

CITY OF NEWTON
IN BOARD OF ALDERMEN
PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 18, 2015

Present: Ald. Sangiolo (Chairman), Baker, Rice, Leary, Norton, Kalis, Blazar and Hess-Mahan
Also Present: Ald. Lappin, Harney, Cote and Schwartz
City Staff Present: David Olson (City Clerk), Howard Mintz (Chief of Police), Deborah Youngblood (Commissioner, Health and Human Services), Karyn Dean (Committee Clerk)

#316-15 ALD. LENNON & LAPPIN, pursuant to Section 2-7 of the City Charter, recommending that the Board of Aldermen/City Council re-appoint David A. Olson as City Clerk; said term will be two years or until a successor is duly qualified. [11/09/15 @ 7:00PM]

ACTION: **APPROVED 8-0**

NOTE: Ald. Lappin joined the Committee. She expressed that she was pleased to recommend that David Olson be re-appointed as the City Clerk as he has done a wonderful job not only in this position, but also as the new Clerk of the Elections Department. This is the first year she has not heard any complaints about the elections that took place.

Ald. Sangiolo felt that since Mr. Olson has taken on the duties of the elections office, with less staff, that his salary should be evaluated. Mr. Olson said his salary would be set in January under a different docket item. Committee members asked how the cross-training with the City Clerk staff and the Elections staff was going. Mr. Olson mentioned that they are down two staff members due to retirements and they are working on the hiring process to fill those positions. Both staffs stepped in and worked together to get the elections completed successfully with no problems. Some work was pushed back a bit, but not substantially, and the staff is now catching up including work on the census. He commended the City Clerk and Elections staff on their hard work.

Ald. Norton said that most people probably don't see the work of Mr. Olson and his staff, but interactions with them are professional, efficient and pleasant. Mr. Olson is unflappable and she is enthusiastic to support his re-appointment.

The Committee voted to approve Mr. Olson's appointment.

#317-15 CITY CLERK requesting that the Rules of the Board of Aldermen be updated to reflect the change of the name to City Council, remove gender specific language and update any references to Chapter 30 to reflect the new organization of the Chapter. [11/09/15 @ 7:00PM]

ACTION: **APPROVED 8-0**

NOTE: David Olson, City Clerk, joined the Committee. He explained that the Board Rules do need to change in order to accommodate the change of name from Board of Aldermen to City Council on January 1, 2016. The Chapter in the Board Rules that pertains to special permits also would need to reflect the recent changes made to Chapter 30 and update the references. Mr. Olson provided a redlined copy of the Board Rules which can be found attached to the online version of this report. Mr. Olson noted that this vote would be to recommend that the new City Council adopt the updated Board Rules at the Inauguration on January 1st.

The Committee voted to approve this item and recommend adoption of the updated Board Rules on January 1st, 2016.

#318-15 **THE CITY CLERK** requesting that the following Chapters of the Newton City Ordinances be updated to reflect the change of name of the Board of Aldermen to City Council to take effect on January 1, 2016:
Chapter 1 – General Provisions; Chapter 2 – Administration; Chapter 3 – Board of Aldermen; Chapter 6 – City Clerk; and to add the following text to Chapter 1, Section 3: “Board of Aldermen. Any reference to the Board of Aldermen shall mean City Council.” [11/09/15 @7:00PM]

ACTION: **APPROVED 8-0**

NOTE: As the Board Rules need to be updated to reflect the name change from Board of Aldermen to City Council, so do the Ordinances. Mr. Olson explained that the four chapters mentioned in the docket item deal most directly with the Board of Aldermen. These chapters could be updated before the end of the term so they are changed in time for the new City Council on January 1st. Also a blanket statement could be added that any reference to the Board of Aldermen in the rest of the ordinances would mean City Council. Next year, or during the 2017 Recodification, the entire Ordinances could be updated reflect the name change to City Council. The decision now is whether to just insert the statement that any reference to the Board means City Council, or update the four chapters and also include the statement. Mr. Olson provided a redlined copy of the Chapters which can be found attached to the online version of this report.

The Committee would prefer to make the changes to the four chapters before the end of the year and also add the blanket statement as referenced above and voted approval.

REFERRED TO PROGRAMS & SERVICES AND PUBLIC SAFETY COMMITTEES

#312-15 **ALD. COTE, HARNEY AND NORTON**, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide. [10/19/15 @ 1:30 PM]

ACTION: **HELD 8-0; REFERRED TO 2016-2017 CITY COUNCIL**

NOTE: Ald. Norton noted that she and the other docketers read in the Newton Tab that fire and police staff in Newton are not equipped with Narcan, the drug which reverses the effects of

opiate overdoses. That information, along with the growing concerns over opioid use and overdoses in Massachusetts and in Newton prompted this discussion.

Health and Human Services

Deborah Youngblood, Commissioner of Health and Human Services, explained that this topic was one of the first issues Mayor Warren discussed with her when she started her position a couple of months ago. To date, the Mayor, Dori Zaleznik and Chief Mintz have met with the Town of Gloucester, which has been hit very hard with heroin overdoses, to look at their community model and their response. The same group also met with the Town of Arlington for some ideas and she has had some training, along with her staff, on the opioid situation. They have also reached out to local providers in order to understand what is happening on the ground and determine some resources that might be available for education and treatment. The Director of School Health Services, Ruth Hoshino, has brought Narcan into the schools and trained all the school nurses on its administration.

Ms. Youngblood said the next step would be the development of a working group for this issue and she is not sure what the progress is on that so far. The Mayor did tell her that he would be reaching out to President Lennon for Aldermanic participation. They would also be looking for representatives from the schools, Riverside Community Care, and from first responders including Police, Fire and Ambulance providers. The goal is to develop an effective community response.

Police Department

Chief Howard Mintz said that there is a drug court that meets twice a month at Newton District Court. Sgt. Brian Henderson of the Newton Police Department is assigned to the drug court and he has a background in narcotics enforcement and is the Department Stress Officer. The drug court is a jail-aversion program which works to get people into a rehabilitation setting instead of incarceration. Unfortunately, everyone in the program has relapsed at least once.

The Police are involved in other task forces as well including three officers assigned to the Middlesex County Task Force and one assigned to the Drug Enforcement Administration. One is local, drug dealing on the street level in south Middlesex County, and the other is targeting higher level traffickers that would end up in federal court. The Newton Police Department is not geared towards arresting users, though it does happen occasionally. Arrests are focused more on drug dealers. Community Service Officers and Juvenile Officers focus on referring users to programs. There are four officers in the school dealing with these issues. About a month ago, the department received a grant to start working with a clinical social worker who has experience with addiction work.

Gloucester and Arlington Models

Chief Mintz reported that the Town of Gloucester has a serious drug problem and they have a program which allows users to turn in drugs and paraphernalia without prosecution. They then get immediately referred and taken to a substance abuse program, if they wish. He also met with the City Manager of the Town of Arlington and their Chief of Police as well as their social worker. Arlington proactively contacts known drug addicts and asks them if they would be interested in treatment, with about a 40%-50% interest rate. Chief Mintz believes that the

Arlington model seems more suitable for Newton. The Newton Police Department has period drug collection days for residents who wish to get rid of unused drugs that are in their medicine cabinets. They also have a depository for drugs so that people can come at any time to drop off drugs, but that has not yet been implemented as there are some difficulties to work out (such as people dropping off hazardous waste, needles, etc.).

Statistics

Ms. Youngblood said the City has different and varied data on drug overdoses and deaths. The problem is they did not know that opioids would turn into such a crisis as they were collecting the data. In 2015 there have been 19 opioid overdoses, almost all heroin-related, with 5 deaths. In 2014, the data shows 7 overdoses with no deaths, but the state data shows 5 deaths. There are many reasons why the data won't match up, for example, Newton tracks incidents that happen in Newton whether or not the victims are Newton residents. The City doesn't know how the state is tracking as they are getting their data from the Medical Examiner. Also, a first responder might tag something as a drug overdose but not specifically an opioid-drug overdose. Of the 19 overdoses in the City, the youngest victim was 22 and the oldest was in their 40s. Statistics have shown that opioids are drugs that are being used by a wide range of people through the lifespan.

The plan is to build systems going forward to track the data points and be sure everyone is tracking it the same way in order to get a clearer picture. Looking back, the plan is to try to tease out the statistics they already have to determine which are opioid-related, if possible.

The City does not receive statistics from Newton-Wellesley Hospital. The state is now tracking opioid cases to the town/city level on a quarterly basis. They get their data from the Medical Examiner's Office. Ms. Youngblood anticipates meeting with the hospital soon to discuss data collection and reporting.

Narcan

Chief Mintz explained that Newton paramedics and EMTs carry Narcan. There are three trucks on duty in the City at all times and they have administered Narcan a number of times. Family members and friends can carry the drug as well. The Police Department has done some preliminary training with the nasal Narcan and injectable dosing is available as well, but they have not received any training on that, so far. Newton Police and Fire Departments are not currently carrying Narcan but they are discussing the issue with the Police Association and the Chief hopes that will be resolved fairly soon. He stated that it is Massachusetts state law (Chapter 150E) that the union cannot implement something new without a collectively bargained agreement.

A Committee member asked if the Police have responded to a situation wherein Narcan could have been life-saving but they did not have it. Chief Mintz said he was not sure and there are times when it is difficult to know if someone is suffering from an overdose or some other problem. Chief Mintz noted that the strains of heroin that are now on the street are extremely powerful because they are mixed with other drugs such as Fentanyl, which is why overdoses have become more prevalent. Police, Fire and EMTs all arrive within minutes of each other. If Police or Fire arrive first and don't have Narcan they do implement other life-saving measures until the EMTs are on scene.

Ms. Youngblood added that CVS and Walgreen's Pharmacies have a standing order of Narcan and a prescription is not necessary to obtain it. If there is concern for a family member or a friend, anyone can purchase Narcan at the pharmacy and be trained on its use by the pharmacist. It is her understanding through training that administering the drug can do no harm. If in fact someone is not overdosing on an opioid, the introduction of Narcan is not going to hurt them in any way. People do need some training, but the drug is widely available in the community, and not difficult to use.

Clinical Social Worker/Working Group

The Committee asked how the Clinical Social Worker could be best used to help with this issue. Captain Mintz explained that the CSW is being paid through a Department of Justice federal grant and the purpose is to keep people out of prison and into programs. The CSW can also help an entire family by making the home safe, offering resources for counseling, as well as helping the drug user, if they wish to cooperate. Police, Fire, Riverside, the schools, Health and Human Services and others will all play a role as well as other resources that will be identified through the working group. Arlington uses a resource called Wicked Sober, for example, which helps match the appropriate services to drug users. Ms. Youngblood anticipates the Working Group will be identifying various treatment options combined with a public awareness and anti-stigma education plan.

A Committee member noted that there is work being done on this issue at the state level with the Governor quite interested in this problem. It was asked if the City was communicating with the state in any way. Ms. Youngblood said she attended a training session offered by the state, and they are also gathering information from them as well. She is not sure at this point the best way to coordinate with the state, but they are in discussion with other communities to gather ideas and find best practices on all levels. Ald. Cote noted that the Police in Methuen do carry Narcan and they are involved in a large epidemic of overdoses there. He felt it would be a good idea to speak with them

Schools

Ald. Cote felt the schools might be underreporting incidents of drug use. He was aware of a program in Fall River that used a prominent athlete to promote drug awareness and education. That athlete said that every heroin addict he spoke to started off using marijuana. Ald. Cote noted that the School Committee had a recent discussion about implementing a program on this issue. Ald. Schwartz agreed that more comprehensive drug and addiction services might be needed not only to address opioid problems, but marijuana and other drugs as well.

Ald. Sangiolo noted that the risk assessment that just came out from the schools shows that drinking and cigarette smoking are decreasing, but marijuana use is increasing. She wondered if the questions were asked about opioids on the assessment. Ms. Youngblood said she did not know, but she has heard from the school resource officers that the opioids that are in the schools tend to be prescription drugs and not heroin. This is a common trend across the state. She will be looking further into those details with the working group.

Ald. Harney's concern remained. He would like to see more first responders armed with this drug which could be the difference between life and death because minutes can count.

The Committee voted to hold this item and refer it to the 2016-2017 City Council.

#31-15 PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20PM]

ACTION: **HELD 8-0**

NOTE: Ald. Sangiolo explained that the Committee would be using the next two meetings to hear final comments and proposed amendments from representatives of the landscapers, golf courses, colleges and universities, and anti-leaf blower proponents. Ald. Hess-Mahan noted that several of the speakers that were to be present this evening, are in fact in Brookline as the town is having a hearing on their leaf blower ordinance.

Ald. Sangiolo invited Jane Sender to address the Committee:

Ms. Sender's proposed amendments were distributed to the Committee and are attached to this report.

Truck Mounted Leaf Vacuums

She noted that an issue that has not been addressed by the Committee is the decibel level of truck-mounted leaf vacuums. The current ordinance allows a dB level of 90 for such machinery and she proposes lowering that to 65dB and requiring a sticker to verify it's noise level. She explained that across from her home recently, a landscape contractor had 3 77dB leafblowers going at the same time along with the vacuum truck. The truck seems as loud as the 3 blowers combined. When she questioned the landscaper why he was using illegal leaf blowers he replied that every contractor uses them. Ms. Sender spoke to the homeowner that evening, explaining what had happened and what the ordinance calls for. The homeowner was apologetic and said they would not use that contractor again.

Seasonal Ban

Ms. Sender would like to change the summer seasonal ban to be May 1st through October 15th; and the winter ban to January 1st through March 15th. She felt spring clean-up does not involve massive numbers of leaves so a shorter timeframe is workable. In the summer, contractors can use a number of other equipment to do their work to clean, prune, rake, etc. without the use of leaf blowers. Leaves in this region do not fall in great quantities until early November. Before that time, few leaves are on the ground and could easily be dealt with using brooms or rakes.

Ms. Sender said she spoke with Bob DeRubeis, Commissioner of Parks & Recreation. He told her that the City works on its leaves later and through December so using leaf blowers through that month would be helpful and they have no problem with extending the winter dates.

Hours

Ms. Sender proposes changing Sunday hours to 12:00 noon until 5:30pm. If there is argument relative to religious parity, then Saturday should be changed to the same hours as well.

Affixed Labels.

Ms. Sender would like to add that no dB reading is necessary by Police or Inspectional Services to enforce this section. The label affixed to the leaf blower should be the deciding factor alone and that should be clarified in the ordinance. If there is not a 65dB sticker, then the contractor should receive a warning that it may not be used. Every leaf blower she saw at Home Depot this weekend had a dB sticker on it. All the blowers she observed in her neighborhood that were being used by contractors were either 74 or 77dB. Not one complied with the current ordinance.

Exemptions

Ms. Sender feels there should be guidelines for exemptions and any exemptions granted should not allow leaf blowers that are above the dB levels in the ordinance or outside the times and dates.

Summary

Ms. Sender believes that the enforcement of the ordinance needs to be strengthened. Otherwise, the message is being sent that the City does not care about its own laws. Contractors have been working under restrictions in Brookline, Arlington and Cambridge and none of their dire predictions of increased fees and unkempt properties have come true. This proposed ordinance will help, and not hurt, landscapers by curtailing the ill-will, anger and frustration caused by leaf blower misuse in Newton.

Committee Comments

Ald. Baker agreed that the dB sticker on the machine should be the deciding factor. Calibrating and reading decibel meters by enforcement agencies is too time consuming and can be confusing.

Ald. Sangiolo agreed as well and noted that the City of Cambridge requires an operation plan to be submitted by all contractors who do business in the City if they have more than two employees. This goes to having standards and best practices and assures that all contractors are certified as using the allowed equipment, and understand the regulations that are in place. Perhaps this is something Newton should do as well.

Ald. Leary, while she agrees with the concept of relying on stickers, wonders if the manufacturers labels are accurate. Ms. Sender said she would assume they would be but would look into it. Ald. Hess-Mahan explained that the models are designed to produce a certain level of noise and are tested by ANSI (American National Standards Institute) to be sure they comply. Ms. Sender said that after listening to the different noise levels of the machines, it becomes easier to tell the louder models from the less-loud models.

Ald. Blazar asked if it was possible to get truck-mounted vacuums at 65dB. Ms. Sender said she would do some research on that to see if they could be evaluated on their dB levels.

Ald. Sangiolo invited Golf Course representatives to address the Committee:Charles River Country Club

Charles River's proposed amendments were distributed to the Committee and are attached to this report.

Paul Blanus, the golf course Superintendent at Charles River Country Club addressed the Committee. He noted that the property is over 220 acres and not allowing leaf blowers to maintain the property would be a very daunting task. They endeavor to use more sustainable practices by using less water, fungicide and insecticides and need leaf blowers to aid in these efforts. Charles River would like to remove all seasonal restrictions because they need to keep the property clean in the summer as well. The blowers that they currently use are commercial grade 77dB machines which get the job done more quickly and they would like to raise the dB level to 77 in the ordinance. The Club would also like to be able to use more blowers per square foot to make get the job done more efficiently so suggests changing that from one per 10,000 square feet to 7.500 square feet. The Club uses the leaf blowers on a daily basis.

Woodland Country Club

Woodland's proposed amendments were distributed to the Committee and are attached to this report.

David Garfinkel, General Manager, addressed the Committee. He explained that Woodland has been in existence for over 120 years and has been a good neighbor. There was a project several years ago and those problems were addressed. He is not aware of any complaints from neighbors relative to leaf blowers since then. Mr. Garfinkel said the Club is comprised of 135 acres and their proposals are very similar to Charles Rivers' by asking for an increase in decibel levels to 77 and removing the seasonal restrictions altogether. Mr. Garfinkel did not that blowers are rarely used in the winter. In addition, however, they also request an earlier start time in the mornings from 8:00am to 7:00am.

Brae Burn Country Club

Brae Burn was not in attendance, but will be offering comments and amendments at the December 9th meeting via Attorney Stephen Buchbinder.

Committee Comments

Ald. Hess-Mahan had hoped that all the golf courses could work together and come to consensus on a reasonable compromise to what they would like in the ordinance. However, the proposals that were submitted to Committee by Charles River Country Club and Woodland Country Club have gone in the opposite direction. Charles River and Woodland are proposing to raise the dB level from the current ordinance and delete the seasonal ban entirely from the proposed draft ordinance. Woodland even proposed an earlier start time on weekends than the current ordinance allows by an hour and a half.

Ald. Hess-Mahan noted that by his own admission, Mr. Blanus stated that Charles River is violating the current ordinance by using 77dB machines, every day. He found all of this very disappointing. The neighbors regularly complain about the noise from Charles River and now he

understands why it is even worse than it could be. He is curious to know why the Club would think the Committee would want to increase the dB level, when the point of this is to curtail noise in the community.

Ald. Kalis asked if the Charles River ever uses the 65dB machines and if there was such a big difference compared to the 77dB machines. Mr. Blanus said they higher dB machines have more power and they are more efficient.

Ald. Leary noted that the point is to find a compromise and provide a better quality of life for residents in the City. She is not seeing any ability for Charles River to work with City on that and does not understand why a 77dB machine would be necessary to blow the greens. She would like hear what they would propose to do for the abutters to the course who have complained so much over the years about the excessive and disturbing noise. Mr. Blanus said they do work with neighbors and want to be good neighbors. When they are working on property closer to the homes, they do some hand-raking in the mornings. He said the Club sacrifices quite a bit to be a good neighbor. He said they could probably make do with the 65dB blowers in the summer months.

Ald. Sangiolo noted that Charles River also asked for the winter seasonal ban to be lifted and wasn't sure why. Mr. Blanus said that they use it for light snow removal, but the winter months are not key. In the summer, however, there are grass clipping and divets for which they need the machines. She asked how often the Club buys the machines and Mr. Blanus says they generally buy one every year, and get about four-five years use out of each one. They currently own four. Ald. Sangiolo wondered if a phase-in might be considered by Committee.

Ald. Norton said she would like these types of restrictions to drive the market and manufacturers to make powerful blowers at lower decibel letters. If the demand does not come from the consumer, then the companies will continue business as usual. California, hopefully, is starting to let the manufacturers know that things need to change. Mr. Blanus said they need to use the machines constantly and the equipment needs to stand up to the task. He agrees the manufacturers need to do better.

Ald. Sangiolo pointed out that the proposal from Woodland to move weekend start times to 7:00am is far earlier than the current ordinance. Mr. Garfinkel said he understood that, but said they do follow the current ordinance of starting at 9:30am. They use the 65dB blowers for smaller jobs like blowing clippings, but for larger jobs and more intrusive practices they use the 77dB blowers including collecting leaves in the fall. The use of the blowers varies.

Ald. Sangiolo asked what the golf "season" is. Mr. Garfinkel said they start cultural practices in early March with the course opening in late March or early April. The greens are covered the first or second week in December. There will still be temporary greens available for a while after that. Ald. Sangiolo said a winter ban on leaf blowers, should therefore, not have a large impact on their operations.

Ald. Sangiolo invited Committee members to offer any amendments they might have:

Ald. Baker Amendment

Ald. Baker noted that as was discussed, and observed at City Hall, the technology is improving to the point that battery-operated leaf blowers should be available generally. To allow time for existing equipment to be phased-out, might the Committee consider an amendment as follows:

“After January 1, 2018, A “Permitted Blower” is a leaf blower that is powered by an electric battery that is contained within the body of the leaf blower; such blower is certified on the body of the blower by its manufacturer as emitting not more than 65 dB(A) (using ANSI approved methodology) at its highest power, measured 50 feet from the source; and when in use, such blower does not in fact emit a sound any louder than as certified.”

He felt there has been a remarkable change in the capacity of battery powered equipment and the lithium technology is moving quickly. Commercial grade landscapers are now using these devices are doing fine with it. He believed that Brookline was looking at voting a total ban on gas powered leaf blowers and would like to see what occurs in their meeting which is happening this evening. Electric blowers have their limitations as you may need a generator which is noisy in itself, and there are cords to contend with. The goal is to move towards a situation that only the most essential needs are being met with blowers and that the noise can be decreased substantially.

Committee Comments

Ald. Kalis wondered about more flexibility of the date in order to allow the technology to improve. He felt the landscaper who used the battery powered machine had to carry around multiple batteries and it may not be feasible. Ald. Baker noted that the batteries were stored in the truck and it was not cumbersome.

Ald. Hess-Mahan had an electric leaf blower many years ago, and the one he has now is much, much, more advanced. He is not sure, however, if the market will accommodate this amendment. He would rather pass this without the amendment and just take a look at this again in a few years to see how things are working in the City under this ordinance and where the technology is.

Ald. Baker would like to be able to find out more concrete information about the technology and what is coming down the road.

Ald. Blazar’s concern was that this amendment might cause more debate at the Full Board level and may cause the ordinance to fail to pass. Ald. Norton, however, felt the amendment sends the market signal she mentioned earlier, and would give an indication to the contractors that they have to make changes within a certain time period. Newton is the 11th largest City in Massachusetts and can have an influence on other communities to follow suit. In three years, if the Board is not ready to adopt the provisions of this amendment, it can be changed. Ald. Sangiolo is not opposed to considering this amendment, but does agree with Ald. Blazar that she is most interested in getting the ordinance passed.

Ald. Hess-Mahan Amendment

Ald. Hess-Mahan's amendment would be added as a new Section to Chapter 20 as it does not directly relate to the noise ordinance. This is to protect other properties and public ways from blown leaves and debris. It also protects not only property, but the public health. The amendment is as follows:

Sec. 20-14

In addition to the noise restrictions on leaf blower use and operation contained in §20-13, the following provisions shall apply to use and operation of leaf blowers:

a. Use of Leaf Blowers In Close Proximity to Operable Windows, Doors, or Mechanical Air Intake Openings or Ducts Prohibited. Leaf blowers shall not be operated in close proximity to any operable window, door, or mechanical air intake opening or duct of any building so as to deposit debris within such windows, doors, openings or ducts unless with the permission of the occupants of the building.

b. Blowing or Depositing Debris onto Neighboring Properties and Public Right-of-Way Prohibited. Any person operating a leaf blower shall not cause dust, dirt, leaves, grass clippings, cuttings and trimmings from trees or shrubs, or other debris to be blown or deposited on any adjacent or neighboring properties without permission of the owners of such properties, or onto any part of the public right-of-way, including but not limited to sidewalks, streets or storm drains, without permission from the Commissioner of Public Works. Notwithstanding the foregoing provision, a person shall not be in violation of this section for depositing leaves, grass clippings, cuttings and trimmings from trees or shrubs, or other debris on part of a public right-of-way if that person removes the debris immediately thereafter and disposes of the debris in a sanitary manner which will prevent dispersal by wind, vandalism, or similar means. This section does not prohibit any person from placing leaf and yard wastes for collection pursuant to and in compliance with the provisions of Section 11-8 of these Revised Ordinances and the rules and regulations promulgated thereunder.

c. Policies to Ensure Compliance with Foregoing Restrictions by City Departments Responsible for Maintaining City-Owned Property. Any and all City departments responsible for maintaining City owned property shall develop, implement and enforce policies to ensure compliance by City employees and contractors with the foregoing restrictions, and any applicable state or federal laws or regulations concerning occupational safety and health standards relating to the operation of leaf blowers, including, but not limited to the provision and use of appropriate protective gear.

Committee Comments

Ald. Baker is supportive of these amendments as he has seen leaves piled up on the side of the road with nowhere to go. He would like to talk about enforcement of this as some point as well, as would other Committee members.

Ald. Kalis said he was shocked to see that a street cleaner was cleaning up the leaves on the side of the road. Ald. Sangiolo explained that the City does not pick up those leaves, but the street sweepers do go out on a schedule and the leaves ends up jamming the machines. Other trucks

then need to go out and unclog the street sweepers. Ald. Hess-Mahan said he represents a company that owns street sweepers and Ald. Sangiolo's assessment was absolutely correct. Every year, it's the same thing – the piles of leaves sit on the side of the road and in the meantime it becomes a very unhealthy mess. When the leaves get to the storm drains, it clogs those as well and there need to be clean-ups done by the City. Overall, it's a nuisance and not good for the storm water system.

Ald. Kalis would like to change the language to change the language from “close proximity” to “into” doors and windows in the first section as the phrase seems too vague.

Ald. Leary and Blazar are amenable to the amendments.

Ald. Baker felt there needs to be more education done on the ordinance because he has heard stories that different City enforcement officers have different ideas of what is in the ordinance. He would like the Clerk's office to write a note to the Police Chief and Inspectional Services to be sure that everyone knows the current rules. Whether or not a new ordinance passes, the current ordinance, at least, needs to be enforced. Ald. Hess-Mahan noted that the Noise Ordinance and Leaf Blower regulations are on their website very clearly and it's not perfect but it certainly helps. There are good examples in local communities. He would also like to see the laws in Newton to be more in line with surrounding communities which makes it easier for all to understand. This would lessen confusion by contractors.

Ald. Hess-Mahan felt that a huge problem is that noise meters are useless and people using them do not understand how the dB levels combined when more than one blower is being used. Every 3 dB doubles the sound and it's a logarithmic scale not adding 65 plus 65 to get 135dB. Two leaf blowers at 65dB would more likely be around 68dB. The ANSI ratings stamped on a machine are a much better way to determine noise levels.

Next Steps

Ald. Sangiolo asked the Committee to consider all the amendments that were heard this evening and be prepared with sentiments on how to move forward with them. More will be coming at the December 9th meeting and those will need to be considered as well. She originally hoped this would be voted out this term, however, with more comments and amendments coming in December, time is running out for this term. The earliest she anticipates reporting this out would be January or February.

The Committee voted to hold this item.

#31-15(2) THE PROGRAMS & SERVICES COMMITTEE requesting to amend
Chapter 20-13, Noise Control, relative to time restrictions on the use of
yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14PM]

ACTION: **HELD 8-0**

NOTE: See note above. The Committee voted to hold this item.

Clerk's Note: ALL OF THE FOLLOWING ITEMS WERE REFERRED TO THE 2016-2017 CITY COUNCIL:

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #288-15 HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/01/15 @ 1:53 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #201-15 ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #141-15 ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues. [05/26/15 @ 2:52 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #140-15 PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or the Executive Department provide updates on the progress of the potential purchase of the Aquinas site as well as short and long term plans for uses and operations at the site. [05/20/15 @ 8:53 PM]

REFERRED TO PUB FACIL, PROG & SERV, AND PS&T COMMITTEES

- #46-15 ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @ 1:35 PM]
- #483-14 PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to

find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56PM]

- #377-14 THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #216-14 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:
- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
 - require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
 - require a fee for certification; and
 - impose a fine for violation of these provisions. [05/14/14 @ 11:51 AM]

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES

- #119-14 ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEE

- #402-13 ALD. FULLER, GENTILE, RICE and LINSKY requesting a Home Rule Petition to amend Article 9 of the Charter to clarify that Neighborhood Area Councils shall maintain and control their own financial accounts and records, independent of City finances; and to further clarify that such independent financial accounts and records shall remain subject to City audit. [10/28/13 @ 10:18 AM]
- #398-13 ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

- #34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY
requesting a prohibition on polystyrene-based disposable food or beverage
containers in the City of Newton if that packaging takes place on the premises of
food establishments within the City. [01/03/13 @ 11:01 AM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil
Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND
PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL
DISPOSITION CIVIL FINES to ensure they are in accordance with what is being
charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9,
2001, which allows certain municipal boards and officers to fix reasonable fees for
the issuance of certain licenses, permits, or certificates.
- #229-12 RECODIFICATION COMMITTEE recommending a review and possible
amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to
review of draft ordinances by the Law Department.

REFERRED TO PROG & SERV, PUB. FACIL. 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]

Respectfully Submitted,

Amy Mah Sangiolo

CITY OF NEWTON
~~BOARD OF ALDERMEN~~
CITY COUNCIL
RULES AND ORDERS
~~2014-2015~~
2016-2017

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CONTINUING RESOLUTIONS

Financial Audit Advisory Committee

ARTICLE I
COMMITTEES

Section 1. Establishment of Committees.

A. The standing committees of the ~~Board of Aldermen~~City Council are as follows:

1. Land Use
2. Zoning & Planning
3. Programs and Services
4. Public Safety & Transportation
5. Public Facilities
6. Finance

B. The President may appoint special committees as required by ordinance or Massachusetts general law such as the real property reuse, re-precincting, and re-codification committees, as well as special committees deemed necessary to deal with matters that affect the jurisdiction of more than one committee, or to deal with temporary matters, or both.

Section 2. Composition of Committees.

A. The President shall appoint as soon after the organization of the ~~Board~~Council as may be convenient, except as otherwise provided by ordinance, one member from each Ward to serve on each of the six committees.

B. The President shall designate from among the members of each committee the ~~Chairman~~Chair, who shall serve at the President's pleasure. When committee members of any committee are chosen other than by the President, the ~~Chairman~~Chair shall be selected by the members of the committee, unless the ~~Board~~Council otherwise determines.

C. The ~~Chairman~~Chair of each committee shall appoint a Vice-~~Chairman~~Chair, subject to the approval of the President.

Section 3. Referral of business to Committees.

A. Unless objection is made and except as otherwise provided herein the President shall refer all new business, communications, petitions and orders to the several committees as follows:

(1) **To the Committee on Land Use.**

- (a) Matters relating to Special Permit and Site Plan Approval petitions; utility petitions relating to Special Permit and Site Plan Approval projects; zone change petitions for a specific parcel(s) requested in connection with a Special Permit and Site Plan Approval petition; sign permits; lodging house and dormitory licenses; licensing of automobile dealers; permits for storage of towed vehicles; monitoring and

enforcement of Board Council Orders; and consistency rulings relating to any of the foregoing.

(2) **To the Committee on Programs and Services.**

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters relating to the Human Services Department, Library Department, Recreation Department, Law Department (except for claims), Veterans' Services Department, Licensing Commission, City Clerk, Clerk of the Board Council, Rules of the Board Council, Election Commission, Health Department, City Physician, Newton Public Schools, Community Schools, Newton Housing Authority.
- (b) Appointments to and policy oversight and review of the Library Board Council of Trustees, Jackson Homestead, Recreation Commission, Election Commission, Youth Commission, Housing Authority, Council on Aging, Cultural Affairs Commission, Human Rights Commission and Child Care Commission, and appointments to the Cousens Fund and to the Farm Commission.
- (c) Matters relating to the inter-relationship of the School Committee, Newton Public Schools, and other areas of City government; inter-governmental relations; cable television contract; maintenance of public grounds; Home Rule petitions; Neighborhood Area Councils; ward and precinct boundaries; housing and housing services; elder services; children's services; and services for persons with special needs.

(3) **To the Committee on Public Safety and Transportation.**

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters relating to the Fire Department, Police Department, and Civil Defense Department.
- (b) Matters relating to traffic and parking, Traffic Council; taxi routes, stops and licensing; bus routes, stops and licensing; public transportation; and utility petitions relating to specific traffic signals.

