

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, FEBRUARY 28, 2011

7 PM  
Room 222

**ITEMS TO BE DISCUSSED:**

#56-11 HIS HONOR THE MAYOR requesting acceptance, appropriation, and expenditure of fourteen thousand four hundred forty dollars (\$14,440) grant from the FY2011 Automated License Plate Reader (ALPR) Grant Program offered by the Massachusetts Executive Office of Public Safety and Security. [02/14/11 @ 6:00 PM]

#57-11 HIS HONOR THE MAYOR requesting authorization to transfer the sum of twelve thousand dollars (\$12,000) from Budget Reserve to the Law Department's Judgments and Settlements account as full and final settlement of a civil claim filed against the City as a result of a fall at the old Newton North High School. [02/14/11 @ 6:00 PM]

#58-11 CITY ENGINEER requesting approval of the following Order and Schedule of Sewer Assessments for completed Common Sewer Extension in Wood End Road, Bowdoin Street, and Hillside Road. [02/14/11 @ 3:01 PM]

| <u>S-B-L</u> | <u>OWNER/ADDRESS</u>                                     | <u>BK./PG.</u> | <u>AMT</u> |
|--------------|--|----------------|------------|
| 54-30-09     | Nicholas Zessoules<br>1 Bowdoin Street                   | 14092/295      | \$2,759.75 |
| 54-30-08     | Anne Sullivan<br>3 Bowdoin Street                        | 13957-197      | \$3,159.75 |
| 54-30-14     | Milton & Henrica Bordwin<br>87 Hillside Road             | 10738/121      | \$2,097.25 |
| 53-30-12     | Charles Hoban and<br>Elizabeth Hiser<br>93 Hillside Road | 28083/238      | \$2,434.75 |

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#59-11 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of five hundred thousand dollars (\$500,000) from Free Cash for the purpose of supplementing the snow and ice budgets in the Department of Public Works. [02/14/11 @ 6:00 PM]

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.

**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 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 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 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

City of Newton



**DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
OFFICE OF THE CITY ENGINEER  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449**

Setti D. Warren  
Mayor

January 28, 2011

To: Assessor's Office

From: Louis M Taverna, P.E., City Engineer

Subject: Assessment of Betterments, City Ordinance Sec. 29-72  
Extension of the Public Sewer Main  
Wood End Road, Bowdoin St, and Hillside Road, Newton Highlands  
FINAL ASSESSMENTS

In accordance with City Ordinance Sec. 29-72, I have determined the assessment of betterments for the proposed extension of the public sewer main on Wood End Road, Bowdoin St, and Hillside Road in Newton Highlands.

The owners will be assessed a sewer betterment for this work, as follows:

Nicholas Zessoules  
#1 Bowdoin St.  
\$2,759.75

Anne Sullivan  
#3 Bowdoin St.  
\$3,159.75

Milton & Henrica Bordwin  
#87 Hillside Rd.  
\$2,097.25

Charles Hoban and Elizabeth Hiser  
#93 Hillside Rd.  
\$2,434.75

Total assessment = \$10,451.50

Lou Taverna

cc: City Clerk



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#57-11

Telephone  
(617) 796-1100

Facsimile  
(617) 796-1113

TDD/TTY  
(617) 796-1089

E-mail  
swarren@newtonma.gov

February 14, 2011

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

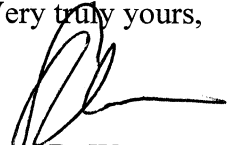
Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$12,000 from FY11 Budget Reserve to Account # 0110893-5725 "Law Department Claims Settlements" for the purpose of funding Civil Action No. 2007-02457.

As outlined in the attached letter from the City Solicitor, the City's liability is clear in this matter, therefore I respectfully request that Your Honorable Board authorize the expenditure of \$12,000 as full and final settlement of this claim.

Thank you for your consideration of this matter.

