGAL SERVICES	250,000.00	330,000.00	265,469.79	-	64,530.21	(64,530.21)	10,000.00
LEGAL SETTLEMENT	-	100,000.00	100,000.00	-	-	-	-
REGISTRATION AND RECORDING FEES	-	50.00	50.00	-	-	-	-
POSTAGE	100.00	250.00	164.26	-	85.74	(85.74)	-
PRINTING	51.50	51.50	22.00	-	29.50	(29.50)	-
ADVERTISING/PUBLICATIONS	300.00	300.00	-	-	300.00	(300.00)	-
ATHLETIC TRANSPORTATION	350,000.00	500,000.00	328,019.14	-	171,980.86	(160,000.00)	11,980.86
UNALLOCATED CONTINGENCY	-	333,443.41	-	-	333,443.41	-	333,443.41
OWNERS CONTINGENCY {3}	6,225,107.69	5,000,000.00	-	-	5,000,000.00	(2,000,000.00)	3,000,000.00
BUILDING IMPROVEMENTS	497,500.00	497,500.00	44,508.18	-	452,991.82	-	452,991.82
INFORMATION TECHNOLOGY EQUIPMENT	-	1,850,000.00	1,808,536.73	27,099.53	14,363.74	-	14,363.74
AUDIO-VISUAL EQUIPMENT	925,000.00	26,750.00	26,741.31	-	8.69	(8.69)	-
FURNISHINGS, FIXTURES & EQUIPMENT	-	1,562,500.00	1,411,828.95	131,029.50	19,641.55	-	19,641.55
CLASSROOM FURNITURE	1,387,500.00	525,000.00	404,541.28	16,559.77	103,898.95	(103,898.95)	-
<b>TOTAL PROJECT EXPENDITURE BUDGET</b>	<b>\$ 141,227,011.39</b>	<b>\$ 197,526,261.39</b>	<b>\$ 178,277,345.20</b>	<b>\$ 12,349,471.44</b>	<b>\$ 6,899,444.75</b>	<b>\$ (0.00)</b>	<b>\$ 6,899,444.75</b>

{1} Original budget thru board order #56-07 (04/04/2007)  
 {2} Amended budget thru board order #247-10; September 20, 2010.  
 {3} Transfers from the Owners contingency require prior approval of the Board of Aldermen  
 {4} Includes \$272,653 in retainages payable.  
 {5} Recommended transfers for Board of Aldermen approval

CITY CLERK  
 NEWTON, MA 02159  
 11 FEB - 3 P 12: 32

**NNHS Phase 2 Abatement Impact - Contingency & Timeline**

As of: Feb 4, 2011

Cost Estimates for Additional Asbestos Contaminating Material (ACM):

Exterior wall contaminated with asbestos	\$	3,360,000
Foundation wall waterproofing to be abated	\$	70,000
Transite drainage pipe- estimated	\$	480,000
Testing / additional exploratory work	\$	30,000
<b>Total</b>	<b>\$</b>	<b>3,950,000</b>

Projected Activity Timeline and Cashflow

Demolition & Abatement Activities	Total Amount	January-11	February-11	March-11	April-11	May-11	June-11	July-11	August-11	September-11	October-11	November-11
		Included w/in GMP										
Interior Abatement												
Exterior Wall Abatement	\$ 3,360,000		\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000
Demolition												
Other ACM Items (listed above)	\$ 590,000											
Final Sitework and Athletic Fields												
<b>Total</b>		\$ 1,366,303	\$ 526,303	\$ (313,697)	\$ (1,301,197)	\$ (2,288,697)	\$ (2,436,197)	\$ (2,583,697)	\$ (2,583,697)	\$ (2,583,697)	\$ (2,583,697)	\$ (2,583,697)

Legend:  = Represents active work during that month

\$ 0

CITY CLERK  
NEWTON, MA. 02159

11 FEB -4 P 3:05





600 West Cummings Park, Suite 5500  
Woburn, Massachusetts 01801-6350  
[www.atcassociates.com](http://www.atcassociates.com)  
781.932.9400  
Fax 781.932.6211

February 4, 2011

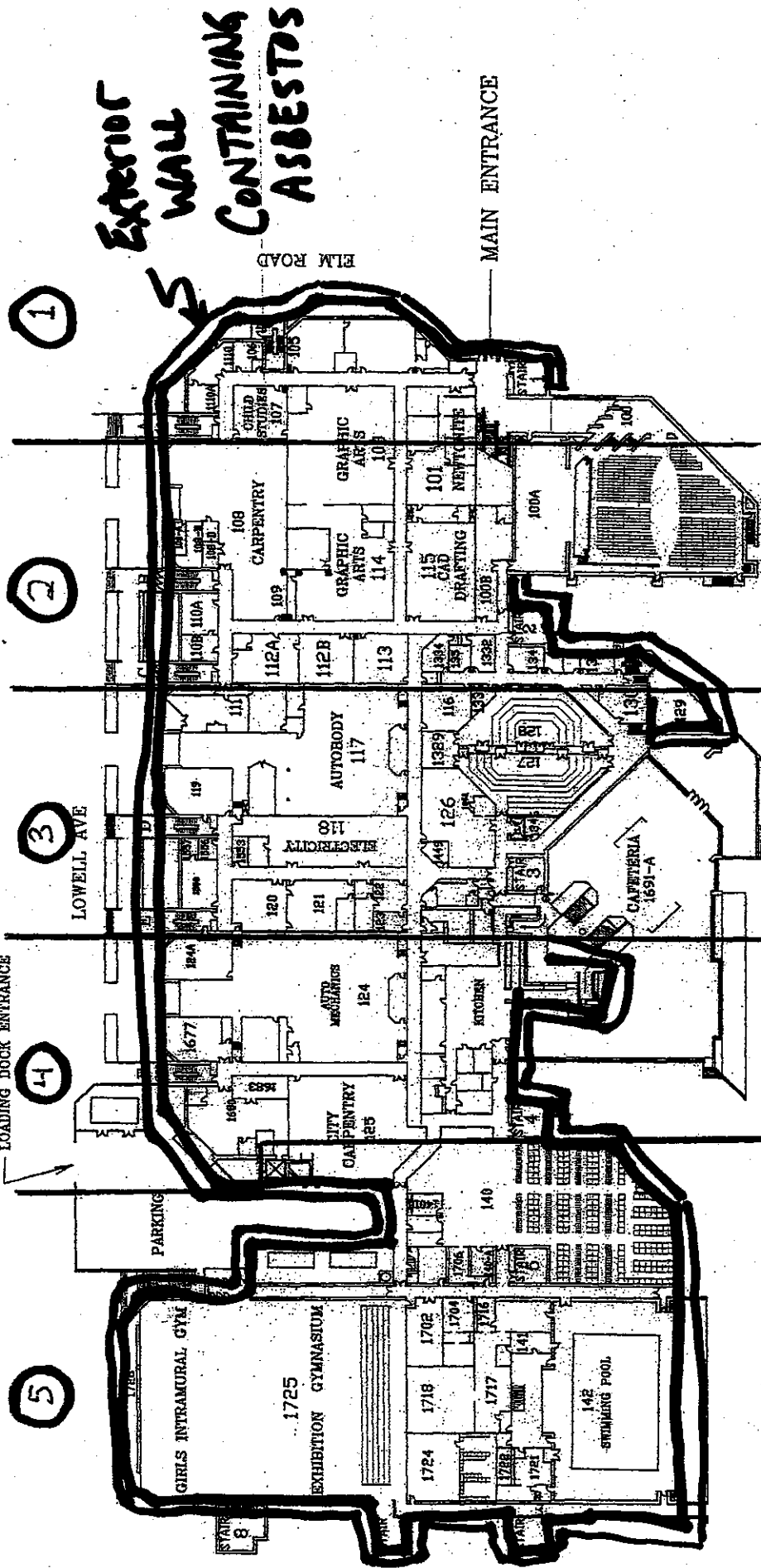
During interior demolition of the Former Newton North High School, asbestos-containing spray-on fireproofing was found on concealed structural steel beams of the exterior walls. See attached floor plan as to general areas of contamination. Inherent in the removal process, the concrete block wall will also need to be removed as contaminated material with means and methods approved by the State DEP.

Costello Dismantling Inc. has prepared an asbestos abatement work plan to remove the materials that are contaminated in a manner as described as follows:

- There will be two abatement contractors working at opposite ends of the building (Section 1 & 5) to meet in the middle (Section 3).
- The exterior brick will be shored up using a system that was designed by a structural engineer from Costello Dismantling, to use the exterior brick intact to act as containment for the work done on the interior concrete block walls.
- Negative air pressure containments will be set up on the interior of the building in multiple phases. Once the work area is under containment, the asbestos abatement contractor will clean and remove the 6" & 8" CMU block walls. The CMU block will be demolished using a Bob Cat and ram attachment, not yet removing the exterior brick.
- The CMU block will be properly containerized and disposed of in a hazmat landfill along with remaining asbestos-containing spray-on fireproofing on the structural steel that was located in the wall.
- The contractor will then utilize mechanical methods to remove the slab edge mastic (non-friable material).
- Once the contaminated materials are completely removed, the exterior brick will be removed for disposal.
- Throughout the process, HEPA vacuums and power washing will help manage the material in a safe manner. Inspections will be continuous by ATC as well as air quality testing.