(4) **To the Committee on Public Facilities.**

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters related to the Department of Public Works, including the Water and Sewer Division, Engineering Division; and Public Buildings Department.
- (b) Appointments to and policy oversight and review of the Solid Waste Commission, Designer Selection Committee, Design Review Committee, and Energy Commission.

- (c) Matters relating to street acceptance, layout, construction, repair, and maintenance; relocation and discontinuance of public ways; water and sewer services; storm drains; street lighting; public utility easements and poles, except for those related to specific land use developments or traffic improvements; and construction, repair, and maintenance of public buildings.

(5) To the Committee on Zoning and Planning.

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters relating to the Inspectional Services Department, Planning Department, Conservation Commission, Community Preservation Committee, and Historical Commission.
- (b) Appointments to and policy oversight and review of the Planning ~~Board~~Council, Economic Development Commission, Zoning ~~Board~~Council of Appeals, Historical Commission, Historic District Commissions, Conservation Commission, and Fence Viewers.
- (c) Matters relating to the Community Development Block Grant Program, zoning map and ordinance amendments (except those related to specific individual parcels to Land Use Committee), Newton Community Development Authority, comprehensive planning, open space planning and maintenance of conservation land.

(6) To the Committee on Finance.

- (a) Budget review and transfers, policy oversight and review, ordinance amendments, capital improvement programming, and other matters relating to the Assessing Department, Parking Fine Administration, City Treasurer and Collector, City Comptroller and Accounting Department, Purchasing Department, Executive Office, Personnel Department, and Data Processing Department.
- (b) Matters relating to Kenrick Fund and other trust funds, appropriations, transfers of funds, authorization to spend funds, loans, options, pensions, salaries, audits, claims and settlements, taxes, revaluation, users' fees, betterment assessments, contracts, acceptance of grants, overall operating budget review, overall review of Capital Improvement Program, and other matters affecting the finances of the City.
- (c) Every Resolution and Order authorizing and including but not limited to a claim, appropriation, grant, salary, pension, loan, the levying of a tax, user charges, the assessment of a betterment, an option or contract, or the expenditure of money, unless the subject matter has been acted on by the Committee on Finance, shall be referred to the Committee on Finance whose duty it shall be to report on its relation to the finances of the City; but new provisions shall not be added to such Resolutions or Orders by said Committee, unless directly connected with the financial feature thereof. Said Resolution or Order, upon recommendation of another Committee

having jurisdiction of the same, may be considered by the Committee on Finance in advance of the presentation thereof to the Board of Aldermen City Council.

- (d) All budget transfers or appropriations of less than fifty thousand dollars (\$50,000) and all requests for changes to a funding source for previously discussed items shall be routinely referred only to the Finance Committee, except that if upon notification by the clerk's office the Chairperson of a corresponding substantive committee requests that the item be jointly referred, such requests shall be honored.

B. All appointments requiring confirmation or rejection by this Board Council shall be referred to the committee to which such matters relate. All such appointments shall be confirmed or denied by the Board of Aldermen City Council within sixty (60) days following the publication of the Docket on which said appointment first appears.

C. Any other new business that does not fall within the jurisdiction of the six established standing committees as described above shall be referred by the President to such committees as he/she deems appropriate, including the Committee of the Whole; however, upon objection by a member of the board council, such referral shall be subject to appeal to the Board Council who can vote to reassign such new business to an alternate committee or committees. In the event that the President wishes to refer new business that is within the jurisdiction of the six standing committees to a special committee or to the Committee of the Whole, the item shall be placed on second call by the Clerk of the Board Council and the decision on the referral shall be subject to a majority vote of the Board Council.

D. No petition addressed to the Board Council, the subject matter of which has been disposed of during the preceding 12-month period, shall be referred to any committee except by majority vote of the Board Council. Refusal to refer it to a committee shall constitute a denial of the petition on the ground that no further action by the Board Council is deemed necessary.

E. The President shall refer appeals from a Traffic Council decision to the Public Safety and Transportation Committee. At the discretion of the President, any such appeal may also be jointly referred to an additional committee or committees in the event such committee has, or committees have, substantive jurisdiction over the subject matter of the appeal.

F. The Chairman Chair of each committee may appoint sub-committees of the committee's members to consider specific matters and make recommendations to the committee.

G. Matters relating to the status of items previously passed by the Board of Aldermen City Council, excluding land use board council orders, should first be discussed with the Chair of the substantive committee that originally heard the item to review the status of the item. If further discussion is warranted, the Chair of the substantive committee, in consultation with the President of the Board Council, will docket the request. The docket item will be heard in the committee within 60 days. Once the item has been taken up, the committee must complete their review within 90 days.

H. Items docketed by the Committee on Community Preservation for approval by the ~~Board of Aldermen~~City Council will be referred to the appropriate standing committee/s.

Section 4. Committee meeting schedule.

A. Regular meetings.

- (1) **Finance & Zoning and Planning:** on the second and fourth Mondays of each month.
- (2) **Programs & Services, Public Facilities, Public Safety & Transportation:** on the Wednesdays following the first and third Monday of each month; Public Facilities to hold utility hearings on the Wednesday following the third Monday of each month.
- (3) **Land Use:** on the Tuesdays following the first, second, and third Mondays of each month. Public Hearings shall be held on the Tuesday following the second Monday of each month unless the ~~Chairman~~Chair recommends, with the advice of the Director of Planning and Development, that a public hearing(s) be held on the Tuesday following the first or third Monday of the month to afford applicants a prompt hearing, or when additional time is needed by applicants to file or staff to review a completed land use petition. The times and places for public hearings shall be confirmed in accordance with the provisions of Art. I, Section 7(A) of these Rules.

When regular meetings fall on a legal holiday, such meetings shall be rescheduled by the call of the ~~Chairman~~Chair. The committee, by a majority vote of its members, may reschedule a committee meeting to a date other than that specifically reflected in these Rules and Orders.

B. Summer Schedule.

Committee meetings during July and August will be scheduled by the ~~Chairman~~Chair and committee members.

C. Special meetings.

- (1) The President may require joint meetings as are deemed fit.
- (2) All Committees shall meet upon the call of the ~~Chairman~~Chair, or the call of any two members, by notice in writing delivered to the members' respective addresses, giving the time, day, date, place, and agenda; said notice to be posted at least 48 hours prior to the meeting.
- (3) No Special Committee meeting shall be called which conflicts with a regularly scheduled committee meeting without having obtained prior permission of the President.

- (4) No committee shall sit later than 7:45 P.M. on any day on which the ~~Board of Aldermen~~City Council meets unless previously authorized by said ~~Board Council~~ or the President.
- (5) No committee shall sit during a session of the ~~Board Council~~ without special leave. A request for such leave may be granted by the presiding Officer or, at the discretion of the Presiding Officer, the question may be put to the membership of the ~~Board Council~~. The ~~Chairman~~Chair of the Committee shall, within a time limit not to exceed two minutes, explain the reason behind the request, and the matter shall be voted upon without debate.

Section 5. Committee procedure.

A. Four members of each committee shall constitute a quorum. In the case of at least three members present, they shall proceed with the committee's business, unless there is any objection, and shall make a recommendation to the ~~Board Council~~. Such recommendation shall be subject to the requirement of suspension of the rules if any member so requests.

B. In the absence of the ~~Chairman~~Chair and Vice-~~chairman~~Chair, a member appointed by the ~~Chairman~~Chair or Vice-chairperson shall be Acting ~~Chairman~~Chair. If no such appointment has been made, the senior member of the ~~Board Council~~ who sits as a committee member shall be Acting ~~Chairman~~Chair.

C. The agenda for any committee meeting shall be limited to items appearing on the docket at the ~~Board Council~~ meeting previous to the Committee meeting, and such items as are filed and published in said agenda.

- (1) Accompanying the agenda for any committee, there shall be included copies of all petitions, communications and reports from City Officers and others, and all supporting materials for all docket items, including the form of the proposed order, ordinance or resolution. The agenda and supporting materials for each committee shall be sent to each ~~Alderman~~Councilor via mail or messenger on the Friday before said Committee meeting. Any supplement to the committee agenda shall be delivered to each committee member at least 48 hours before the committee meets, and shall be complete with all initiating and supporting papers and proposed ~~Board Council~~ Orders, ordinances and resolutions. No item not listed on the docket or agenda, or for which supporting documentation has not been supplied at least 48 hours prior to the Committee meeting, shall be taken up in committee without a majority of those committee members present voting to suspend the rules.

D. Any member offering a motion, order, ordinance, or resolution that is referred to a committee shall be given a hearing on same by the committee if so required. If such order, ordinance or resolution is presented by a member of the public, a hearing shall be granted if so requested in writing.

E. ~~Aldermen~~Councilors who are not members of the committee are entitled to participate fully in the discussion of the committee.

F. Whenever it is known or anticipated that an executive session may be called by a committee of the Board Council, the ChairmanChair shall request the Clerk to notify each member of the Board Council at least 48 hours prior to said anticipated executive session by a separate written notice.

G. A committee is encouraged to follow the following procedure for hearing appeals of Traffic Council decisions:

(1) Notification of abutters/interested parties by the Clerk should include, at a minimum, the notification list utilized for the original Traffic Council hearing. The Committee ChairmanChair may request the Clerk provide additional notification at his/her discretion;

(2) The Traffic Council report(s) and any correspondence received since the appeal was filed should be attached to the Committee's agenda;

(3) A Traffic Council member who voted in favor on the original petition should begin the hearing with a presentation summarizing the original petition and the corresponding Traffic Council decision that was appealed;

(4) The Committee ChairmanChair should provide an opportunity for comment by the appellant. The ChairmanChair, at his or her discretion, may provide opportunity for additional public comment and shall limit or close the meeting to public comments at any time at his/her discretion;

(5) The committee shall discuss the appeal among AldermenCouncilors and City staff only;

(6) The committee will then take a vote and if acted upon, the item is referred to the full Board Council;

(7) The full Board of AldermenCity Council votes, and may uphold the Traffic Council decision, or according to Ordinance §19-33(d) "...may order the traffic council to adopt, amend, or repeal regulations concerning the geographic area that was the subject of the petition initially filed with the traffic council, or may remand the matter to the traffic council for further review. (Ord. No. Z-12, 12-03-07); and

(8) If the appeal item is held in committee, notification and public comment at subsequent meetings shall be undertaken at the Committee's Chairman'sChair's discretion."

Section 6. Committee reports.

A. It shall be the duty of any committee to whom a subject may be specifically referred to take an item up and report thereon with one year from the time said subject is referred to it or to ask for further time. No committee and hence Board Council action (Approved, Denied, No Action Necessary) may be taken without a discussion with the primary docketer.

B. Records of the proceedings of committees shall be kept in books provided by the City for that purpose, and all votes in the several committees shall be taken by yeas and nays, and record thereof shall be kept by the ~~Chairman~~Chair of each committee, and available to the Clerk of the ~~Board~~Council.

C. No report shall be received from any committee unless the subject matter thereof shall have been considered in committee actually assembled, and unless the report shall state the vote by which the same was adopted. In case the number of members voting is different from those recorded as attending the meeting, or in case the vote is not unanimous for all members present, the report shall state the members voting in the affirmative, the members voting in the negative, and the members electing to abstain from voting.

D. The ~~Chairman~~Chair shall have the responsibility for the preparation of committee reports. All committee reports shall be submitted in writing and such reports shall contain an explanation of the item, copies of all relevant material, reports of city officials available to the committee, and the final form of the order, ordinance or resolution that is recommended by the committee. Committee reports shall be assembled in an orderly manner.

E. With regard to all petitions for special permits or site plan approvals, the report of the Land Use Committee should include the reasons supporting the recommendation of the committee and, if applicable, any reasons which support a position contrary to the committee's recommendation. The Land Use Committee shall prepare and include with its report a draft decision for each such land use petition which reflects the recommendation of the committee on such petition.

Section 7. Public Hearings.

A. Except as otherwise required by law, public hearings may be held before the proper committee at its regular meetings as designated in Article I, Section 4, of these Rules, or at such other time and place as the ~~Chairman~~Chair of the respective committee shall determine, with all determinations of times and places for public hearings to be confirmed prior to such hearings by vote of a majority of those present at a regular meeting of the ~~Board of Aldermen~~City Council.

B. Public hearings of the Land Use Committee, unless the committee votes otherwise, and public hearings of other committees, at the request of the ~~Chairman~~Chair or by majority vote, shall be electronically recorded.

Section 8. Appointments by His Honor the Mayor requiring ~~Board of Aldermen~~City Council Confirmation.

A. Appointments by His Honor the Mayor: All appointees nominated by His Honor the Mayor requiring ~~Board of Aldermen~~City Council confirmation shall be interviewed at hearings scheduled by an appropriate committee or committees of the ~~Board~~Council prior to final confirmation by the Honorable ~~Board~~Council.

B. Reappointments by His Honor the Mayor

- (1) All re-appointments nominated by His Honor the Mayor requiring ~~Board of Aldermen~~City Council confirmation, designated to serve a term of office of three (3) years duration or longer, shall be interviewed at hearings scheduled by an appropriate committee or committees of the Board Council prior to final confirmation.
- (2) Notwithstanding the usual interview requirement described in the prior paragraph, the appropriate committee(s), at its election, may recommend for confirmation a reappointment without such an interview, in the following circumstances:
 - a) written information relating to the re-appointee's background and qualifications has been available to the committee, and in turn is provided to the full Board Council; and
 - b) a member(s) of the committee has recommended that the formal interview be waived based on a prior interview before such committee, or because of such written information, or because of knowledge of the re-appointee or his/her service.

Section 9. Appointments by the ~~Board of Aldermen~~City Council

A. Appointments by the ~~Board of Aldermen~~City Council shall be made by the President of the ~~Board of Aldermen~~City Council. The President may, at his or her discretion, seek input from other Board Council members. All appointees nominated by the President shall be interviewed at hearings scheduled by an appropriate committee or committees of the Board Council prior to final confirmation.

B. All re-appointments nominated by the President shall be interviewed at hearings scheduled by an appropriate committee or committees of the Board Council prior to final confirmation.

Section 10. The Capital Improvement Program (CIP).

A. The Capital Improvement Program, when received from the Executive, shall be referred to committees of the Board Council as specified in Article I Section 3.

B. Any capital item for which an appropriation is requested must appear in the current operative CIP.

Section 11. Standards for conduct of committees.

A. The President may at the start of each term convene the ~~Chairmen~~Chairs of the committees of the Board Council for the purpose of establishing certain standards for the management of committee business. Such standards at no time may be in conflict with standards expressed or implied in these Rules and Orders. The standards thus adopted may include, but need not be limited to, report formats, communication with the public, conduct of meetings, and the preparation of specific information to aid ~~Aldermen~~Councilors in the discharge of their duties.

ARTICLE II

BOARD MEETINGS AND PROCEDURES

Section 1. Regular meetings.

A. Regular meetings of the ~~Board~~Council shall be held in the months of January through June (inclusive) and in the months of September through December (inclusive) on the first and third Mondays of each month, at 7:45 p.m., unless otherwise ordered, and in the months of July and August on the second Monday of each month pursuant to §4-1 of the Ordinances.

B. Where any such Monday shall be a legal holiday, the meeting shall be held on the next following day that is not a legal holiday.

C. Every adjourned sitting of the ~~Board of Aldermen~~City Council, but not an adjourned special meeting, shall constitute a regular meeting, and the order of business thereat shall be the same as in the case of a regular meeting.

D. At the commencement of every regular meeting of the ~~Board~~Council, the Presiding Officer shall offer the members present the opportunity to join in the recitation of the Pledge of Allegiance to the Flag of the United States of America.

Section 2. Order of Business.

At every meeting of the ~~Board~~Council, unless otherwise determined by a majority of the members present, the order of business shall be as follows:

A. Communications and reports from City Officers.

(1) All communications, reports and other documents addressed to the ~~Board~~Council shall be presented by the Presiding Officer, or such other person as the Presiding Officer may request, and shall be taken up in the order in which they are presented, except when the ~~Board~~Council shall otherwise determine.

B. First call of committee reports, given in the following order:

1. Land Use
2. Zoning and Planning
3. Programs and Services
4. Public Safety and Transportation
5. Public Facilities
6. Finance
7. Special Committees

The ~~Chairman~~Chair of each committee on first call shall move the acceptance of that committee report as published, excepting any items already identified for second call.

- (2) **Second Call of Committee reports.** Any member wishing to question any items appearing in the Reports Docket as received on the Friday prior to a meeting of the Board of Aldermen City Council shall notify the Clerk of the Board Council or the President at least fifteen minutes prior to the meeting, stating the item in question and the reasons for the request for second call. The President of the Board Council, in consultation with the Clerk, shall create a second call agenda, using his own discretion in determining the order in which items will be considered. The second call agenda will be posted on a screen by the Clerk.

Following the report of first call items by each Committee Chairman Chair, any Alderman Councilor who wishes to question any item in the committee report shall rise and voice a request for a second call of such item or report, and such item shall be removed from consideration until after all of the unquestioned items in all of the committee reports have been presented and voted upon. The President shall add all additional second call items to the agenda in the order identified.

Unless the item has already been placed on second call, any member wishing to vote against the recommendation of the Land Use Committee on a petition for a special permit, site plan approval or related zone change shall request a second call on such item. During debate on such item, a member wishing to vote against the committee recommendation should state the reasons for such vote, which reasons may include, but are not limited to the reasons contained in the Land Use Committee report or offered by other members of the Board Council. Notwithstanding Article II, Section 3.C., a Presiding Officer who wishes to vote against the committee recommendation may briefly state reasons for such vote without leaving the Chair.

- (3) Upon approval of the first call vote, all new docket items appearing on the docket bearing the date of the Board's Council's first call vote shall be considered accepted for Board Council consideration with corresponding committee assignments as noted on the docket. However, the acceptance of any new docket item is subject to being placed on 2nd call for Board Council discussion at the same meeting at which the item first appears on the docket. At 2nd call, the Board Council may accept or reject the item for docketing, or postpone to a date certain the decision on whether to accept or reject it as a docket item.

C. Recess.

- (1) Following first call, the Board Council shall recess for a period to be specified by the Presiding officer. During such recess, all Aldermen Councilors requesting a second call of any particular docket item shall present themselves to the Presiding Officer so that he/she may determine the objection, intended motions or amendment, and desire to present arguments for or against any items previously held from Committee reports, and may attempt to resolve matters of inquiry. All items held from first call shall be presented at second call.

- (2) Any ~~Chairman~~Chair of a committee of the ~~Board~~Council wishing to convene said committee on a matter of urgency during a recess meeting may so request following the vote of the ~~Board~~Council on first call reports, pursuant to Article I, Section 4.C.(5) of these Rules and Orders.

D. Chartered, tabled, or reconsidered items.

E. Second call of committee reports, given in the order first, as determined by the President in the posted second call agenda and following, as identified during the reporting of first call items. A 2/3 vote of the members present under suspension of the rules shall move any item to the top of the second call agenda.

- F. Such other business as may come before the ~~Board~~Council.

Section 3. Presiding Officer.

A. The President shall take the Chair at the hour of meeting, call the members to order and, if a quorum is present, business shall proceed. In the absence of the President, the Vice-President shall preside, and if both the President and Vice-President are absent, the President Emeritus shall call the ~~Board~~Council to order and preside for the choice of President Pro Tempore.

B. The Presiding Officer shall preserve decorum and order and may speak to points of order in preference to other members. He/she shall decide all questions of order, subject to an appeal to the ~~Board~~Council, duly seconded, and no other business shall be in order until the question on appeal has been decided.

C. The Presiding Officer may express an opinion on any subject under debate, but in such case that officer shall leave the Chair and appoint some other member to take it, but the Presiding Officer may state facts and give an opinion upon questions of order without leaving the Chair.

D. The President may call the Vice-President or any other member to the Chair, provided such substitution shall not continue longer than one meeting.

E. The Presiding Officer shall propound all questions in the order in which they are moved, unless the subsequent motion shall be a preferred motion.

F. The first member to rise shall be recognized by the Presiding Officer. When two or more members rise at the same time, the Presiding officer shall name the member who is first to speak.

Section 4. Motions.

A. Every motion shall be reduced to writing if the Presiding Officer shall direct, or if any member of the ~~Board~~Council requests it. No order that is not substantially similar to the wording in the docket and no resolution shall be considered by the ~~Board of Aldermen~~City Council or any committee unless a copy thereof has been delivered to the address of each member of the ~~Board of Aldermen~~City Council or such committee member at least 48 hours prior to the meeting at

which it is to be voted by the Board Council or any committee thereof; provided, however, that before a final vote is taken on any Board Council order, such order must be reduced to writing and, before the vote, either distributed to the Board Council members present or read aloud by the Clerk of the Board Council or such other person as the President may direct.

B. After a motion is stated or read by the Presiding officer, it shall be deemed to be in possession of the Board Council, and shall be disposed of by vote; but the mover may withdraw it, in the absence of any objection by the seconder, at any time before a decision or amendment. If there is objection, approval of withdrawal shall be by a majority of the members present.

C. The Presiding Officer shall consider a motion to adjourn as always in order, except upon an immediate repetition.

D. When a question is under debate, the Presiding officer shall receive no motion other than the following procedural motions:

1. to adjourn
2. to lay on the table
3. for the previous question
4. to postpone to a day certain
5. to commit
6. to amend, or
7. to postpone indefinitely

Such several motions shall have precedence in the foregoing order. Motions 1., 2., and 3. shall be decided without debate. An item laid on the table shall be taken from the table by the conclusion of the next regularly scheduled meeting.

E. The previous question shall be put by the statement, "Shall the last motion made be put?", and all debate upon the last motion made shall be suspended until such motion shall be decided. A motion for the previous question shall be deemed to be defeated unless at least two-thirds of the members present vote in favor of such motion. After the adoption of putting the previous question, the sense of the Board Council shall forthwith be taken upon the last motion made, and only one amendment to an amendment shall be in order at any one time. A motion for the previous question shall relate only to the last motion made.

- (1) All incidental questions of order arising after a motion has been made for the previous question shall be decided without debate.

F. No procedural motion, including a motion for reconsideration, shall be in order where such motion shall render a special permit and/or site plan approval sought pursuant to Chapter 30, Sections 23 and 24 of the Revised Ordinances constructively approved by operation of law prior to the next regularly scheduled meeting due to the expiration of a statutorily imposed time limitation.

Section 5. Debate.

A. Debate shall be limited as follows:

1. On procedural items where debate is permitted, each ~~Alderman~~Councilor shall speak not more than three (3) minutes, nor more than one time.
2. On all other matters, each ~~Alderman~~Councilor may speak no more than three times, nor more than five (5) minutes total.

Section 6. Division of questions.

Any member may call for a division of a question when the sense will admit it, and the presiding officer shall decide this question without appeal.

Section 7. Excused from voting.

A. Every member present within the rail of the Chamber of the ~~Board~~Council shall vote "yea" or "nay" unless that member believes he or she has a conflict of interest pursuant to MGL Ch. 268A.

B. Any member unable to vote due to a conflict of interest pursuant to MGL Ch. 268A must state the specific reason therefore when the docket item is moved to the floor or as soon as the conflict of interest becomes apparent, whichever first occurs.

Section 8. Votes and Roll Calls.

A. On all questions and motions where required by the Rules or by law or where requested by any member, the Presiding Officer shall take the vote by roll call, and otherwise may exercise discretion by taking a voice vote, by standing, or roll call. In all cases the President shall vote, but on roll call votes, that officer's name shall be called last.

B. Except as otherwise provided by law, all salaried officers shall be chosen or confirmed, as the case may be, by roll call vote.

C. All appropriations, ordinances, zoning, and other matters so required by law shall have a roll call vote. All other questions shall be put in substantially this form: "Those who are in favor of the question vote 'Aye', those opposed vote 'No'; those in favor, those opposed." Upon the request of any one member, the Presiding Officer shall call for those in favor to stand, and then for those opposed to stand. Upon the request of any one member, the Presiding Officer shall call for a roll call vote.

D. The Presiding Officer shall declare all votes, but if any member doubts a vote, there shall be no debate, and the Clerk shall call the roll (or if the vote was taken by roll call, the roll shall be called again). Every member present shall be required to vote, unless excused by vote of a majority of the members present. The number of votes required for a determination, except where the Rules or law otherwise provide, shall be a majority of the members present at the time of the vote. No members shall leave the meeting after voting and before the vote is announced by the Presiding Officer.

E. If there is no objection, the Presiding Officer shall record that the vote was unanimous. If a small number object, the Presiding Officer shall record that the vote was affirmative and shall name the objecting ~~Aldermen~~Councilors.

Section 9. Appealing Rulings.

Any member may appeal the ruling of the Presiding Officer without debate. If such appeal is duly seconded, the appellant may speak once, solely on the question involved, and the Presiding Officer may explain the ruling given, but no other member shall participate in the discussion.

Section 10. Charter Objection.

A Charter Objection shall not be withdrawn after the maker relinquishes the floor. Debate on the chartered item shall cease upon the making of a Charter Objection.

Section 11. Committee of the Whole.

A. Any member of the Board Council may call for a Committee of the Whole, but shall state the subject matter of said Committee of the Whole.

B. If the majority of those members present and voting approve a Committee of the Whole meeting, the Board Council shall meet as a Committee of the Whole, meeting in such place as may be designated by the Presiding Officer. The Committee of the Whole shall be conducted in an informal manner and shall be presided over by the Presiding Officer, or such member of the Board Council as may be designated by the Presiding Officer. The subject matter stated by the call for the Committee of the Whole shall be discussed within said committee meeting; and if a majority of those members of the Board Council present in the Committee of the Whole approve, additional subject matters may be discussed within said Committee meeting.

C. The Committee of the Whole consists of the entire body of members of the Board Council in attendance, meeting as if it were in a committee setting and subject to the rules of committee procedure. The results of votes taken in Committee of the Whole are not final decisions of the Board Council but have the status of recommendations which the Board Council is given the opportunity to consider further and which it votes on finally under its regular rules.

D. The Committee of the Whole shall be open to the press and public.

Section 12. Executive Session.

A. Any member of the Board Council may call for an Executive Session, but shall specifically state the purpose of the Executive Session, which shall be only for the following reasons:

- (1) To discuss the reputation, character, physical condition or mental health rather than the professional competence of an individual, provided that the individual involved in such executive session has been notified in writing by the Board of Aldermen City Council at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. The Board of Aldermen City Council shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:

- (a) to be present at such executive session during discussions or considerations that involve that individual.
 - (b) to have counsel, or a representative chosen by that individual, present and attending for the purpose of advising said individual and not for the purpose of active participation.
 - (c) to speak in that individual's own behalf.
- (2) To consider the discipline or dismissal of, or to hear complaints or charges brought against, a public officer, employee, staff member, or individual, provided that the individual involved in such executive session pursuant to this clause has been notified in writing by the ~~Board of Aldermen~~City Council at least forty-eight hours prior to the proposed executive session. Notification may be waived upon agreement of the parties. The ~~Board of Aldermen~~City Council shall hold an open meeting if the individual involved requests that the meeting be open. If an executive session is held, such individual shall have the following rights:
- (a) to be present at such executive session during discussions or considerations that involve that individual;
 - (b) to have counsel, or a representative chosen by that individual, present and attending for the purpose of advising said individual and not for the purpose of active participation;
 - (c) to speak in that individual's own behalf.
- (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the City.
- (4) To discuss the deployment of security personnel or devices.
- (5) To investigate charges of criminal misconduct or to discuss the filing of criminal complaints.
- (6) To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the renegotiating position of the City with a person, firm or corporation.
- (7) To comply with the provisions of any general or special law or federal grant-in-aid requirements.

Section 13. Reconsideration.

A question having been taken, it shall be in order for any member voting with the prevailing side to move a reconsideration at the same meeting, or at the next meeting, provided the subject of the vote has not passed out of the custody of the Board Council.

A. Whenever a vote is taken on a question, each member on the prevailing side of the vote may:

(1) move for reconsideration of the question at the same meeting, and/or

(2) file with the Clerk of the Board Council, within 24 hours after adjournment of the meeting at which the question either passed or failed, a motion for reconsideration. The member filing the motion for reconsideration may withdraw such motion provided that the withdrawal occurs within the same time period allowed for the filing of such motion. The Clerk shall schedule this motion for reconsideration for the next regular or special meeting of the Board Council. Once such written motion shall have been filed and not withdrawn, such matter shall not be twice reconsidered.

B. Any motion for reconsideration shall not be subject to the reconsideration procedures as set forth herein.

C. For purposes of this section only, the term "question" shall have the equivalent meaning of the term "measure" as defined in Section 11-13(g) of the City Charter.

D. A motion for reconsideration shall not be in order where reconsideration of the item in question would render it approved or disapproved by operation of law due to the expiration of a statutorily imposed time limitation, provided the item in question is one that need not be submitted to the Mayor pursuant to Section 3-8 of the City Charter (e.g., the budget, special permit applications, etc.).

ARTICLE III

RIGHTS AND DUTIES OF MEMBERS

Section 1. Attendance.

Every member shall take notice of the meetings of the Board Council and its Committees, and shall exercise punctual attendance accordingly.

Section 2. Seating.

The seats of the ~~Board~~Council shall be numbered and shall be determined by vote at the time of organization, and members shall not thereafter change their designated seats without permission of the President or presiding officer.

Section 3. Speaking.

A. Every member, when about to speak, shall rise, address the Presiding Officer, and limit remarks to the question under debate, avoiding personalities. ~~Aldermen~~Councilors shall also address each other with respect and in debate shall refer to other members by their respective Wards, by name, or by such other designation as may be intelligible and respectful. Members shall not speak or vote out of their assigned seats without leave of the Presiding Officer.

B. No member, while speaking either before the ~~Board~~Council or in Committee, shall be interrupted by another, except by a call to order by the Presiding Officer, or by a point of order or information, or personal privilege.

C. No member shall speak to the same question more than once until all members choosing to speak shall have spoken.

D. No member shall be permitted to stand up to the interruption of another member who is speaking, or to pass unnecessarily between the Presiding Officer and the person speaking.

ARTICLE IV

ORDERS, ORDINANCES, ETC.

Section 1. Draft Ordinances.

A. The draft of every new ordinance to be reported to the ~~Board of Aldermen~~City Council by a committee, whether reported by a majority or minority of said committee, shall be first submitted by the committee to the City Solicitor for examination and approval as to form and legal character.

B. The City Solicitor shall forthwith examine the draft ordinance. If the form and legal character thereof is disapproved, that disapproval shall be signified thereon and the draft returned to the Committee. If the form and legal character thereof is approved, that approval shall be signified thereon and the draft transmitted to the Clerk, who shall cause the same to be printed in the usual form of printed ordinances, showing thereon the approval of the City Solicitor, and shall provide a copy thereof to the Mayor and the City Solicitor and shall deliver same to the address of each member of the ~~Board of Aldermen~~City Council at least 48 hours before the meeting at which the report is to be offered.

C. If the draft of a proposed ordinance has been returned to the committee disapproved by the City Solicitor and if, after further consideration, the committee or a minority thereof decides to report the ordinance to the Board Council unchanged, the draft shall be filed with the Clerk, who shall cause the same to be printed showing the disapproval of the City Solicitor, and shall provide a copy to the Mayor and the City Solicitor and to each member of the ~~Board of Aldermen~~City Council at least 48 hours before the meeting at which the report is to be offered.

Section 2. Recommended appropriations.

All recommendations for appropriation presented to the ~~Board of Aldermen~~City Council shall be submitted to the Comptroller of Accounts as to form, detail and source of appropriation before action by the Board Council.

Section 3. Ordered, Resolved.

In all votes that express anything by way of command, the form of expression shall be ORDERED, and when the Board Council expresses opinion, principles, facts or purposes, the form shall be RESOLVED.

Section 4. Recommendations.

In order to facilitate the ~~Board's~~Council's expression of interest in an item to the Executive Department, a recommendation may be adopted by the Board Council reflecting such expression of interest or opinion. Said recommendations, to the Mayor shall be Resolutions that are only advisory.

ARTICLE V

CLERK OF THE BOARD

Section 1. Notice of Meetings.

The Clerk of the Board Council, referred to in these articles as Clerk, shall give written notice to members of all meetings. Such notice of regular and adjourned meetings may be sent by mail, sent electronically, or delivered by messenger.

Section 2. Dockets, Committee Reports.

A. On the Friday before any Board Council meeting, the Clerk shall send to each ~~Alderman~~Councilor via mail, electronically, or messenger the Docket, Reports Docket, and Committee Reports to be reported at the next Board Council meeting. In the event that a committee report is not submitted by a ~~Chairman~~Chair, notice to that effect shall be provided to the ~~Aldermen~~Councilors.