Very truly yours,

  
Setti D. Warren  
Mayor

11 FEB 14 P 6:00  
CITY CLERK  
NEWTON, MA 02159

|                       |          |
|-----------------------|----------|
| From: Budget Reserve  |          |
| 0110498-5790          | \$12,000 |
| To: Legal Settlements |          |
| 0110893-5725          | \$12,000 |

*AW*  
02/15/2011

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

LAW DEPARTMENT



# CITY OF NEWTON, MASSACHUSETTS

CITY HALL

1000 COMMONWEALTH AVENUE

NEWTON CENTRE, MA 02459

TELEPHONE (617) 796-1240

FACSIMILE (617) 796-1254

**CITY SOLICITOR  
DONNALYN B. LYNCH KAHN**

**ASSOCIATE CITY SOLICITOR  
OUIDA C.M. YOUNG**

**ASSISTANT CITY SOLICITORS**

EILEEN M. MCGETTIGAN  
MARIE M. LAWLOR  
ANGELA BUCHANAN SMAGULA  
ROBERT J. WADDICK  
MAURA E. O'KEEFE  
JEFFREY A. HONIG

February 11, 2011

11 FEB 14 P 6:25  
CITY CLERK  
NEWTON, MA 02159

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

RE: Lillian Warren v. City of Newton  
Middlesex Superior Court / Civil Action No. 2007-02457

Dear Honorable Mayor Warren:

This claim involves a slip and fall by a 94 year old woman at the Elm Street entrance at the old Newton North High School on June 30, 2004. Ms. Warren fell on the stairs which were not appropriately lit. Ms. Warren was severely injured, including a broken hip. She continues to suffer chronic pain as a result of the accident.

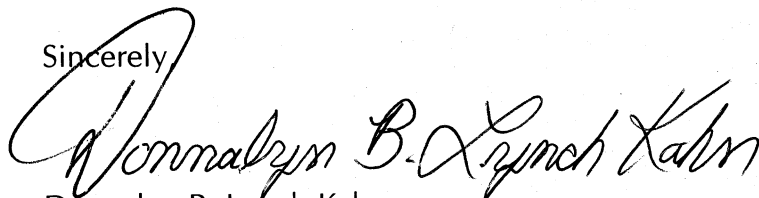
Ms. Warren's private attorney brought a claim against the City for \$100,000. Extensive negotiations brought this claim down to \$12,000, which we believe is justified and reasonable.

Liability is clear in this matter. Therefore, I respectfully request that you docket this item seeking to appropriate \$12,000 and authorize expenditure thereof as full and final

Mayor Setti D. Warren  
February 11, 2011  
Page 2

settlement of the above claim against the City.

Sincerely,

A handwritten signature in black ink that reads "Donnalyn B. Lynch Kahn". The signature is written in a cursive, flowing style.

Donnalyn B. Lynch Kahn  
City Solicitor

DBLK/dab

cc: Angela Buchanan Smagula, Assistant City Solicitor





SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

#58-11

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swarren@newtonma.gov

February 14, 2011

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

11 FEB 14 P 6:00  
CITY CLERK  
NEWTON, MA. 02159

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to accept, appropriate and expend the sum of \$14,440 from the FY2011 Automated License Plate Reader (ALPR) Grant Program offered by the Massachusetts Executive Office of Public Safety and Security.

These funds will be used to purchase an additional ALPR system to be mounted on a police cruiser for traffic education and enforcement purposes.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren  
Mayor

AUTHORIZATION TO EXPEND ONLY

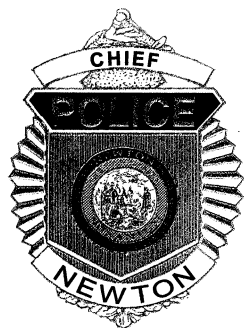
*SDW*  
02/15/2011

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



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# City of Newton Police Department



