

CITY OF NEWTON
IN BOARD OF ALDERMEN
FINANCE COMMITTEE AGENDA
SPECIAL MEETING
MONDAY, JULY 12, 2010

6:45 PM
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

Appointment by His Honor the Mayor

#198-10 JAMES PELLEGRINE, 60 Clinton Place, Newton Centre, appointed as a Constable for the City of Newton for a term of office to expire July 12, 2013. [6/14/10 @6:13PM]

Appointment by His Honor the Mayor

#197-10 SHAWN MURPHY, 11 Morrill Street, West Newton, appointed as a Constable for the City of Newton for term of office to expire July 12, 2013. [6/14/10 @6:13PM]

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#184-10 HIS HONOR THE MAYOR requesting authorization to eliminate the part time Chief Zoning Code Official and the part time Principal Planner positions (19 hours each) and to create a full time (37.5 hours) Chief Zoning Code Official position, which salary will be absorbed in the existing FY2011 Planning Department budget, although there may need to be additional funding for benefits. [6/14/10 @6:20PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

#201-10 HIS HONOR THE MAYOR requesting authorization to transfer the unobligated balances held by the City in two special appropriation accounts, totaling fifty thousand nine hundred sixty-six dollars and twenty-six cents (\$50,966.26), from Bradford Development's Sedimentation Chamber Fund and Traffic Mitigation Fund [special permit nos. 514-99(2) and 515-99(2)) and board order nos. 131.05 and 289-03(5)] to the Law Department's Judgment and Settlement Account and authorization for the City Solicitor to settle a claim brought by the developer and its successor to recover the unexpended funds in these two special appropriation accounts in accordance with the above special permits. [6/14/10 @6:13PM]

#202-10 HIS HONOR THE MAYOR requesting authorization to transfer forty thousand dollars (\$40,000) from FY2011 Budget Reserve to the Treasury Department. [6/14/10 @6:20PM]

- #199-10 PRESIDENT LENNON recommending the appointment of ANTHONY J. SALVUCCI, 23 Eddy Street, West Newton as the Ward 1-4 aldermanic representative to the ALDERMANIC SCHOLARSHIP FUND for a term to expire 12/31/11 (60 days 8/20/10). [6/11/10 @2:31PM]
- #200-10 PRESIDENT LENNON recommending the appointment of R. LISLE BAKER, 137 Suffolk Road, Chestnut Hill, as the Ward 5-8 aldermanic representative to the ALDERMANIC SCHOLARSHIP FUND for a term to expire 12/31/11 (60 days 8/20/10). [6/11/10 @2:31PM]
- #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

- #363-09 ALD. SANGIOLO requesting a discussion to increase the tobacco seller license fee. [09/13/09 @ 1:07 PM]

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 ON 07/21/08
(B) BALANCE OF PROJECT ESTIMATE \$321,900.00 – HELD
PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON PART B 8-0 on 05/05/10
- #207-07(5) ALD. FREEDMAN AND JOHNSON proposing that the city's Financial Management Guidelines adopted under Board Order #207-07 be amended to require that any proposed capital expenditure above a certain amount have a cost-benefit or a return-on-investment analysis performed prior to approval by the Board of Aldermen. [12/21/09 @5:55 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]

#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]

Respectfully Submitted,

Leonard J. Gentile, Chairman

I take pride in the numerous young adults I have mentored in fulfilling their dreams to succeed in law enforcement and athletics. It was also gratifying to redirect young adults and small children to a better future by maintaining my involvement in charitable organizations from a very young age.

An appointment as a constable would benefit all due to my knowledge and long time experience with the public in the City of Newton. Your consideration in this matter would be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "James A. Pellegrine". The signature is written in black ink and is positioned below the word "Sincerely,".

James A. Pellegrine

**Alderman Allan L. Ciccone Jr.
22 West Street
Newton, Ma.**

February 18, 2010

This is a letter of recommendation for James Pellegrine to be considered for the position of Constable in the City of Newton.