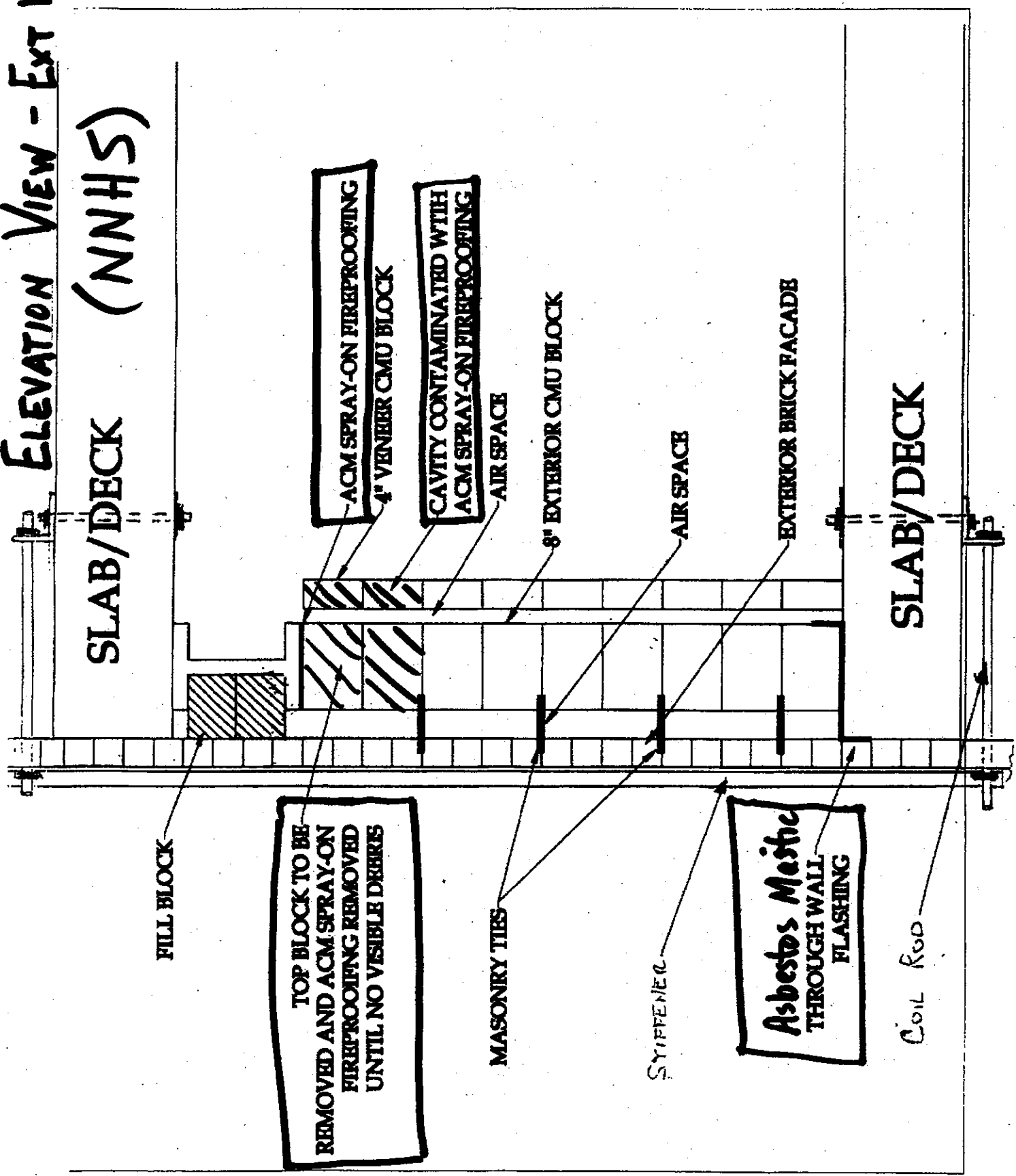
Former Newton North High School  
Exterior Wall Abatement  
Phasing Sketch  
1/25 11

SECTIONS:



FIRST FLOOR PLAN

# ELEVATION VIEW - EXT WALL SLAB/DECK (NNHS)



FILL BLOCK

TOP BLOCK TO BE  
REMOVED AND ACM SPRAY-ON  
FIREPROOFING REMOVED  
UNTIL NO VISIBLE DEBRIS

ACM SPRAY-ON FIREPROOFING  
4" VENEER CMU BLOCK

CAVITY CONTAMINATED WITH  
ACM SPRAY-ON FIREPROOFING  
AIR SPACE

MASONRY TIES

8" EXTERIOR CMU BLOCK

STIFFENER

AIR SPACE

Asbestos Mastic  
THROUGH WALL  
FLASHING

EXTERIOR BRICK FACADE

Coil Rod

SLAB/DECK



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

January 31, 2011

#42-11

Telephone  
(617) 796-1100

Facsimile  
(617) 796-1113

TDD/TTY  
(617) 796-1089

E-mail  
swarren@newtonma.gov

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 transfer the sum of \$300,000 from the following accounts to supplement the expenditures associated with the removal of snow and ice. The City has currently spent approximately \$2,500,000 to date, with a solid two months of potential storms still ahead.

The \$300,000 has accumulated in various departments as a result of salary savings due to attrition.

<u>Transfer from:</u>	<u>Account Number</u>	<u>Department</u>	<u>Amount</u>
	0110301-511001	Executive	\$10,000 ✓
	0110501-511001	Purchasing	\$15,000 ✓
	0110601-511001 ✓	Assessing	\$15,000 ✓
	0110901-511001	Human Resources	\$35,000 ✓
	0111103-511001	Information Technology	\$40,000 ✓
	0111401-511001	Planning	\$25,000 ✓
	0140103-511002	DPW – Vehicle Maint	\$35,000
	0140104-511002	DPW – Street Maint	\$25,000
	0150101-511001	Health & Human Svcs Adm	\$50,000 ✓
	0160103-511001	Newton Free Library	\$50,000 ✓
<u>Transfer to:</u>	0140110-513001	Snow & Ice - Overtime	\$100,000
	0140110-5273	Snow & Ice – Rental Veh	\$100,000
	0140110-5532	Snow & Ice – Sand/Salt	\$100,000

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

AA  
02/04/2011

11 JAN 31 P 5:04  
CITY CLERK  
NEWTON, MA 02159

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 MUNICIPAL WAGE AND SALARY FORECAST  
 January 31, 2011

	Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
<b>ALDERMEN</b>							
FULL TIME SALARIES	337,113.00	31,996.35	191,301.38	-	145,811.62	139,504.09	6,307.53
OFFICIALS W/BENEFITS	234,000.00	19,500.00	136,500.00	-	97,500.00	97,500.00	-
LONGEVITY	2,025.00	575.00	1,350.00	-	675.00	675.00	-
<b>CITY CLERK</b>							
FULL TIME SALARIES	227,183.00	21,691.52	131,363.64	-	95,819.36	94,575.03	1,244.33
PART TIME & 20 HRS/WK	10,687.00	952.00	6,188.00	-	4,499.00	4,150.72	348.28
LONGEVITY	3,725.00	-	2,775.00	-	950.00	950.00	-
<b>CITY CLERK</b>							
OTHER STIPENDS	1,566.00	150.00	912.00	-	654.00	654.00	-
<b>CITY CLERK</b>							
<b>CLERK/CLERK OF THE BOARD</b>	<b>816,299.00</b>	<b>74,864.87</b>	<b>470,390.02</b>	<b>-</b>	<b>345,908.98</b>	<b>338,008.83</b>	<b>7,900.15</b>
<b>EXECUTIVE</b>							
FULL TIME SALARIES	614,166.00	58,827.50	343,361.72	10,000.00	260,804.28	256,487.90	4,316.38
<b>CITIZEN ASSISTANCE</b>							
FULL TIME SALARIES	54,377.00	5,208.45	31,667.38	-	22,709.62	22,708.84	0.78
<b>MAYOR</b>	<b>668,543.00</b>	<b>64,035.95</b>	<b>375,029.10</b>	<b>10,000.00</b>	<b>283,513.90</b>	<b>279,196.74</b>	<b>4,317.16</b>
<b>COMPTRROLLER</b>							
FULL TIME SALARIES	373,319.52	34,483.98	212,822.58	-	160,496.94	151,292.00	9,204.94
PART TIME & 20 HRS/WK	38,550.00	2,842.83	21,051.68	-	17,498.32	17,394.74	103.58
LONGEVITY	4,400.00	-	656.25	-	3,743.75	3,743.75	-
SPECIAL LEAVE BUY BACK	6,000.00	-	6,000.00	-	-	-	-
VACATION BUY BACK	2,108.48	-	2,108.48	-	-	-	-
CLEANING ALLOWANCE	500.00	-	500.00	-	-	-	-
<b>COMPTRROLLER</b>	<b>424,878.00</b>	<b>37,326.81</b>	<b>243,138.99</b>	<b>-</b>	<b>181,739.01</b>	<b>172,430.49</b>	<b>9,308.52</b>
<b>RETIREMENT</b>							
FULL TIME SALARIES	177,453.00	16,997.25	103,343.28	-	74,109.72	74,108.01	1.71
LONGEVITY	1,650.00	-	875.00	-	775.00	775.00	-
<b>RETIREMENT BOARD</b>	<b>179,103.00</b>	<b>16,997.25</b>	<b>104,218.28</b>	<b>-</b>	<b>74,884.72</b>	<b>74,883.01</b>	<b>1.71</b>
<b>PURCHASING</b>							
FULL TIME SALARIES	268,667.00	25,273.05	139,749.34	15,000.00	113,917.66	110,190.50	3,727.16
PART TIME & 20 HRS/WK	-	-	-	-	-	-	-
LONGEVITY	2,100.00	-	1,525.00	-	575.00	575.00	-
CLEANING ALLOWANCE	1,500.00	-	1,500.00	-	-	-	-
FULL TIME SALARIES	53,473.00	5,121.80	31,140.54	-	22,332.46	22,331.05	1.41
REGULAR OVERTIME	500.00	-	13.66	-	486.34	400.00	86.34
CLOTHING ALLOWANCE	500.00	-	500.00	-	-	-	-
<b>PURCHASING</b>	<b>326,740.00</b>	<b>30,394.85</b>	<b>174,428.54</b>	<b>15,000.00</b>	<b>137,311.46</b>	<b>133,496.55</b>	<b>3,814.91</b>
<b>ASSESSING</b>							
FULL TIME SALARIES	948,872.00	91,058.45	546,052.53	-	402,819.47	397,014.84	5,804.63
PART TIME & 20 HRS/WK	-	-	-	-	-	-	-
PART TIME & 20 HRS/WK	29,352.00	-	-	15,000.00	14,352.00	-	14,352.00
REGULAR OVERTIME	1,500.00	-	-	-	1,500.00	1,500.00	-
LONGEVITY	8,725.00	1,525.00	5,450.00	-	3,275.00	3,275.00	-
SEVERANCE PAY	-	-	-	-	-	-	-

CITY OF NEWTON, MASSACHUSETTS  
GENERAL FUND  
MUNICIPAL WAGE AND SALARY FORECAST

January 31, 2011

Projected to  
6/30/2011

Reserved for  
Pending Transfer

Projected  
Y/E Balance

	Budget	Period Exp	YTD Expense	Balance	Projected to 6/30/2011	Projected Y/E Balance
ASSESSING	2,500.00	-	2,500.00	-	-	-
<b>BOARD OF ASSESSORS</b>	<b>990,949.00</b>	<b>92,583.45</b>	<b>554,002.53</b>	<b>421,946.47</b>	<b>401,789.84</b>	<b>20,156.63</b>

CLEANING ALLOWANCE

TREASURY	528,372.39	57,566.43	300,487.57	227,884.82	225,116.61	2,768.21
TREASURY	1,360.00	-	1,360.00	-	-	-
TREASURY	6,787.61	-	6,787.61	-	-	-
TREASURY	5,000.00	198.74	1,330.13	3,669.87	3,500.00	169.87
TREASURY	575.00	-	262.50	312.50	300.00	12.50
TREASURY	-	-	-	-	-	-
TREASURY	-	-	-	-	-	-
TREASURY	-	-	-	-	-	-
TREASURY	3,500.00	-	3,500.00	-	-	-
<b>TREASURER &amp; COLLECTOR</b>	<b>545,595.00</b>	<b>57,765.17</b>	<b>313,727.81</b>	<b>231,867.19</b>	<b>228,916.61</b>	<b>2,950.58</b>

LEGAL	809,658.88	80,654.25	472,734.22	336,924.66	351,652.53	(14,727.87)
LEGAL	400.00	-	400.00	-	-	-
LEGAL	-	-	-	-	-	-
LEGAL	3,375.00	875.00	4,150.00	(775.00)	-	(775.00)
LEGAL	282.12	-	282.12	-	-	-

**CITY SOLICITOR**

	81,716.00	81,529.25	377,566.34	336,149.66	351,652.53	(15,502.87)
HUMAN RESOURCES	576,079.00	50,098.55	304,838.62	236,240.38	218,429.68	17,810.70
HUMAN RESOURCES	-	-	-	-	-	-
HUMAN RESOURCES	-	-	-	-	-	-
HUMAN RESOURCES	2,800.00	-	2,225.00	575.00	575.00	-
HUMAN RESOURCES	25,000.00	-	-	25,000.00	-	25,000.00
HUMAN RESOURCES	-	-	-	-	-	-
<b>HUMAN RESOURCES</b>	<b>603,879.00</b>	<b>50,098.55</b>	<b>307,063.62</b>	<b>261,815.36</b>	<b>219,004.68</b>	<b>42,810.70</b>

IT ADMINISTRATION	195,726.00	18,747.55	113,985.11	81,740.89	81,739.32	1.57
IT ADMINISTRATION	15,425.00	1,230.00	5,433.70	9,991.30	5,362.80	4,628.50
IT ADMINISTRATION	1,550.00	-	-	1,550.00	1,550.00	-
IT ADMINISTRATION	-	-	-	-	-	-
IT ADMINISTRATION	-	-	-	-	-	-
MICRO/NETWORK SVS	285,235.00	26,589.00	154,979.43	130,255.57	115,928.04	14,327.53
MICRO/NETWORK SVS	1,150.00	-	1,150.00	-	-	-
MICRO/NETWORK SVS	500.00	-	500.00	-	-	-

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 MUNICIPAL WAGE AND SALARY FORECAST  
 January 31, 2011

	Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
<b>SYSTEMS PROGRAMMING</b>	64,605.00	-	-	40,000.00	24,605.00	-	24,605.00
SYSTEMS PROGRAMMING							
GIS ADMINISTRATION	85,860.00	8,224.05	50,002.22	-	35,857.78	35,856.86	0.92
GIS ADMINISTRATION	575.00	-	575.00	-	-	-	-
<b>INFORMATION TECHNOLOGY</b>	<b>650,626.00</b>	<b>54,790.60</b>	<b>326,625.46</b>	<b>40,000.00</b>	<b>284,000.54</b>	<b>240,437.02</b>	<b>43,563.52</b>
<b>CENSUS RECORDS</b>	235,982.89	21,792.96	137,226.40	-	98,756.49	95,017.31	3,739.18
CENSUS RECORDS							
CENSUS RECORDS	3,952.00	285.00	1,732.80	-	2,219.20	1,242.60	976.60
CENSUS RECORDS	6,811.00	-	2,838.48	-	3,972.52	-	3,972.52
CENSUS RECORDS	14,566.00	-	876.63	-	13,689.37	-	13,689.37
CENSUS RECORDS	1,700.00	950.00	1,700.00	-	-	-	-
CENSUS RECORDS	187.11	-	187.11	-	-	-	-
CENSUS RECORDS	-	-	-	-	-	-	-
CENSUS RECORDS	-	-	-	-	-	-	-
CENSUS RECORDS	1,500.00	-	1,500.00	-	-	-	-
ELECTIONS	61,000.00	-	60,866.80	-	133.20	-	133.20
ELECTIONS	58,250.00	-	56,991.61	-	1,258.39	-	1,258.39
<b>ELECTIONS COMMISSION</b>	<b>383,949.00</b>	<b>23,027.96</b>	<b>263,919.83</b>	<b>-</b>	<b>120,029.17</b>	<b>96,259.91</b>	<b>23,769.26</b>

PLANNING	432,247.08	38,894.45	225,703.70	25,000.00	181,543.38	169,318.20	12,225.18
PLANNING	75,548.00	10,462.20	59,150.42	-	16,397.58	45,615.19	(29,217.61)
PLANNING	125,284.00	7,754.00	64,034.60	-	61,249.40	33,807.44	27,441.96
PLANNING	-	-	-	-	-	-	-
PLANNING	10,000.00	1,121.57	3,079.97	-	6,920.03	-	6,920.03
PLANNING	750.00	750.00	750.00	-	-	-	-
PLANNING	3,396.92	3,396.92	3,396.92	-	-	-	-
PLANNING	-	-	-	-	-	-	-
PLANNING	-	-	-	-	-	-	-
PLANNING	3,000.00	-	3,000.00	-	-	-	-
PLANNING	62,169.00	6,120.00	37,209.60	-	24,959.40	26,683.20	(1,723.80)
CONSERVATION	500.00	-	500.00	-	-	-	-
CONSERVATION	52,355.00	5,607.85	33,207.05	-	19,147.95	24,450.23	(5,302.28)
CONSERVATION	-	-	-	-	-	-	-
HISTORICAL	-	-	-	-	-	-	-