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

*Office of the Chief of Police*

HEADQUARTERS  
1321 WASHINGTON STREET  
NEWTON, MASSACHUSETTS 02465

MATTHEW A. CUMMINGS  
CHIEF OF POLICE

February 14, 2011

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

11 FEB 14 P 6: 25  
CITY CLERK  
NEWTON, MA. 02159

**Re: Request for Receipt and Expenditure of Ffy 2011 ALPR Grant Funds**

Dear Mr. Mayor:

Respectfully request the authority to receive and expend funds in the amount of \$14,440.00 from the *FFY 2011 Automated License Plate Reader (ALPR) Grant Program* offered by the Massachusetts Executive Office of Public Safety and Security. These grant funds will be used to purchase an additional ALPR system to be mounted on a police cruiser for traffic education and enforcement purposes. Thank you very much for your consideration of this matter. Please contact me at extension 2101 if I may provide any additional information.

Very truly yours,

Matthew A. Cummings  
Chief of Police

enclosure

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS





# The Commonwealth of Massachusetts Executive Office of Public Safety and Security

Deval L. Patrick  
Governor

Timothy P. Murray  
Lieutenant Governor

One Ashburton Place  
Boston, Massachusetts 02108

Tel: (617) 727-7775  
TTY Tel: (617) 727-6618  
Fax: (617) 727-4764  
www.mass.gov/eops

Mary Elizabeth Heffernan  
Secretary

February 7, 2011

Chief Matthew Cummings  
Newton Police Department  
1321 Washington Street  
Newton, MA 02465

11 FEB 14 11 P 6: 25  
CITY CLERK  
NEWTON, MA 02159

Dear Chief Cummings: *Matt*

I am pleased to inform you that the Executive Office of Public Safety and Security's Highway Safety Division (EOPSS/HSD) has selected your department to receive \$14,400 in funding as part of our FFY 2011 Automated License Plate Reader Grant Program.

Enclosed please find a grant award contract package for your review. Please sign and date the contract in blue ink and return by mail to **Dan DeMille at the Executive Office of Public Safety and Security's Highway Safety Division at Ten Park Plaza, Suite 3720, Boston, MA 02116.**

Your project period will begin when the EOPSS Office of Grants and Research's Executive Director signs your completed contract or on the start date named in the contract, whichever date is later. Mr. DeMille will notify you by email of the official start date and he will also mail you a copy of your finalized contract. This contract will then run through June 30, 2011. If you have any questions, please contact Sheila Burgess, HSD Director at 617-725-3307 or [Sheila.Burgess@state.ma.us](mailto:Sheila.Burgess@state.ma.us) or Dan DeMille at 617-725-3341 or [Daniel.DeMille@state.ma.us](mailto:Daniel.DeMille@state.ma.us). Congratulations on your award.

Sincerely,

*Mary E. Heffernan*

Mary E. Heffernan  
Secretary of Public Safety and Security

*Hope to see you  
soon. MEBH*

Enclosures

#59-11

Telephone  
(617) 796-1100

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(617) 796-1089

E-mail  
swarren@newtonma.gov



SETTI D. WARREN  
MAYOR

City of Newton, Massachusetts  
Office of the Mayor

11 FEB 14 P 6:00  
CITY CLERK  
NEWTON, MA 02459

February 14, 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 docket for consideration a request to appropriate the sum of \$500,000 from Free Cash to the Department of Public Works – Snow and Ice Removal Account.

As you know, more than 68 inches of snow has fallen in the City of Newton thus far this winter. The City has spent \$3,617,074 on snow and ice control as of today, February 14<sup>th</sup>. However, recent weather trends appear to have changed. The jet stream, as well as the greenland block, appear to have shifted and therefore, at least in the short term, we may begin to experience more normal weather patterns.

We will continue to monitor weather reports and keep Your Honorable Board informed through the Finance Committee.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren  
Mayor

|       |                |           |
|-------|----------------|-----------|
| From: | Free Cash      |           |
|       | 01-3497        | \$500,000 |
| To:   | Public Works   |           |
|       | 0140110-57MEDA | 7,500     |
|       | 0140110-513001 | 392,500   |
|       | 0140110-5273   | 100,000   |

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



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