B. The Clerk shall make available to all Aldermen Councilors, departments of the City, and other interested parties a Docket Request Form, to be revised by the Clerk from time to time. Any Alderman Councilor, City department head, or other interested party wishing to docket an item must use this form and must do so no later than 7:45 PM on Monday, prior to the distribution of the docket. The Mayor of the City may file items in such form as he or she deems appropriate within the time limitation referred to above. Any item submitted after the aforementioned deadline may only be admitted to that docket by the Board Council under suspension of the rules. If the item is not admitted to the docket under suspension of the rules, it may not be discussed by any committee of the Board Council until after it has been admitted to a subsequent docket in accordance with these rules. This provision shall not interfere with emergency powers granted the Mayor by operation of law. In no way shall this rule affect the power of the Mayor to call a special meeting under Section 3-7b of the City Charter.

C. By noon of the day following a committee meeting, unless a Committee Clerk is in attendance at the meeting, each Chairman Chair shall provide to the Clerk a marked agenda showing members of the Board Council in attendance, and votes taken, with members of the committee voting "aye" and those voting "nay" on each item.

D. Any Chairman Chair wishing to have a committee report typed by the Committee Clerk staffing his/her committee shall provide dictated or handwritten draft materials no later than forty-eight (48) hours prior to the Friday distribution of that report, or at such other time as may be agreed upon with the Committee Clerk. Aldermen Councilors wishing to present committee reports to be included in the Friday packet must present prepared material to the Clerk of the Board Council no later than 5:00 PM Thursday prior to the Friday mailing. All material intended for reproduction must be legible and clear as to intent.

E. In addition to quantities of the Docket, Reports Docket, and Committee Reports printed for distribution to Aldermen Councilors, the Clerk shall have available such additional copies as may be deemed necessary for distribution to the public.

Section 4. Attendance at meetings.

The Clerk shall attend all meetings of the Board Council and its Committees and keep the records thereof. In the absence of the Clerk, an assistant designated by the Clerk shall perform the Clerk's duties.

Section 5. Responsibilities at meetings.

A. The Clerk shall record the names of members present and absent, and shall have the custody of all records, documents, maps, plans and papers of the Board Council, respecting the care and custody of which no other provision is made.

B. When the Roll Call is taken, the Clerk shall call the names of all the members in alphabetical order, excepting that of the President which shall be called last.

Section 6. Admission within the rail.

The Clerk shall not permit any person other than an Alderman Councilor or a member of the Clerk's staff to be admitted within the rail of the Chamber of the Board Council, or within the Members' Lobby connected therewith, at any meeting of the Board Council except upon permission of the Presiding officer or vote of a majority of the Board Council.

Section 7. Records of proceedings.

A. The Clerk shall be responsible for the protection and storage of records of all regular and special meetings of the Board of Aldermen City Council and all committee meetings, according to the requirements of the Public Records Law (M.G.L. Chapter 66, Public Records Law). The voice tapes recorded during the course of such meetings shall be filed by date in safekeeping by the clerk and maintained for a period of three years following the date of the meeting, or for a time period otherwise set by law.

B. Immediately following each Board Council or committee meeting, the taped record thereof shall be stored in the Clerk's office. Any member of the Board Council may request a copy of said tape, and the Clerk shall provide such copy within 24 hours. Members of the public may request a copy of any tape, and the Clerk will make every effort to provide such copy within three days, but in no case later than the maximum time allowed under the Public Records Law.

C. The Clerk shall keep a journal and publish a Board Council Order Booklet containing all proceedings of the Board Council, including motions, orders, ordinances, resolutions, amendments to same and votes thereon. Such Journal and Board Council Order Booklet shall be available to the public, and a copy of the Board Council order Booklet shall be provided to each member of the Board Council.

D. The Clerk shall post on the City's website all main and subsidiary motions, the makers of such motions, and the subsequent votes taken at Board of Aldermen City Council meetings.

Section 8. Special recording requirements.

A. Whenever the Board of Aldermen City Council votes on a petition for a special permit or site plan approval, the Clerk shall prepare a record of the proceedings of the Board Council, showing the vote of each member upon such petition, or, if absent or failing to vote, indicating such fact, and the decision of the Board Council setting forth clearly the reasons for the Board's Council's action on such petition.

If the Board Council approves the recommendation of the Land Use Committee either to approve or deny a particular petition for a special permit or site plan approval, then the Clerk shall file as the decision of the Board Council the draft decision prepared by the Land Use Committee and included with the Committee report, together with any amendments thereto made by the Board Council.

If the Board Council fails to approve a recommendation of the Land Use Committee, then the Clerk shall prepare a decision incorporating the reasons in opposition to the committee

recommendation offered by Board Council members during debate upon the petition, which reasons may include, but are not limited to, the reasons contained in the Land Use Committee report or offered by other members of the Board Council. The Clerk may consult with Board Council members, the Planning Department, Law Department or other City departments or staff to prepare the decision.

A decision shall include the vote of each member upon the petition, shall state whether the petition was approved or denied, and shall be certified by the Clerk as the decision of the Board Council.

B. The decision, and the record of the proceedings before the Board Council for each application for a special permit or site plan approval shall be filed in the office of the City Clerk within fourteen (14) days after the vote of the Board Council, or within the statutory time for such decision, whichever date is earlier.

C. Notice of the decisions shall be mailed forthwith, postage prepaid, to the petitioner, the applicant or appellant, the parties in interest as designated in Section 11 of Chapter 40A of the General Laws, and every person present at the hearing who requested that notice be sent and who stated the address to which such notice was to be sent. The notice shall also state that appeals, if any, shall be made pursuant to Section 17 of Chapter 40A, and shall be filed within twenty (20) days after the date of filing of such notice in the office of the City Clerk.

D. Furthermore, in the case of granting of a special permit, or any extension, modification or renewal thereof, the Board Council shall also send to the owner and to the applicant, if other than the owner, a copy of its decision, Board Council certified, containing the name and address of the owner, identifying the land affected, setting forth compliance with the statutory requirements for such action as was taken and certifying that copies of the decision and all plans referred to in the decision have been filed in the office of the City Clerk.

E. All of the above procedures shall be in compliance at all times with Section 11 and Section 15 of Chapter 40A of the General Laws as they may be from time to time amended.

ARTICLE VI

PRESIDENT EMERITUS

The Board Council may elect a President Emeritus, whose duties and functions shall be prescribed by the President of the Board of Aldermen City Council.

ARTICLE VII

NO SMOKING

No smoking shall be allowed in the Chamber of the ~~Board of Aldermen~~City Council or in any committee meeting room thereof, or in the Members' Lobby during ~~Aldermanic~~Council meetings.

ARTICLE VIII

ELECTION OF OFFICERS

Section 1. Meeting for Election.

After the Board Council members have been sworn, the Board Council shall convene to elect a President, Vice-President and President Emeritus. The Mayor shall preside for the purpose of electing a Temporary Presiding Officer whose powers shall be limited to the conduct of the election. In default of the election of such a Temporary Presiding Officer, the former President-Emeritus, if then a member of the Board Council, and if not, the most senior member then serving shall act as Temporary Presiding Officer to preside over the election of officers until a President is duly elected by the Board Council and can act as Presiding Officer and the Board Council can be formally organized. For purposes of this section, the "most senior member" shall mean the Board Council member with the greatest number of years of service on the ~~Board of Aldermen~~ City Council. The Board Council must elect its President before balloting can begin for Vice President.

Section 2. Special Committee of the Whole.

In order to facilitate the election of officers who command the support of a majority of the full Board Council, the Board Council shall entertain nominations and preliminary voting on candidates for office under the procedures hereinafter set forth in a Special Committee of the Whole, Temporary Presiding Officer presiding. No candidate shall be reported to the full Board Council for subsequent formal election who has not attained a majority of the full Board Council or thirteen (13) votes.

Section 3. Balloting Procedure.

After nominations are closed, votes are cast repeatedly for the slate of nominees on the ballot until a candidate receives an absolute majority vote in favor of his or her election (13 or more votes). For the purposes of this Article, "absolute majority" shall mean a majority of the members of the full ~~Board of Aldermen~~ City Council, or at least thirteen (13) votes. Votes shall be cast in the manner provided in paragraph B until the field is narrowed to 2 candidates.

B) **Narrowing the Field to two candidates:** If more than two candidates remain in the race after votes are cast for the first slate of nominees, then the candidate receiving the fewest votes on that ballot is eliminated as a candidate and may not again become a candidate until such time as an inability to elect (deadlock) is declared. If two or more candidates tie for the lowest vote total and three or more candidates remain in contention, repeat ballots are cast until one of the tied candidates is eliminated from contention. After three rounds of votes to break a tie among nominees on a particular ballot, candidates who are tied for the fewest votes shall also be removed if the removal of all such candidates (who are tied) would leave at least two candidates remaining.

C) **Tie-breaking Ballots for 2 Remaining Nominees:** If the field is narrowed to 2 candidates, neither of whom receives an absolute majority, then the possibility of opening the field to more candidates is disallowed until three ballots between the two candidates are cast. If no winner emerges during the course of those three ballots, then an inability to elect a candidate (deadlock) is declared and both candidates are eliminated from contention. In the event of an inability to elect a candidate (deadlock), then nominations are re-opened, provided, however, that the two candidates who were on the ballot that resulted in the inability to elect (deadlock) cannot be nominated again until such time as a second inability to elect (deadlock) is declared, in which case, the process begins again and any Board Council member may be nominated.

ARTICLE IX

ALTERATION, REPEAL, OR SUSPENSION OF RULES AND ORDERS

Section 1.

This article shall not be suspended if any member present objects, and no other standing Rule or Order of the Board Council shall be suspended unless three-fourths of the members present shall consent thereto. No standing Rule or Order of the Board Council shall be repealed or amended except upon written notice being given of the motion therefor delivered to the address of each member of the Board Council at least 48 hours prior to the meeting at which motion is to be presented and by a vote of the majority of all members of the Board Council.

Section 2.

All differences of opinion in regard to points of order or modes of procedure not otherwise provided for shall be governed by parliamentary practice as set forth in the Robert's Rules Newly Revised 10th Edition (Cambridge, Mass; Perseus Publishing, 2000)

ARTICLE X

RULES PERTAINING TO SPECIAL PERMIT AND SITE PLAN APPROVAL PETITIONS

Pursuant to G.L. c. 40A, §9, the Board of Aldermen City Council acting as a special permit granting authority adopts the following rules relative to the submission of applications for special permits and site plan approvals.

Section 1. Contents of Applications for Special Permits or Site Plan Approvals

All applications for special permits or site plan approvals shall contain the information required by §§ 30-~~237.3~~ and 30-~~247.4~~ of the Newton Zoning Ordinance. The Director of Planning and Development, or his/her designee, (hereafter the "Director") shall have the discretion to waive the requirement for a landscape plan in instances where the type of approval

sought does not raise issues involving screening or buffering. In addition, the Director shall have the authority to require more information (hereafter "Additional Information") relating to a proposed project beyond the requirements of §§ 30-~~237.3~~ and 30-~~247.4~~ of the Newton Zoning Ordinance where the Director determines that the project is likely to raise significant questions requiring more extensive review of relevant information beyond that required by ordinance. The Director may require this Additional Information in order to assess the potential impact of the proposed project on its neighborhood, on the roads serving such project, and on other City resources in light of the criteria set out in the Newton Zoning Ordinance for such special permit or site plan approval. Applications for special permits or site plan approvals must include all information required either by ordinance or by the Director in order to be complete and ready for filing as provided below.

All plans, maps, photographs, and other documents and exhibits required to be filed with applications for special permits/site plan approvals and/or presented at public hearings and working sessions of the Land Use Committee shall also be submitted in electronic file format. "File format" means the type of data file stored on CD ROMs, DVDs, USB storage devices and any other media designed to store information electronically in an application program used by the City of Newton. All documents and exhibits required to be submitted in electronic file format by this rule shall be submitted in a form acceptable to the Director in consultation with the Clerk of the ~~Board of Aldermen~~Council. The Director shall consult with the Clerk of the ~~Board of Aldermen~~Council, the Law Department, the Information Technology (IT) Department and the Land Use Committee from time to time to determine the appropriate digital format(s) for all documents and exhibits to be submitted and preserved within a framework that balances the relevant legal technical, legibility, quality, functionality and sustainability factors as well as the publication process of the material to be submitted and preserved, and cost factors. The file format that provides this balance may change over time as new formats are adopted for creation and use. The Director shall have the discretion to waive all or part of the requirement by this rule to submit documents and exhibits in electronic file format where the circumstances indicate that such requirement would be impracticable or create an undue hardship for the applicant.

The Director shall develop guidelines or criteria to be used in determining what kinds of projects may require Additional Information, and shall have the discretion to waive all or part of such Additional Information in a particular case where the circumstances indicate that such information will not be needed for the review anticipated. The Director shall consult with the Land Use Committee from time to time regarding such guidelines/criteria. The Director may require more information beyond that specified in such guidelines/criteria if the Director deems it necessary for an appropriate review of the project. The Land Use Committee may also require more information beyond that required by the Director during its review of a request for a special permit or site plan approval.

Section 2. Pre-application information, scoping, and review.

The Director shall prepare a standard checklist form based upon the guidelines/criteria to help applicants understand what information and reviews by various City agencies might be needed to file an application for a special permit or site plan approval. Applicants shall meet with a staff member of the Planning and Development Department (hereinafter "Department") to complete a

checklist for their project prior to submitting plans and supporting information for a zoning determination, as set forth below. At the request of either the applicant or the Director, the Department will schedule a pre-zoning determination meeting to discuss issues that may be raised by the proposed project and to identify any need to coordinate review of the proposed project by other City agencies or departments. The Director shall request that staff with relevant experience from other City departments or agencies and the Chief Zoning Code Official (hereafter the "CZCO") attend the pre-zoning determination meeting. In the event that the CZCO does not attend the pre-zoning determination meeting scheduled by the Department, promptly after such meeting the applicant shall meet with the CZCO to determine what materials and information the CZCO requires from the applicant for a zoning review and determination of what zoning permits, if any, are required for the applicant's proposed project.

Section 3. Determination of what zoning relief is required.

In order to determine the zoning relief that may be required for a proposed use or structure, prior to filing an application for a special permit or site plan approval, an applicant shall submit plans, a completed checklist and such information as is necessary to the CZCO for a zoning review of the proposed project. If the CZCO makes a preliminary determination that such plans and information are incomplete, the CZCO shall notify the applicant in writing within twenty-one (21) days of receipt of such a request for determination so that the omission(s) can be corrected in a timely manner. The CZCO shall make a final written determination of the zoning permits that are required for the proposed project within forty-five (45) days from receipt of all plans and information needed for such zoning review. If the final written zoning determination is not completed within 45 days, an applicant may file an application for a special permit/site plan approval without the written determination.

During the CZCO's review, the Director shall review the checklist submitted by the applicant and determine what Additional Information beyond that required by ordinance must be submitted with the special permit or site plan approval application or whether the proposed project should be classified as a Major Project and subject to the time restrictions set out in Section 5 below. As part of the written zoning determination, the CZCO shall transmit to the applicant the Director's determination regarding the Additional Information that must be included with the application for a special permit or site plan approval and whether the proposed project has been classified as a Major Project.

Section 4. Pre-filing Review of Applications for Completeness.

An application for a special permit or site plan approval shall not be deemed complete and ready for filing with the City Clerk in accordance with the provisions of the Revised Ordinances of Newton and the Rules of the ~~Board of Aldermen~~City Council unless the application and supporting materials have been reviewed by the Director and found to include all the required information as provided above.

The applicant shall submit the completed application form together with a copy of the written zoning determination and one set of all plans and required information to the Department. The applicant shall not be required to include the CZCO's written determination as part of an

application for special permit or site plan approval if the CZCO fails to prepare a written determination within the time set out in Section 3. Within ten (10) days from the date of receipt, the Director shall review the application to determine if the same includes all the required information and is ready for filing. If so, the Director shall indicate that the application is complete by stamping and initialing the application. If not, the Director shall provide the applicant with a written determination of how the application is incomplete so that it can be corrected in a timely manner. If the Director determines that the application is incomplete because the applicant has made a timely request for, but has not received, a document or documents that must be obtained from an agency or department of the City, the Director shall promptly request that such agency or department submit such document or documents to the applicant and the Department. If all such documents have not been so submitted within five (5) business days after the Director has made such request, the Director shall stamp and initial such application as complete and ready for filing notwithstanding the lack of such documents. The Director's stamping and initialing of the application as complete and ready for filing in a case where such documents have not yet been provided shall not waive the requirement for submission of such documents during the post-filing stage of the process. The City Clerk shall not accept an application for a special permit or site plan approval unless the same has been stamped and initialed by the Director as complete and ready for filing, provided, however, that the City Clerk shall accept an application if the Director has not completed his review and either returned the application as incomplete or stamped the same as complete within ten (10) days from the date the application is received by the Director.

For purposes of determining the completeness of an application, the Director's review shall not consider the adequacy of the information submitted, but shall only consider whether the application includes all the types of information required either by the Zoning Ordinance or as Additional Information. However, the Director shall advise the applicant in writing at the time the Director stamps and initials the application as complete of any inadequacies that have been identified in the submitted information. Thereafter, prior to the public hearing with respect to such application, the Director shall advise the applicant and the Land Use Committee of any inadequacies still outstanding in the application materials.

Nothing in this section shall prevent the Land Use Committee from requesting the submission of additional or supplemental information in connection with a special permit or site plan application. The Land Use Committee may elect to continue the public hearing on applications, where appropriate, to receive such additional or supplemental information. The Land Use Committee may consider the Director's comments on the adequacy of the information submitted in the application for a special permit or site plan approval in deciding whether to continue a public hearing for the receipt of additional or supplemental information.

Section 5. Time Restrictions for Filing Special Permits/Site Plan Projects for Major Projects

Purpose

The purpose of this rule is to avoid scheduling public hearings during the months of July or August, or during the months of November or December in the last year of the ~~Board's~~Council's term for Major Projects. Major Projects are projects that are likely to require the submission of Additional Information and which may involve significant land use issues either due to the location of the proposed use, the type of proposed use, or the size of the proposed use. Holding public hearings for Major Projects during the aforementioned months may not allow sufficient opportunity for public comment, review by the Land Use Committee and City departments or agencies, or deliberation by the ~~Board of Aldermen~~City Council. This rule shall not apply to special permit/site plan projects that are not classified as Major Projects.

Criteria for Major Project Classification

If any of the following criteria apply, the Director shall determine that a proposed project qualifies as a Major Project:

- Projects that require a waiver of more than five (5) parking stalls from the parking ordinance; seek to locate required parking off-site, or seek to locate a parking facility in a residential district that is accessory to business or manufacturing use.
- projects that involve a multi-level parking structure constructed either above or below ground.
- Projects likely to generate more than 500 cars per day or 50 cars per peak hour.
- Projects that increase average daily traffic or peak hour traffic along the adjacent street(s) by more than 10%.
- Projects where the proposed use(s), principal or accessory, involve(s) activities that include designated pick-up/drop-off times.
- Projects that involve the construction of 20,000 or more square feet in gross floor area, or the renovation of 10,000 or more square feet in gross floor area.
- Projects that involve a non-residential use that immediately abuts a residential zone.
- Projects that exceed six (6) residential units and trigger the Inclusionary Zoning Ordinance (see Section 30-~~24(f))~~5.11).
- Projects that involve the construction of a tower associated with a radio or television transmission station.
- Projects that include a Newton Landmark Preservation Site (see Section 22-90 to Section 22-103).
- Projects that involve a use identified in G.L. c. 40A, §3.

Time Restrictions

Due to the ~~Board of Aldermen's~~City Council's reduced summer schedule for meetings as well as the need to afford the public an opportunity to participate at the public hearing, the City Clerk shall not accept for filing a completed application for a proposed project that is classified as a Major Project during the period from June 1st through July 20th in any year.

Due to the expiration of the two-year term for aldermen at the end of every odd-numbered calendar year and the need for sufficient time for the Land Use Committee to review proposed projects and the Board Council to reach a decision regarding such projects, the City Clerk shall not accept for filing a completed application for a proposed project that is classified as a Major Project after the second Tuesday after the first Monday in September through November 15th during the last year of any term of the ~~Board of Aldermen~~City Council.

Suspension of Time Restrictions

The time restrictions in this section of these Rules may be suspended by the Board Council pursuant to Article IX, Section 1 of the Board Council Rules at the request of a petitioner for a special permit or site plan review. Such requests must be made by filing such a request with the Clerk of the Board Council by the docketing deadline for the next regular Board Council meeting. The request must have appended to it the subject application, and provide summary information sufficient to indicate the nature of the Major Project and that the application for a special permit is otherwise complete for filing with the City Clerk under these Rules but for this time restriction. The request shall be presented for decision by the Board Council at Second Call at the beginning of the Land Use Committee Report, if any, and if this Rule is suspended, the item shall be deemed docketed and accepted by the City Clerk at that time. In such instance, the ~~Chairman~~Chair of Land Use or his designee may then request an assignment of the item for a public hearing within 65 days of such acceptance. If this Rule is not so suspended then all the provisions of these Rules relating to time restrictions would continue to apply.

Section 6. Additional Notification Requirements

Any applicant for site plan approval or a special permit shall be required to erect and maintain in legible condition, one or more public notification panels at the site for which the site plan approval or special permit relief is requested. The panels shall be secured by the applicant from the Department and shall be paid for by the applicant. For Major Projects, the method of installation and the location(s) of any panel(s) shall be shown on the plans included in the application documents. For all Projects, the Department shall determine the exact location(s) of the panels(s) on the site consistent with the provisions of this section.

The following requirements shall apply to all public notification panels:

- (a) Location and Number. Panels shall be securely mounted on the subject lot at the street line or within the property where readable from the public way and without the necessity of trespass onto private property. For lots having street frontage of two hundred (200) feet or less, one panel shall be installed. One additional panel shall be installed for each

additional five hundred (500) feet of street frontage. Lots with more than one street frontage shall have panels installed on each frontage. The panels shall be considered erected on order of a governmental agency pursuant to Section 30-~~20(e)(5.2)(a).6 A 1~~ of the Newton Zoning Ordinance. The Department staff may require the relocation of any panel if necessary to improve the visibility of the panel.

- (b) Schedule and Duration. The required panels shall be installed as required in this Section 6, not less than fourteen (14) days before the date of the public hearing. They shall be maintained in legible condition by the applicant until a Notice of Decision has been filed with the City Clerk by the ~~Board of Aldermen~~City Council acting as a special permit granting authority. Panels that are stolen, destroyed, or rendered illegible shall be promptly replaced by the applicant. Panels shall be promptly removed by the applicant after the Notice of Decision has been filed or the petition for the site plan approval or special permit has been withdrawn.
- (c) Contents of Panels. All panels shall include the name of the city department where further information may be obtained; where the full application can be inspected; and where further comments can be directed. The site specific text of the panel shall include the name of the applicant, street address or other information adequate to identify the location or area subject of the application; the date, time and place of the public hearing; the subject matter of the hearing; the nature of the action or relief required; the place where the full application may be inspected; docket number of the application; the phone number and email address of the city department or contact person where further information may be obtained. Reasonable modifications of the text requirements of this paragraph (c) shall be permitted to enable the most important information to be provided in the most legible form.
- (d) Graphic and Construction Standards. The Department shall develop a design for the panels and a method of installation. On Major Projects, the Department may modify the design of the panels and method of installation for a particular site if necessary to improve the visibility of the panels. Panels shall be made of materials adequately weather resistant and durable for the time they are required to be posted. The text of the panels shall be in indelible ink.

Section 7. Employment of outside consultants.

Pursuant to G.L. c. 44, §53G and Newton Revised Ordinances, § 22-4. Employment Of Outside Consultants, the ~~Board~~Council, sitting as a special permit granting authority under G.L. c. 40A, and acting through its designee, the Land Use Committee, may hire outside consultants whenever the Land Use Committee determines that the City lacks sufficient staff resources or expertise to provide timely reports or reviews of pending land use petitions. The Land Use Committee may confer with the Director of Planning and Development and any other City officials, departments, commissions or agencies it deems appropriate in determining the need to hire an outside consultant(s) to provide reports or reviews on issues raised in connection with a pending land use application, including but not limited to, issues of (1) traffic, parking and circulation, (2) noise, (3) telecommunications, (4) historic preservation, (5) blasting, (6)

removal of toxic or hazardous waste, (7) drainage systems capacity, (8) environmental protection, including conservation, erosion control, and watershed and floodplain protection, or (9) similar issues affecting the public health, safety or welfare.

The applicant filing the land use petition for which an outside consultant is hired pursuant to this Rule shall pay the consultant's fee to the City. The fee shall be set by the Director of Planning and Development, shall be reasonable and shall reflect the estimated cost for the type of review or report requested from the consultant. Any fee charged in excess of the actual cost of the review or report shall be repaid to the applicant in accordance with the provisions of Rev. Ord. §22-4.

Any consultant hired pursuant to this Rule shall have an educational degree in or related to the field at issue, or three (3) or more years of practice in the field at issue or a related field. The Director of Planning and Development shall select the consultant in accordance with all applicable ordinances and state statutes. An applicant required to pay a fee for an outside consultant pursuant to this Rule may appeal the choice of consultant by requesting that the ~~Board of Aldermen~~City Council reconsider the selection made by the Director of Planning and Development or by seeking direct judicial review, if otherwise permitted by law. The applicant's appeal shall be limited to claims that the selected outside consultant has a conflict of interest or does not possess the educational or professional qualifications required by this Rule.

ARTICLE XI

The ~~Board of Aldermen~~City Council shall review the salary of the City Clerk/Clerk of the ~~Board of Aldermen~~Council during a 90 day period following the Clerk's election pursuant to §4-20 of the City of Newton Rev Ord, 2007.

* * *

Revised ~~February 2012~~January 1, 2016

CITY OF NEWTON

IN BOARD OF ALDERMEN

December 6, 2010

RESOLUTION CREATING A FINANCIAL AUDIT ADVISORY COMMITTEE¹

BE IT RESOLVED: that the Board of Aldermen hereby sets out its purpose to create a Financial Audit Advisory Committee to assist the Comptroller and the Board's Finance Committee in the review of audit and fiscal accountability matters.

Financial Audit Advisory Committee

Purposes, Composition and Appointment, Meetings and Duties

Purpose: The Financial Audit Advisory Committee will advise the Board of Aldermen through the Board's Finance Committee and has as its purpose to allow and encourage the Board to devote more time to fiscal accountability matters, and thereby elevate the importance of fiscal accountability through strong internal controls, budgetary and other legal compliance, accurate and timely financial reporting and a culture of ethical behavior.

The Financial Audit Advisory Committee will assist Newton's Board of Aldermen and the Comptroller in fulfilling its oversight responsibilities for the financial reporting process to ensure transparency and integrity, effective systems of internal control, auditing, and monitoring of compliance with laws and regulations.

Composition and Appointment: The Financial Audit Advisory Committee shall consist of nine members as follows:

- The Finance Committee Chairman, and three other aldermen appointed by the President of the Board of Aldermen, and four citizens of the City with financial expertise² appointed by the President of the Board of Aldermen with input from members of the Board of Aldermen, all of whom shall serve at the pleasure of the President of the Board.
- One School Committee member appointed by the President of the Board upon the recommendation of the Chair of the School Committee, who shall serve at the pleasure of the Chair of the School Committee.

¹Note: in order to conform to Article IV, Section 3 of the Board Rules, this is a resolution, but it is intended that it be reprinted as a continuing resolution with the Rules and Orders of the Board so that it will be easily available to Board members and the public after its adoption.

² Financial expertise may include the person having completed a program of learning in accounting or auditing; having experience as a principal financial officer, comptroller, public accountant or auditor; having experience overseeing or assessing the performance of companies, non-profits or municipal organizations or accountants with respect to the preparation of financial statements; or having other relevant experience. For example, the person may have an understanding of generally accepted accounting principles (GAAP) and financial statements; the ability to apply such principles in connection with the accounting for estimates, accruals, and reserves; experience preparing, auditing, analyzing or evaluating financial statements that present a breadth and level of complexity of accounting issues that can reasonably be expected to be raised by the City's financial statements, or experience actively supervising one or more persons engaged in such activities; and an understanding of internal controls and procedures for financial reporting.

The President, in consultation with the Finance Committee Chairman, will appoint the Chairman of this Audit Committee from among the members of the Board of Aldermen on the Committee. Initial citizen terms shall be staggered as follows: one for a term of one year, one for a term of two years, and two for a term of three years. Thereafter, each citizen appointment shall be for a term of three years. No citizen member shall be eligible to serve as a member for more than two consecutive full terms, not counting any initial one or two year term appointment.

Meetings The Committee is expected to meet at least four times a year, customarily on the Wednesday following the fourth Monday of the month. The committee may invite members of the Executive Department, management, auditors, or others to attend meetings and provide pertinent information, as necessary. It may hold meetings with auditors and, when appropriate, with the Chief Operating Officer, the Chief Financial Officer, the Treasurer, the Comptroller, the City Solicitor, or others.

Duties The Financial Audit Advisory Committee will advise and assist the Board, acting through the Finance Committee, and the Comptroller, by:

- Recommending to the Board of Aldermen appointment of registered public accounting firms employed by the City for auditing and financial review.
- Assisting in oversight of registered public accounting firms employed by the City for auditing and financial review.
- Assisting in resolving any disagreements between the City and the auditor regarding financial reporting.
- Helping pre-approve auditing and non-audit services by outside firms.
- Advising the Board about when it is appropriate to request funding from the Mayor to retain independent counsel, accountants, or others to advise the Financial Audit Advisory Committee.
- Requesting information from employees or external parties.
- Meeting with City officials, external auditors, or outside counsel, as necessary.

The Financial Audit Advisory Committee will report and make recommendations to the Finance Committee. The Finance Committee will receive and, as appropriate, vote on recommendations from the Financial Audit Advisory Committee. As the Financial Audit Advisory Committee has citizen members, items docketed to the Finance Committee may then be referred to the Financial Audit Advisory Committee by vote of the Finance Committee.

In its advisory function, the committee will carry out the following responsibilities:

Financial Statements Obtain from Comptroller and/or external auditors information on significant accounting and reporting issues, including complex or unusual transactions and highly judgmental areas, and recent professional and regulatory pronouncements, and understand their impact on the financial statements.

- Review the external annual financial statements, and consider whether they are complete, consistent with information known to committee members, and reflect appropriate accounting principles.
- Review with City officials and the external auditors all matters required to be communicated to the committee under generally accepted auditing standards.

- Review draft external financial reports with management and the external auditors before filing, and consider whether they are complete and consistent with the information known to committee members.

Internal Control Consider the effectiveness of the City's internal control systems, including information technology security and control.

- Evaluate areas of significant risk or exposure facing the City; assess the steps City officials have taken or propose to take to minimize such risks; and periodically review compliance with such steps.
- Understand the scope of external auditors' review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management's responses.
- Review with the Executive and School Departments the policies and procedures with respect to use of appropriated monies and funds within its control.

External Audit Review the external auditors' proposed audit scope, approach, and fees, including coordination of audit effort with internal employees.

- Review the performance of the external auditors, and exercise approval on the appointment, replacement, reassignment, or dismissal of the auditors.
- Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the City, including non-audit services, and discussing the relationships with the auditors.
- Establish a regular schedule for periodically discussing whether to re-bid the audit contract with an outside CPA firm.
- Review with City officials and the external auditors the results of the audit, including any difficulties encountered.
- Review City's responses to the audit.
- Review with the independent auditor all critical accounting policies and practices used and alternative treatments of financial information within generally accepted accounting principles.
- On a regular basis, meet with the external auditors to discuss any matters that the committee or auditors believe should be discussed.

Compliance Review the effectiveness of the system for monitoring compliance with laws and regulations and the results of management's investigation and follow-up (including disciplinary action) of any instances of noncompliance.

- Review the findings of any examinations by regulatory agencies, and any auditor observations.
- Review the process for communicating any code of conduct in effect as well as conflict of interest policies to City and School personnel, and for monitoring compliance therewith, including whistleblower policies in effect.
- Review the procedures for the receipt, retention, and treatment of complaints (including confidential or anonymous ones) received by the City regarding accounting, internal

accounting controls, auditing matters, or suspected fraud that may be submitted by internal or external parties; as well as assisting any Finance Committee review of any complaints that have been received, current status, and resolution.

- Obtain regular updates from management and City legal counsel regarding compliance matters.

Reporting Responsibilities Report regularly to the Board of Aldermen about committee activities, issues, and related recommendations.

- Provide an open avenue of communication between the Comptroller, the external auditors, the Executive branch, the Board of Aldermen, and the School Committee on financial management and audit matters.

Other Responsibilities Perform other activities related to this resolution as requested by the Board of Aldermen.