CITY OF NEWTON, MASSACHUSETTS  
GENERAL FUND  
MUNICIPAL WAGE AND SALARY FORECAST  
January 31, 2011

	Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
CITY HALL MAINT/OPERATION	1,500.00	-	1,500.00	-	-	-	-
LIBRARY BLDG MAINT/OPER.	183,233.00	17,550.70	86,488.33	-	96,744.67	76,521.05	20,223.62
LIBRARY BLDG MAINT/OPER.	1,000.00	-	-	-	1,000.00	-	1,000.00
LIBRARY BLDG MAINT/OPER.	21,036.00	1,266.25	7,902.38	-	13,133.62	5,520.85	7,612.77
LIBRARY BLDG MAINT/OPER.	23,253.00	2,143.50	13,059.36	-	10,193.64	9,345.66	847.98
LIBRARY BLDG MAINT/OPER.	5,000.00	2,106.10	9,643.54	-	(4,643.54)	9,182.60	(13,826.14)
LIBRARY BLDG MAINT/OPER.	4,500.00	-	3,200.00	-	1,300.00	1,300.00	-
LIBRARY BLDG MAINT/OPER.	10,024.00	685.90	4,445.94	-	5,578.06	2,990.52	2,587.54
LIBRARY BLDG MAINT/OPER.	3,000.00	-	-	-	3,000.00	3,000.00	-
LIBRARY BLDG MAINT/OPER.	-	-	-	-	-	-	-
LIBRARY BLDG MAINT/OPER.	-	-	-	-	-	-	-
LIBRARY BLDG MAINT/OPER.	-	-	-	-	-	-	-
LIBRARY BLDG MAINT/OPER.	-	-	-	-	-	-	-
LIBRARY BLDG MAINT/OPER.	-	-	-	-	-	-	-
<b>PUBLIC BUILDING DEPARTMENT</b>	<b>1,785,993.97</b>	<b>183,118.20</b>	<b>990,011.12</b>	<b>-</b>	<b>765,982.85</b>	<b>660,771.16</b>	<b>105,211.69</b>

**PUBLIC BUILDING DEPARTMENT**

INSPECTONAL SVS ADMIN	269,355.00	25,826.90	156,748.93	-	112,606.07	112,605.28	0.79
INSPECTONAL SVS ADMIN	-	-	-	-	-	-	-
INSPECTONAL SVS ADMIN	2,796.60	385.94	2,597.29	-	199.31	-	199.31
INSPECTONAL SVS ADMIN	-	-	-	-	-	-	-
INSPECTONAL SVS ADMIN	-	-	-	-	-	-	-
INSPECTONAL SVS ADMIN	1,000.00	-	1,000.00	-	-	-	-
INSPECTONAL SVS ADMIN	335,654.00	32,272.95	194,943.88	-	140,710.12	140,710.06	0.06
BLDG CODE/ZONING ENFMT	-	-	-	-	-	-	-
BLDG CODE/ZONING ENFMT	203.40	-	203.40	-	-	-	-
BLDG CODE/ZONING ENFMT	650.00	-	650.00	-	-	-	-
BLDG CODE/ZONING ENFMT	-	-	-	-	-	-	-
BLDG CODE/ZONING ENFMT	2,000.00	-	2,000.00	-	-	-	-
BLDG CODE/ZONING ENFMT	-	-	-	-	-	-	-
BLDG CODE/ZONING ENFMT	253,792.08	24,391.25	154,480.90	-	99,311.18	85,122.24	14,188.94
MECHANICAL INSPECTIONS	-	214.18	214.18	-	(214.18)	-	(214.18)
MECHANICAL INSPECTIONS	-	707.34	707.34	-	(707.34)	(707.34)	-
MECHANICAL INSPECTIONS	4,500.00	1,854.16	3,154.16	-	1,345.84	1,300.00	45.84
MECHANICAL INSPECTIONS	-	-	-	-	-	-	-
MECHANICAL INSPECTIONS	6,000.00	6,000.00	6,000.00	-	-	-	-
MECHANICAL INSPECTIONS	6,814.92	6,814.92	6,814.92	-	-	-	-
MECHANICAL INSPECTIONS	2,000.00	-	2,000.00	-	-	-	-
MECHANICAL INSPECTIONS	-	-	-	-	-	-	-
MECHANICAL INSPECTIONS	-	-	-	-	-	-	-
MECHANICAL INSPECTIONS	-	-	-	-	-	-	-
INSPECTONAL SERVICES DEPT.	884,766.00	98,467.64	531,515.00	-	353,251.00	339,030.25	14,220.75

**INSPECTONAL SERVICES DEPT.**

WEIGHTS/MEASURES	63,121.00	6,045.95	36,759.38	-	26,361.62	26,360.34	1.28
WEIGHTS/MEASURES	575.00	-	575.00	-	-	-	-

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 MUNICIPAL WAGE AND SALARY FORECAST  
 January 31, 2011

Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
2,500.00	240.40	1,461.63	-	1,038.37	1,048.14	(9.77)
<b>66,196.00</b>	<b>6,286.35</b>	<b>38,796.01</b>	-	<b>27,399.99</b>	<b>27,408.49</b>	<b>(8.50)</b>

WEIGHTS/MEASURES  
 WEIGHTS & MEASURES

ADMIN SUPPORT STIPEND	667,962.00	64,045.35	388,367.00	-	279,595.00	279,237.73	357.27
CDBG PERSONAL SVS ADVANCE	-	-	-	-	-	-	-
FULL TIME SALARIES	1,005.19	117.06	998.84	-	6.35	-	6.35
SEASONAL WAGES	3,021.93	-	2,938.39	-	83.54	-	83.54
REGULAR OVERTIME	6,038.75	135.00	6,038.75	-	-	-	-
WORK BY OTHER DEPTS.	4,475.00	-	3,475.00	-	1,000.00	1,000.00	-
WORK FOR OTHER DEPT	-	-	-	-	-	-	-
LONGEVITY	-	-	-	-	-	-	-
SPECIAL LEAVE BUY BACK	-	12,368.77	12,368.77	-	(12,368.77)	-	(12,368.77)
VACATION BUY BACK	3,000.00	-	3,000.00	-	-	-	-
CLEANING ALLOWANCE	-	-	-	-	-	-	-
CURRENT YEAR WAGE RESERVE	286,124.48	18,412.00	122,726.30	-	163,398.18	80,276.32	83,121.86
FULL TIME WAGES	2,452.43	-	2,452.43	-	-	-	-
REGULAR OVERTIME	4,975.00	-	2,275.00	-	2,700.00	2,700.00	-
DPW CH 90 PAYRL SUSPENSE	11,387.52	-	5,387.52	-	6,000.00	6,000.00	-
LONGEVITY	3,000.00	-	2,500.00	-	500.00	-	500.00
SPECIAL LEAVE BUY BACK	142,293.00	23,311.40	141,733.31	-	559.69	101,637.70	(101,078.01)
CLOTHING ALLOWANCE	826,997.00	66,394.24	408,586.69	35,000.00	383,410.31	289,478.89	93,931.42
FULL TIME SALARIES	-	-	-	-	-	-	-
FULL TIME WAGES	-	-	-	-	-	-	-
PART TIME &lt; 20 HRS/WK	-	-	-	-	-	-	-
PART TIME &gt; 20 HRS/WK	23,156.61	1,904.86	23,319.09	-	(162.48)	-	(162.48)
REGULAR OVERTIME	13,500.00	3,100.00	9,825.00	-	3,675.00	-	3,675.00
LONGEVITY	-	-	-	-	-	-	-
EXCEPTIONAL SVS PAY	-	-	-	-	-	-	-
SPECIAL LEAVE BUY BACK	9,400.00	-	9,400.00	-	-	-	-
VACATION BUY BACK	555,990.64	55,759.60	338,447.07	-	217,543.57	243,111.86	(25,568.29)
CLOTHING ALLOWANCE	1,388,852.14	145,860.46	911,290.94	-	477,561.20	635,951.61	(158,390.41)
FULL TIME SALARIES	20,372.00	(1,570.50)	14,336.00	-	6,036.00	-	6,036.00
FULL TIME WAGES	17,505.79	1,073.16	16,100.48	-	1,405.31	-	1,405.31
SEASONAL WAGES	11,079.36	396.76	9,053.58	-	2,025.78	-	2,025.78
REGULAR OVERTIME	306.78	-	703.54	-	(396.76)	(396.76)	-
WORK BY OTHER DEPTS.	22,625.00	1,275.00	9,800.00	-	12,825.00	12,825.00	-
DPW CH 90 PAYRL SUSPENSE	-	-	-	-	-	-	-
LONGEVITY	-	-	-	-	-	-	-
EXCEPTIONAL SVS PAY	1,890.86	1,890.86	1,890.86	-	-	-	-
SPECIAL LEAVE BUY BACK	3,739.20	3,739.20	3,739.20	-	-	-	-
VACATION BUY BACK	-	-	-	-	-	-	-



CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 MUNICIPAL WAGE AND SALARY FORECAST  
 January 31, 2011

	Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
<b>ENGINEERING SERVICES</b>							
FULL TIME WAGES	-	-	-	-	-	-	-
WORK STUDY WAGES	-	-	-	-	-	-	-
INTERNS	-	-	-	-	-	-	-
REGULAR OVERTIME	11,620.00	368.39	11,582.45	-	37.55	-	37.55
LONGEVITY	7,000.00	-	4,050.00	-	2,950.00	2,950.00	-
SPECIAL LEAVE BUY BACK	-	-	-	-	-	-	-
VACATION BUY BACK	-	-	-	-	-	-	-
ENGINEERING SERVICES	5,400.00	-	5,400.00	-	-	-	-
CLOTHING ALLOWANCE	-	-	-	-	-	-	-
PRIVATE DUTY DETAILS	-	-	-	-	-	-	-
ENGINEERING SERVICES	99,286.00	9,687.12	58,024.97	-	41,261.03	42,235.84	(974.81)
PARKING METERS	4,919.61	1,699.33	4,200.93	-	718.68	700.00	18.68
PARKING METERS	2,075.00	-	1,300.00	-	775.00	775.00	-
PARKING METERS	1,000.00	-	1,000.00	-	-	-	-
CLOTHING ALLOWANCE	-	-	-	-	-	-	-
PUBLIC WORKS DEPARTMENT (excluding snow & ice)	696,344.95	4,409,856.66	60,000.00	60,000.00	2,365,255.74	2,948,831.89	(715,765.55)
<b>HEALTH &amp; HUMAN SERVICES</b>							
FULL TIME SALARIES	249,452.00	16,532.38	114,291.43	50,000.00	85,160.57	111,495.58	(26,335.01)
PART TIME &t; 20 HRS/WK	21,010.00	4,125.00	19,360.00	-	1,650.00	17,985.00	(16,335.00)
PART TIME &gt;t; 20 HRS/WK	-	-	-	-	-	-	-
LONGEVITY	2,150.00	400.00	1,150.00	-	1,000.00	1,000.00	-
SEVERANCE PAY	-	-	-	-	-	-	-
SPECIAL LEAVE BUY BACK	-	-	-	-	-	-	-
ENGINEERING SERVICES	1,500.00	-	1,500.00	-	-	-	-
CLEANING ALLOWANCE	242,285.00	23,150.30	136,253.82	-	106,031.18	100,935.31	5,095.87
FULL TIME SALARIES	500.00	-	-	-	500.00	500.00	-
REGULAR OVERTIME	3,250.00	1,300.00	1,950.00	-	1,300.00	1,300.00	-
LONGEVITY	-	-	-	-	-	-	-
OTHER STIPENDS	2,000.00	-	2,000.00	-	-	-	-
CLOTHING ALLOWANCE	-	-	-	-	-	-	-
CLEANING ALLOWANCE	-	-	-	-	-	-	-
CDBG PERSONAL SVS ADVANCE	-	-	-	-	(4,686.73)	(4,686.73)	-
FULL TIME SALARIES	1,393,138.00	3,022.00	4,686.73	-	825,212.09	775,114.77	50,097.32
PART TIME &t; 20 HRS/WK	94,906.00	4,622.45	14,613.89	-	80,292.11	28,289.39	52,002.72
PART TIME &gt;t; 20 HRS/WK	116,257.00	11,859.40	54,880.72	-	61,376.28	72,579.53	(11,203.25)
LONGEVITY	11,500.00	1,050.00	8,550.00	-	2,950.00	2,950.00	-
OTHER STIPENDS	11,000.00	-	-	-	11,000.00	11,000.00	-
CRISIS TEAM STIPEND	-	-	-	-	-	-	-
SPECIAL LEAVE BUY BACK	-	-	-	-	-	-	-
CLOTHING ALLOWANCE	-	-	-	-	-	-	-
CLEANING ALLOWANCE	6,500.00	-	6,500.00	-	-	-	-
FULL TIME SALARIES	57,366.00	5,494.70	33,746.70	-	23,619.30	23,956.89	(337.59)
LONGEVITY	-	-	-	-	-	-	-

CITY OF NEWTON, MASSACHUSETTS  
 GENERAL FUND  
 MUNICIPAL WAGE AND SALARY FORECAST  
 January 31, 2011

	Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
HUMAN SERVICES							
HUMAN SERVICES	500.00	-	500.00	-	-	-	-
HUMAN RIGHTS	-	-	-	-	-	-	-
HUMAN RIGHTS	-	-	-	-	-	-	-
HUMAN RIGHTS	-	-	-	-	-	-	-
HUMAN RIGHTS	-	-	-	-	-	-	-
HUMAN SERVICES ADMIN	-	-	-	-	-	-	-
<b>HEALTH &amp; HUMAN SERVICES</b>	<b>2,213,314.00</b>	<b>198,208.97</b>	<b>967,909.20</b>	<b>50,000.00</b>	<b>1,195,404.80</b>	<b>1,142,419.74</b>	<b>52,985.06</b>
SENIOR SERVICES							
SENIOR SERVICES	224,805.00	27,425.75	136,155.91	-	88,649.09	119,576.27	(30,927.18)
SENIOR SERVICES	2,175.00	-	775.00	-	1,400.00	1,400.00	-
SENIOR SERVICES	-	-	-	-	-	-	-
SENIOR SERVICES	2,000.00	-	1,500.00	-	500.00	-	500.00
<b>SENIOR CENTER</b>	<b>228,980.00</b>	<b>27,425.75</b>	<b>138,430.91</b>	<b>-</b>	<b>90,549.09</b>	<b>120,976.27</b>	<b>(30,427.18)</b>
VETERAN SERVICES							
VETERAN SERVICES	135,575.67	12,986.05	78,955.18	-	56,620.49	56,619.18	1.31
VETERAN SERVICES	1,300.00	-	-	-	1,300.00	1,300.00	-
VETERAN SERVICES	3,282.33	314.40	1,911.55	-	1,370.78	1,370.78	-
VETERAN SERVICES	500.00	-	500.00	-	-	-	-
<b>VETERAN SERVICES</b>	<b>140,658.00</b>	<b>13,300.45</b>	<b>81,366.73</b>	<b>-</b>	<b>59,291.27</b>	<b>59,289.96</b>	<b>1.31</b>
LIBRARY ADMINISTRATION							
LIBRARY ADMINISTRATION	234,958.00	22,505.30	136,832.22	-	98,125.78	98,123.11	2.67
LIBRARY ADMINISTRATION	8,560.00	-	286.56	-	8,273.44	-	8,273.44
LIBRARY ADMINISTRATION	1,825.00	-	-	-	1,825.00	1,825.00	-
LIBRARY ADMINISTRATION	-	-	-	-	-	-	-
LIBRARY ADMINISTRATION	500.00	-	500.00	-	-	-	-
LIBRARY ADMINISTRATION	1,061.10	-	1,061.10	-	-	-	-
LIBRARY BUILDING MAINT.	25,628.00	-	-	-	25,628.00	25,000.00	628.00
LIBRARY BUILDING MAINT.	-	-	-	-	-	-	-
LIBRARY BUILDING MAINT.	-	-	-	-	-	-	-
LIBRARY BUILDING MAINT.	-	-	-	-	-	-	-
LIBRARY BUILDING MAINT.	-	-	-	-	-	-	-

CITY OF NEWTON, MASSACHUSETTS  
GENERAL FUND  
MUNICIPAL WAGE AND SALARY FORECAST  
January 31, 2011

	Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
LIBRARY BUILDING MAINT.							
MAIN LIBRARY	2,126,534.12	189,665.92	1,147,948.04	50,000.00	928,586.08	826,943.41	101,642.67
MAIN LIBRARY	317,006.00	27,356.00	187,309.44	-	129,696.56	119,272.16	10,424.40
MAIN LIBRARY	435,151.91	38,065.92	233,465.20	-	201,686.71	165,967.41	35,719.30
MAIN LIBRARY	77,854.00	10,017.49	41,435.43	-	36,418.57	43,676.26	(7,257.69)
MAIN LIBRARY	32,850.00	4,312.50	21,512.50	-	11,337.50	11,000.00	337.50
MAIN LIBRARY							
MAIN LIBRARY	14,570.34	6,000.00	14,570.34	-	-	-	-
MAIN LIBRARY	7,052.53	5,150.78	7,052.53	-	-	-	-
MAIN LIBRARY	28,500.00	500.00	27,333.36	-	1,166.64	-	1,166.64
BRANCH LIBRARIES							
BRANCH LIBRARIES							
BRANCH LIBRARIES							
BRANCH LIBRARIES							
BRANCH LIBRARIES							
BRANCH LIBRARIES							
REGIONAL LIBRARY SVS	22,192.00	-	-	-	22,192.00	-	22,192.00
LIBRARY	3,334,243.00	303,573.91	1,819,306.72	50,000.00	1,464,936.28	1,291,807.35	173,128.93