I have known Jim and his family for many years. Jim was raised in Newton and was educated in the Newton School System. Through out the time I have known Jim he has shown many times how to be an outstanding person.

Jim is a retired police officer from the city with 30 plus years served. As a police officer he was involved with many aspects of the job including being a motor cycle patrol officer and retiring as the senior officer in the animal control division. Jim also donated many hours to the Newton Police Explorers which is a program offered to the youth in Newton to learn about police work and being good citizens.

I am honored to give Jim the highest recommendation possible for the position of Constable in Newton. As well as being a friend to not only me but many in the city I believe Jim will be an outstanding Constable.

If you have any questions feel free to contact me anytime.

Best wishes,



Allan L. Ciccone Jr
Alderman at Large
Ward 1

(617)965-2690

Attorney Maria Bianchi Rosen
41 Aspen Ave
Auburndale, MA 02466
(617) 916-1296, (617) 755-0557
Fax: (617) 527-8140
Email: mrear@verizon.net

February 17, 2010

Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Ave
Newton Centre, MA 02459

RE: Constable Appointment

Dear Mayor Warren;

I would like to recommend James A. Pellegrine for the position of Constable for the City of Newton. In addition to having served the City as a Newton Police Officer for 27 years, which more than qualifies him for the position of Constable, Mr. Pellegrine is a life long citizen of Newton, Ma and is known to me personally as a respectable and honest person who has genuine concern for the welfare of our community.

As a member of the bar of the Commonwealth of Massachusetts, I make it a point to employ business associates that have high ethical standards. Mr. Pellegrine has also done work for me through his cleaning business where he more than meets those standards. His work is always timely and efficient, which I believe are qualities that a Constable should possess.

As a Newton Constable myself, I welcome the opportunity to be able to work with James. There are many scenarios where I could use his assistance in carrying out an eviction and/or dealing with some of the more hostile situations. I believe we could work together to better assist the citizens of Newton. Appointing James A. Pellegrine as Constable for the City of Newton would be an asset to the City.

If you should have any questions or concerns, please do not hesitate to contact me.

Sincerely,



Maria B. Rosen, Esq.
Attorney



February 23, 2010

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

Dear Mayor Warren,

It is with extreme pleasure that I write this letter of support and recommendation for my friend James Pellegrine.

I have had the opportunity to know Jim all of my life and have always valued our relationship. He is an individual of sound mind and character. He is someone that you will feel confident about placing the public's trust in with his appointment as a Constable in the City of Newton.

I am honored to call Jim a friend. If you have any questions, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Scott", written over a horizontal line.

SCOTT F. LENNON
President, Board of Aldermen
Ward Alderman, Ward One

#198-10



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679



City of Newton
Police Department

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

Setti D. Warren, Mayor
City of Newton
1000 Commonwealth Avenue
Newton, MA. 02465

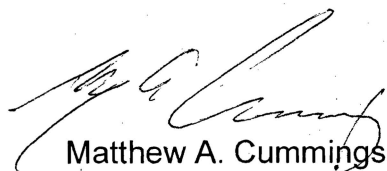
Dear Mayor Warren:

I am writing on behalf of James A. Pellegrine, a Newton Police Officer who retired on January 2, 2009. I have known Jim Pellegrine for over 30 years and have always found him to be of good moral character.

I was Officer Pellegrine's supervisor up until his retirement. Officer Pellegrine was the Animal Control Officer and operated out of our Police Annex at 25 Chestnut Street.

I would highly recommend James Pellegrine for the position of Constable in the City of Newton.

Sincerely,



Matthew A. Cummings
Chief of Police

MAC:j

FIRST ACCREDITED CITY POLICE DEPARTMENT IN MASSACHUSETTS





City of Newton Police Department

98-10

TELEPHONE
(617) 796-2106
FAX # (617) 795-3687

Office of the Traffic Bureau
25 CHESTNUT ST
NEWTON, MASSACHUSETTS 02465

JAMES I. NORCROSS
SERGEANT

February 12, 2010

Mayor Setti Warren
City of Newton
1000 Commonwealth Ave
Newton, Ma. 02459

Dear Mayor Warren:

I am writing this letter of recommendation on behalf of James Pellegrine, who is interested in becoming a Constable.