- Assist the Finance Committee in any special investigations relating to the Financial Audit Advisory Committee's scope of responsibilities, as requested.
- Review and assess the adequacy of these Financial Audit Advisory Committee purposes and duties annually, requesting Board of Aldermen approval for proposed changes, and ensure appropriate disclosure as may be required by law or regulation.
- Report annually confirming that the responsibilities outlined in these purposes and duties have been carried out.

Under Suspension of Rules

Readings Waived and Resolution Approved

21 yeas 0 nays 3 absent (Aldermen Freedman, Salvucci, and Sangiolo)

(SGD) DAVID A. OLSON, City Clerk

Updated August 9, 2013

Chapter 4

BOARD OF ALDERMEN CITY COUNCIL *

- Art. I. General, §§ 4-1—4-19
 Art. II. Clerk of the **Board Council**, §§ 4-20—4-49
 Art. III. Betterment Procedures, §§ 4-50—4-51

ARTICLE I. IN GENERAL

Sec. 4-1. Time, place for aldermanic council meetings.

Regular meetings of the board of aldermen city council shall be held in the months of January through June, inclusive, and in the months of September through December, inclusive, on the first and third Monday evenings of such months and in the months of July and August on the second Monday of each month at 7:45 p.m., unless otherwise ordered by the board of aldermen city council. Where any such Monday shall be a legal holiday, the meeting shall be held on the next following day which is not a legal holiday. Every adjourned sitting of the board of aldermen city council, not an adjourned special meeting, shall constitute a regular meeting, and the order of business thereat shall be the same as in the case of a regular meeting. Said meetings will be conducted in the aldermanic council chambers of the Newton City Hall. (Rev. Ords. 1973, § 2-1)

Sec. 4-2. Salary of aldermen councilors.

In accordance with chapter 39, section 6A, of the General Laws, each member of the board of aldermen city council shall receive annual compensation of nine thousand seven hundred fifty dollars (\$9,750.00), payable monthly. The effective date of any subsequent salary increase voted under this section shall be the date upon which the succeeding board (to that which voted the increase) is sworn into office. Any such subsequent salary increase shall require the affirmative vote of two-thirds (2/3) of the board of aldermen city council and be voted only between January first and September thirtieth of a year in which a municipal election is to be held. (Rev. Ords. 1973, § 2-3; Ord. No. 573, 7-5-73; Ord. No. 201, 3-7-77; Ord. No. R-314, 3-21-83; Ord. No. S-269 and S-270, 9-8-87; Ord. No. V-132, 9-15-97)

Sec. 4-3. Registration of persons receiving consideration to affect outcome of any matter pending before board of aldermen city council.

(a) Any person who has received or will receive a fee or any other consideration to effect positive or negative action by the board of aldermen city council on any matter pending before it shall register with the city clerk ~~his~~ their name, address and the name of the person or persons on whose behalf ~~he is~~ they are seeking such action before commencing such activity.

(b) This section shall not apply to attorneys of record for petitioners to the board of aldermen city council, provided their names and addresses are clearly set forth on the petition.

(c) No violation of this section shall affect the validity of any action of the board of aldermen city council. (Rev.

* **Cross references** – Ward boundaries established, § 1-15; administration generally, Ch. 2; notification to officers and boards of certain orders of the board of aldermen city council, § 6-1

§ 4-19

NEWTON ORDINANCES — ~~BOARD OF ALDERMEN~~CITY COUNCIL

§ 4-25

Ords. 1973, § 2-6)

Secs. 4-4—4-19. Reserved.

ARTICLE II. CLERK OF THE ~~BOARD~~COUNCIL

Sec. 4-20. Election and term.

The ~~board of aldermen~~city council shall elect by ballot a clerk of the ~~board~~council to hold office for a term of two (2) years beginning with the first secular day of January after the election of a new ~~board of aldermen~~city council and until ~~his~~his successor is appointed. (Rev. Ords. 1973, § 2-101)

Cross reference—City clerk, Ch. 6

Sec. 4-21. Salary.

(a) The compensation for the clerk of the ~~board of aldermen~~council shall be determined by the ~~board of aldermen~~city council.

(b) As of July 1, 2013, the salary of the clerk of the ~~board~~council shall be at the annual rate of \$116,021, unless otherwise further amended by the ~~board of aldermen~~city council. (Rev. Ord. 1973, § 2-102; Ord. No. 118, 3-1-76; Ord. No. 265, 2-21-78; Ord. No. R-106, 1-5-81; Ord. No. R-211, 1-18-82; Ord. No. R-315, 3-21-83; Ord. No. S-118, 9-17-85; Ord. No. S-207, 8-11-86; Ord. No. S-208, 8-11-86; Ord. No. S-283 and S-284A, 12-7-87; Ord. No. T-29, 6-5-89; Ord. No. T-30, 6-5-89; Ord. No. T-104, 9-17-90; Ord. No. T-107, 10-15-90; Ord. No. T-224, 5-4-92; Ord. No. T-225, 6-1-92; Ord. No. V-20, 6-19-95; Ord. No. V-134, 10-6-97; Ord. No. W-27, 2-20-01; Ord. No. X-164, 08-08-05; Ord. No. X-210, 12-19-05; Ord. No. Y-30, 8-13-07; Ord. No. Z-10, 11-19-07; Ord. No. A-1, 07-09-12; Ord. No. A-21, 05-20-13)

Editor's note – Ord. No. Y-30 became effective on 7/1/07.

Sec. 4-22. Departmental organization; staff.

The clerk of the ~~board~~council shall be the head of ~~his~~the department with the benefits relating thereto and shall have a staff of three (3) committee clerks and two (2) secretaries. There shall also be made available from time to time to the clerk of the ~~board's~~council's staff an additional clerk-typist assigned to the city clerk's office as the work load of the city clerk's office and the clerk of the ~~board's~~council office shall require. The clerk of the ~~board's~~council's staff salaried by ~~his~~the department shall be solely responsible to the clerk of the ~~board~~council. (Rev. Ords. 1973, § 2-103; Ord. No. T-104, 9-17-90)

Sec. 4-23. Facilities.

The clerk of the ~~board~~council and ~~his~~their staff shall have such adequate office facilities in the city hall as may be recommended by the clerk of the ~~board~~council and approved by the ~~board of aldermen~~city council. (Rev. Ords. 1973, § 2-104)

Sec. 4-24. Equipment.

The office of the clerk of the ~~board~~council and ~~his~~the clerk's staff shall have such equipment available as is necessary to adequately serve the needs of ~~his~~the department. (Rev. Ords. 1973, § 2-105)

Sec. 4-25. Responsibility of clerk of the ~~board~~council.

The clerk of the board council shall be solely responsible to the board of aldermen city council, from whom ~~he~~ the clerk shall receive ~~his~~ direction and authority. (Rev. Ords. 1973, § 2-106)

Sec. 4-26. Relationship between clerk of the board council and city clerk.

(a) The clerk of the board council shall have the title and status of assistant city clerk with the responsibilities and powers vested by law in such office. In the absence of the city clerk for reason of sickness, vacation, or absence from the city, the clerk of the board council shall also become the acting city clerk with all the rights, duties, and responsibilities authorized by law in the city clerk.

(b) In the absence of the clerk of the board council by reason of sickness, vacation, or absence from the city, the city clerk shall become the acting clerk of the board council with all the rights, duties, and responsibilities authorized by law in the clerk of the board council. Whenever possible and as requested by the clerk of the board council, the city clerk shall assist the clerk of the board council at regular board of aldermen city council meetings or at special board of aldermen city council meetings called for the sole purpose of acting upon the city's budget. For assisting the clerk of the board council, the city clerk shall receive an annual salary from the budget of the clerk of the board council in such sum as may be annually approved by the board of aldermen city council. (Rev. Ords. 1973, § 2-107)

Sec. 4-27. Duties.

The clerk of the board council shall:

(a) Where permitted by law, be the licensing authority for the issuance and removal of licenses by the board of aldermen city council.

(b) Have the authority to take and record oaths.

(c) Where permitted by law, keep and maintain all board of aldermen city council appropriations, ordinances, resolutions, records and votes.

(d) Attend the meetings of the board of aldermen city council and of its general and special committees established under the rules of the board.

(e) Perform all such duties and responsibilities as set forth in the rules and orders of the board of aldermen city council from time to time and in effect.

(f) Perform such additional duties and responsibilities as may be determined by the board of aldermen city council.

(g) Perform such duties and responsibilities not otherwise enumerated above but required by law. (Rev. Ords. 1973, § 2-108)

Sec. 4-28. Clerk's responsibilities to aldermanic council committees and individual aldermen councilors.

The clerk of the board council shall:

(a) Prepare reports and correspondence as ~~he~~ may be instructed to do by committee or acting committee chairmen pertaining to committee matters.

(b) Prepare reports and correspondence pertaining to board of aldermen city council matters as required by the board council president, vice-president or president emeritus.

(c) Perform such research or assignments as are required by a general or special committee of the board of aldermen city council through its chairman or acting chairman, or such research or assignments pertaining to board of aldermen city council activities as requested by the board president, vice-president or president emeritus.

(d) Not handle any individual alderman's councilor's correspondence, whatever the nature.

(e) Not conduct research or assignment for any individual alderman councilor, whatever the nature. (Rev. Ords. 1973, § 2-109)

Sec. 4-29. Manner of giving notice of hearings.

Where it is provided by law or by ordinance that notice of a hearing before the board of aldermen city council pursuant to petition shall be given by publication, such notice shall be published in a newspaper of general circulation within the city. In all cases, unless otherwise provided by law or by ordinance, notice of hearings shall be given in the manner provided in this section. (Rev. Ords. 1973, § 2-110)

Sec. 4-30. Printing of certain matters; purchases.

The clerk of the board of aldermen city council shall cause to be printed all matters ordered to be printed by the board of aldermen city council, or by the ordinances of the city, and when so requested, all matters required to be printed by the mayor, and shall purchase all books and stationery necessary for the board of aldermen city council. (Rev. Ords. 1973, § 2-111)

Sec. 4-31. Positions filled by same person.

In the event that the same person fills the positions of both city clerk and clerk of the board council, sections 4-31 through 4-35 shall apply. (Ord. No. R-52, 1-28-80)

Sec. 4-32. Title; powers and duties.

When the same person fills the positions of both city clerk and clerk of the board, he council, the individual shall be known as the city clerk, and shall have all the duties and obligations of both the city clerk and clerk of the board council as prescribed by law. (Ord. No. R-52, 1-28-80)

Sec. 4-33. Election and term.

When the same person fills the positions of both city clerk and clerk of the board, he council, the individual shall be elected in the same manner as and for the same term of the city clerk and clerk of the board council respectively when those positions are filled by two persons. (Ord. No. R-52, 1-28-80)

Sec. 4-34. Divisions of the department of city clerk; assistant city clerk; assistant clerk of the board council.

There shall be created two divisions within the department of the city clerk, known respectively as the division of the city clerk and the division of the clerk of the board council. (Ord. No. R-52, 1-28-80; Ord. No. T-104, 9-17-90)

Sec. 4-35. Acting city clerk; acting clerk of the board council.

In the absence of the city clerk for reason of sickness, vacation, or absence from the city:

(1) a staff member so designated by the city clerk shall become the acting city clerk for said division with all the

rights, duties, and responsibilities authorized by law in the city clerk, and

- (2) a committee clerk so designated by the clerk of the ~~board~~council shall become the acting clerk of the ~~board~~council for said division with all the rights, duties, and responsibilities authorized by law in the clerk of the ~~board~~council. (Ord. No. R-52, 1-28-80; Ord. No. T-104, 9-17-90)

Secs. 4-36—4-49. Reserved.

ARTICLE III. BETTERMENT PROCEDURES

Sec. 4-50. Calculation of betterments.

(a) Whenever the ~~board of aldermen~~city council receives a petition seeking approval of an improvement project for which betterments may be assessed, said board shall request the city engineer to prepare a calculation of the estimated betterment assessments.

(b) Upon receipt of such a request, the city engineer shall calculate the estimated betterment assessments in accordance with the formulas set out in applicable statutes and ordinances, and deliver to the ~~board of aldermen~~city council a schedule setting out said estimates. (Ord. No. T-108, 10-15-90)

Sec. 4-51. Abatement of betterment assessments: procedure.

(a) Whenever the ~~board of aldermen~~city council receives a timely application for abatement of betterment assessments from any person who has been assessed betterments for an improvement project, said ~~board~~council shall request the opinion of the board of assessors as to the amount of benefit to the estate of the applicant.

(b) Upon receipt of such a request, the board of assessors shall examine the estate and advise the ~~board of aldermen~~city council of said assessors' opinion as to the amount of benefit to said estate as a result of the improvement project. (Ord. No. T-108, 10-15-90)

Chapter 2

ADMINISTRATION*

- Art. I. In General, §§ 2-1—2-24**
- Art. II. Special Leave, Vacations and other Absences, §§ 2-25—2-85**
 - Div. 1. Generally, §§ 2-25—2-39**
 - Div. 2. Special Leave, §§ 2-40—2-64**
 - Div. 3. Annual Vacations, §§ 2-65—2-102**
- Art. III. Finance, §§ 2-103—2-181**
 - Div. 1. Generally, §§ 2-106—2-131**
 - Div. 2. Collector-Treasurer, §§ 2-132—2-158**
 - Div. 3. Comptroller of Accounts, §§ 2-159—2-181**
- Art. IV. Purchases and Contracts, §§ 2-182—2-220**
- Art. V. Human Resources Department, §§ 2-221—2-263**
- Art. VI. Financial Information Systems Department**

**ARTICLE I.
IN GENERAL**

Sec. 2-1. Mayor's salary.

The salary of the Mayor shall be one hundred twenty-five thousand dollars (\$125,000) per year. (Rev. Ords. 1973, § 2-2; Ord. No. 200, 3-7-77; Ord. No. R-313, 4-19-83; Ord. No. S-268, 9-8-87; Ord. V-131, 8-11-97; Ord. No. X-144, 03-21-05)

Charter reference—Compensation of mayor, § 3-1

Editor's note—Ord. No. X-144 provided that the \$125,000 salary became effective on January 1, 2006. The prior version stated that the salary was \$97,500

Sec. 2-2. Mayor to execute, deliver instruments; discharge of mortgages.

All deeds, conveyances, leases and other instruments given by the city which must be signed, sealed, and acknowledged shall be signed, acknowledged and delivered on behalf of the city by the mayor, who shall cause the city seal to be affixed thereto. This provision shall not be construed to prevent any officer from executing any conveyance, lease, contract or other instrument in the performance of the duties devolving upon ~~him~~the mayor. The mayor may discharge any mortgage when the amount due and payable thereon has been paid, or may assign the same without liability or recourse to the city, and for that purpose may execute and deliver all necessary papers. (Rev. Ords. 1973, § 2-4)

Sec. 2-3. Annual property inventory.

All boards and officers, including the school committee, having under their charge any property, real or personal, belonging to the city shall, at the close of each financial year, make and transmit to the mayor and

* **Cross references**—~~Board of aldermen~~City council, Ch. 4; public buildings and inspectional services, Ch. 5; city clerk, Ch. 6; civil defense, Ch. 8; information technology, Ch. 9; fire department, Ch. 10; health and human services, Ch. 12; Newton history museum, Ch. 13; senior services, Ch. 14; law department, Ch. 15; library, Ch. 16; parks and recreation department, Ch. 21; planning and development, Ch. 22; police, Ch. 24; public works department, Ch. 25; taxation, Ch. 27; veterans' services, Ch. 28.

comptroller of accounts an inventory thereof and an estimate of its value for each such item of property with a value of one hundred dollars (\$100.00) or more. Each such item shall be tagged with an inventory control number to be assigned by the purchasing agent. The comptroller shall audit at least one department's property inventory each year and shall submit a report of ~~his~~the comptroller's findings to the ~~board of aldermen~~city council. (Rev. Ords. 1973, § 2-5; Ord. No. U-9, 5-2-94)

Sec. 2-4. Workweek for certain employees; overtime.

(a) The provisions of chapter 149, section 33A of the General Laws shall apply to the services and compensation of persons employed by the city, except such as are excluded by such section, who are compensated upon the basis of an hourly wage or employed as building custodians, janitors, sweepers, time and construction clerks (excluding the senior time and construction clerk), time and equipment control clerks, head water meter reader and water meter inspector, water meter readers or water meter repairmen, but shall not apply to the services or compensation of any other employee. The rate of pay for work required to be compensated for as overtime by such section shall be for hourly wage employees, one and one-half (1-1/2) times the regular hourly wage of such employee; for building custodians, janitors and sweepers, the hourly rate of pay of such employee shall be determined by dividing the annual rate of pay of such employee by two thousand eighty (2,080) hours; and for time and construction clerks, time and equipment control clerks, head water meter reader and water meter inspector, water meter readers and water meter repairmen, one and one-half (1-1/2) times the hourly rate of pay of such employee determined by dividing the annual rate of pay of such employee by two thousand eighty (2,080) hours.

(b) Notwithstanding the above, the rate of pay for work required to be compensated for as overtime by such section for building custodians employed in the city hall shall be one-and-one-half (1-1/2) times the hourly rate of pay of such custodians determined by dividing the annual rate of pay of such custodians by two thousand eighty (2,080) hours. (Rev. Ords. 1973, § 2-7)

Sec. 2-5. Salary list to be appended to appropriation ordinance; increase in compensation.

(a) There shall be appended to the annual appropriation order, as made up by the committee on finance and as passed by the ~~board of aldermen~~city council, a list specifying under one heading all salaries payable from the tax levy or otherwise, and indicating by grouping all cases in which more than one salary is received by the same person, or in which the same person receives a salary for services in more than one office.

(b) The rate of compensation payable to any officer or employee of the city, except officers or employees under the direction of the school committee, shall not be increased without the approval of the mayor; provided, that this provision shall not apply to regular step rate increases provided for in the annual budget and appropriation orders based thereon. (Rev. Ords. 1973, § 2-8)

Sec. 2-6. City reports.

All city department reports shall be printed in pamphlet form of uniform size and two (2) copies of each report shall be filed promptly with the city clerk who shall cause the two (2) sets of such reports to be bound together and held in ~~his~~the clerk's office for public inspection. Two (2) sets of such reports shall also be filed with the librarian. A further distribution of departmental reports may be made by the various departments with the written approval of the mayor. (Rev. Ords. 1973, § 2-9; Ord. No. 302, 11-6-78)

Sec. 2-7. Sale or lease of city owned real property.

Whenever a vote is taken or a policy decision has been adopted by the appropriate city agency or officer to declare any city owned real property or portion thereof available for potential sale or lease, the procedure for

determining the use to which the real property shall be put and the terms of any disposition thereof shall be in accordance with the provisions of this section. Notwithstanding the foregoing, this section shall not apply to the lease of city owned real property for wireless communication equipment which is permitted as of right pursuant to section 30-18A, provided, however, where the lease of city owned real property for wireless communication equipment is subject to the requirement of a special permit pursuant to section 30-18A, then the procedures outlined in subsection (8) of this section shall apply. Notwithstanding the foregoing, this section shall not apply to the lease of city owned real property for solar panels; provided, however, that in the case of such a lease the procedures outlined in subsection (9) of this section shall apply.

- (1) The city agency or officer declaring said property available for sale or lease shall submit to the clerk of the ~~board of aldermen~~city council a written record of the vote or policy decision within thirty (30) days of said vote or decision. The clerk of the ~~board~~council shall forthwith notify the director of planning and development of said vote or decision. Within thirty (30) days of said notification, the director of planning and development shall submit a written report to the clerk of the ~~board~~council with recommendations as to whether this property, or any portion thereof, should be declared unnecessary for all municipal purposes. Upon receipt of the report of the director of planning and development, the clerk of the ~~board~~council shall place the matter on the docket of the ~~board of aldermen~~city council for referral to its real property reuse committee. The membership of the real property reuse committee shall include one ~~alderman~~councilor from each ward in the city, to be designated by the president of the ~~board of aldermen~~city council. The chairman of the real property reuse committee shall be designated by the president of the ~~board of aldermen~~city council.

- (2) The real property reuse committee shall oversee the following steps:

- a) There shall be an initial determination made as to whether some or all of the subject property shall be declared available for sale or lease. If the decision is made that the property continue to be utilized by the sending city agency, or if the decision is made to transfer the care, custody, management or control over the subject property to another city agency or office, then this recommendation shall be referred to the ~~board of aldermen~~city council. In such event, the ~~board of aldermen~~city council may, by a vote of two-thirds (2/3) of the full ~~board of aldermen~~city council, transfer the care, custody and control of the subject property to another city agency or officer, or to the same city agency for use for another purpose subject to the approval of the mayor, pursuant to G.L. c. 40, § 15A. Should the vote to transfer the subject property to another city agency or to the same city agency for use for another purpose fail to pass by the required two-thirds vote, then the subject property shall return to the sending agency for use for the same purpose.
- b) In the event that the ~~board of aldermen~~city council does not determine that the property continue to be utilized by the sending agency or be transferred to another city agency or officer, then there shall be created a joint advisory planning group. This group shall consist of not more than fourteen (14) persons, half of whom shall be appointed by the ~~board of aldermen~~city council and half appointed by the mayor. This group shall elect its own chairperson. It shall be the responsibility of this group to work with the department of planning and development to identify alternatives for the future use of the subject property. The joint advisory planning group and the department of planning and development shall file separate written reports containing their respective recommendations to the real property reuse committee. Such reports shall be filed simultaneously. This process shall be completed within ninety (90) days from the date of the initial referral of the matter to the real property reuse committee or within such further time as the ~~board of aldermen~~city council may determine.
- c) Following submission of the report of the department of planning and development and the report of the joint advisory planning group to the real property reuse committee, the item shall be assigned by the ~~board of aldermen~~city council for a public hearing before said committee, which hearing shall be

held not less than thirty (30) days nor more than sixty (60) days from the date of submission of said reports. The purpose of this hearing shall be to hear the views of the public and all interested parties with regard to the future use of the subject real property. Notice of said public hearing shall be provided in accordance with G.L. c. 40A, § 11 as amended.

(3) Within sixty (60) days of the public hearing, the real property reuse committee shall make its recommendation to the ~~board of aldermen~~ city council. In making its recommendation the real property reuse committee shall take into account the effect of the proposal on the neighborhood and on the city as a whole and determine that its recommendation is consistent with the goals and policies of the Comprehensive Plan for the City of Newton. The committee's recommendation shall include recommendations as to (1) the disposition and future use of the subject real property; (2) the specific use characteristics of the subject real property, including recommendations with respect to zoning and other land-use controls; and (3) the minimum financial terms for sale or lease of the property or any portion or portions thereof.

(4) The ~~board of aldermen~~ city council shall, within sixty (60) days from receipt of the recommendation of the real property reuse committee, submit its recommendations by resolution to the mayor for the disposition and future use of the subject real property, and may authorize the use of the subject real property, and may authorize the mayor to sell or lease the subject real property and set the minimum financial terms for such sale or lease.

(5) Notwithstanding the foregoing, in the case of the potential sale or lease of all or a portion of city owned real property without buildings thereon, the real property reuse committee may, upon a majority vote, waive the requirement contained in subparagraph (2)(b) that there be created a joint advisory planning group.

In such event, the ~~board of aldermen~~ city council shall utilize the report prepared by the director of planning and development as required in paragraph (1). Provided that notice as set forth in subparagraph (2)(c) has been given, the public hearing required by subparagraph (2)(c) may be held on the same night on which the real property reuse committee votes to waive the requirement that there be created a joint advisory planning group, but in any event, such public hearing shall be held no more than sixty (60) days from the date the real property reuse committee votes to waive such requirement.

(6) Notwithstanding the provisions of subparagraph (2)(a) above, proposals for inter-departmental transfers of real property initiated by city departments or agencies shall not be subject to the provisions of section 2-7, but shall comply with the provisions of G.L. c. 40, § 15A.

(7) Requests for the sale or lease of city owned property, including the abandonment of the city's rights in real property, shall first be made to the city agency or officer having custody of such property. The provisions of section 2-7 shall apply in the event that such city agency or officer declares such property available for sale or lease.

(8) In any instance where the lease of city owned property for wireless communication equipment is subject to the requirement of a special permit pursuant to section 30-18A, the following procedures shall apply:

a) The executive department shall submit a proposal for such lease to the ~~board of aldermen~~ city council for approval which proposal shall indicate the location of the city owned property for which a lease is sought and such other relevant information as may be available as to the likely types of wireless communication equipment that may be placed at the site. In preparing the proposal, the executive department consultation shall be made with such city departments, ~~aldermen~~ councilors for the ward involved and neighborhood groups as the executive department may consider appropriate.

- b) At the earliest opportunity, the ~~board of aldermen~~city council shall, for the purposes of this section, assign the proposal for public hearing before its committee dealing with matters of public buildings and this committee shall hold a public hearing. Due notice of such public hearing shall be given to the abutters of the city owned real property which is proposed for lease and to the abutters of such abutters. Said notice shall include the location of the property proposed for lease for wireless equipment and, if available, a description as to the likely types of wireless communication equipment that may be placed at the site. The committee shall deliberate and, if recommending approval, may affix such restrictions and conditions to the lease terms, other than financial conditions, as it deems in the public interest. The committee shall make a recommendation to the ~~board of aldermen~~city council within forty-five (45) days following the public hearing as to whether the proposed lease is in the public interest.
 - c) Within sixty (60) days of receipt of the committee report, the ~~board of aldermen~~city council shall vote as to whether to authorize the mayor to lease such city owned property for wireless communication equipment. If the vote is in the affirmative, then the mayor may proceed to issue a request for proposals on such terms and conditions as determined by the mayor to be in the public interest. If the vote is in the negative, then the mayor shall not lease such property for wireless communication equipment, provided, however, that nothing herein shall be construed to preclude the ~~board~~council from authorizing the mayor to lease such property pursuant to a subsequent request to lease such property.
 - d) The requirement of notice and a public hearing may be waived by a three-fourths vote of those members of the ~~board of aldermen~~city council present and voting.
- (9) In any instance where the lease of city owned property for solar panels is part of an arrangement under which the city uses power produced by the solar panels and/or receives net metering credits pursuant to state law, the following procedures shall apply:
- a) The executive department shall submit a proposal for such lease to the ~~board of aldermen~~city council for approval. Such proposal shall indicate the location of the city owned property for which a lease is sought and such other information as may be available regarding the likely types of solar panels and related equipment that may be placed at the site. In preparing the proposal, the executive department shall consult with such city departments, ~~aldermen~~councilors for the ward involved and abutting property owners as the executive department may consider appropriate, taking into account the procurement requirements applicable under the General Laws.
 - b) At the earliest opportunity, the ~~board of aldermen~~city council shall, for purposes of this section, assign the proposal for public hearing before its committee dealing with matters of public buildings and/or other city owned real property and this committee shall hold a public hearing. Due notice of such public hearing shall be given to the abutters of the city owned real property which is proposed for lease and to the abutters of such abutters. Said notice shall include the location of the property proposed for lease for solar panels and related equipment and, if available, a description as to the likely types of solar panels and related equipment that may be placed at the site. The committee shall deliberate and, if recommending approval, may affix such restrictions and conditions to the lease terms, other than financial conditions, as it deems in the public interest. The committee shall make a recommendation to the ~~board of aldermen~~city council within forty-five (45) days following the public hearing as to whether the proposed lease is in the public interest.
 - c) Within sixty (60) days of receipt of the committee report, the ~~board of aldermen~~city council shall vote as to whether to authorize the mayor to lease such city owned property for solar panels and related

equipment. If the vote is in the affirmative, then the mayor may proceed on such terms and conditions as determined by the mayor to be in the public interest. If the vote is in the negative, then the mayor shall not lease such property for solar panels and related equipment, provided, however, that nothing herein shall preclude the ~~board~~council from authorizing the mayor to lease such property pursuant to a subsequent request to lease such property.

d) The requirement of notice and public hearing under subsection (9)(b) may be waived by a three-fourths vote of those members of the ~~board of aldermen~~city council present and voting.

(10) In any sale of city owned real property for which community preservation funds have previously been expended to rehabilitate or restore historic resources pursuant to the provisions of the Community Preservation Act, G.L. c. 44B, such real property shall be bound by a perpetual historic preservation restriction pursuant to G.L. c. 184, sec. 31-33 held by the City or its designee, in a form acceptable to the Massachusetts Historical Commission.

(11) The requirements of this section that are not otherwise required by law or by charter may be waived in whole or in part by a two-thirds (2/3) vote of those members of the ~~board of aldermen~~city council present and voting.

(Rev. Ords. 1973, § 2-10; Ord. No. 222, 6-6-77; Ord. No. 315, 2-20-79; Ord. No. S-52, 4-2-84; Ord. No. S-52A; Ord. No. T-31, 6-5-89; Ord. No. T-212, 1-21-92; V-209, 11-2-98; Ord. No. X-196, 03-06-06; Ord. No. X-243, 12-4-06; Ord. No. Z-28, 05-19-08; Ord. No. Z-106, 04-02-12)

Sec. 2-8. Reserved

Sec. 2-9. Salary and benefits of school committee members.

Each school committee member, with the exception of the mayor, shall receive an annual compensation of four thousand eight hundred seventy-five dollars (\$4,875), payable monthly; and each such member shall be eligible to participate in the group insurance program available to other city officials and employees. (Ord. No. S-88, 3-4-85; V-133, 9-15-97)

Sec. 2-10. Gifts of tangible personal property, acceptance thereof

(a) Definitions: For purposes of this section, the following words shall be defined as follows:

Gift receiving entity: The mayor, a department, board, agency, commission, or committee of the city that receives a gift of tangible personal property.

Tangible personal property: Property that has physical form and characteristics that can be seen, weighed, measured, felt, or touched, or is in any way perceptible to the senses. Money, interests in real property, and intangible property are specifically excluded from this definition.

(b) Whenever a gift receiving entity receives and accepts a gift of tangible personal property, such gift shall be deemed accepted pursuant to G.L. c. 44, §53A½, provided, however that each such gift is subject to the following restrictions:

- (1) A gift may be received and used by the gift receiving entity only in accordance with the purpose of such gift, or if no restrictions are attached to the gift, for such other purpose as it deems advisable; and
- (2) The gift receiving entity may accept only those gifts which are consistent with its respective duties and functions; and

(3) The receipt and use of such gift may not incur new and different costs on the part of the gift receiving entity.

(c) Gifts of tangible personal property that do not come within the restrictions in subsection (b) may be accepted pursuant to the provisions of G.L. c. 44, §53A½.

(d) Notwithstanding the provisions of subsection (b), gifts of tangible personal property valued at \$1,000 or more that are offered to a gift receiving entity on the condition that such property be named in a particular manner may be accepted pursuant to the provisions of G.L. c. 44, §53A½.

(e) Each gift receiving entity shall submit annually to the mayor and the ~~board of aldermen~~city council a list containing each gift of tangible personal property valued at \$1,000 or more received during the prior calendar year. Such gift list shall be submitted on or before March 31 of each year and shall include the identity of the donor of each such gift unless the donor has requested in writing that his/her identity not be revealed. (Ord. No. W-40, 4-2-01)

Secs. 2-11—2-24. Reserved.

ARTICLE II. SPECIAL LEAVE, VACATIONS AND OTHER ABSENCES

DIVISION 1. GENERALLY

Sec. 2-25. Article not applicable to school employees.

The provisions of this article shall not apply to employees in the school department who are covered by school department regulations filed with the city clerk. (Rev. Ords. 1973, § 2-21)

Sec. 2-26. Holidays established.

(a) Subject to the exceptions and conditions provided in this article, all employees, except policemen and firemen, whose compensation is fixed on an annual basis shall receive their regular compensation and all employees whose compensation is fixed at an hourly rate shall receive eight (8) hours pay (or in the case of a half holiday, four (4) hours pay) at their regular compensation for each of the following holidays: January the first, July the fourth and Christmas Day, or the day following when any of such days occur on Sunday, and the third Monday in February, the third Monday in April, the last Monday in May, the first Monday in September, the second Monday in October, November eleventh and Thanksgiving Day, and a half holiday on either the employee's nearest scheduled working day before Christmas or ~~his~~the employee's nearest scheduled working day before New Year's Day, the scheduling of such half holiday to be at the discretion of the department head. Each employee shall be compensated for one additional day per year as a holiday. The scheduling of said holiday for each employee shall be at the discretion of the mayor or ~~his~~the mayor's designee.

(b) If any such holiday falls on an employee's scheduled day off such employee shall be given another day off with pay in lieu thereof, which shall be scheduled at the discretion of the department head subject to the general policy hereby established, that so far as it may be consistent with the proper functioning of the department such day shall be granted on either the last scheduled workday preceding or the next scheduled workday following such holiday.