PARKS/REC ADMIN.	657,935.00	63,008.69	382,656.72	-	275,278.28	274,717.89	560.39
PARKS/REC ADMIN.	51,684.00	4,970.15	30,218.51	-	21,465.49	21,669.85	(204.36)
PARKS/REC ADMIN.	5,814.00	500.00	2,900.00	-	2,914.00	2,180.00	734.00
PARKS/REC ADMIN.	6,550.00	1,300.00	3,875.00	-	2,675.00	2,675.00	-
PARKS/REC ADMIN.							
PARKS/REC ADMIN.							
PARKS/REC ADMIN.							
PARKS/REC ADMIN.							
PARKS/REC ADMIN.							
PARKS/REC ADMIN.	4,500.00	-	4,500.00	-	-	-	-
PARKS/REC ADMIN.							
PARKS/REC ADMIN.							
PARKS/REC ADMIN.							
PARKS/REC ADMIN.							
PARKS/REC ADMIN.	136,652.00	13,089.10	79,581.73	-	57,070.27	57,068.48	1.79
PUBLIC GROUNDS MAINT	682,237.00	66,131.12	401,112.80	-	281,124.20	288,331.68	(7,207.48)
PUBLIC GROUNDS MAINT	10,971.00	430.50	4,242.00	-	6,729.00	1,876.98	4,852.02
PUBLIC GROUNDS MAINT	41,631.00	544.25	26,163.53	-	15,467.47	2,372.93	13,094.54
PUBLIC GROUNDS MAINT	1,500.00	-	-	-	1,500.00	-	1,500.00
PUBLIC GROUNDS MAINT	14,450.00	1,266.67	8,741.67	-	5,708.33	5,700.00	8.33
PUBLIC GROUNDS MAINT							
PUBLIC GROUNDS MAINT	6,000.00	6,000.00	6,000.00	-	-	-	-
PUBLIC GROUNDS MAINT							
PUBLIC GROUNDS MAINT	8,400.00	500.00	8,400.00	-	-	-	-
PUBLIC GROUNDS MAINT							
PUBLIC GROUNDS MAINT							
PUBLIC GROUNDS MAINT							

CITY OF NEWTON, MASSACHUSETTS  
GENERAL FUND  
MUNICIPAL WAGE AND SALARY FORECAST  
January 31, 2011

	Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
FORESTRY SERVICES	140,262.00	13,434.90	81,684.19	-	58,577.81	58,576.16	1.65
FORESTRY SERVICES	12,693.00	1,227.12	4,905.43	-	7,787.57	5,350.24	2,437.33
FORESTRY SERVICES	3,750.00	-	2,760.00	-	990.00	-	990.00
FORESTRY SERVICES	1,300.00	1,300.00	1,300.00	-	-	-	-
FORESTRY SERVICES	450.00	-	450.00	-	-	-	-
RECREATION ACTIVITIES	14,031.00	-	14,021.80	-	9.20	-	9.20
RECREATION ACTIVITIES	2,660.00	-	-	-	2,660.00	-	2,660.00
OUTDOOR SWIMMING	173,694.00	-	172,331.74	-	1,362.26	1,362.00	0.26
OUTDOOR SWIMMING	150.00	-	-	-	150.00	-	150.00
INDOOR RECREATION	23,862.00	1,908.44	22,073.78	-	1,788.22	1,788.00	0.22
INDOOR RECREATION	6,000.00	6,000.00	6,000.00	-	-	-	-
INDOOR RECREATION	63,894.00	6,120.00	37,209.60	-	26,684.40	26,683.20	1.20
SPECIAL NEEDS REC.	53,487.00	-	53,475.84	-	11.16	-	11.16
SPECIAL NEEDS REC.	500.00	-	500.00	-	-	-	-
SPECIAL NEEDS REC.	2,586.00	235.00	666.50	-	1,919.50	1,919.00	0.50
SPECIAL NEEDS REC.	9,087.00	-	9,087.00	-	-	-	-
SPECIAL NEEDS REC.	2,818.00	59.00	1,733.64	-	1,084.36	1,084.00	0.36
SPECIAL NEEDS REC.	86,452.00	8,280.75	50,346.96	-	36,105.04	36,104.07	0.97
EMERSON COMMUNITY CTR	875.00	-	875.00	-	-	-	-
HAMILTON COMMUNITY CTR	4,175.00	401.45	2,488.99	-	1,686.01	1,750.32	(64.31)
SENIOR RECREATION SVS	51,742.00	1,585.92	21,806.40	-	29,935.60	6,914.61	23,020.99
CULTURAL AFFAIRS	1,050.00	-	-	-	1,050.00	-	-
CULTURAL AFFAIRS	500.00	-	500.00	-	-	-	-
RECREATION VEHL MAINT.	2,284,342.00	198,293.06	1,442,608.83	-	841,733.17	799,174.42	42,558.75
RECREATION VEHL MAINT.	129,608.16	12,273.50	76,095.70	-	53,512.46	53,512.46	-
RECREATION VEHL MAINT.	2,183.84	280.00	543.18	-	1,640.66	1,220.80	419.86
RECREATION VEHL MAINT.	62,223.00	5,975.55	36,159.44	-	26,063.56	26,053.40	10.16
RECREATION VEHL MAINT.	675.00	-	675.00	-	-	-	-
RECREATION VEHL MAINT.	500.00	-	500.00	-	-	-	-
PARKS & RECREATION (excluding snow & ice)	195,190.00	18,529.05	113,973.32	-	81,216.68	80,786.66	430.02
MUSEUM SERVICES	129,608.16	12,273.50	76,095.70	-	53,512.46	53,512.46	-
MUSEUM SERVICES	2,183.84	280.00	543.18	-	1,640.66	1,220.80	419.86
MUSEUM SERVICES	62,223.00	5,975.55	36,159.44	-	26,063.56	26,053.40	10.16
MUSEUM SERVICES	675.00	-	675.00	-	-	-	-
MUSEUM SERVICES	500.00	-	500.00	-	-	-	-
JACKSON HOMESTEAD	195,190.00	18,529.05	113,973.32	-	81,216.68	80,786.66	430.02
TOTAL - ALL MUNICIPAL DEPARTMENTS EXCEPT POLICE AND FIRE AND SNOW AND ICE CONTROL	\$ 25,693,892.97	\$ 2,409,200.28	\$ 14,624,245.36	\$ 300,000.00	\$ 10,769,647.61	\$ 10,328,156.13	\$ 441,491.48

CITY OF NEWTON, MASSACHUSETTS  
GENERAL FUND  
MUNICIPAL WAGE AND SALARY FORECAST

January 31, 2011

Budget	Period Exp	YTD Expense	Reserved for Pending Transfer	Balance	Projected to 6/30/2011	Projected Y/E Balance
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- {1} Staff vacancy expected to be filled but not in forecast.
- {2} School department transfer bill or supplemental appropriation necessary.
- {3} Telecommunications vacancy expected to be filled, but funding may be a problem.
- {4} Forecast does not include any workers compensation reimbursement.
- {5} 6 man crew funding pending
- {5} CDBG/COA formula grant reimbursements pending



DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

February , 2011

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 Section 20-13 **Noise Control**, as most recently amended by Ordinance Z-32, by:

1. Deleting, after the phrase “shall be fined in an amount not to exceed” contained in Section 20-13(j) *Penalties* the following language: “one hundred dollars (\$100.00) and inserting in its place the following language: “three hundred dollars (\$300.00).

BE IT FURTHER ENACTED that the Revised Ordinances of Newton 2007, as amended be and are hereby further amended with respect to both subsection (c) Department of Inspectional Services and subsection (d) Police Department of Section 20-21, *Enforcing persons and revised ordinances subject to civil fine*, by:

1. Deleting the following language:

“Section 20- 13 Noise Control  
 ( ) Any Offense . . . . . \$50.00”

and by:

2. Inserting in place thereof the following language:

“Section 20-13 Noise Control  
 ( ) First offense . . . . . Warning  
 in calendar year

- ( ) Second offense.....\$100.00  
in calendar year
- ( ) Third offense .....\$200.00  
in calendar year”
- ( ) Fourth or subsequent offense....\$300.00  
in calendar year

Approved as to legal form and character:

DONNALYN B. 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**

**#360-09(3)**  
Telephone  
(617) 796-1100  
Telefax  
(617) 796-1113  
TDD  
(617) 796-1089  
E-mail  
[swarren@newtonma.gov](mailto:swarren@newtonma.gov)

February 11, 2011

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

Ladies and Gentlemen:

I write to request that your Honorable Board approve the establishment of two Revolving Fund Accounts associated with the Off-Leash Dog Park Program:

1. An account to accept donations and fees pertinent to sale of permits with an expenditure limit of \$75,000 for the purpose of fencing and other improvements to the off-leash areas. Management of this account would be under the Commissioner of the Parks and Recreation Department.
2. An account up to accept administrative fees for the processing of off-leash permits with an expenditure limit up to \$5,000 for the purpose of administrative expenses related to off-leash permit issuance. Management of this account would be under the control of the City Clerk.