I have known Jim for 50 years and worked with him for approximately 25 years.

Jim was the consummate professional when working for the Newton Police Department. I am confident he would conduct himself as a professional when carrying out the duties and responsibilities of a Constable.

I know Jim to be a man of reputable character, a family man and very active in the Newton Community.

VERY TRULY YOURS,

A handwritten signature in cursive script that reads "James I. Norcross".

JAMES I. NORCROSS
SERGEANT/TRAFFIC BUREAU

To whom it may concern,

It is indeed a pleasure to be writing to you on behalf of Shawn Murphy as a candidate for the position of Constable. I first met Shawn when we attending Newton North High School. Through the years we have formed a strong friendship that will last for many more years to come. Both of us have chosen careers in public service with the City of Newton. I have watched Shawn's success with the Newton Fire Department and was extremely excited when he was promoted to Lieutenant. As a person and a worker Shawn has always shown an exceptional amount of leadership, efficiency, and camaraderie.

As a friend and well respected resident of the City of Newton, Shawn has always been there for others. As mentioned before he chose a career in public service. He has held the position of Executive Board Member for eight years on the Newton Firefighters Union. These are elected positions where members look for candidates willing to fight for important causes and to insure members of the union are treated fairly. Union positions are an important part of our workforce and Shawn has always been held in high regards by his fellow union members. He is a true team player and thinks of others before himself.

Shawn and I have also worked together with some local fundraising activities. We have combined our efforts and raised money for the Shriners Hospital Burn Unit and the Newton Police Explorer Program. During these fundraising drives Shawn always displayed a stupendous amount of dedication and readiness. There was no job he could not accomplish. He continued to make all involved feel welcome with his amusing personality and virtuous character. Shawn was a big part of the planning and success of these events and he has made a huge difference. His reward for these efforts was an opportunity to give back to some great charities.

On a more personal level, through out our long friendship. I have continued to see a very caring individual. The respect and affection he displays toward his family and friends is extremely unique. Most importantly Shawn always acts in a honest, loyal, and positive manner. He listens to others for ideas, and respects them for their interests. Shawn is destined to achieve any goal he has set for himself and he is sincere in everything he does.

Through my own experiences as a member of the Newton Police Department and as a person who cares extremely about the community I serve. I wholeheartedly recommend Shawn Murphy to you for the position of Constable. I honestly believe that Shawn will serve the City of Newton and our fellow residents in a honorable manner.

Respectfully Submitted,



Sergeant Frank Foley
Newton Police Department

Alderman Allan L. Ciccone Jr.
22 West Street
Newton, Ma.

April 23, 2010

This is a letter of recommendation is for Shawn Murphy to be considered for the position of Constable in The City of Newton. I have known Shawn for many years and have come to know him as an outstanding person.

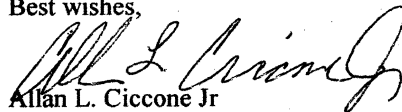
Shawn has been a firefighter in Newton and now holds the rank of Lieutenant. Shawn has held a number of tasks on the fire department including being a ranking officer in the fire prevention unit.

He is a leader in the community and has volunteered his time for many organizations and events throughout the city.

It is with great pride I fully recommend Shawn Murphy for the position of Constable in Newton. I feel he will do an extraordinary job at this position and will be an asset to the City of Newton.

If you have any questions feel free to contact me anytime.

Best wishes,



Allan L. Ciccone Jr
Chairman of Public Safety
and Transportation Committee
Alderman at Large
Ward 1
(617)965-2690

22 April 2010
Letter of Morality

To whom it may concern,

I, Shawn T. Murphy am of sound moral character.