(c) In order to qualify for compensation for any such holiday such ~~person~~employees shall have worked on all of ~~his~~their last regularly scheduled workday prior to and the next regularly scheduled workday following such

holiday, unless ~~his~~their absence on such regularly scheduled workday is due to jury service or is an absence for which compensation is payable under this article. (Rev. Ords. 1973, §§ 2-22; Ord. No. S-277, 10-5-87)

State law reference—Authority to prescribe holidays,
G.L. c. 40, § 21A

Sec. 2-27. Working on legal holidays; pay in lieu of holidays.

If any employee, except policemen and firemen, is required to work on any holiday, as set forth in section 2-26, he shall be given an additional day off. If an additional day off as required by this section or section 2-26 cannot be given by reason of a personnel shortage or other cause, the employee shall be entitled to an additional day's pay in lieu thereof. (Rev. Ords. 1973, § 2-23)

Sec. 2-28. Leaves of absence.

(a) Leaves of absence without pay not covered in the provisions of this article or otherwise provided for in the ordinance may be authorized upon recommendation of the department head with the approval of the mayor. Approval shall be obtained prior to such leave of absence.

(b) Leaves of absence with pay not exceeding two (2) days for any one employee for not more than two (2) employees for each local chartered unit of the veterans' organizations listed hereinafter may be authorized upon recommendation of the department head with the approval of the mayor for the purpose of attending state or national conventions of the American Legion, American Veterans committee, AMVETS of World War II, Disabled American Veterans, Legion of Valor, Marine Corps League, Order of the Purple Heart, United Spanish War Veterans, Veterans of Foreign Wars, Reserve Officers Association of the United States, Franco-American War Veterans, Inc., Italian-American War Veterans, Inc., or Jewish War Veterans of the United States. Such employees must be accredited delegates or alternate delegates to such conventions, and no employee shall receive a leave of absence under this subsection more than once in each calendar year. Leaves of absence granted under this subsection will not be charged to such employee's available vacation time.

(c) Leaves of absence with pay may be authorized by the mayor for members of local units of labor organizations for the purpose of attending conventions, conclaves or conferences of their parent labor organizations in accordance with the terms of any collective bargaining agreement between the city and the local unit.

(d) Nothing contained in this section shall be construed to prevent the mayor from authorizing leaves of absence from the city on business connected with city affairs. (Rev. Ords. 1973, § 2-24)

Secs. 2-29—2-39. Reserved.

DIVISION 2. SPECIAL LEAVE

Sec. 2-40. Interpretation.

Special leave shall mean that period of time for which an employee shall be entitled to receive compensation during absence from work because of personal sickness or injury, the illness or injury of certain members of ~~his~~their family, the death of certain members of ~~his~~their family, certain religious observances or personal business in accordance with this division. (Rev. Ords. 1973, § 2-31)

Sec. 2-41. Amount of time allowed.

Every employee shall be entitled to special leave at the rate of one and one-quarter (1-1/4) days for each month

of service completed. An employee shall earn one and one-quarter (1-1/4) days of special leave in the first month of employment if the starting date of employment is prior to the fifteenth (15th) day of the month. (Rev. Ords. 1973, § 2-32; Ord. No. S-277, 10-5-87)

Sec. 2-42. Special leave not allowed in certain cases.

(a) No person shall be entitled to any compensation or benefits under this division for any period of disability resulting in whole or in part from any of the following:

- (1) The voluntary use of intoxicating liquor, drugs or narcotics.
- (2) Self-inflicted injuries other than accidental.
- (3) Injuries sustained while engaged in or resulting from or arising out of the commission by such person of a felony or of a misdemeanor involving moral turpitude.
- (4) Injuries sustained while engaged in or resulting from or arising out of the violation of any lawful rule or regulation of the department in which employed.
- (5) Injuries sustained as a result of reckless, improper or vicious conduct, or illegal or immoral practices.

(b) This section shall be subject to all other pertinent provisions of the Revised Ordinances or any law applicable thereto. (Rev. Ords. 1973, § 2-33).

Sec. 2-43. Use of special leave for personal illness.

An employee shall be entitled to use special leave to the full extent of ~~his~~their accumulation during absence from work because of sickness or injury of the employee in accordance with this division. (Rev. Ords. 1973, § 2-34)

Sec. 2-44. Notification of department heads, etc., when absence due to sickness or injury occurs.

When an employee of the city is absent from ~~his~~their duties on account of disability because of sickness or injury, ~~he~~they shall promptly notify ~~his~~their department head or such person as ~~his~~their department head shall designate, and it shall be the duty of the head of the department in which such employee works, or the mayor in the case of the head of the department, to notify the director of human resources and the comptroller of accounts of such absence. When an employee is absent due to illness or injury in excess of three (3) consecutive days, ~~he~~they must present a medical clearance to return to duties from ~~his~~their health care provider or obtain such a clearance from a qualified health care provider provided, without charge to the employee, by the director of human resources. During such absence no salary or wage shall accrue to such employee except during periods of authorized special leave in accordance with this division. (Rev. Ords. 1973, § 2-35; Ord. No. R-15, 8-13-79; Ord. No. S-91, 4-16-85; Ord. No. X-35, 10-21-02)

Sec. 2-45. Use of special leave to attend ill member of family.

Every employee, except members of the auxiliary school patrol or parking control officers of the police department, shall be entitled to use special leave to the full extent of ~~his~~their accumulation during absence from work because of the illness of the employee's spouse, children or parents residing in the same household as the employee. (Rev. Ords. 1973, § 2-36)

Sec. 2-46. Approval and review of sick leave; hazards.

(a) No salary or wage shall accrue to any employee under section 2-43 or section 2-45, unless the director of human resources shall find that the absence of such employee from duty is justified by reason of sickness or injury. (Rev. Ords. 1973, 2-37)

(b) Upon notification by a department head or the mayor, in accordance with section 2-44, the director of human resources may investigate each case of sickness or injury so reported ~~to him~~ and certify ~~his~~the findings to the comptroller of accounts and to the department head or the mayor, as the case may be. As part of ~~his~~the investigation, the director of human resources may accept a written statement in such form as ~~he may prescribe~~be prescribed from the absent employee's health care provider, based upon the personal observations of such health care provider as to the nature, extent and probable duration of the sickness or injury. ~~He~~The director of human resources may also require such employee to undergo an examination by a qualified health care provider(s) without charge to the employee. Refusal of ~~the~~an employee to submit to such examination(s) shall disqualify ~~him~~them from receiving any sick leave on account of the absence then under investigation or any continuation thereof.

(c) Upon determination by a department head, the director of human resources or the mayor that an employee, while engaged in the performance of ~~his~~their duty, appears to be suffering from sickness or injury so as to constitute a hazard to ~~his~~their health or the health of other persons, the director of human resources may order such employee to discontinue ~~his~~their duties for such time as the director deems desirable and may require such employee to undergo an examination by a qualified health care provider(s) without charge to the employee. (Rev. Ords. 1973, 2-37; Ord. No. X-35, 10-21-02)

Sec. 2-47. Bereavement leave for absence due to death in family.

Any employee shall be entitled to paid bereavement leave during absence from work for a period not exceeding three (3) days due to the death of a parent, stepparent, husband, wife, child, stepchild, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparent, grandchild, brother-in-law or sister-in-law. There shall be no limit on the number of times an employee may use bereavement leave in any calendar year, and bereavement leave shall not be charged to special leave. Every such absence shall be approved and certified to by the head of the department in which such official or employee works, or in the case of the department head by the mayor. (Rev. Ords. 1973, § 2-38; Ord. No. S-91, 4-16-85)

Sec. 2-48. Use of special leave for absence for religious observances.

An employee, except a member of the police or fire force, shall be entitled to use special leave during absence from work for religious observances as approved by the mayor. Such absences shall be limited to a total of three (3) days during any calendar year and the right thereto shall not be cumulative. (Rev. Ords. 1973, § 2-39)

Sec. 2-49. Use of special leave for personal business.

An employee, except a member of the auxiliary school patrol or parking control officer of the police department, shall be entitled to use special leave during absence from work to attend to personal business. Every such absence shall be requested not later than the third working day in advance or such earlier time period as the department head may require. The scheduling of such absences for personal business shall be at the reasonable discretion of the department head. Such absences shall be limited to two (2) days during any calendar year and the right thereto shall not be cumulative. (Rev. Ords. 1973, § 2-40)

Sec. 2-50. Accumulation of time.

(a) Unused portions of special leave shall be cumulative and such unused special leave, except during the first

year of employment, shall be calculated as of January first of each year. Sick leave as accumulated prior to January 1, 1967, in accordance with the applicable ordinances in effect prior to that date shall be converted as of that date to special leave and all leaves of absence with pay taken during the year 1967 prior to May 1, 1967, for any of the purposes named in this division shall be deemed to have been taken under this division.

(b) Unused special leave will not be available for use or payment in cash upon termination of employment except as provided in section 2-51, but it shall continue to be available upon an employee's transfer to another position in the same or another department. An employee who is laid off or resigns under conditions that are not discreditable ~~to him~~ shall, if reemployed within twelve (12) months, have available any unused special leave accumulation existing at the time of ~~his~~ separation. (Rev. Ords. 1973, § 2-41)

Sec. 2-51. Payment of accumulated special leave for certain separated employees; conditions.

Whenever the employment of any person is terminated by retirement under the General Laws of the Commonwealth of Massachusetts or death and such person has accrued at least 175 days of unused accumulated special leave, ~~hethey~~, or in the case of ~~histeir~~ death, ~~histeir~~ estate, shall be paid a monetary amount as set out in the chart below.

Accumulated special leave monetary payment

175 - 224 days\$4,000.00

225 - 249 days\$5,000.00

250 days or more.....\$6,000.00

(Rev. Ords. 1973, § 2-42; Ord. No. S-91, 4-16-85; Ord. No. S-277, 10-5-87)

Sec. 2-52. Substitutes, etc., for absentees.

Should the disability of an employee make it advisable in the judgment of the mayor to employ a substitute, such substitute shall be paid at such rate as may be authorized by the mayor, which payment shall be charged to such appropriation as may be available or as the ~~board of aldermen~~ city council may direct. Extra work or duties performed by employees regularly in the employ of the city and necessitated by reason of the disability of a fellow employee shall not be paid for except upon the approval of the ~~board of aldermen~~ city council. (Rev. Ords. 1973, § 2-43)

Sec. 2-53. Leave obtained contrary to provisions of division.

Any employee who shall be found by the mayor, after a hearing, to have obtained special leave pay contrary to this division, or through any misrepresentation by ~~himthem~~ or by any other person in connivance with ~~himthem~~, shall not be entitled to the benefit of this division for a period of one year after such finding. (Rev. Ords. 1973, § 2-44)

Secs. 2-54—2-64. Reserved.

DIVISION 3. ANNUAL VACATIONS

Sec. 2-65. Eligibility; amount of time allowed.

(a) For the purpose of this division, the following terms shall have the following meanings:

Group I employees are those employees who are subject to a collective bargaining agreement or who are classified as non-exempt pursuant to the Federal Labor Standards Act.

Group II employees are all other employees.

(b) The provisions of chapter 41, section 111 of the General Laws shall, except as otherwise provided, apply to all employees of the city whether or not of a class of employee covered by such section, but in determining the length of time worked in accordance with such section, the provisions of section 2-69 shall govern. Every employee who is not entitled to a vacation under chapter 41, section 111 of the General Laws and section 2-69, but who was employed for not less than fifteen (15) weeks during the twelve (12) months preceding the first day of June in any year shall, except as hereinafter provided, be entitled during such year to vacation leave with pay as follows: Group I employees shall be entitled to one (1) day of such vacation leave for each full five (5) week period of such employment. Group II employees shall be entitled to one and one-half (1-1/2) day of such vacation leave for each full five (5) week period of such employment. Such vacations shall be granted in the manner provided in chapter 41, section 111 of the General Laws.

If a normal workweek for any employee who has accrued five (5) days of vacation leave under the preceding sentence exceeds five (5) days, ~~hethey~~ shall be entitled to one full normal work week of vacation leave accrued. Notwithstanding the preceding provisions, during the calendar year in which ~~histheir~~ most recent period of employment commences, an employee shall be entitled to vacation leave with pay only after the completion of six (6) months of employment prior to December first in such year, in which case a Group I employee shall be entitled to one full workweek of vacation leave and a Group II employee shall be entitled to one and one-half (1-1/2) weeks of vacation leave.

(c) Additional vacation leave, with pay, shall be granted in conformance with section 2-67. (Rev. Ords. 1973, § 2-52)

Cross reference—Vacations for library employees, § 16-4

Sec. 2-66. Time not cumulative.

The vacation periods allowable under sections 2-65 and 2-67 shall not be cumulative, but shall be taken only in the calendar year in which ~~thean~~ employee first becomes entitled thereto, provided, however, that subject to the discretion of ~~histheir~~ department head, or the mayor for an employee who is a department head, Group II employees may accumulate no more than a one week vacation period which vacation period must be taken in the calendar year next following the year in which it accrued. (Rev. Ords. 1973, § 2-53; Ord. No. S-277, 10-5-87)

Sec. 2-67. Additional vacation, certain employees.

All full-time employees or permanent part-time Group I employees who shall have completed an aggregate of five (5) years of service in the employ of the city shall be entitled to a total of three (3) weeks of vacation annually commencing with the calendar year in which they complete such service. All such Group I and Group II employees who shall have completed an aggregate of ten (10) years of service in the employ of the city shall be entitled to a total of four (4) weeks of vacation annually commencing with a calendar year in which they complete such service. All Group II employees who shall have completed an aggregate of twenty (20) years of service in the employ of the city shall be entitled to a total of five (5) weeks of vacation annually commencing with the calendar year in which they complete such service. All such Group I employees who shall have completed a specified aggregate of years of service as enumerated in Table 1 below shall be entitled to the total period of vacation annually which corresponds to said aggregate years of service, commencing with the calendar year in which they complete such service.

Table 1

Aggregate years of serviceVacation earned

10 years4 weeks

20 years4 weeks, 1 day

21 years 4 weeks, 2 days

22 years 4 weeks, 3 days

23 years 4 weeks, 4 days

24 years5 weeks

In any year in which an employee first becomes entitled to an additional third, fourth, or fifth week of vacation specified herein, and the entitlement would not vest until after November 1st of the calendar year, the employee may take ~~his or her~~ additional vacation beginning November 1st of the calendar year, subject to the regular vacation scheduling procedure. No employee shall be entitled to such additional vacation in a calendar year unless the employee is entitled to a vacation under the provisions of section 2-65. (Rev. Ords. 1973, § 2-54; Ord. No. S-91, 4-16-85; Ord. No. S-276, 10-5-87; Ord. No. T-197, 12-16-91; Ord. No. T-315, 12-6-93)

Sec. 2-68. Vacation pay in advance.

Any employee entitled to a vacation under the provisions of sections 2-65 and 2-67 shall be entitled to receive ~~his~~their pay for the period of such vacation in advance on the payday next preceding the date on which ~~his~~their vacation is to commence. (Rev. Ords. 1973, § 2-55)

Sec. 2-69. Certain time off not to be deducted.

The time or period of absence during which any person shall be entitled to compensation under Divisions 1 and 2 of this article shall not be deducted from the vacation time to which such person is otherwise entitled. Such time or period of absence as well as vacation time taken under this Division 3 shall be included in computing the number of weeks of service in determining eligibility for vacation. (Rev. Ords. 1973, § 2-56)

Secs. 2-70—2-105. Reserved.

ARTICLE III. FINANCE

DIVISION 1. GENERALLY

Sec. 2-106. Custody of bonds.

The bond of the city collector-treasurer shall be kept by the mayor; and the bonds of other city officers shall be kept by the collector-treasurer, unless otherwise provided by law. (Rev. Ords. 1973, § 2-167)

Sec. 2-107. Procedure for expenditure of money generally.

No officer, department head, board or commission authorized to expend money shall make requisition for

purchasing of supplies or materials until funds are available therefor, nor shall they enter into contracts for services to be rendered to the city, other than for personal services provided for in the budget or supplemental appropriation, without issuing a written order therefor, the order before delivery to the contractor to have certified thereon a statement from the city comptroller that there is sufficient unencumbered balance of the appropriation to be charged to the amount due under the order. No obligation shall be incurred against appropriations until the city comptroller verifies in writing the availability of an appropriation for such expenditure. Orders issued by the departments shall not be delivered to the vendors until the city comptroller shall have certified thereon that there is a sufficient unencumbered balance of the appropriation to be charged to pay the amount due under the purchase order.

Further, no city department shall substitute for, create a substantially new position, or increase the number of fulltime regular payroll positions therein from the number that was authorized by the most recent city budget without approval of the mayor and the ~~board of aldermen~~city council. This paragraph is meant to apply solely to those positions funded directly by the City of Newton through municipal funds. (Rev. Ords. 1973, § 2-168; Ord. No. R-97, 11-17-80)

Sec. 2-108. Payrolls.

Such payrolls as are payable monthly shall be approved and certified by the proper department, board or officer, or by the mayor, and presented to the comptroller of accounts on or before the first day of each month, Sundays and holidays excepted, with a schedule showing the appropriation chargeable therewith and the amount thereof. The payroll of all employees required by law to be paid weekly shall be approved and certified by the proper department, board or officer, or by the mayor, and transmitted with such certificates as are required by law to the comptroller of accounts on or before 12:00 noon of the Monday following. The schedules showing the appropriations chargeable therewith and the amounts thereof shall be presented on or before 12:00 noon on the Tuesday following. (Rev. Ords. 1973, § 2-169)

Sec. 2-109. Accounts and claims due city.

The several boards and officers of the city shall cause to be delivered to the collector-treasurer on or before the close of such month all accounts and claims against persons indebted to the city. They shall also, at the close of each month, furnish the comptroller of accounts a certificate of such accounts and claims in such form and detail as he may require. All bills shall be upon forms with coupons attached, and such bills shall be retained in the office of the collector-treasurer until paid, unless otherwise provided. Notices thereof with demand for payment shall be issued to the debtors. No officer or board of the executive department shall receive payment of any such account or claim. (Rev. Ords. 1973, § 2-170)

Sec. 2-110. Control of expenditures; reports to mayor.

The several boards and officers of the city shall have the expenditure of the appropriations made for the several matters under their charge, subject to the supervision and control of the mayor, and shall at the close of each financial year make a written statement to the mayor of the receipts and expenditures for the year in such detail as he shall require. All boards and officers of the city shall make a written report to the mayor at the close of the year of their transactions for the year, with such suggestions and recommendations as they deem proper. They shall also make such other reports as the mayor may require. (Rev. Ords. 1973, § 2-172)

Sec. 2-111. Disposition and account of money received.

All city officers and boards which receive any money on behalf of the city shall pay the same to the city collector-treasurer at the close of each month, unless otherwise provided, and at the same time shall transmit to the comptroller of accounts a true statement of the amount so paid to the collector-treasurer and for what it was

received. (Rev. Ords. 1973, § 2-173)

Sec. 2-112. Books and accounts to conform to financial year.

The books and accounts of the several departments, boards and officers of the city shall be kept and made up to correspond with the financial year. (Rev. Ords. 1973, § 2-174)

Sec. 2-113. Traveling expenses.

(a) The collector-treasurer may, upon requisition by the head of a department which is approved by the mayor and certified as to the sufficiency of the appropriation and grant by the comptroller of accounts, pay to the head of the department such sum as shall have been certified to in such requisition as necessary in connection with the work of ~~his~~the department for the traveling expenses of the head of the department or ~~his~~ subordinates.

(b) Each department head to whom such payments are made shall keep an accurate account of the expenses incurred for traveling, and shall, upon request of the comptroller of accounts, submit such account with proper vouchers for ~~his~~ approval. The comptroller of accounts shall issue a warrant for the amount of the account as approved ~~by him~~ and the head of the department shall immediately pay to the collector-treasurer such unexpended balance as the comptroller of accounts may determine to be due. (Rev. Ords. 1973, § 2-175)

Sec. 2-114. Express or freight charges.

The comptroller of accounts, upon request of the head of any department, may issue ~~his~~a warrant for the payment by the collector-treasurer to such head of a department for such sums as may be required to meet express or freight charges. The head of any department to whom such payments are made shall keep accurate accounts of all payments made by ~~him~~them from money so received and upon the first day of each month or upon request shall render to the comptroller of accounts a transcript thereof with proper vouchers attached. Not more than two hundred dollars (\$200.00) shall be advanced at any time to any department and no additional advance shall be made unless all money previously advanced shall have been properly accounted for. (Rev. Ords. 1973, § 2-176)

Sec. 2-115. Incidental school expenses.

The comptroller of accounts, upon request of the superintendent of schools, may issue ~~his~~a warrant for the payment by the collector-treasurer to the superintendent of schools of such sums as may be required to meet incidental expenses or, subject to the approval of the mayor, for the purchase of incidental school supplies in an amount not exceeding ten dollars (\$10.00) for each such purchase. The superintendent of schools shall keep accurate accounts of all payments made ~~by him~~ from money so received, and upon the first day of each month or upon request shall render to the comptroller of accounts a transcript thereof with proper vouchers attached. Advances to the superintendent of schools under this section shall not at any time exceed five hundred dollars (\$500.00) for incidental expenses and seven hundred fifty dollars (\$750.00) for the purchase of incidental school supplies, and no additional advance shall be made unless all money previously advanced for either purpose shall have been properly accounted for. (Rev. Ords. 1973, § 2-177)

Sec. 2-116. Indemnification of certain officers.

The city shall indemnify and save harmless members of the school committee and the ~~board of aldermen~~city council, the mayor, the superintendent of schools and the department heads from personal financial loss and expenses, including costs, if any, in an amount not to exceed one million dollars arising out of any claim, action, award, compromise, settlement or judgment by reason of any act or omission which constitutes a violation of the civil rights of any person under federal or state law if such member of the school committee or ~~board of aldermen~~city council, mayor, superintendent of schools or department head at the time of such act or omission

was acting within the scope of ~~his~~their official duties or employment, provided, however, that such member of the school committee or ~~board of aldermen~~city council, mayor, superintendent of schools or department head shall provide reasonable cooperation to the city in the negotiation, investigation and defense of any claim or action brought as a result of such act or omission. No such member of the school committee or ~~board of aldermen~~city council, mayor, superintendent of schools or department head shall be indemnified under this section for violation of any civil rights if he or she acted intentionally or in a grossly negligent, willful or malicious manner.

The defense and/or settlement of any such claim shall be undertaken or negotiated by the city solicitor, ~~his~~the ~~solicitor's~~ agent or designee. However, in the event that the city solicitor determines that a conflict of interest has arisen or is likely to arise by ~~his~~the ~~solicitor's~~ mutual defense of the City of Newton and the officer(s) in question, the officer(s) in question shall not be defended by the city solicitor, ~~his~~the ~~solicitor's~~ agent or designee but shall seek outside counsel for such defense. The expense incurred by the employee for outside counsel shall be borne by the city unless the mayor and the ~~board of aldermen~~city council shall deem said legal fees to be unreasonable in which event said legal fees shall be subject to the fee arbitration procedure of the Massachusetts Bar Association.

Nothing in this section shall be deemed to limit the effect of any indemnification statute applicable to the city at the time of any such act or omission. This section shall apply to any settlement or judgment made in compliance with this section on or after the date this section is approved. (Ord. No. R-129, 3-16-81.)

Sec. 2-117. Regulation of Investments in Sudan.

(a) The assets of investment accounts under the care and custody of the city collector-treasurer or other official custodian in charge of such assets shall not be invested in companies which either directly or through an affiliated instrumentality meet any one of the following criteria:

- (1) Provide revenues to the Sudanese government through business with the government, government-owned companies or government-controlled consortiums;
- (2) Offer little substantive benefit to those outside of the Sudanese government or its affiliated supporters in Khartoum, Northern Sudan and the Nile River Valley; this outside population includes the country's disaffected Eastern, Southern, and Western regions;
- (3) Have either demonstrated complicity in the Darfur genocide or have not taken any substantial action to halt the genocide. Substantial action shall include but is not limited to curtailment of operations or placement of public pressure on the Sudanese government. Simple company statements shall not constitute evidence of substantial action;
- (4) Companies providing military equipment, arms, or defense supplies to any domestic party in Sudan, including the Sudanese government and rebels, or providing any domestic party in Sudan with equipment that may be readily co-opted for military use, including radar systems and military-grade transport vehicles, unless that company has implemented safeguards against such co-option.

(b) Companies which, either directly or through an affiliated instrumentality provide services clearly dedicated to social development for the whole country shall be excluded from the provisions of this section. Such companies include, but are not limited to those providing medicine and medical equipment, agricultural supplies and agricultural infrastructure, educational opportunities, journalism-related activities, and general consumer goods.

(c) The Newton human rights commission shall compile a list of companies (targeted companies) which meet the criteria set forth in subsection (a). To determine the list of companies which meet these criteria, the

commission shall solicit information and testimony from knowledgeable parties; may engage a reputable, non-biased third-party research firm; may consider Sudan divestiture lists of other governmental bodies and/or non-profit institutions; and may directly request information from companies under consideration for inclusion on the list. The commission shall periodically review and revise its list.

(d) The city collector-treasurer or other official custodian shall take appropriate action to divest the following types of existing investments in targeted companies:

- (1) Direct holdings of public equity, corporate bonds, and Sudanese government-issued bonds. Direct holdings are holdings directly managed by the collector-treasurer or other official custodian and all holdings administered by a contracted manager in separately managed accounts, including both actively-managed and passively-managed/indexed funds;
- (2) Holdings of public equity, corporate bonds, and Sudanese-government issued bonds in commingled accounts that are passively-managed/indexed;
- (3) Private equity holdings with readily identifiable ties to Sudan, as determined by the collector-treasurer or other such official custodian.

(e) The collector-treasurer or other official custodian shall divest existing investments subject to section (d) in accordance with the following timeframe:

- (1) At least fifty percent (50%) of assets in such investments shall be divested within six (6) months after the effective date of this section;
- (2) One hundred percent (100%) of assets in such investments shall be divested within one (1) year after the effective date of this section.

(f) Investments held in actively managed, commingled accounts, for both public equity and qualified fixed-income investments, are not subject to divestment under subsections (d) and (e). Instead, the city collector-treasurer or other official custodian shall submit letters to contracted managers of such accounts requesting that the manager consider creating an actively-managed, commingled account, which is free of targeted companies. The city collector-treasurer or other such custodian shall transfer assets in actively-managed commingled accounts into such Sudan-free accounts, should any become available, in an expedited timeframe, which is still consistent with prudent investor obligations.

(g) Prior to divestment from a targeted company, the city collector-treasurer or other official custodian shall notify the targeted company of the impending decision and encourage the company to alter its current practices. If a targeted company demonstrates to the satisfaction of the city collector-treasurer or other official custodian and to the human rights commission that it has taken substantial action to change its current practices within three (3) months of such notification, that company shall not be subject to divestment. Substantial action shall include but is not limited to curtailment of operations or placement of pressure on the Sudanese government. Simple company statements shall not constitute evidence of substantial action.

(h) The city collector-treasurer or other official custodian shall file a report to the mayor and ~~board of aldermen~~ city council describing all investments subject to divestiture which are held as of the effective date of this section. Annually thereafter, the city collector-treasurer or other official custodian shall report to the mayor and the ~~board of aldermen~~ city council describing all investments divested in compliance with this section, and shall report on the status of any requests made under subsection (f).

(i) The provisions of this section shall expire upon the occurrence of one or both of the following events:

(1) The Sudanese government sufficiently halts the ongoing genocide in Darfur for at least twelve (12) months, as determined jointly by the State Department and Congress of the United States; or

(2) The United States revokes its current sanctions on the Sudan.

(j) Nothing in this section is intended to supersede existing fiduciary or statutory obligations and other terms, conditions, and limitations on the investment of assets subject to this section.

(k) This section shall not apply to investments of employee contributions to deferred compensation or annuity plans authorized under Section 457 and/or 403b of the Internal Revenue Code, nor shall it apply to any private purpose trust funds and/or permanent funds established for investment of legacies, gifts or grants to the city from private donors. (Ord. No. X-242, 11-6-06)

Secs. 2-118—2-131. Reserved.

DIVISION 2. COLLECTOR-TREASURER

Sec. 2-132. Powers and duties generally.

There is hereby established a treasury and collecting department. The city collector-treasurer shall have charge of the treasury and collecting department and the books, documents and papers thereof. (Rev. Ords. 1973, § 2-184)

Charter reference—Collector-treasurer, § 3-3(b)

State law reference—Treasurers and collectors generally, G.L. c. 41, § 35 et seq.

Sec. 2-133. Official bond; custodian of money, etc.

The city collector-treasurer shall give bond, with sufficient sureties, to the satisfaction of the mayor, for the faithful performance of ~~his~~ duties as treasurer and collector. ~~He~~the collector-treasurer shall receive, receipt for and have the care and custody of the current funds of the city and of all money, property and securities which may be in ~~his~~the collector-treasurer's charge by virtue of any law, ordinance, gift, devise, bequest or deposit. ~~He~~the collector-treasurer shall negotiate all loans authorized by the ~~board of aldermen~~city council and shall sign all bonds, notes and certificates of indebtedness issued for such loans. (Rev. Ords. 1973, § 2-185)

Cross reference—Investment of funds in the custody of collector-treasurer, § 18-230 et seq.

Sec. 2-134. Payments out of treasury; report to comptroller; cancellation of bonds, etc.

The city collector-treasurer shall pay all warrants drawn by the comptroller of accounts and countersigned and approved by the mayor for the payment of accounts and claims duly approved as provided in this volume, and shall pay no money from the treasury without a warrant from the comptroller of accounts duly countersigned and approved by the mayor, or from the board of assessors, except for final judgments of courts, rebates, refunds or abatements of water bills and special deposits, with interest on such as have been paid prior to such rebate, refund or abatement. Within forty-eight (48) hours, Sundays and holidays excepted, after any payment made by the city collector-treasurer for which the warrant of the comptroller of accounts is not required, the city collector-treasurer shall certify to the comptroller of accounts the amount so paid and the purpose for which payment was made. The city collector-treasurer shall make the comptroller of accounts a daily report of ~~his~~ gross expenditures, gross receipts and daily cash balances, and at the end of each month a report of ~~his~~ receipts in such detail as may be required by the comptroller of accounts. The city collector-treasurer shall cancel all bonds, coupons and certificates of indebtedness when the same are paid. (Rev. Ords. 1973, 2-186)

Sec. 2-135. Collection of claims due the city.

The collector-treasurer, whenever an account is delivered ~~to him~~ for collection as provided in this chapter, shall demand payment of the same. If any such account remains unpaid after three (3) months, ~~he~~the collector-treasurer shall proceed to collect the same by legal process, which ~~he~~the collector-treasurer may do at any time before the expiration of such three (3) months if, in ~~his~~the collector-treasurer's judgment or the opinion of the city solicitor, the interests of the city so require. (Rev. Ords. 1973, § 2-187)

Sec. 2-136. Method of keeping books; crediting accounts of departments.

The city collector-treasurer shall keep in books provided for that purpose an accurate and true account of all ~~his~~ receipts and payments as city collector-treasurer, making the same conform as nearly as may be with the accounts kept by the comptroller of accounts. He shall, unless otherwise provided, credit to an income account of each department all sums received on its account. (Rev. Ords. 1973, § 2-188)

Sec. 2-137. Payment of salaries, etc.

After heads of departments shall have furnished weekly payrolls of such employees in their respective departments as are entitled by law to be paid weekly, and shall have furnished monthly payrolls for all other employees, stating the name and residence of each employee, the time for which the payment is to be made, the rate of wages and the amount due such employee, and after such payroll shall have been properly approved and certified, the collector-treasurer shall, in person or by deputy, make payment to such employee, ~~his~~their authorized agent or attorney, and shall take therefor the receipt of no other person than such employee, agent or attorney. (Rev. Ords. 1973, § 2-189)

Sec. 2-138. Collection of water bills.

The city collector-treasurer shall perform such duties relative to the collection of water bills as are set forth in chapter 29, article II, of these Revised Ordinances. (Rev. Ords. 1973, § 2-190)

Sec. 2-139. Receipt of money from dog fund.

The collector-treasurer shall receive all sums of money paid under the provisions of chapter 140, section 172 of the General Laws. (Rev. Ords. 1973, § 2-191)

Cross reference—Regulation of dogs, § 3-23 et seq.

Sec. 2-140. Annual statement of financial condition of city; annual account; information to ~~board of aldermen~~city council.

The city collector-treasurer shall annually, and more often if required, lay before the ~~board of aldermen~~city council a statement of the condition of the city treasury, and all money received and paid by ~~him~~the collector-treasurer during the current year. ~~He~~The collector-treasurer shall make up ~~his~~an annual account to and including the last day of December. ~~He~~The collector-treasurer shall furnish such information respecting the accounts and finances as the ~~board of aldermen~~city council may require. (Rev. Ords. 1973, § 2-192)

Sec. 2-141. Examination and audit of books.