The establishment of these revolving fund accounts will facilitate the permitting of dogs and the care of our City's off-leash parks. Thank you for your consideration of this matter.

Very truly yours,

Setti Warren  
Mayor

Cf: Bob DeRubeis, Commissioner of Parks and Recreation  
David Olson, City Clerk  
David Wilkinson, Comptroller  
Maureen Lemieux, Chief Financial Officer

11 FEB 11 A 10:30  
CITY CLERK  
NEWTON, MA 02159

**Rebecca Smith**

From: "Wilkinson David, Comptroller City of Newton" <dwilkinson@newtonma.gov>  
 To: amy sangiolo <aldermansangiolo@gmail.com>  
 Date sent: Wed, 09 Feb 2011 11:00:04 -400  
 Subject: Re: Just checking in about Dog Fees  
 Copies to: bderubeis@newtonma.gov,  
 mlawlor@newtonma.gov,  
 rsmith@newtonma.gov  
 Priority: normal

11 FEB -9 A 11: 30  
 CITY CLERK  
 NEWTON, MA. 02159

Amy,

I'm sorry about the confusion on this issue.

You are correct that the Board needs to authorize a Dog Park revolving fund.

We've created a temporary holding account for donations received prior to a Board vote, but no funds can be expended until the Board formally authorizes the revolving fund. The temporary holding account is simply an alternative to cash and checks being held in a desk drawer pending formal approval.

I'm not 100% certain about who has authority to set the fees and whether an ordinance is necessary.

The Parks and Recreation Commission has authority to do this for most of their programs, so perhaps this is also the case here.

I'm sorry but I won't be able to make tonight's meeting.

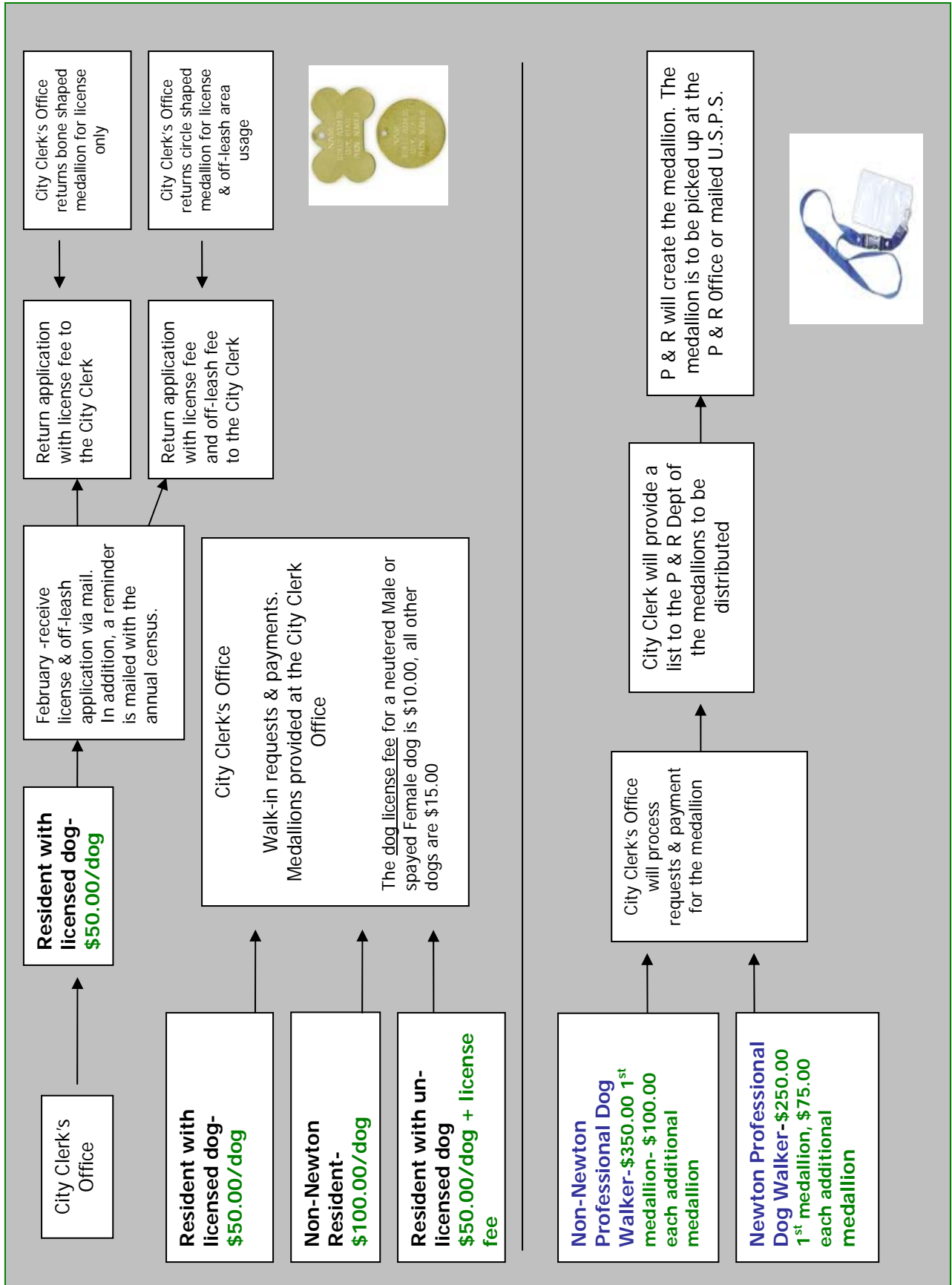
Please let me know if you need anything further.

On 9 Feb 2011 at 8:06, amy sangiolo wrote:

- > Hi Marie, Bob and Dave,
- >
- > I'm not sure if you will be at our committee meeting tonight but I'm hoping
- > we can vote this item out and be done with it.
- > First, I noticed in a memo from Bob (attached to the committee agenda) that
- > the revolving fund has already been established. Can we confirm? I thought
- > the Board needed to establish a special account for this purpose.
- > Second, was I incorrect that the Board must establish the fees? If the
- > Board is going to codify this, do we need ordinance language setting the fee
- > structure as outlined in Bob's memo?
- >
- > Thanks so much for all of your assistance with this.
- >
- > Take care.
- >
- > Amy
- >

David Wilkinson, Comptroller  
 City of Newton, Massachusetts  
 (617) 796-1305

Off-Leash Area Fee Process



#125-09

DRAFT FOR DISCUSSION PURPOSES ONLY 12/2/2010

Chapter 20

Insert a new ARTICLE X REGULATION OF PUBLIC TREES

**Sec. 20-72 Public Tree Regulation**

**(a) Purpose**

The purpose of this ordinance is to promote a diverse, healthy and sustainable urban forest in order to provide for the general welfare of Newton's citizens. A healthy urban forest improves the quality of air and water, controls erosion, moderates air temperature, absorbs carbon, reduces noise, enhances appearance and increases property values. Public trees also define public spaces and create civic identity. This ordinance sets out measures to protect trees located on city property and on public rights of way from construction and other preventable damage; to establish conditions for long-term preservation and expansion of the urban forest; to extend the protections afforded by the Tree Preservation Ordinance to city-owned trees and supplement Chapter 87 of the Massachusetts General Laws.

**(b) Definitions**

*Aggregate diameter:* The combined diameter of a multiple trunk tree measured at breast height.

*Building:* The term "building" shall be as defined in section 30-1.

*Caliper:* The measure of a newly installed tree and is determined in the following manner - Caliper measurement of the trunk shall be taken six inches above the ground up to and including four-inch caliper size. If the caliper at six inches above the ground exceeds four inches, the caliper should be measured at twelve inches above the ground.

*Certified arborist:* An arborist certified by the Massachusetts Arborists Association, or any successor organization.

*Diameter breast height (DBH):* The diameter of the trunk of a tree 4½ feet above the existing grade at the base of the tree.

*Drip line:* A vertical line running through the outermost portion of the crown of a tree and extending to the ground.

*Person:* Any person, firm, partnership, association, corporation, company or organization of any kind including, but not limited to, the person removing a Public Tree or public shade tree.

*Pruning standards:* Standards for pruning as defined in the City of Newton Tree Management Manual, 1995 and any future amendments or revisions to the same.