Thank You,

Shawn T. Murphy
Shawn T. Murphy

1. *Brian Healy* 41 WILDWOOD AVE NEWTON MA 02460
BRIAN HEALY
2. *Christina Bibbo* 12 R Cook St. Newton MA 02458
Christina Bibbo
3. *Alan J. Leone* 56 BROOKDALE RD. NEWTON MA. 02460
ALAN J. LEONE
4. *Joseph P. Capello* 38 Brookdale Rd.
JOSEPH P. CAPELLO Newton, MA 02460
5. *UP Neisman, Esq.*
Kenneth Neisman, 34 Roosevelt Rd. Newton, MA 02464
office : 997 Chestnut St. Newton, 02464



#197-10

Effective Date: July 1, 2010

Western Surety Company

CONSTABLE'S BOND

Bond No. 70956940

Shawn Murphy, as Principal and WESTERN SURETY COMPANY, as Surety

The undersigned Principal and Surety are held and firmly bound unto the Collector-Treasurer of City of Newton, Commonwealth of Massachusetts in the sum of Five Thousand and 00/100 DOLLARS (\$ 5,000.00), to be paid to said Collector-Treasurer to which payment well and truly to be made they jointly and severally bind themselves, their heirs, executors, administrators, successors and assigns.

The condition of this obligation is, that if the undersigned Principal, having been appointed and confirmed a Constable of City of Newton, Commonwealth of Massachusetts, to hold office for the term ending July 1, 2013, and until another be appointed and confirmed in his place, shall faithfully perform his duties as Constable in the service of all civil processes committed to him, this obligation shall become of no effect, otherwise it shall continue in full force.

Signed, sealed and delivered July 1, 2010

In the presence of

[Signature] Witness
[Signature]

By _____ Principal
WESTERN SURETY COMPANY
By [Signature] Surety
Paul T. Bruflat, Senior Vice President

ACKNOWLEDGMENT OF SURETY (Corporate Officer)

STATE OF SOUTH DAKOTA }
County of Minnehaha } ss



On this 1st day of July, 2010, before me appeared Paul T. Bruflat, to me personally known, who being by me duly sworn, did say that he is the aforesaid officer of WESTERN SURETY COMPANY, a corporation, and that the seal affixed to foregoing instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors, and said officer acknowledged said instrument to be the free act and deed of said corporation.

S. EICH
NOTARY PUBLIC
SOUTH DAKOTA

[Signature]
Notary Public

My Commission Expires February 12, 2015

Western Surety Company

#197-10

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS:

That WESTERN SURETY COMPANY, a corporation organized and existing under the laws of the State of South Dakota, and authorized and licensed to do business in the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the United States of America, does hereby make, constitute and appoint

Paul T. Bruflat of Sioux Falls,
State of South Dakota, its regularly elected Senior Vice President,
as Attorney-in-Fact, with full power and authority hereby conferred upon him to sign, execute, acknowledge and deliver for and on its behalf as Surety and as its act and deed, the following bond:

One CONSTABLE CITY OF NEWTON

bond with bond number 70956940

for SHAWN MURPHY

as Principal in the penalty amount not to exceed: \$5,000.00

Western Surety Company further certifies that the following is a true and exact copy of Section 7 of the by-laws of Western Surety Company duly adopted and now in force, to-wit:

Section 7. All bonds, policies, undertakings, Powers of Attorney, or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys-in-Fact or agents who shall have authority to issue bonds, policies, or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile.

In Witness Whereof, the said WESTERN SURETY COMPANY has caused these presents to be executed by its Senior Vice President with the corporate seal affixed this 1st day of July, 2010.

ATTEST

L. Nelson
L. Nelson, Assistant Secretary

WESTERN SURETY COMPANY
By Paul T. Bruflat
Paul T. Bruflat, Senior Vice President



STATE OF SOUTH DAKOTA }
COUNTY OF MINNEHAHA } ss

On this 1st day of July, 2010, before me, a Notary Public, personally appeared Paul T. Bruflat and L. Nelson

who, being by me duly sworn, acknowledged that they signed the above Power of Attorney as Senior Vice President and Assistant Secretary, respectively, of the said WESTERN SURETY COMPANY, and acknowledged said instrument to be the voluntary act and deed of said Corporation.



My Commission Expires November 30, 2012

D. Krell
Notary Public