The mayor shall, and the ~~board of aldermen~~city council may, at the close of each financial year and at such other times as they deem expedient, cause the accounts of the city collector-treasurer to be examined and audited, and for this purpose shall have access to all books and vouchers of the city, shall compare the accounts with the vouchers, ascertain whether all money due the city has been collected and accounted for, examine all notes and

securities in the collector-treasurer's hands and report to the ~~board of aldermen-city council~~. (Rev. Ords. 1973, § 2-193)

Sec. 2-142. Access of finance committee to books and vouchers.

The committee on finance shall have access to all books and vouchers of the city in the possession of the city collector-treasurer. (Rev. Ords. 1973, § 2-194)

Secs. 2-143—2-158. Reserved.

DIVISION 3. COMPTROLLER OF ACCOUNTS

Sec. 2-159. To be in charge of accounting department; duties in connection with books and accounts.

There is hereby established an accounting department which shall be under the charge of the comptroller of accounts, who shall keep a complete set of books and accounts which shall comprise all of the financial transactions of the city through the various departments and offices under their respective appropriations. All accounts rendered to or kept in the departments of the city shall be subject to the inspection and revision of the comptroller of accounts and shall be rendered and kept in such form as he shall prescribe. The comptroller of accounts shall carefully examine all the accounts, bills and payrolls which have been approved and certified by the several boards and officers authorized to make expenditures, and if they are correctly cast and duly approved, or if such indebtedness arises from a written contract and such account, bill or payroll conforms with the terms of such contract, he shall approve the same. (Rev. Ords. 1973, § 2-203)

Charter reference—Comptroller of accounts generally,
§ 2-7

Cross reference—Payment of emergency relief money for veterans by warrants of comptroller of accounts, § 28-6

Sec. 2-160. Allowance or disallowance of claims.

The comptroller of accounts may disallow and refuse to pay in whole or in part any claim on the ground that it is fraudulent, unlawful or excessive, and in that case he shall file with the collector-treasurer and with the mayor a written statement of the specific reasons for ~~his~~the refusal to approve. No such account, bill or payroll shall be approved by the comptroller of accounts if not properly chargeable to the appropriation to which it is sought to be charged and properly itemized. If such account, bill or payroll is not properly chargeable to the appropriation to which it is sought to be charged by the board or officer authorized to make the expenditure, the comptroller of accounts may, nevertheless, if there is in ~~his~~the comptroller's opinion another appropriation to which such account, bill or payroll is properly chargeable, approve it against such other appropriation. (Rev. Ords. 1973, § 2-204)

Sec. 2-161. Method of making payments from the treasury.

All payments from the treasury shall be made upon warrants of the comptroller of accounts, except as provided in section 2-134. All warrants drawn by the comptroller of accounts shall be valid only when countersigned and approved by the mayor. (Rev. Ords. 1973, § 2-205)

Sec. 2-162. Payments under workmen's compensation law.

The comptroller of accounts shall issue warrants for the payment of all claims or items of expense arising under the workmen's compensation law, where such claims or items of expense are in payment of liabilities incurred under the provisions of the laws relative to workmen's compensation for an injury for which a claim for

compensation is made, upon certificates signed by the agent appointed under the provisions of chapter 152 of the General Laws.-(Rev. Ords. 1973, § 2-206; Ord. No. T-106, 10-1-90; Ord. X-35, 10-21-02)

Sec. 2-163. Record of loans; duties in connection with receipts and expenditures.

(a) The comptroller of accounts shall keep a record of all funded and temporary loans, the rate of interest thereon and the time when the principal and interest are payable. He shall at the close of each financial year report to the mayor the expenditures and receipts during the year, giving in detail the amount of the appropriations and expenditures and the receipts from each source of income, and the whole shall be arranged, so far as practicable, so as to show the expenses of maintaining each department. He shall include in such report a statement of the funded and temporary loans, with the rate of interest thereon and when payable.

(b) The comptroller of accounts shall keep ~~his~~ accounts in such form and in such detail as may be necessary to show clearly all expenditures and receipts. He shall credit each city account with its appropriations for the financial year and charge against the same the expenditures as they shall from time to time be allowed. He shall, once in each month, prepare and furnish to the mayor, to the city clerk and to the city collector-treasurer, and when requested, to the ~~board of aldermen~~ city council, a balance sheet showing the true financial condition of the city and a statement showing the condition of every account of the city with the amount of the appropriations, expenditures and unexpended balance under the same. He shall also, once in each month, furnish to each board or officer of the city having charge of the expenditures of any appropriation a statement showing the condition of every account of such board or officer.

(c) The word "expenditures," wherever used in this section, shall be deemed to include liabilities incurred but not paid; and the word "receipts," wherever used in this section, shall be deemed to include assets accrued but not received. (Rev. Ords. 1973, § 2-207)

Sec. 2-164. Record of assessments and apportionments thereof.

The comptroller of accounts shall keep a record of all assessments and apportionments thereof. (Rev. Ords. 1973, § 2-208)

Sec. 2-165. Examination and audit of books.

The mayor or the ~~board of aldermen~~ city council may at such times as they deem expedient cause the accounts of the comptroller of accounts to be examined and audited and for this purpose shall have access to all books and vouchers of the city. (Rev. Ords. 1973, § 2-209)

Secs. 2-166—2-181. Reserved.

ARTICLE IV. PURCHASES AND CONTRACTS

Sec. 2-182. Definitions.

For the purposes of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

Agent or purchasing agent: The purchasing agent appointed pursuant to the provisions of this article or an acting purchasing agent appointed pursuant to law or to any ordinance of the city.

Contractual services: All public utility services; collection and disposal of garbage; towel and cleaning services; insurance; leases for all grounds, buildings, offices or other space required by the using agencies; the

repair, maintenance or operation by other than city employees and the rental, with or without attendant personnel, of equipment, machinery and other personal property. Such term shall include contractual services in the construction or repair of public buildings, highways and other public works but shall not include professional expert consultant or other contractual services which are in their nature unique and not subject to competition.

Obsolete, unsuitable for use and surplus: Supplies which have been determined to be such by the head of the using agency, and which he has decided should be replaced or disposed of; provided, that in the case of replacement, an appropriation has been made therefor.

Supplies: All supplies, materials, commodities and equipment.

Using agency: Any department, agency, commission, bureau or other unit in the city government using supplies or contractual services as provided in this article. (Rev. Ords. 1973, § 2-231)

Cross reference—Rules of construction and definitions generally, § 1-3

Sec. 2-183. Applicability and effect of article.

All purchases of supplies and contractual services shall be made in accordance with the provisions of this article to the extent required thereby, notwithstanding any inconsistent provision of any other ordinance. (Rev. Ords. 1973, § 2-232)

Sec. 2-184. Control of purchasing department.

There is hereby established a purchasing department which shall be under the charge of a purchasing agent. (Rev. Ords. 1973, §2-233)

Sec. 2-185. Purchasing agent—functions; bond required.

The purchasing agent shall be the head of and have general supervision of the purchasing department. The purchasing agent shall perform all duties required of a department head by law or by ordinance and shall have the responsibilities, powers and duties prescribed by this article. He shall give bond in an amount and with sureties satisfactory to the mayor for the faithful performance of ~~his~~the purchasing agents duties. (Rev. Ords. 1973, § 2-234)

Sec. 2-186. Same—Powers and duties generally.

(a) The purchasing agent shall have the power and it shall be ~~his~~the purchasing agent's duty to purchase or contract for all supplies and contractual services needed by any using agency which derives its support wholly or in part from city funds in accordance with purchasing procedures as prescribed by this article and such rules and regulations as may be prescribed by the mayor. Except as otherwise expressly provided in this article, the authority of the purchasing agent to negotiate all purchases for all using agencies shall not be abridged by excepting any particular using agency and it shall be unlawful for any city officer to order the purchase of any supplies or make any contract for supplies or for contractual services other than through the purchasing department. Any purchase order or contract made contrary to the provisions of this article shall not be approved by the city officials and the city shall not be bound thereby. The mayor shall have the right to exempt any category of purchases for any using agency from the provisions of this article to the extent ~~he~~the mayor shall deem advisable and to revoke or modify such exemptions at any time, stating in writing ~~his~~the reasons therefor; however, no using agency shall be exempt, as such, from the provisions of this article.

(b) In addition to the purchasing authority conferred in this section and in addition to any other powers and duties conferred by this article, the purchasing agent shall:

- (1) Act to procure for the city the highest quality in supplies and contractual services at the least expense to the city.
- (2) Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
- (3) Establish and amend, when necessary, with the approval of the mayor, all rules and regulations authorized by this article and any others necessary to the operation of the purchasing department.
- (4) Prescribe and maintain, with the approval of the mayor, such forms for the use of either the purchasing department or the using agencies as he shall find reasonably necessary to the operation of the purchasing department.
- (5) Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the city for a stated period of time.
- (6) Have the power to transfer supplies, with the approval of the mayor, from one using agency to another as he may deem advisable, and to determine the resultant charge and credit to the appropriations of the respective agencies.
- (7) Have the power to sell, by public auction or competitive bid if possible, exchange or trade any supplies which have become obsolete, overage, unsuitable for use, or surplus. (Rev. Ords. 1973, § 2-235)

Sec. 2-187. Standards and specifications.

(a) The purchasing agent shall prepare and secure with the cooperation of the various department heads standards and written specifications for supplies used by the using agencies.

(b) It shall be the duty of the purchasing agent to classify supplies used in the various using agencies, to adopt as standards the minimum number of qualities, sizes and varieties of supplies consistent with the successful operation of the city government, and to prepare and adopt written specifications of all such standard supplies. Except in the cases of noncompetitive types and kinds of supplies, all specifications shall be definite and certain and shall permit of competition. After its adoption, each standard specification shall, unless revised or rescinded, apply alike in terms and effects to any future purchase order or contract for the supply described in such specifications, except that the agent shall have the authority, with the written approval of the mayor, to exempt any using agency of the city from the use of any supply described in such specifications. The agent shall consult with the heads of the using agencies to determine their precise requirements and shall endeavor to prescribe those standards which best meet the needs of the majority of those agencies. For the purpose of complying with the requirements of this subsection, the purchasing agent shall have authority to make use of the laboratory and engineering facilities of the city and the technical staffs thereof. The purchasing agent shall enforce the written specifications adopted pursuant to this section.

(c) In all cases where supplies to be purchased are peculiar to the field of education, the school committee's determination as to the specifications of supplies to be purchased shall be conclusive upon the purchasing department. (Rev. Ords. 1973, § 2-236)

Sec. 2-188. Requisitions.

Except as provided in section 2-200, requisitions for the purchase of supplies or contractual services for any using agency shall be received by the purchasing department prior to the issuance of a purchase order or contract

for such supplies or contractual services and shall be signed by the head of the using agency or ~~his~~the head's authorized agent. The purchasing agent shall examine each requisition and shall have the authority, only after consultation with the head of the using agency, to revise it as to the quantity, quality or estimated cost, but revision as to quality shall be in accordance with standards and specifications provided pursuant to section 2-187. The purchasing agent shall promptly and in writing notify the head of the requisitioning agency of any such revisions, and if dissatisfied therewith, the head of such agency shall have the right, at any time within forty-eight (48) hours after the receipt of such notice, to cancel the requisition, which cancellation shall also be in writing. (Rev. Ords. 1973, § 2-237)

Sec. 2-189. Estimates of using agencies.

All using agencies of the city shall file with the purchasing department detailed estimates of their requirements for supplies and contractual services in such manner, at such times and for such future periods as the purchasing agent shall prescribe. This shall not prevent the using agency from filing with the purchasing department at any time a requisition for any supplies or contractual services the need for which was not foreseen when the detailed estimates were filed. (Rev. Ords. 1973, § 2-238)

Sec. 2-190. Certification of unencumbered funds.

Except in cases of emergency, the purchasing agent shall not issue any order for delivery on a contract or open market purchase, or for transfer of supplies from one using agency to another, until the comptroller of accounts shall have certified that there is to the credit of the using agency concerned or to the credit of the purchasing department, a sufficient unexpended and unencumbered appropriation balance to defray the amount of such order. (Rev. Ords. 1973, § 2-239)

Sec. 2-191. Inventory; surplus stock.

All using agencies shall submit to the purchasing department at such times as the purchasing agent shall prescribe, and in any event at each calendar year end, full and complete inventories of the personal property under the charge of such using agency for each such item of property with a value of one hundred dollars (\$100.00) or more. All using agencies shall submit to the purchasing agent at such times as he shall prescribe reports showing stocks on hand of all supplies which are no longer used or shall have become obsolete, overage, unsuitable for use, or surplus. The purchasing agent shall have the authority, with the approval of the mayor, to transfer surplus stock to other using agencies. The purchasing agent shall require a perpetual inventory to be maintained and prescribe procedures, rules and regulations for so doing. (Rev. Ords. 1973, § 2-240; Ord. No. U-9, 5-2-94)

Sec. 2-192. Storerooms, warehouses, etc.; storerooms revolving fund.

The purchasing agent may formulate policies and procedures for the purpose of establishing, coordinating and consolidating storage and warehouse procedures and practices among the various using agencies. Policies and procedures so established, when approved by the mayor, shall be put into effect under instructions from the purchasing agent. The purchasing agent shall control and supervise all storerooms and warehouses assigned to the purchasing department. The ~~board of aldermen~~city council may provide a storerooms revolving fund for the purchase and storage of supplies which are used in large quantities and which may be purchased and stored advantageously. Such funds shall be under the control of the purchasing agent who shall also be responsible and accountable for all supplies in the custody of the purchasing department and shall maintain a perpetual inventory record thereof. Requisitions for supplies purchased from the storerooms revolving fund shall be credited by the purchasing agent to the storerooms revolving fund by a charge against the appropriation of the using agency. The filling of such requisitions shall be made only after certification of the comptroller of accounts as provided in section 2-190. (Rev. Ords. 1973, § 2-241)

Sec. 2-193. Purchases and sales of more than two thousand dollars—Competitive bids required; exception.

All purchases of and contracts for supplies and contractual services and all sales pursuant to this article involving a sum of two thousand dollars (\$2,000.00) or more shall be based upon competitive bids unless the mayor gives written authority to do otherwise, stating ~~his~~the reasons therefor. (Rev. Ords. 1973, § 2-242; Ord. No. 25, 11-4-74)

Sec. 2-194. Same—Solicitation of bids.

Proposals for contracts under section 2-193 shall be invited by advertisements in not less than two (2) newspapers published in the city or of general circulation therein at least one week preceding the date specified for the opening of such proposals. Such notice shall include a general description of the articles to be purchased or sold, shall state where the bid blanks and specifications may be secured and the time and place for opening bids, and shall reserve to the city the right to reject any such proposals. The purchasing agent shall also solicit sealed bids from responsible prospective suppliers or purchasers, including those who have requested their names to be added to a "bidders' list" which the purchasing agent shall maintain, by sending them a copy of such or such other notice as will acquaint them with the proposed purchase or sale, but invitations sent to the suppliers on the bidders' list shall be limited to commodities which are similar in character to those ordinarily handled by the trade group to which the invitations are sent. The purchasing agent shall also advertise all pending purchases or sales by notice published on a bulletin board in the office of the department. (Rev. Ords. 1973, § 2-243)

Sec. 2-195. Same—Submittal of bids; when security required; return of security.

All bids for purchases under section 2-193 shall be submitted sealed to the purchasing department and, when deemed necessary by the purchasing agent, shall be accompanied by security in the form of a check, cash or bond in such amount as shall be prescribed in the public notice inviting bids. Unsuccessful bidders shall be entitled to return of the security where the purchasing agent has required such. A successful bidder shall be entitled to the return of ~~his~~their security upon ~~his entering~~theirentering into a contract within ten (10) days after written notice to ~~him of them of~~ the award, but shall, at the discretion of the purchasing agent, forfeit any such security upon failure on ~~his~~their part to enter into a contract within such time. (Rev. Ords. 1973, § 2-244; Ord. No. 35, 1-6-75)

Sec. 2-196. Same—Opening and tabulation of bids.

Bids for purchases under section 2-193 shall be opened in public at the time and place stated in the newspaper notice which shall also be the closing time for bids. A tabulation of all bids received shall be posted for public inspection in the purchasing agent's office and a record of same maintained by the purchasing agent. (Rev. Ords. 1973, § 2-245)

Sec. 2-197. Same—Rejection of bids generally.

The purchasing agent shall have the authority to reject any bids or parts of bids or bids for any one or more supplies or contractual services included in the proposed contract under section 2-193 when he shall deem that the public interest shall be served thereby. (Rev. Ords. 1973, § 2-247)

Sec. 2-198. Same—Award of contract.

Contracts for purchases under section 2-193 shall be awarded to the lowest responsible bidder and contracts for sales shall be awarded to the highest responsible bidder. In determining the lowest or highest responsible bidder, the purchasing agent may consider, in addition to price, the quality, the cost of maintenance and availability of parts, the terms of delivery offered, the experience of the bidder, the sufficiency of the financial resources of the bidder, and the reputation of the bidder for ability, integrity, judgment and performance, as well as the ability of

the bidder to provide future maintenance and service. In the case of tie bids, the purchasing agent shall have the authority to award the contract to one of the tie bidders; except when quality, price and service are equal, preference shall be given to bidders doing business in the city or to bidders who have already established a satisfactory service reputation with the city. When the award is not given to the lowest bidder or the highest bidder, as the case may be, a full and complete statement of the reasons for awarding the contract elsewhere shall be prepared by the purchasing agent and filed with the other papers relating to the transactions. (Rev. Ords. 1973, § 2-249)

Sec. 2-199. Purchases and sales involving less than two thousand dollars.

All purchases and sales where the amount involved is less than two thousand dollars (\$2,000.00) may be made in the open market without newspaper advertisement and without observing the procedure prescribed by sections 2-193 to 2-198 for the award of contracts. All open market purchases or sales shall, when feasible, be based on at least three (3) competitive bids and shall be awarded to the lowest or highest responsible bidder, as the case may be. The purchasing agent may solicit bids, preferably by direct mail request to prospective vendors or by telephone, and shall solicit bids by public notice posted on a bulletin board in the office of the purchasing department as long as possible before the contemplated purchase date. The purchasing agent shall keep a record of all open market orders and the bids submitted in competition therein, which record shall be open to public inspection. (Rev. Ords. 1973, § 2-250)

Sec. 2-200. Purchases in emergencies.

In case of apparent emergency which requires the immediate purchase of supplies or contractual services for the protection of the health or safety of persons or property, the purchasing agent may, with the written approval of the mayor, or in ~~his~~the mayor's absence the acting mayor, acquire such supplies or contractual services by open market procedure in accordance with section 2-199, regardless of the amount of the expenditure. In case of an actual emergency, the head of any using agency may, with the approval in writing of the purchasing agent or the mayor, purchase directly any supplies or contractual services immediate procurement of which is essential to the health or safety of persons or property. The head of such using agency shall send to the purchasing department a requisition and a copy of the delivery record. In every case of the purchase of supplies or contractual services under this section, a full written report of the circumstances of the emergency shall be made by the purchasing agent or the head of the using agency, as the case may be, and shall be filed by the purchasing department as a permanent and public record of the purchase. (Rev. Ords. 1973, § 2-251)

Sec. 2-201. Inspection and testing of purchases.

The purchasing agent shall inspect or supervise the inspection of all deliveries of supplies or contractual services to determine their conformance with the specifications set forth in the order or contract. The purchasing agent shall have the authority to authorize any using agency having the staff and facilities for adequate inspection to inspect all deliveries made to such using agency under rules and regulations prescribed by the purchasing agent. The purchasing agent shall have the authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformity with the specifications. To perform such tests the purchasing agent shall have the authority to make use of laboratory facilities of any agency of the city government or of an outside laboratory. (Rev. Ords. 1973, § 2-252)

Sec. 2-202. Splitting requisitions, orders, etc., to avoid requirements.

No requisition, order or contract shall be subdivided to avoid any of the requirements of this article. (Rev. Ords. 1973, § 2-253)

Sec. 2-203. Financial interest of city employees in purchases.

Any purchase order or contract made on behalf of the city under this article or otherwise in which the purchasing agent or any employee of ~~his~~the purchasing agent's department, the heads of using agencies or any other officer or employee of the city having a part in the placing of such order or contract is financially interested, directly or indirectly, shall be void. (Rev. Ords. 1973, § 2-254)

Sec. 2-204. Mayor to give written notice to the ~~board of aldermen~~city council in certain instances.

Whenever the ~~board of aldermen~~city council approves special appropriations for a city contract based on factual representations and written provisions as to the nature and content of said contract, it shall be the obligation of the mayor to give written notice to the clerk of the ~~board of aldermen~~city council of any and all subsequent changes or amendments to said original contract prior to the execution by the mayor of such contract amendment. (Ord. No. R-303, 4-19-83)

Sec. 2-205. Installation of synthetic in-filled turf athletic fields on city-owned property.

The installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. The department responsible for the project, in conjunction with the city's chief procurement officer, shall make the determination of the maximum extent feasible for installation in any particular site. The determination shall take into account the best available technology, cost effectiveness, public health and safety, and environmental risks and benefits, and shall consider each proposed installation in light of site conditions, engineering feasibility, commercial availability, public safety, environmental impact and cost. Cost, however, shall not be the overriding factor in determining maximum extent feasible, and a determination of cost shall include consideration of projected life cycle costs including maintenance, repair, replacement, recycling and/or disposal costs over the estimated useful life of the installation. (Ord. No. Z-96, 11-07-11)

Secs. 2-206—2-220. Reserved.

ARTICLE V. HUMAN RESOURCES DEPARTMENT

Sec. 2-221. Established; head.

There is hereby established a human resources department under the charge of a director of human resources to be appointed by the mayor. (Rev. Ords. 1973, § 2-400)

Sec. 2-222. Qualifications, salary of director.

The director of human resources shall have experience and skill in the fields of personnel administration, civil service, labor relations, management, finance and insurance, and he shall receive such salary as the mayor and ~~board of aldermen~~city council may, from time to time, determine. (Rev. Ords. 1973, § 2-401)

Sec. 2-223. Functions of department.

The human resources department shall perform the following functions:

- (1) Administer the civil service system.
- (2) Maintain job descriptions, evaluations and a classification plan.
- (3) Develop a city personnel information system.

- (4) Respond to departmental and individual requests concerning personnel positions, pay and benefits.
- (5) Consolidate, establish and maintain all records of personnel for uniform record keeping and application, including sick leave and vacation.
- (6) Advise the mayor and department heads on manpower utilization.
- (7) Foster and develop programs for improving employee effectiveness, including training, safety and health.
- (8) Prepare an annual report regarding the work of the department.
- (9) Assist in administrating labor relations with organized employees, and give opinions regarding grievances and disputes.
- (10) Coordinate recruitment, selection and appointment of personnel.
- (11) Establish and maintain working relationships with union officials.
- (12) Establish, administer and evaluate training and development programs for all levels of staff.
- (13) Advise on and administer separation procedures.
- (14) Advise on administration of disciplinary action procedures.
- (15) Arrange for the services of qualified health care providers to perform pre-employment examinations of candidates and examinations of employees as provided under the laws of the Commonwealth and these Revised Ordinances.
- (16) Coordinate the administration of employee retirement benefits.

In order to carry out this function, the director of human resources shall establish such liaison communication procedures with the retirement board as are reasonably necessary for this purpose. (Rev. Ords. 1973, § 2-402; Ord. No. 12, 9-3-74; Ord. No. X-35, 10-21-02)

Sec. 2-224. School department not affected.

The school department shall not be affected by the director of human resources. (Rev. Ords. 1973, § 2-403)

Cross reference—Newton community education program, Ch. 2, Art. VI, Div. 2

Secs. 2-225—2-245. Reserved.

**ARTICLE VI.
FINANCIAL INFORMATION SYSTEMS DEPARTMENT**

Sec. 2-246. Established.

There is hereby established a financial information systems department in the city. (Ord. No. Z-107, 04-17-12)

Sec. 2-247. Director, authority.

The financial information systems department shall be headed by a director who is appointed by the mayor. The director shall be responsible for planning, organizing and controlling the overall activities of financial information systems, and shall act as liaison between the department of financial information systems and other departments of municipal government. (Ord. No. Z-107, 04-17-12)

Sec. 2-248. Functions of department.

The financial information systems department shall:

- (1) Process payroll for the city, including the school department and including retirees;
- (2) Provide to the city treasurer data necessary to prepare reporting required by state and federal agencies;
- (3) Generate receivables for the city, including but not limited to real estate, excise, and personal property tax billings;
- (4) Support and train other city departments, including the school department, in use of financial software;
- (5) Implement new financial modules as needed. (Ord. No. Z-107, 04-17-12)

REVISED ORDINANCES

Chapter 1

GENERAL PROVISIONS

Sec. 1-1. Citation and effect of Revised Ordinances.

The ordinances contained in this chapter and in the chapters following, together with all amendments thereof, herein sometimes called the "Revised Ordinances," shall constitute and be designated as "The Revised Ordinances of Newton, Massachusetts, 2012," and may be so cited. So far as their provisions are the same in effect as those of previously existing ordinances, they shall be construed as a continuation of such ordinances, but, subject to such limitations and the provisions of section 1-2, all ordinances of the city of a general and permanent nature in force on the date of the last ordinance included in this revision are hereby repealed. (Rev. Ords. 1973, § 1-1; Ord. No. R-60, 4-7-80; Ord. No. S-78, 8-13-84; Ord. No. T-58, 11-20-89; Ord. No. V-1, 1-17-95; Ord. No. W-69, 12-17-01; Ord. No. Y-32, 11-5-07)

Sec. 1-2. Continuation of offices; repealed ordinances not revived.

All persons who, at the time when the repeal of general and permanent ordinances by the adoption of this Revision shall take effect, shall hold any office under any of the ordinances so repealed, shall continue to hold the same according to tenure thereof, except those offices which may have been abolished, and those as to which a different provision shall have been made by this Revision; and no ordinances, or part of an ordinance, which have been heretofore repealed shall be revived by the repeal in section 1-1 of any of the ordinances or parts of ordinances therein mentioned, and when any ordinance repealing a former ordinance, clause or provision shall itself be repealed, such repeal shall not be construed to revive such former ordinance, clause or provision, unless it shall be therein so expressly provided. (Rev. Ords. 1973, § 1-2)

Sec. 1-3. Rules of construction.

In the construction of the Revised Ordinances, and of all other ordinances, the following rules of construction shall be observed, unless such construction would be inconsistent with the manifest intent of the ~~board of aldermen~~city council or the context of the ordinance:

Board of Aldermen. Any reference to the Board of Aldermen shall mean City Council.

City. The word "city" shall mean the City of Newton.

Commonwealth. The word "commonwealth" shall mean the Commonwealth of Massachusetts.

Computation of time. In computing the time in which an act is to be done, the first day shall be excluded and the last day shall be included, but if the last day is a Saturday, Sunday or a legal holiday it shall be excluded.

County. The word "county" shall mean the County of Middlesex.

Delegation of authority. Whenever a provision appears requiring the head of a department or other officer of the city to do some act or perform some duty, or granting some right to ~~him~~them as such official, it shall be construed to authorize such department head or officer to designate, delegate and authorize subordinates to do the required act or perform the required duty, or it shall grant to them such right, unless the terms of the provisions designate otherwise.

Gender. A word importing the masculine gender only shall extend and be applied to females and to trusts, associations, firms, partnerships and corporations as well as to males.

Joint authority. Words purporting to give joint authority to three (3) or more officers or other persons shall be construed as giving authority to a majority of such officers or persons.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Owner or occupant. The "owner" or "occupant" of a building or land shall include any sole owner or occupant, and any joint tenant and tenant in common of the whole or any part of a building or lot of land.

Person. The word "person" shall extend and be applied to trusts, associations, firms, proprietorships, partnerships, corporations, bodies politic and corporate, and all other entities, no matter how organized, as well as to individuals.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Sidewalk. The word "sidewalk" shall mean a strip within the public way in front or on the side of a house or lot of land lying between the property line and the street.

Signature. If the written signature of a person is required, it shall always be his own handwriting or if he is unable to write, his mark.

Statute references. Whenever reference is made to the General Laws this shall mean the Massachusetts General Laws.

Way, street and highway. The words "way," "street" and "highway" shall be construed as including boulevards, avenues, courts, lanes, alleys, squares, places and sidewalks, and each of these words include every other of them. (Rev. Ords. 1973, § 1-3)

Sec. 1-4. Catchlines of sections.

The catchlines of the several sections of the Revised Ordinances printed in boldface type are intended as mere catchwords to indicate the contents of the section, and shall not be deemed or taken to be titles of such sections, nor as any part thereof. (Rev. Ords. 1973, § 1-4)

Sec. 1-5. Severability.

It is declared to be the intention of the ~~board of aldermen~~city council that the sections, paragraphs, sentences, clauses and phrases of the Revised Ordinances are severable, and if any phrase, clause, sentence, paragraph or section of the Revised Ordinances shall be declared invalid by the valid judgment or decree of any court of competent jurisdiction, such invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of the Revised Ordinances. (Rev. Ords. 1973, § 1-5)

Sec. 1-6. General penalty.

Whoever violates a provision of any ordinance of the city, whether included in this Revision or any other ordinances of the city, whereby any act or thing is enjoined or prohibited or required, shall, unless other provision is expressly made, be liable to a penalty not exceeding three hundred dollars (\$300.00) for each offense unless another penalty is specifically provided. Each day any violation of these Revised Ordinances or of any other ordinance of the

city shall continue shall constitute a separate offense. (Rev. Ords. 1973, § 1-6; Ord. No. 306, 12-18-78; Ord. No. R-204, 12-21-81)

Cross references—Offenses and miscellaneous provisions, Ch. 20; police, Ch. 24

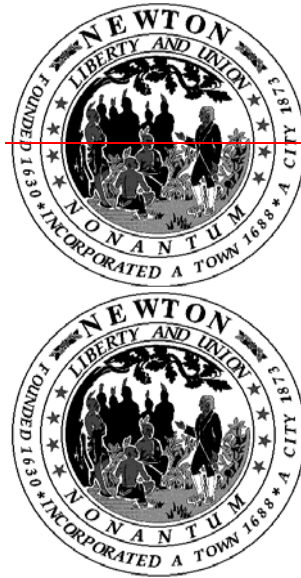
State law reference—Penalty authorized, G.L. c. 40, § 21

Sec. 1-7. Disposition of fines and penalties.

All fines and penalties for the violation of any ordinance shall, when received, inure to the use of the city, and be paid into the city treasury, unless it is otherwise directed by the laws of the commonwealth or the ordinances of the city. (Rev. Ords. 1973, 1-7)

Sec. 1-8. City seal described.

The following shall be the device of the corporate seal of the city: A representation within a circle of John Eliot preaching to a group of Indians and around the same the words: "Liberty and Union" and "Nonantum;" and in an outer circle the words: "Newton: Founded 1630: Incorporated a Town 1688: A City 1873."



(Rev. Ords. 1973, § 1-8)

State law reference—Municipal seals, G.L. c. 40, § 47

Sec. 1-9. Documents to be sealed.

All deeds and other legal documents made, given or entered into by the city, requiring a seal, shall be sealed with the city seal. (Rev. Ords. 1973, § 1-9)

Sec. 1-10. Custodian of seal.

The city clerk shall be the custodian of the city seal. (Rev. Ords. 1973, § 1-10)

Sec. 1-11. City flag.

There shall be an official city flag, the design of which shall be a field of gold with a black pale in the center which contains the city seal. The flag shall be divided into three (3) equal sections parallel to the staff, the sections at

either end to be gold in color and the center section black. The official city seal shall be on the black center section and shall be in gold with black lettering. (Rev. Ords. 1973, § 1-11)

Sec. 1-12. Enacting style of ordinances.

The enacting style of all ordinances shall be, "Be it ordained by the ~~Board of Aldermen~~City Council of the City of Newton, as follows:". (Rev. Ords. 1973, § 1-12)

Sec. 1-13. Recordation of ordinances; inspection of records.

All ordinances shall be recorded by the city clerk in the order in which they are passed to be ordained, in a book which shall be kept in the office of the city clerk, subject to public inspection. (Rev. Ords. 1973, § 1-13)

Charter reference—Record of proceedings of ~~board of aldermen~~city council, § 2-6(c)

Sec. 1-14. Expressions of commands; opinions, etc., of ~~board of aldermen~~city council.