*Public tree:* Any tree having a diameter of eight inches (8") DBH or larger or having an aggregate diameter of fifteen inches (15") DBH or larger and which is located on land owned by the City of Newton.

*Public Shade Tree:* Any tree within the City that fits the definition of Public Shade Tree under MGL Ch. 87

*Remove* (including removing and removal): The cutting down of any Public Tree or Public Shade Tree and all other acts which cause the actual removal or the effective removal through damaging, poisoning or other direct or indirect actions resulting in the death of a Public Tree, including, but not limited to, excessive or improper pruning.

*Tree Manual:* The City of Newton Tree Management Manual, 1995, and any future amendments and revisions to the same. (Ord. No. V-275, 12-6-99)

*Tree warden:* The commissioner of parks and recreation or his designee.

**(c) *Applicability:*** The terms and provisions of this article shall apply be administered by the tree warden and shall apply to any public shade tree as defined in G.L. c. 87 and to any public tree located on land owned and managed by the City of Newton, with the exception of the land under the auspices of the Conservation Commission.

**(d) *Permit:*** No person other than the tree warden shall remove, prune, or alter a public tree or public shade tree located on land subject to the provisions of this article without first obtaining a tree permit from the tree warden. Applications shall be made in writing on forms specified by the tree warden.

**(e) *Activities requiring a Tree Permit:*** A tree permit issued by the tree warden is required prior to any of the following activities:

1. Any exterior work that requires the removal of a public tree;
2. Any construction on City property within the dripline of a public tree;
3. Removal of a public shade tree. This requirement is in addition to the requirements of G.L. c. 87 pertaining to removal of a public shade tree;
4. Construction within that portion of the dripline of a public shade tree that is located over the public right of way.
5. Pruning or treatment for the benefit of the health, safety, or overall well being of a Public Shade Tree and/or Public Tree, as deemed appropriate by the tree warden, by anyone other than the tree warden or his designee as provided in G.L. Ch. 87;
6. Planting of a tree in the public right of way or on City property by anyone other than the tree warden or his designee as outlined under G.L. Ch. 87;
7. Pruning or altering of a public shade tree and/or public tree for the purposes of overhead utility line clearance;
8. Affixing or hanging anything from a public shade tree or public tree.

**(f) *Permit application; fee:*** An application for a tree permit shall be submitted to the tree warden. Such application shall be on a form prescribed by the tree warden and shall include any materials or information required by the tree warden based on the nature of the activity for which application is made. The application for a tree permit shall be accompanied by an administrative fee of \$150.00. Such fee shall be waived if the applicant is a city department, agency, commission or other public instrumentality of the city or if the tree warden determines in writing that the proposed activity will benefit the health of the tree or the wellbeing of the public.

**(g) *Review of permit applications:*** The tree warden shall review applications for tree permits in accordance with the provisions of this article and with any rules or regulations promulgated hereunder. The tree warden shall date stamp or otherwise record the date of filing of each application for a tree permit. The tree warden shall complete the review of each tree permit application no later than ten (10) business days after the submission of a completed application to the tree warden except in the case of a request to remove a public shade tree which shall be subject to the procedures set forth in G.L. c. 87.

**(h) *Conditions:*** The tree warden may condition issuance of a tree permit upon such measures as he deems necessary to protect existing public trees or public shade trees. Such conditions shall be in writing. The tree warden shall make a determination that the prescribed protected measures have been adequately provided before site disturbance related to the permitted activity may begin.

**(i) *Construction:*** Except as provided in a tree permit, construction activities on City owned property and public right of ways under the drip line of a public tree or public shade tree are prohibited. Prohibited construction activities include, but are not limited to, trenching or grading, storage of materials or equipment, passage of heavy equipment within the drip line and spillage of chemicals or other materials, which are damaging to trees.

**(j) *Suspension or revocation:*** The tree warden may suspend or revoke a tree permit at any time upon written notice to the permit holder that the permit holder has failed to comply with any provisions of this section, or with any rules or regulations promulgated hereunder, or with conditions of the permit. Written notice shall be sent by certified mail, return receipt requested, or by hand delivery and shall provide an opportunity for the permit holder to correct the noncompliance and apply for a renewal of the tree permit upon compliance, where practicable. The suspension or revocation of a tree permit in accordance with this subsection shall not affect the validity of a building permit issued in reliance upon the issuance of such tree permit nor shall such suspension or revocation be cause for withholding the issuance of a certificate of occupancy.

**(k) *Public Tree Removal:*** The tree warden shall notify the Urban Tree Commission upon receipt of an application to cut down or remove a public tree, and no public tree shall be removed pursuant to a permit until five (5) days after its issuance unless such removal of the tree(s) is necessary based on a determination by the Tree warden that at least one of the following conditions are met.



1. The public tree is interfering with existing structure, utilities, streets, sidewalks or proposed necessary improvements, and there is no alternative to removal;
2. The public tree is dead, diseased, injured, in danger of falling, dangerously close to existing structures, is causing disruption of public utility service, is causing drainage or passage problems upon rights of way, or poses a threat to pedestrian or vehicular safety.
3. The removal of the public tree is necessary and desirable in order to enhance or benefit the health or condition of other trees on the same site as certified to the tree warden by a certified arborist.

**(l) Appeal:** Any person aggrieved by a decision of the tree warden may file an appeal with the mayor or his designee. Said appeal must be in writing and must be received by the mayor or his designee within five (5) business days of issuance of the tree warden's decision. Upon receipt of such appeal, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each alderman for the ward in which the trees are located. The mayor or his designee shall make a final decision on the matter within thirty (30) days from the date of receipt of the appeal request. The mayor or his designee shall include in the decision the rationale there for. Upon issuance of the final decision, the mayor or his designee shall provide a copy to the clerk of the board of aldermen and to each ward alderman for the ward in which the trees are located. There shall be no further appeal of the matter decided by the mayor or his designee. No public trees shall be removed while an appeal is pending.

**(m) Permit length:** Any permit issued by the tree warden shall be valid for sixty (60) days from issuance. Length may be extended by tree warden following written request by the applicant. The tree warden may grant the extension for any length of time as he deems necessary and appropriate.

**(n) Emergencies:** A public tree or public shade tree may be removed without first obtaining a written permit as otherwise required by this section only if the tree warden determines that the condition of the public tree or public shade tree is hazardous and immediately endangers the public health, safety or welfare or causes an immediate disruption of public services such that immediate removal is required. If such determination is made, the tree warden may remove the tree or provide oral authorization for its removal, utilizing such professional criteria and technical assistance as he deems necessary. The tree warden shall memorialize in writing each such oral authorization to remove a hazardous tree and keep a record of same.

**(o) Waiver:** The requirements of this section may be waived by the tree warden during the period of an emergency such as a tornado, windstorm, flood or other act of God.

**(p) Tree replacement:** The tree warden may require that replacement of a removed public tree or public shade tree in the manner required in section 20-35 of these ordinances and in any rule or regulation or the tree warden

**(q) Payment in lieu of planting replacement tree(s):** In lieu of planting a replacement tree as provided in section (p) above, a person who has been granted a tree permit may make a

contribution to the tree replacement fund as established in section 20-36 in an amount equal to the cost to replace the tree in accordance with the provisions of section 20-35, which cost shall be determined by the tree warden who shall maintain on file the City's current tree planting costs.

**(r) *Rules and regulations:*** The tree warden is authorized to promulgate reasonable rules and regulations to implement administration and enforcement of this section

**(s) *Enforcement:*** The commissioner of parks and recreation, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to enforce the provisions of this section. The tree warden shall provide written notice to the offender of the specific violation and provide a reasonable time for compliance. Such notice shall be sent by certified mail, return receipt requested, or by hand delivery. Thereafter, the tree warden may impose the fines described in (t) below.

**(t) *Penalties:*** Violations of any portion of this section, including violations of any regulation promulgated hereunder, or failure to comply with conditions of a permit, or failure to replace any removed tree as required by the tree warden, or failure to pay the required amount into the tree replacement fund shall be punishable by a fine of three hundred dollars (\$300.00) for each day during which the violation continues. Nothing herein shall be construed to require the city to make a payment for violation of this section; however the city agency that caused the violation shall be responsible for the costs of replacement or repair of the tree(s) which were damaged or removed.

**(u) *Severability:*** The provisions of this article are severable. If any section, provision, or portion of this article is determined to be invalid by a court of competent jurisdiction, then the remaining provisions of this article shall continue to be valid.

**(v) *Conflict of laws:*** Nothing herein is intended to conflict with the General Laws, Chapter 87 and to the extent that any provision hereof conflicts with said Chapter 87, such provision shall not be valid. Nothing herein is intended to conflict with existing special permit procedures as provided in section 30-24 and to the extent that any provision hereof conflicts with said special permit procedures, such provision shall not be valid. Nothing herein is intended to conflict with any state law regulating public utilities and to the extent that any provision hereof conflicts with state law, such provision shall not be valid.