Whenever the ~~board of aldermen~~city council expresses anything by way of command, the form of expression shall be *Ordered*; and when such board expresses opinions, principles, facts or purposes, the form shall be *Resolved*. (Rev. Ords. 1973, § 1-14)

Sec. 1-15. Ward boundaries

Pursuant to M.G.L. c. 54, §§ 1 and 2, the boundaries of the wards and precincts are designated as follows:

WARD 1 - PRECINCT 1

Beginning at the point at the intersection of the center line of California Street and the center line of Bridge Street; thence Northerly by the center line of Bridge Street to the center line of the Charles River, which point is on the boundary line between the City of Newton and the Town of Watertown, the last described line being by the boundary of Ward 1, Precinct 4; thence running Northeasterly, Easterly and Southeasterly by the center line of the Charles River to a corner of the said boundary line between the City of Newton and the Town of Watertown; thence Southwesterly by said boundary line between the City of Newton and Town of Watertown; thence Southeasterly by said boundary line between the City of Newton and the Town of Watertown to its point of intersection with the extension of the center line of Jewett Street, the last three described lines being by said boundary line between the City of Newton and Town of Watertown; thence Southerly by the center line of Jewett Street to the center line of Washington Street; thence Westerly by the center line of Washington Street to the center line of Adams Street; the last two described lines being by the boundary of Ward 1, Precinct 2; thence Northwesterly by the center line of Adams Street to the center line of Middle Street; thence Northeasterly by the center line of Middle Street to the center line of West Street; thence Northwesterly by the center line of West Street to the center line of Watertown Street; thence Easterly by the center line of Watertown Street to the center line of Chapel Street; thence Northerly by the center line of Chapel Street to the center line of California Street; thence Westerly by the center line of California Street to the point of beginning, the last six described lines being by the boundary of Ward 1, Precinct 4.

WARD 1 - PRECINCT 2

Beginning at a point at the intersection of the center line of Newtonville Avenue and the center line of East Side Parkway; thence Easterly by the center line of Newtonville Avenue to the center line of Lewis Terrace; thence Northerly and Northeasterly by the center line of Lewis Terrace to the center line of Washington Street, the last two described lines being the boundary of Ward 2, Precinct 1; thence Easterly by the center line of Washington Street to the center line of Jewett Street; thence Northerly by the center line of Jewett Street to the boundary line

between the City of Newton and the Town of Watertown, the last described line being by the boundary of Ward 1, Precinct 1; thence Southeasterly by said boundary line between the City of Newton and the Town of Watertown; thence Northeasterly by said boundary line between the City of Newton and the Town of Watertown to the center line of William Street, the last two described lines being said boundary line between the City of Newton and the Town of Watertown; thence Easterly by the center line of William Street to the center line of Jefferson Street; thence Southerly by the center line of Jefferson Street to the center line of Nonantum Place; thence Southerly and Northwesterly by the center line of Nonantum Place to the center line of Centre Street; thence Southerly, Southwesterly and Southerly by the center line of Centre Street to the center line of Vernon Street; thence Easterly by the center line of Vernon Street to the center line of Eldredge Street; thence Southerly by the center line of Eldredge Street to the center line of Church Street, the last six described lines being the boundary of Ward 1, Precinct 3; thence continuing Southerly by the center line of Eldredge Street to the center line of Franklin Street; thence Northwesterly by the center line of Franklin Street to the center line of Centre Street; thence Southerly by the center line of Centre Street to the center line of Lombard Street, the last three lines being by the boundary of Ward 7, Precinct 2; thence Westerly by the center line of Lombard Street and Surrey Road to the center line of Langdon Street; thence Southerly by the center line of Langdon Street to the center line of Winchester Road; thence Westerly by the center line of Winchester Road to the center line of East Side Parkway; thence Northerly and Northwesterly by the center line of East Side Parkway to the point of beginning, the last four lines being the boundary of Ward 2, Precinct 2.

WARD 1 - PRECINCT 3

Beginning at a point at the intersection of the center line of William Street and the boundary line between the City of Newton and the Town of Watertown; thence Northeasterly by said boundary line to the center line of the Charles River; thence Easterly by the center line of the Charles River to the intersection of the boundary lines between the City of Newton, the Town of Watertown and the City of Boston, the last two described lines being the boundary line between the City of Newton and the Town of Watertown; thence Southwesterly, Southerly and Southeasterly by the boundary line between the City of Newton and the City of Boston to the center line of Rogers Street; thence Westerly by the center line of Rogers Street to the center line of Hood Street; thence Northwesterly by the center line of Hood Street to the center line of Nonantum Street; thence Westerly by the center line of Nonantum Street to the center line of Waverley Avenue, thence Northerly by the center line of Waverley Avenue to the center line of Church Street; thence Westerly and Northwesterly by the center line of Church Street to the center line of Eldredge Street, the last five described lines being the by the boundary of Ward 7, Precinct 2; thence Northerly by the center line of Eldredge Street to the center line of Vernon Street; thence Westerly by the center line of Vernon Street to the center line of Centre Street; thence Northerly, Northeasterly and Northerly by the center line of Centre Street to the center line of Nonantum Place; thence Southeasterly and Northerly by the center line of Nonantum Place to the center line of Jefferson Street; thence Northeasterly by the center line of Jefferson Street to the center line of William Street; thence Westerly by the center line of William Street to the point of beginning, the last six described lines being by the boundary of Ward 1, Precinct 2.

WARD 1 - PRECINCT 4

Beginning at a point at the intersection of the center lines of the Charles River and Bridge Street, being a point on the boundary line between the City of Newton and the Town of Watertown; thence Southerly by the center line of Bridge Street to the center line of California Street; thence Easterly by the center line of California Street to the center line of Chapel Street; thence Southeasterly by the center line of Chapel Street to the center line of Watertown Street; thence Westerly by the center line of Watertown Street to the center line of West Street; thence Southeasterly by the center line of West Street to the center line of Middle Street; thence Southwesterly by the center line of Middle Street to the center line of Adams Street; thence Southeasterly by the center line of Adams Street to the intersection of the center lines of Adams Street and Washington Street, the last seven described lines being by the boundary of Ward 1, Precinct 1; thence Westerly by the center line of Washington Street to the center line of Crafts Street; thence Northwesterly by the center line of Crafts Street to the center line of California

Street; thence Northeasterly by the center line of California Street to the center line of Nevada Street; thence Northwesterly by the center line of Nevada Street to the center line of Wyoming Road; thence Northerly by the center line of Wyoming Road to the center line of the Charles River which point is on the boundary line of the City of Newton and the Town of Watertown, the last five described lines being by the boundary of Ward 2, Precinct 1; thence running Easterly by the center line of said Charles River to the point of beginning, the last described line being by the boundary line between the City of Newton and the Town of Watertown.

WARD 2 - PRECINCT 1

Beginning at a point at the intersection of the extension of the center line of Albemarle Road and the center line of the Charles River, being a point on the boundary line between the City of Newton and the Town of Watertown; thence Easterly by the center line of said Charles River to the extension of the center line of Wyoming Road, the last described line being by the boundary line between the City of Newton and the Town of Watertown; thence Southerly by the center line of Wyoming Road to the center line of Nevada Street; thence Southeasterly by the center line of Nevada Street to the center line of California Street; thence Southwesterly by the center line of California Street to the center line of Crafts Street; thence Southeasterly by the center line of Crafts Street to the center line of Washington Street; thence Northeasterly by the center line of Washington Street to the center line of Lewis Terrace, the last five described lines being by the boundary of Ward 1, Precinct 4; thence Southwesterly and Southerly by the center line of Lewis Terrace to the center line of Newtonville Avenue, the last described line being the boundary of Ward 1, Precinct 2; thence Westerly by the center line of Newtonville Avenue to the center line of Walnut Street, the last described line being by the boundary of Ward 2, Precinct 2; thence Northerly by the center line of Walnut Street to the center line of the Massachusetts Turnpike; thence Southwesterly by the center line of the Massachusetts Turnpike to the extension of the center line of Brookside Avenue, the last two described lines being by the boundary of Ward 2, Precinct 3 and Ward 3, Precinct 2; thence Northerly by the center lines of Brookside Avenue and Albemarle Road to the point of beginning, the last described line being by the boundary of Ward 3, Precincts 1 and 4.

WARD 2 - PRECINCT 2

Beginning at a point at the intersection of the center line of Walnut Street and the center line of the Newtonville Avenue; thence Easterly by the center line of Newtonville Avenue to the center line of East Side Parkway, the last described line being by the boundary of Ward 2, Precinct 1; thence Southerly by the center line of East Side Parkway to the center line of Winchester Road; thence Easterly by the center line of Winchester Road to the center line of Langdon Street; thence Northeasterly by the center line of Langdon Street to the center line of Surrey Road; thence Easterly by the center lines of Surrey Road and Lombard Street to the center line of Centre Street, the last four described lines being by the boundary of Ward 1, Precinct 2; thence Southerly by the center line of Centre Street to the center line of Mill Street, the last described line being by the boundary of Ward 7, Precinct 2; thence by the center line of Mill Street to the center line of the Mill Street entrance to Boston College Law School; thence Northerly, Westerly, Northerly, Easterly and Northerly by the center line of the Boston College Law School roadway system to the center line of Colby Street; thence Westerly by the center line of Colby Street to the center line of Westchester Road; thence Northerly, Westerly and Northerly by the center line of Westchester Road to Cabot Street; thence Westerly by the center line of Cabot Street to the center line of Walnut Street, the last five described lines being by the boundary of Ward 2, Precinct 4; thence Northerly by the center line of Walnut Street to point of beginning, the last described line being by the boundary of Ward 2, Precinct 3.

WARD 2 - PRECINCT 3

Beginning at a point at the intersection of the center line of Hillside Avenue and the center line of Austin Street; thence Easterly by the center line of Austin Street to the center line of Lowell Avenue; thence Northerly by the center line of Lowell Avenue to the center line of the Massachusetts Turnpike, the last two described lines being

by the boundaries of Ward 3, Precinct 2; thence Easterly by the center line of the Massachusetts Turnpike to the center line of Walnut Street, the last described line being by the boundary of Ward 2, Precinct 1; thence South by the center line of Walnut Street to the center line of the Newton Cemetery's Fountain Pathway, the last described line being by the boundaries of Ward 2, Precincts 2 and 4 and Ward 6, Precinct 4; thence Westerly by the center line of the Newton Cemetery's Fountain Pathway to the centerline of the Newton Cemetery's Main Pathway; thence Southerly by the Newton Cemetery's Main Pathway to the center line of the Newton Cemetery's Lake Pathway; thence Southerly and Westerly by the Newton Cemetery's Lake Pathway to the center line of the Newton Cemetery's Birch Pathway; thence Westerly by the center line and the extension of the center line of the Newton Cemetery's Birch Pathway to the Western property line of the Newton Cemetery, the last four described lines being by the boundary of Ward 6, Precinct 4 and Ward 5, Precinct 3; thence Northerly, Westerly, Northerly, Easterly, and Northerly by the Western property line of the Newton Cemetery to the center line of Commonwealth Avenue, the last described line being by the boundary of Ward 5, Precinct 3; thence Westerly by the center line of Commonwealth Avenue to the center line of Wauwinet Road, the last described line being by the boundary of Ward 5, Precinct 3; thence Northerly by the center line of Wauwinet Road to the center line of Valentine Street; thence northwesterly by the center line of Valentine Street to the center line of Lenox Street; thence Northerly by the center line of Lenox Street to the center line of Otis Street; thence Westerly by the center line of Otis Street to the center line of Hillside Avenue; thence Northwesterly by the center line of Hillside Avenue to the point of beginning, the last five described lines being by the boundary of Ward 3, Precinct 2.

WARD 2 - PRECINCT 4

Beginning at a point at the intersection of the center line of Cabot Street and the center line of Walnut Street; thence Easterly by the center line of Cabot Street to the center line of Westchester Road; thence Southerly, Easterly and Southerly by the center line of Westchester Road to the center line of Colby Street; thence Easterly by the center line of Colby Street to the center line of the Colby Street entrance to the Boston College Law School; thence Southerly, Westerly, Southerly, Easterly, and Southerly by the center line of the Boston College Law School roadway system to the center line of Mill Street; thence Easterly by the center line of Mill Street to the center line of Centre Street, the last five described lines being by the boundary of Ward 2, Precinct 2; thence Southerly by the center line of Centre Street to the center line of Commonwealth Avenue, the last described line being by the boundary of Ward 7, Precinct 2; thence Westerly by the center line of Commonwealth Avenue to the center line of Manemet Road; thence Southerly by the center line of Manemet Road to the center line of Homer Street; thence Westerly by the center line of Homer Street to the center line of Walnut Street, the last three described lines being by the boundary of Ward 6, Precinct 4; thence Northerly by the center line of Walnut Street to the point of beginning, the last described line being by the boundary of Ward 2, Precinct 3.

WARD 3 - PRECINCT 1

Beginning at a point at the intersection of the center line of Derby Street and the center line of Talbot Street; thence Southeasterly by the center line of Derby Street to the center line of Rangeley Road; thence Northerly by the center line of Rangeley Road to the center line of Pleasant Street; thence Easterly by the center line of Pleasant Street to the center line of Lyme Road; thence Northerly by the center line of Lyme Road to the center line of Crafts Street; thence Northeasterly by the center line of Crafts Street to the center line of Morrill Street; thence Northerly by the center line of Morrill Street to the center line of Maynard Street; thence southeasterly by the center line of Maynard Street to the center line of Albemarle Road, the last seven described lines being by the boundary of Ward 3, Precinct 4; thence Southerly by the center lines of Albemarle Road and Brookside Avenue to the center line of the Massachusetts Turnpike, the last described line being by the boundary of Ward 2, Precinct 1; thence Westerly by the center line of the Massachusetts Turnpike to the center line of Chestnut Street, the last described line being by the boundary of Ward 3, Precinct 2; thence Northerly by the center line of Chestnut Street to the center line of Washington Street; thence Westerly by the center line of Washington Street to the center line of Waltham Street; thence Northerly and Northeasterly by the center line of Waltham Street to the center line of North Gate Park; thence Westerly and Northwesterly by the center lines of North Gate Park and Harris Road to the center line of Talbot Street; thence Northerly by the center line of Talbot Street to the point of beginning, the

last five lines being by the boundary of Ward 3, Precinct 3.

WARD 3 - PRECINCT 2

Beginning at a point at the intersection of the extension of the center line of Crescent Street and the center line of the Massachusetts Turnpike; thence Easterly by the center line of the Massachusetts Turnpike to the center line of the Massachusetts Turnpike Exit 16 Off Ramp; thence Northerly by the center line of the Massachusetts Turnpike Exit 16 Off Ramp to the center line of the Massachusetts Turnpike Authority Access Road; thence Northerly by the center line of the Massachusetts Turnpike Access Road to the center line of Webster Street, the last three described lines being the boundary with Ward 4 Precinct 1; thence Northeasterly by the center line of Webster Street to the center line of Elm Street; thence Southerly by the center line of Elm Street to the center line of the Massachusetts Turnpike; thence Easterly by the center line of the Massachusetts Turnpike to the center line of Lowell Avenue, the last three described lines being the boundary with Ward 3, Precincts 1 and 2 and Ward 2, Precinct 1; thence Southerly by the center line of Lowell Avenue to the center line of Austin Street; thence Westerly by the center line of Austin Street to the center line of Hillside Avenue; thence Southeasterly by the center line of Hillside Avenue to the center line of Otis Street; thence Easterly by the center line of Otis Street to the center line of Lenox Street; thence Southerly by the center line of Lenox Street to the center line of Valentine Street; thence Southeasterly by the center line of Valentine Street to the center line of Wauwinet Road; thence Southerly by the center line of Wauwinet Road to the center line of Commonwealth Avenue, the last seven described lines being the boundary with Ward 2, Precinct 3; thence Westerly by the center line of Commonwealth Avenue to the extension of the center line of Fuller Street; thence Southwesterly and Northwesterly by the center line of Fuller Street to the center line of Temple Street, the last two described lines being the boundary with Ward 5, Precinct 3; thence Northerly by the center line of Temple Street to the center line of Commonwealth Avenue; thence Westerly by the center line of Commonwealth Avenue to the center line of Washington Street; thence Northeasterly by the center line of Washington Street to the center line of Auburn Street; thence Westerly by the center line of Auburn Street to the center line of Crescent Street, the last four described lines being by the boundary of Ward 4, Precinct 3; thence Northerly by the center line of Crescent Street to the point of beginning, the last described line being by the boundary of Ward 4, Precinct 1.

WARD 3 - PRECINCT 3

Beginning at a point at the intersection of the center line of Derby Street and the center line of Talbot Street; thence Southwesterly by the center line of Talbot Street to the center line of Harris Road; thence Southeasterly by the center lines of Harris Road and Northgate Park to the center line of Waltham Street; thence Southerly, Southwesterly and Southerly by the center line of Waltham Street to the center line of Washington Street; thence Easterly by the center line of Washington Street to the center line of Chestnut Street; thence Southerly by the center line of Chestnut Street to the center line of the Massachusetts Turnpike, the last five described lines being by the boundary of Ward 3, Precinct 1; thence Westerly by the center line of the Massachusetts Turnpike to the center line of Elm Street; thence Northerly by the extension of the center line of Elm Street to the center line of Webster Street; then Southwesterly by the center line of Webster Street to the center line of Murray Road, the last three described lines being by the boundaries of Ward 3, Precinct 2 and Ward 4, Precinct 1; thence Northerly by the center line of Murray Road to the center line of Auburndale Avenue; thence Southwesterly by the center line of Auburndale Avenue to the lot line between 163 and 167 Auburndale Avenue; thence Northwesterly by the lot line between 163 and 167 Auburndale Avenue to the rear lot line of 163 Auburndale Avenue; thence Northeasterly and Northerly by the rear lot line of 163 Auburndale Avenue to the rear lot lines between the properties on the Southwesterly side of Kenyon Street and the properties by the Northeasterly side of Gambier Street to the center line of the undeveloped portion of Edgewood Road; thence Northeasterly by the center line of the undeveloped portion of Edgewood Road to the property line between the properties at 106 and 112 Pine Street; thence Northerly by the property lines between the properties at 106 and 112 Pine Street to the center line of Pine Street; thence Northeasterly by the center line of Pine Street to the center line of River Street; thence Northwesterly by the center line of River Street to the center line of Sheridan Street; thence Northeasterly by the

center line of Sheridan Street to the center line of Derby Street, the last nine described lines being by the boundary of Ward 4, Precinct 4; thence Southeasterly by the center line of Derby Street to the point of beginning, the last described line being by the boundary of Ward 3, Precinct 4.

WARD 3 - PRECINCT 4

Beginning at a point at the intersection of the center line of Derby Street and the boundary line between the City of Newton and the City of Waltham; thence Northeasterly by said boundary line between the City of Newton and the City of Waltham to the center line of the Charles River; thence Southeasterly by the center line of the Charles River to the extension of the center line of Albemarle Road, the last two described lines being by the boundary line of the City of Newton and the City of Waltham; thence Southwesterly by the center line of Albemarle Road to the center line of Maynard Street; thence Westerly by the center line of Maynard Street to the center line of Morrill Street; thence Southerly by the center line of Morrill Street to the center line of Crafts Street; thence Westerly by the center line and the extension of the center line of Crafts Street to the center line of Lyme Road; thence Southwesterly by the center line of Lyme Road to the center line of Pleasant Street; thence Westerly by the center line of Pleasant Street to the center line of Rangeley Road; thence Southwesterly by the center line of Rangeley Road to the center line of Derby Street, the last six described lines being by the boundary of Ward 3, Precinct 1; thence Northwesterly by the center line of Derby Street to the point of beginning, the last described line being by the boundaries of Ward 3, Precincts 1 and 3 and Ward 4, Precinct 4.

WARD 4 - PRECINCT 1

Beginning at a point at the intersection of the center lines of West Pine Street and Freeman Street; thence Southerly by the center lines of Freeman Street and Lexington Street to the center line of Wolcott Street; thence Easterly by the center lines of the Northerly side of Wolcott Street and Webster Street to the center line of the Massachusetts Turnpike Authority Access Road, the last two described lines being by the boundary of Ward 4, Precinct 4 and Ward 3, Precinct 3; thence Southerly by the center line of the Massachusetts Turnpike Authority Access Road to the center line of the Massachusetts Turnpike Off-Ramp Exit 16; thence Southerly and Southeasterly by the center line of the Massachusetts Turnpike Off-Ramp Exit 16 to the center line of the Massachusetts Turnpike; thence Westerly by the center line of the Massachusetts Turnpike to the center line of Crescent Street; thence Southerly by the center line of Crescent Street to the center line of Auburn Street, the last four described lines being by the boundary of Ward 3, Precinct 2; thence Westerly by the center line of Auburn Street to the center line of Commonwealth Avenue; thence Southerly by the center line of Commonwealth Avenue to the center line of Central Street; thence Northwesterly and Westerly by the center line of Central Street to the center line of Hancock Street; thence Southwesterly by the center line of Hancock Street to the center line of Woodland Road, the last four described lines being by the boundary of Ward 4, Precinct 3; thence Northwesterly by the center line and the extension of the center line of Woodland Road to the center line of the Massachusetts Turnpike; thence Southwesterly by the center line of the Massachusetts Turnpike to the center line of the Charles River, the last two described lines being by the boundary of Ward 4, Precinct 2; thence Northerly by the center line of the Charles River to its intersection with the boundary line between the City of Newton and the City of Waltham, the last described line being by the boundary line between the City of Newton and the Town of Weston; thence Northeasterly by the boundary line between the City of Newton and the City of Waltham to the intersection of the extension of the center line of West Pine Street, the last described line being the boundary line between the City of Newton and the City of Waltham; thence Southeasterly by the center line of West Pine Street to the point of beginning, the last described line being by the boundary of Ward 4, Precinct 4.

WARD 4 - PRECINCT 2

Beginning at a point at the intersection of the center line of the Charles River and the center line of the Massachusetts Turnpike which point is on the boundary line between the City of Newton and the Town of Weston; thence Northeasterly and Easterly by the center line of the Massachusetts Turnpike to the center line of

Woodland Road; thence Southeasterly by the center line of Woodland Road to the center line of Lake Avenue; thence Southeasterly and Easterly by the center line of Lake Avenue to the center line of Aspen Avenue; thence Southeasterly by the center line of Aspen Avenue to the center line of Washington Street; thence Southwesterly by the center line of Washington Street to the center line of the off ramp to Route 128; thence Southerly by the center line of Route 128 to the center line of the Charles River, the last six described lines being by the boundary of Ward 4, Precinct 3; thence Northwesterly, Westerly, Southwesterly, Westerly, Northwesterly, Westerly, Northwesterly, Northerly, Northwesterly, Northeasterly, Easterly, Northeasterly, Southeasterly, Northeasterly, Northerly and Northwesterly by the center line of the Charles River to the point of beginning, the last described line being by the boundary lines of the City of Newton, the Town of Wellesley and the Town of Weston.

WARD 4 - PRECINCT 3

Beginning at a point at the intersection of the extension of the center line of Hancock Street and the center line of Central Street; thence Easterly and Southeasterly by the center line of Central Street to the center line of Commonwealth Avenue; thence Northerly by the center line of Commonwealth Avenue to the center line of Auburn Street; thence Easterly by the center line of Auburn Street to the center line of Washington Street, the last three described lines being by the boundary of Ward 4, Precinct 1 and Ward 3, Precinct 2; thence Southwesterly by the center line of Washington Street to the center line of Commonwealth Avenue; thence Southeasterly by the center line of Commonwealth Avenue to the center line of Temple Street; thence Southerly by the center line of Temple Street to the center line of Fuller Street, the last three described lines being by the boundary of Ward 3, Precinct 2; thence Southerly by the extension of the center line of Temple Street to the center line of Cheesecake Brook; thence Southerly by the center line of Cheesecake Brook to the center line of the MBTA tracks, the last two described lines being by the boundary of Ward 5, Precincts 3 and 4; thence Northwesterly by the center line of the MBTA tracks to the center line of Washington Street, the last described line being by the boundary of Ward 5, Precinct 4; thence Northeasterly by the center line of Washington Street to the center line of Aspen Avenue; thence Northwesterly by the center line of Aspen Avenue to the center line of Lake Avenue; thence Northeasterly by the center line of Lake Avenue to the center line of Woodland Road; thence Northwesterly by the center line of Woodland Road to the center line of Hancock Street, the last four described lines being by the boundary of Ward 4, Precinct 2; thence Northeasterly by the center line of Hancock Street to the point of beginning, the last described line being by the boundary of Ward 4, Precinct 1.

WARD 4 - PRECINCT 4

Beginning at a point at the intersection of the center line of Derby Street and the boundary line between the City of Newton and the City of Waltham; thence Southeasterly by the center line of Derby Street to the center line of Sheridan Street, the last described line being by the boundary of Ward 3, Precinct 4; thence Southwesterly by the center line of Sheridan Street to the center line of River Street, the last described line being by the boundary of Ward 3, Precinct 3; thence Southeasterly by the center line of River Street to the center line of Pine Street; thence Southwesterly by the center line of Pine Street to the extension of the boundary line between the properties at 106 and 112 Pine Street; thence southeasterly by the boundary line between the properties at 106 and 112 Pine Street to the center line of the undeveloped Edgewood Road; thence Southwesterly by the center line of the undeveloped portion of Edgewood Road to the extension of the rear lot lines between the properties on the Southwesterly side of Kenyon Street and the properties on the Northeasterly side of Gambier Street to the rear lot line of 163 Auburndale Avenue; thence Southeasterly and Southwesterly by the rear lot line of 163 Auburndale Avenue to the lot line between 163 and 167 Auburndale Avenue; thence southeasterly by the lot line between 163 and 167 Auburndale Avenue to the center line of Auburndale Avenue; thence Northeasterly by the center line of Auburndale Avenue to the center line of Murray Road; thence Southerly by the center line of Murray Road to the center line of Webster Street, the last eight described lines being by the boundary of Ward 3, Precinct 3; thence Westerly by the center lines of Webster Street and the Northerly side of Wolcott Street to the center line of Lexington Street; thence Northerly by the center line of Lexington Street to the center line of Freeman Street; thence Northerly by the center line of Freeman Street to the center line of West Pine Street; thence Northwesterly

by the center line and the extension of the center line of West Pine Street to the boundary line between the City of Newton and the City of Waltham, the last four described lines being by the boundary of Ward 4, Precinct 1; thence Northeasterly by the boundary line between the City of Newton and the City of Waltham to the point of beginning.

WARD 5 - PRECINCT 1

Beginning at a point at the intersection of the center line of the Charles River and the center line of Boylston Street which point is on the boundary line between the City of Newton and the Town of Wellesley; thence running Easterly by the center line of Boylston Street to the center line of Circuit Avenue, the last described line being by the boundary of Ward 5, Precincts 4 and 2; thence Southerly by the center line of Circuit Avenue to the center line of Eliot Street; thence Southwesterly by the center line of Eliot Street to the center line of Columbia Avenue; thence Southeasterly by the center line of Columbia Avenue to the center line of Chandler Place; thence Southwesterly by the center line of Chandler Place to the Western lot line of 56-58 Chandler Place; thence Southerly by the Western lot line of 56-58 Chandler Place to the center line of the NY, NH & Hartford RR track; thence Southwesterly by the center line of the NY, NH & Hartford RR track to the extension of the center line of Tower Road; thence Easterly by the center line of Tower Road to the center line of Needham Street, the last seven described lines being by the boundary of Ward 5, Precinct 2; thence Southeasterly by the center line of Needham Street to the center line of the Charles River, which point is on the boundary line between the City of Newton and the Town of Needham, the last described line being by the boundary of Ward 8, Precinct 3; thence Westerly, Northwesterly and Northerly by the center line of the Charles River to the point of beginning, the last described line being by the boundary line between the City of Newton and the Town of Needham and the City of Newton and the Town of Wellesley.

WARD 5 - PRECINCT 2

Beginning at a point at the intersection of the center line of Chestnut Street and the center line of Woodward Street; thence Southeasterly and Southerly by the center line of the Woodward Street to the center line of Boylston Street, the last described line being by the boundary of Ward 5, Precinct 3 and Ward 6, Precinct 3; thence Easterly by the center line of Boylston Street to the center line of Woodcliff Road, the last described line being by the boundary of Ward 6, Precinct 3; thence Southerly by the center line of Woodcliff Road to the center line of Elinor Road, the last described line being by the boundary of Ward 6, Precinct 2; thence Westerly by the center line of Elinor Road to the center line of Walnut Street; thence Southerly by the center line of Walnut Street to the center line of Dedham Street; thence Northwesterly by the center line of Dedham Street to the center line of Needham Street; thence Southwesterly by the center line of Needham Street to the center line of Tower Road, the last four described lines being by the boundary of Ward 8, Precinct 3; thence Westerly by the center line and the extension of the center line of Tower Road to the center line of the NY, NH & Hartford Railroad Tracks; thence Northeasterly by the center line of the NY, NH & Hartford Railroad Tracks to the extension of the Westerly lot line of 56-58 Chandler Place; thence Northerly by the lot line of 56-58 Chandler Place to the center line of Chandler Place; thence Northeasterly by the center line of Chandler Place to the center line of Columbia Avenue; thence Northwesterly by the center line of Columbia Avenue to the center line of Elliot Street; thence Northeasterly by the center line of Elliot Street to the center line of Circuit Avenue; thence Northerly by the center line of Circuit Avenue to the center line of Boylston Street; thence Westerly by the center line of Boylston Street to the center line of Chestnut Street, the last eight described lines being by the boundary of Ward 5, Precinct 1; thence Northerly by the center line of Chestnut Street to the point of beginning, the last described line being by the boundary of Ward 5, Precinct 4.

WARD 5 - PRECINCT 3

Beginning at a point at the intersection of the center line of Chestnut Street and the center line of Woodward Street; thence Northerly by the center line of Chestnut Street to the center line of Beacon Street; thence

Southwesterly by the center line of Beacon Street to the center line of Kinmonth Road; thence Northwesterly by the center line of Kinmonth Road to the center line of Cheesecake Brook; thence Northwesterly, Northerly and Northeasterly by the center line of Cheesecake Brook to the center line of Fuller Street, the last four described lines being by the boundaries of Ward 5, Precinct 4 and Ward 4, Precinct 3; thence Southeasterly and Northeasterly by the center line of Fuller Street to the center line of Commonwealth Avenue; thence Easterly by the center line of Commonwealth Avenue to the extension of the Western property line of the Newton Cemetery, the last two described lines being by the boundary of Ward 3, Precinct 2; thence Southerly, Westerly, Southerly, Easterly, Southeasterly, Easterly and Southerly by the Western property line of the Newton Cemetery to the center line of Beacon Street, the last described line being by the boundary of Ward 2, Precinct 3 and Ward 6, Precinct 4; thence Westerly by the center line of Beacon Street to the extension of the Eastern property line of land owned by the City of Newton at 30 Beethoven Road and used for school purposes; thence Southerly by the Eastern property line of land owned by the City of Newton at 30 Beethoven Road to the intersection of Winslow Road and Wilbur Street; thence Southeasterly by the center line of Wilbur Street to the center line of Vaughn Avenue; thence Southerly by the center line of Vaughn Avenue to the center line of Puritan Road; thence Southeasterly by Puritan Road to the center line of Plymouth Road; thence Southerly by the center line of Plymouth Road to the center line of Kingston Road; thence southerly by the center line of Kingston Road to the center line of Plymouth Road; thence Southerly by the center line of Plymouth Road to the center line of Cochituate Road; thence Easterly by the center line of Cochituate Road to the center line of Nantucket Road; thence Southeasterly by the center line of Nantucket Road to the center line of Wood End Road; thence Northeasterly by the center line of Wood End Road to the center line of Mountfort Road; thence Southerly by the center line of Mountfort Road to the center line of Lincoln Street; thence Westerly by the center line of Lincoln Street to the center line of Woodward Street, the last thirteen described lines being by the boundary of Ward 6, Precinct 3; thence Northwesterly by the center line of Woodward Street to the point of beginning, the last described line being by the boundary of Ward 5, Precinct 2.

WARD 5 - PRECINCT 4

Beginning at a point at the intersection of the center line of Washington Street and the center line of the MBTA tracks; thence Southeasterly by the center line of the MBTA tracks to the center line of Cheesecake Brook; thence Northerly by the center line of Cheesecake Brook to the intersection of the center line of Cheesecake Brook, the last two described lines being by the boundary of Ward 4, Precinct 3; thence Southeasterly by the center line of Cheesecake Brook to the center line of Kinmonth Road; thence Southeasterly by the center line of Kinmonth Road to the center line of Beacon Street; thence Northeasterly by the center line of Beacon Street to the center line of Chestnut Street; thence Southerly by the center line of Chestnut Street to the center line of Boylston Street, the last four described lines being by the boundary of Ward 5, Precincts 2 and 3; thence Westerly by the center line of Boylston Street to the center line of the Charles River, which point is on the boundary line between the City of Newton and the Town of Wellesley, the last described line being by the boundary of Ward 5, Precinct 1; thence Northerly, Northwesterly, Westerly and Northwesterly by the center line of said Charles River to the center line of Route 128, the last described line being by the boundary between the City of Newton and the Town of Wellesley; thence Northerly by the center line of Route 128 to the center line of the Route 16 Off Ramp; thence Northeasterly by the Route 16 Off Ramp to the center line of Washington Street; thence Northerly by the center line of Washington Street to the point of beginning, the last three described lines being by the boundary of Ward 4; Precinct 2.

WARD 6 - PRECINCT 1

Beginning at a point at the intersection of the center lines of Cypress Street and Braeland Avenue; thence Northeasterly by the center line of Braeland Avenue to the center line of Langley Road; thence Southeasterly by the center line of Langley Road to the center line of Warren Street; thence Easterly by the center line of Warren Street to the center line of Glen Avenue, the last three described lines being by the boundary of Ward 6, Precinct 4; thence Southwesterly by the center line of Glen Avenue to the center line of Langley Road, thence

Southeasterly by the center line of Langley Road to the center line of Madoc Street; thence Southeasterly by the center line and extension of the center line of Madoc Street to the Southern property line of the Commonwealth of Massachusetts M.D.C. Parks Division; thence Southeasterly by the Southern property line of the Commonwealth of Massachusetts M.D.C. Parks Division to the centerline of Moody Street; thence South by the centerline of Moody Street to the center line of Boylston Street the last five described lines being the boundary of Ward 7, Precinct 1; thence Westerly by the center line of Boylston Street to the center line of Jackson Street, the last described boundary line being the boundary of Ward 7, Precinct 1 and Ward 8, Precinct 1; thence Northeasterly and Easterly by the center line of Jackson Street to the center line of White Avenue; thence Northeasterly by the center line of White Avenue to the Southeastern lot line of 26 Bow Road; thence Northeasterly by the Southeastern lot line of 26 Bow Road to the center line of Bow Road; thence Easterly by the center line of Bow Road to the center line of Cypress Street; thence Northwesterly by the center line of Cypress Street to the point of beginning, the last five described lines being by the boundary of Ward 6, Precinct 2.

WARD 6 - PRECINCT 2

Beginning at a point at the intersection of the center line of Woodcliff Road and the center line of Centre Street; thence Northeasterly by the center line of Centre Street to the center line of Cypress Street, the last described line being by the boundary of Ward 6, Precincts 3 and 4; thence Southeasterly by the center line of Cypress Street to the center line of Bow Road, the last described line being by the boundary of Ward 6, Precincts 4 and 1; thence Westerly by the center line of Bow Road to the Southeastern lot line of 26 Bow Road; thence southwesterly by the Southeastern lot line of 26 Bow Road to the center line of White Avenue; thence Southwesterly by the center line of White Avenue to the center line of Jackson Street; thence Westerly and Southwesterly by the center line of Jackson Street to the center line of Parker Street, the last four described lines being by the boundary of Ward 6, Precinct 1; thence Southerly by the center line of Parker Street to the center line of Paul Brook, the last described line being the boundary by Ward 8, Precinct 1; thence Easterly and Southeasterly by the center line of Paul Brook to the center line of Mildred Road; thence Northwesterly by the center line of Mildred Road to the center line of Elinor Road; thence Southwesterly by the center line of Elinor Road to the center line of Woodcliff Road, the last three described lines being by the boundary of Ward 8, Precinct 3; thence Northerly, Northwesterly, and Northerly by the center line of Woodcliff Road to the point of beginning, the last described line being the boundary by Ward 5, Precinct 2 and Ward 6, Precinct 3.

WARD 6 - PRECINCT 3

Beginning at a point at the intersection of the center line of Woodward Street and the center line of Lincoln Street; thence Easterly by the center line of Lincoln Street to the center line of Mountfort Road; thence Northerly by the center line of Mountfort Road to the center line of Wood End Road; thence Southwesterly by the center line of Wood End Road to the center line of Nantucket Road; thence Northerly by the center line of Nantucket Road to the center line of Cochituate Road; thence Westerly by the center line of Cochituate Road to the center line of Plymouth Road; thence Northerly by the center line of Plymouth Road to the center line of Kingston Road; thence Northerly by the center line of Kingston Road to the center line of Plymouth Road; thence Northerly by the center line of Plymouth Road to the center line of Puritan Road; thence Northwesterly by the center line of Puritan Road to the center line of Vaughn Avenue; thence Northerly by the center line of Vaughn Avenue to the center line of Wilber Street; thence Northwesterly by the center line of Wilber Street to the Eastern property line of land owned by the City of Newton and used for school purposes; thence Northerly by said City of Newton school land to the center line of Beacon Street, the last twelve described lines being by the boundary of Ward 5, Precinct 3; thence Easterly by the center line of Beacon Street to the center line of Albion Street, the last described line being by the boundary of Ward 5, Precinct 3 and Ward 6, Precinct 4; thence Southerly by the center line of Albion Street to the center line of Albion Place; thence Easterly by the center line of Albion Place to the center line of Newbury Street; thence Easterly by the center line of Newbury Street to the center line of Crystal Street; thence Southerly by the center line of Crystal Street to the center line of Lake Avenue; thence Southerly and Southeasterly by the center line of Lake Avenue to the center line of Rogers Street; thence Southeasterly by the

center line of Rogers Street to the center line of the MBTA rail bed; thence Northeasterly by the center line of said MBTA rail bed to the center line of Old Rogers Street; thence Easterly by the center line of Old Rogers Street to the center line of Centre Street, the last eight described lines being by the boundary of Ward 6, Precinct 4; thence Southwesterly by the center line of Centre Street to the center line of Woodcliff Road; thence Southeasterly by the center line of Woodcliff Road to the center line of Boylston Street, the last two described lines being by the boundary of Ward 6, Precinct 2; thence Westerly by the center line of Boylston Street to the center line of Woodward Street; thence Northwesterly by the center line of Woodward Street to the point of beginning, the last two described lines being by the boundary of Ward 5, Precinct 2.

WARD 6 - PRECINCT 4

Beginning at a point at the intersection of the extension of the Western property line of the Newton Cemetery and the center line of Beacon Street; thence Northerly by the western property line of the Newton Cemetery to the center line of the Newton Cemetery's Lake Pathway, the last described line being by the boundary of Ward 5, Precinct 3; thence Easterly and Northerly by the center line of the Newton Cemetery's Lake Pathway to the center line of the Newton Cemetery's Main Pathway; thence Northerly by the Newton cemetery's Main Pathway to the center line of the Newton Cemetery's Fountain Pathway; thence Easterly by the center line of the Newton Cemetery's Fountain pathway to the Center line of Walnut Street; thence Northerly by the center line of Walnut Street to the center line of Homer Street, the last four described lines being by the boundary of Ward 2, Precinct 3; thence Easterly by the center line of Homer Street to the center line of Manemet Road; thence Northerly by the center line of Manemet Road to the center line of Commonwealth Avenue; thence Easterly, Southeasterly, and Easterly by the center line of Commonwealth Avenue to center line of Grant Avenue, the last three described lines being by the boundary of Ward 2, Precinct 4 and Ward 7, Precinct 2; thence Southerly by the center line of Grant Avenue to the center line of Beacon Street; thence Easterly by the center line of Beacon Street to the center line of Glen Avenue; thence Southerly by the center line of Glen Avenue to the center line of Warren Street, the last 3 described lines being by the boundary of Ward 7, Precinct 1; thence Westerly by the center line of Warren Street to the center line of Langley Road; thence Northwesterly by the center line of Langley Road to the center line of Braeland Avenue; thence Southwesterly by the center line of Braeland Avenue to the center line of Cypress Street, the last three described lines being by the boundary of Ward 6, Precinct 1; thence Northerly by the center line of Cypress Street to the center line of Centre Street; thence southwesterly by the center line of Centre Street to the center line of Old Rogers Street, the last two described lines being by the boundary of Ward 6, Precinct 2; thence Westerly by the center line of Old Rogers Street to the center line of the MBTA tracks; thence Southwesterly by the center line of the MBTA tracks to the center line of Rogers Street; thence Northwesterly by the center line of Rogers Street to the center line of Lake Avenue; thence Northwesterly and Northerly by the center line of Lake Avenue to the center line of Crystal Street; thence Northerly by the center line of Crystal Street to the center line of Newbury Street; thence Westerly by the center line of Newbury Street to the center line of Albion Place; thence Westerly by the center line of Albion Place to the center line of Albion Street; thence Northerly by the center line of Albion Street to the center line of Beacon Street; thence Westerly by the center line of Beacon Street to the point of beginning, the last nine described lines being the boundary of Ward 6, Precinct 3.

WARD 7 - PRECINCT 1

Beginning at a point at the intersection of the center line of Grant Avenue and the center line of Beacon Street; thence Northerly by the center line of Grant Avenue to the center line of Montvale Road, the last described line being by the boundary of Ward 6, Precinct 4; thence Easterly by the center line of Montvale Road to the center line of Bishopsgate Road; thence Northeasterly by the center line of Bishopsgate Road to the center line of Hobart Road; thence Southeasterly by the center line of Hobart Road to the center line of Monadnock Road; thence Easterly and Southeasterly by the center line of Monadnock Road to the center line of Tudor Road, thence Southerly by the center line of Tudor Road to the center line of Beacon Street, the last five described lines being by the boundary of Ward 7, Precinct 4; thence Easterly by the center line of Beacon Street to a point on the boundary line between the City of Newton and the City of Boston, the last described line being by the boundaries

of Ward 7, Precincts 4 and 3; thence Easterly and Southeasterly by said boundary line between the City of Newton and the City of Boston to the point of intersection of the boundary lines between the City of Newton, the City of Boston and the Town of Brookline; thence Southwesterly by said boundary line between the City of Newton and the Town of Brookline to the center line of Florence Street; thence Northwesterly by the center line of Florence Street to the center line of Boylston Street, the last described line being by the boundary of Ward 8, Precinct 1; thence Easterly by the center line of Boylston Street to the center line of Moody Street; thence Northerly by the center line of Moody Street to the Southern property line of the Commonwealth of Massachusetts M.D.C. Parks Division; thence Northwesterly by the Southern property line of the Commonwealth of Massachusetts M.D.C. Parks Division to the extension of the center line of Madoc Street; thence Northwesterly by the extension of the center line and the center line of Madoc Street to the center line of Langley Road; thence Northwesterly by the center line of Langley Road to the center line of Glen Avenue, the last five described lines being by the boundary of Ward 6, Precinct 1; thence Northeasterly by the center line of Glen Avenue to the center line of Beacon Street, the last described line being by Ward 6, Precincts 1 and 4; thence Westerly by the center line of Beacon Street to the point of beginning, the last described line being by the boundary of Ward 6, Precinct 4.

WARD 7 - PRECINCT 2

Beginning at a point at the intersection of the center line of Centre Street and the center line of Franklin Street; thence Southeasterly by the center line of Franklin Street to the center line of Eldredge Street; thence Northeasterly by the center line of Eldredge Street to the center line of Church Street, the last two described lines being by the boundary of Ward 1, Precinct 2; thence Southeasterly by the center line of Church Street to the center line of Waverly Avenue; thence Southerly by the center line of Waverley Avenue to the center line of Nonantum Street; thence Northeasterly by the center line of Nonantum Street to the center line of Hood Street; thence Southerly by the center line of Hood Street to the center line of Rogers Street; thence Easterly by the center line of Rogers Street to the boundary line between the City of Newton and the City of Boston, the last five described lines being by the boundary of Ward 1, Precinct 3; thence Southeasterly by said boundary line between the City of Newton and the City of Boston to the intersection of the extension of the Southeastern property line of 65 Algonquin Road; thence Southerly by the extension of the Southeastern property line of 65 Algonquin Road to the center line of Algonquin Road; thence Westerly by the center lines of Algonquin Road and Woodchester Drive to the Western property line of 108 Woodchester Drive, the last two described lines being the boundary of Ward 7, Precinct 3 and 4; thence Northerly by the Southwestern property line of 108 Woodchester Drive to the Northwest corner of the property; thence Northwesterly in a straight line to the center line of Kenilworth Street; thence Westerly by the center line of Kenilworth Street to the center line of Ivanhoe Street; thence southerly by the center line of Ivanhoe Street to the center line of Montrose Street; thence Westerly by the center line of Montrose Street to the center line of Waverley Avenue; thence Southerly by the center line of Waverley Avenue to the center line of Ward Street; thence Southwesterly by the center line of Ward Street to the center line of Eastbourne Road; thence Southerly by the center line of Eastbourne Road to the center line of Commonwealth Avenue, the last eight described lines being by the boundary of Ward 7, Precinct 4; thence Westerly by the center line of Commonwealth Avenue to the center line of Centre Street, the last described line being by the boundary of Ward 6, Precinct 4; thence Northerly by the center line of Centre Street to the point of beginning, the last described line being by the boundary of Ward 2, Precincts 4 and 2 and Ward 1, Precinct 2.

WARD 7 - PRECINCT 3

Beginning at the point of intersection of the center line of Woodlawn Drive and the center line of Algonquin Road; thence Easterly by the center line of Algonquin Road to the extension of the Southeastern property line of 65 Algonquin Road; thence Northeasterly by the Southeastern property line and the extension of the Southeastern property line of 65 Algonquin Road to the boundary line of the City of Newton and the City of Boston, the last two described lines being by the boundary of Ward 7, Precinct 2; thence Southeasterly, Southerly, Southwesterly, and Southerly by the boundary line of the City of Newton and the City of Boston to the center line of Beacon

Street; thence Southwesterly by the center line of Beacon Street to the center line of Hammond Street, the last described line being by the boundary of Ward 7, Precinct 1; thence Northwesterly and Westerly by the center line of Hammond Street to the center line of Crosby Road; thence Northeasterly by the center line of Crosby Road to the center line of Commonwealth Avenue; thence Westerly by the center line of Commonwealth Avenue to the center line of Manet Road; thence Northerly by the center line of Manet Road to the center line of Reservoir Drive; thence Westerly by the center line of Reservoir Drive to the center line of Travis Drive; thence Northerly by the center line of Travis Drive to the center line of Woodlawn Drive; thence Northerly by the center line of Woodlawn Drive to the point of beginning, the last seven described lines being the boundary of Ward 7, Precinct 4.

WARD 7 - PRECINCT 4

Beginning at a point at the intersection of the center line of Commonwealth Avenue and the center line of Eastbourne Road; thence Northerly by the center line of Eastbourne Road to the center line of Ward Street; thence Northeasterly by the center line of Ward Street to the center line of Waverly Avenue; thence Northerly by the center line of Waverly Avenue to the center line of Montrose Street; thence Easterly by the center line of Montrose Street to the center line of Ivanhoe Street; thence Northerly by the center line of Ivanhoe Street to the center line of Kenilworth Street; thence Easterly by the center line of Kenilworth Street to the Western Property line of the Newton Commonwealth Golf Course; thence Southeasterly in a straight line to the Western property line of 108 Woodchester Drive; thence Southerly by the Western property line of 108 Woodchester Drive to the center line of Woodchester Drive; thence Northeasterly by the center line of Woodchester Drive to the center line of Woodlawn Drive, the last nine described lines being by the boundary of Ward 7, Precinct 2; thence Southerly by the center line of Woodlawn Drive to the center line of Travis Drive; thence Southerly by the center line of Travis Drive to the center line of Reservoir Drive; thence Easterly by the center line of Reservoir Drive to the center line of Manet Road; thence Southerly by the center line of Manet Road to the center line of Commonwealth Avenue; thence Easterly by the center line of Commonwealth Avenue to the center line of Crosby Road; thence Southwesterly by the center line of Crosby Road to the center line of Hammond Street; thence Easterly and Southeasterly by the center line of Hammond Street to the center line of Beacon Street, the last seven described lines being by the boundary of Ward 7, Precinct 3; thence Westerly by the center line of Beacon Street to the center line of Tudor Road; thence Northwesterly by the center line of Tudor Road to the center line of Monadnock Road; thence Northerly, Northwesterly, and Westerly by the center line of Monadnock Road to the center line of Hobart Road; thence Northerly by the center line of Hobart Road to the center line of Bishopsgate Road; thence Southwesterly by the center line of Bishopsgate Road to the center line of Montvale Road; thence Westerly by the center line of Montvale Road to the center line of Grant Avenue, the last six described lines being by the boundary of Ward 7, Precinct 1; thence Northeasterly by the center line of Grant Avenue to the center line of Commonwealth Avenue; thence Westerly by the center line of Commonwealth Avenue to the point of beginning, the last two described lines being by the boundary of Ward 6, Precinct 4.

WARD 8 - PRECINCT 1

Beginning at a point at the intersection of the center line of Parker Street and the center line of Boylston Street; thence Easterly by the center line of Boylston Street to the center line of Florence Street, the last described line being by the boundary of Ward 6, Precinct 1; thence Southeasterly by the center line of Florence Street to the boundary line between the City of Newton and the Town of Brookline, the last described line being by the boundary of Ward 7, Precinct 1; thence Southwesterly and Southeasterly by said boundary line to the center line of South Meadow Brook; thence Southwesterly by the center line of South Meadow Brook to the rear property line of 44 Farina Road; thence Northwesterly by the rear property lines and the extension of the rear property lines of 44 through 16 Farina Road to center line of Dudley Road; thence Southeasterly by the center line of Dudley Road to the center line of Drumlin Road; thence Southwesterly by the center line of Drumlin Road to the center line of Hartman Road; thence Northwesterly by the center line of Hartman Road to the center line of Rosalie Road; thence Southwesterly by the center line of Rosalie Road to the center line of Dedham Street, the last six

described lines being by the boundary of Ward 8, Precinct 2; thence Northwesterly by the center line of Dedham Street to the center line of Parker Street; thence Northerly by the center line of Parker to the point of beginning, the last two described lines being by the boundary of Ward 8, Precinct 3 and Ward 6, Precinct 2.

WARD 8 - PRECINCT 2

Beginning at a point at the intersection of the center line of Dudley Road and the extension of the rear property line of 16 through 44 Farina Road; thence Southeasterly by the extension of the rear property line and rear property lines of 16 through 44 Farina Road to the center line of South Meadow Brook; thence Northeasterly by the center line of South Meadow Brook to a point on the boundary line between the City of Newton and the Town of Brookline, the last two described lines being by the boundary of Ward 8, Precinct 1; thence Southeasterly by said boundary line between the City of Newton and the Town of Brookline to the intersection of the boundary line between the City of Newton, the Town of Brookline and the City of Boston; thence Southwesterly by said boundary between the City of Newton and the City of Boston to the center line of the Dedham Street; thence Northwesterly by the center line of Dedham Street to the center line of Rosalie Road, the last described line being by the boundaries of Ward 8, Precincts 4 and 3; thence Northeasterly by the center line of Rosalie Road to the center line of Hartman Road; thence Southeasterly by the center line of Hartman Road to the center line of Drumlin Road; thence Northeasterly by the center line of Drumlin Road to the center line of Dudley Road; thence Northwesterly by the center line of Dudley Road to the point of beginning, the last four described lines being by the boundary of Ward 8, Precinct 1.

WARD 8 - PRECINCT 3

Beginning at a point at the intersection of the center line of Winchester Street and the center line of Dedham Street; thence Southeasterly by the center line of Dedham Street to the center line of Walnut Street; thence Northerly by the center line of Walnut Street to the center line of Elinor Road, the last two described lines being by the boundary of Ward 5, Precinct 2; thence Easterly by the center line of Elinor Road to the center line of Mildred Road, the last described line being by the boundary of Ward 5, Precinct 2 and Ward 6, Precinct 2; thence Southeasterly by the center line of Mildred Road to the center line of Paul Brook; thence Northeasterly and Easterly by the center line of Paul Brook to the center line of Parker Street, the last two described lines being by the boundary of Ward 6, Precinct 2; thence Southerly by the center line of Parker Street to the center line of Dedham Street; thence Southeasterly by the center line of Dedham Street to the center line of Nahanton Street, the last two described lines being by the boundary of Ward 8, Precincts 1 and 2; thence Westerly and Southwesterly by the center line of Nahanton Street to the center line of the Charles River, which point is on the boundary line between the City of Newton and the Town of Needham, the last described line being by the boundary of Ward 8, Precinct 4; thence Northwesterly, Northerly and Westerly by the center line of the Charles River to the center line of Needham Street, the last described line being by the boundary between the City of Newton and the Town of Needham; thence Northeasterly by the center line of Needham Street to the point of beginning, the last described line being by the boundary of Ward 5, Precincts 1 and 2.

WARD 8 - PRECINCT 4

Beginning at a point at the intersection of the center line of the Charles River and the center line of Nahanton Street, which point is on the boundary between the City of Newton and the Town of Needham; thence Easterly by the center line of Nahanton Street to the center line of Dedham Street, the last described line being by the boundary of Ward 8, Precinct 3; thence Southeasterly by the center line of Dedham Street to the boundary line between the City of Newton and the City of Boston, the last described line being by the boundary of Ward 8, Precinct 2; thence Southwesterly by said boundary line between the City of Newton and the City of Boston to the center line of the Charles River, this point being on the boundary line between the City of Newton and the Town of Needham; thence Northerly, Northwesterly, Westerly, Southwesterly, Westerly, Northwesterly and Northerly

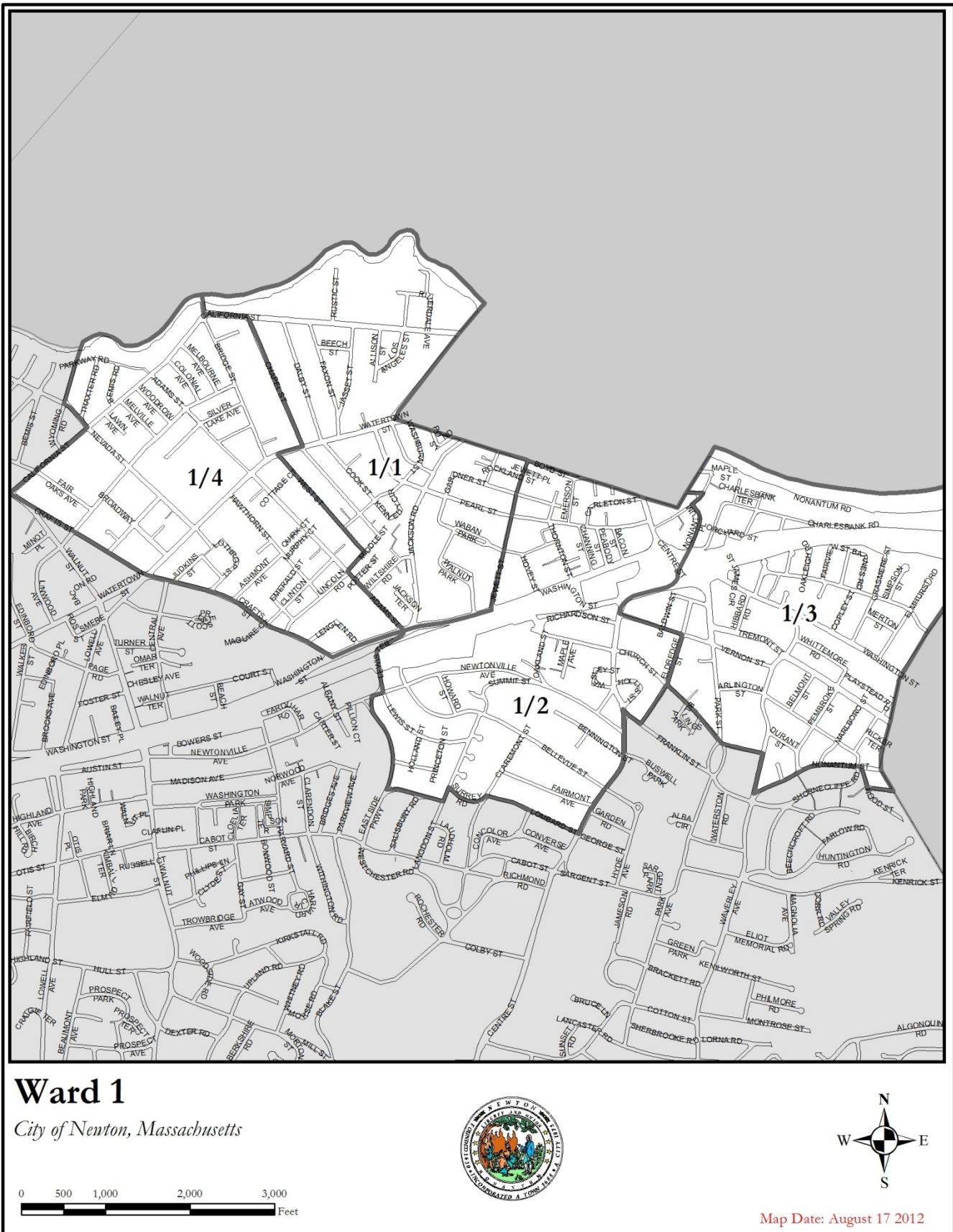
by the center line of the Charles River to the point of beginning, the last described line being by the boundary line between the City of Newton and the Town of Needham.

(Ord. No. S-125, 9-17-85; Ord. No. S-153, 2-3-86; Ord. No. T-263, 3-1-93; Ord. No. W-52, 7-12-01; Ord. No. Z-89, 06-06-11)

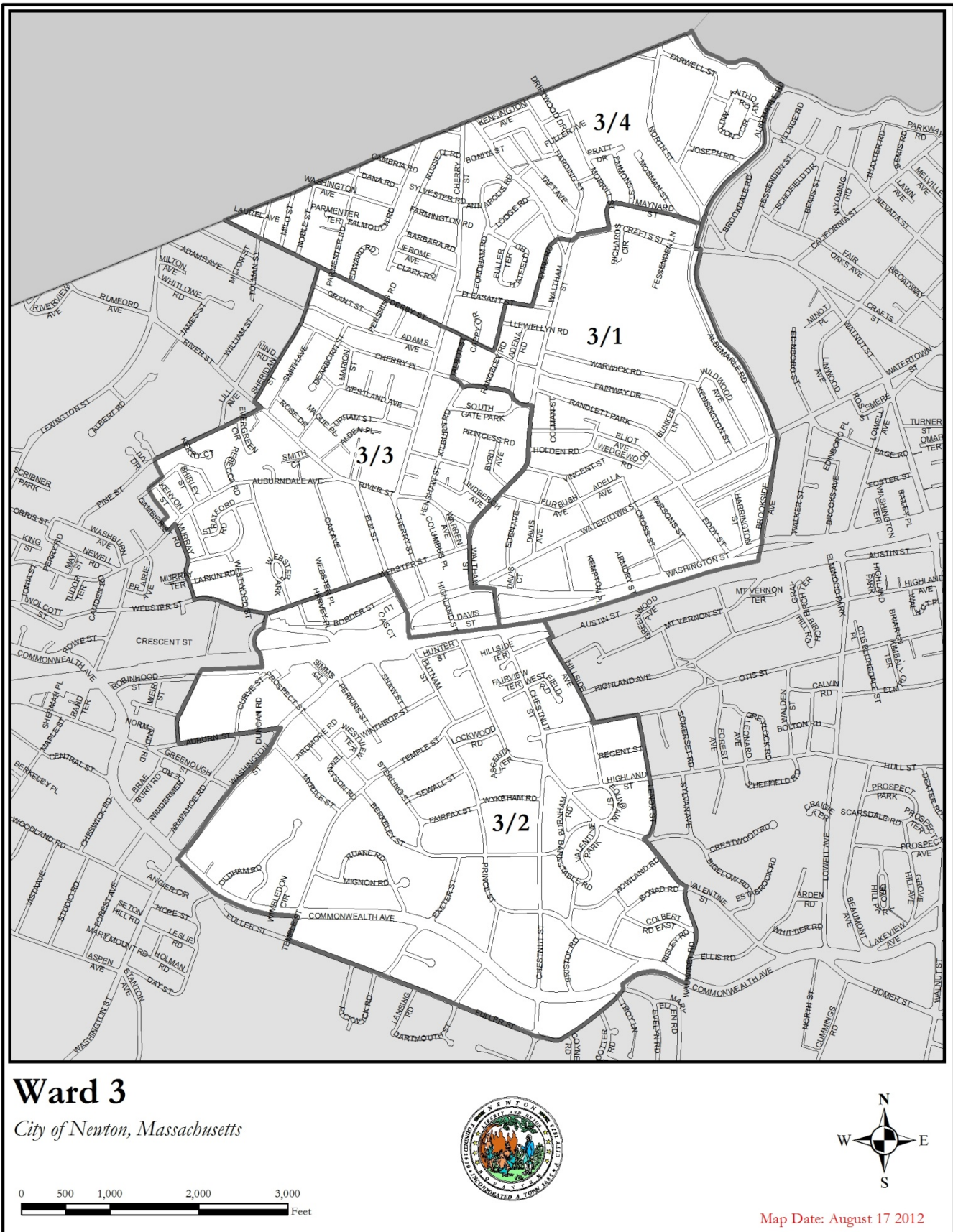
Charter reference—City to be divided into eight wards, § 8-5

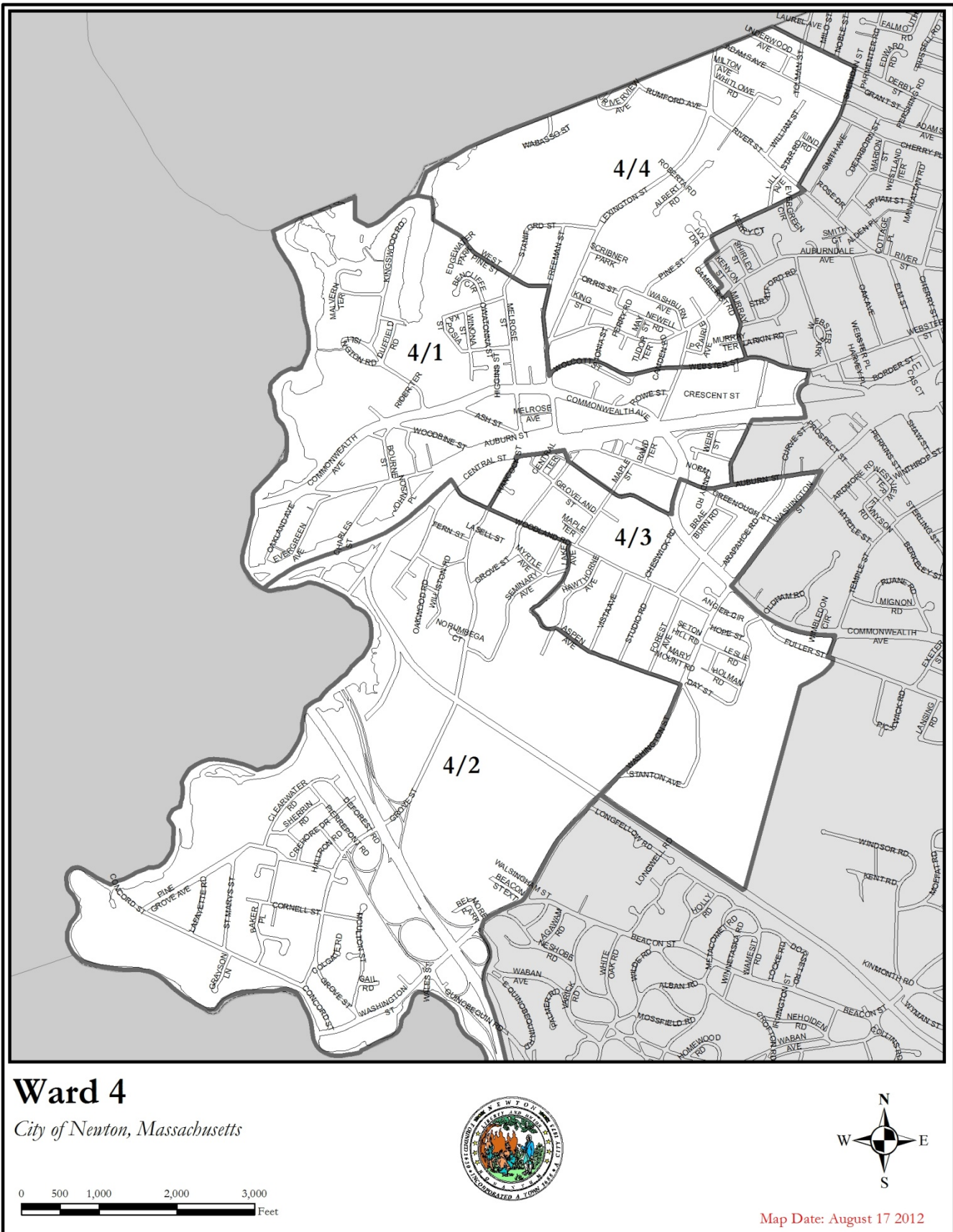
Cross reference—~~Board of Aldermen~~City council, Ch. 4; determination of zoning district boundary lines, § 30-3

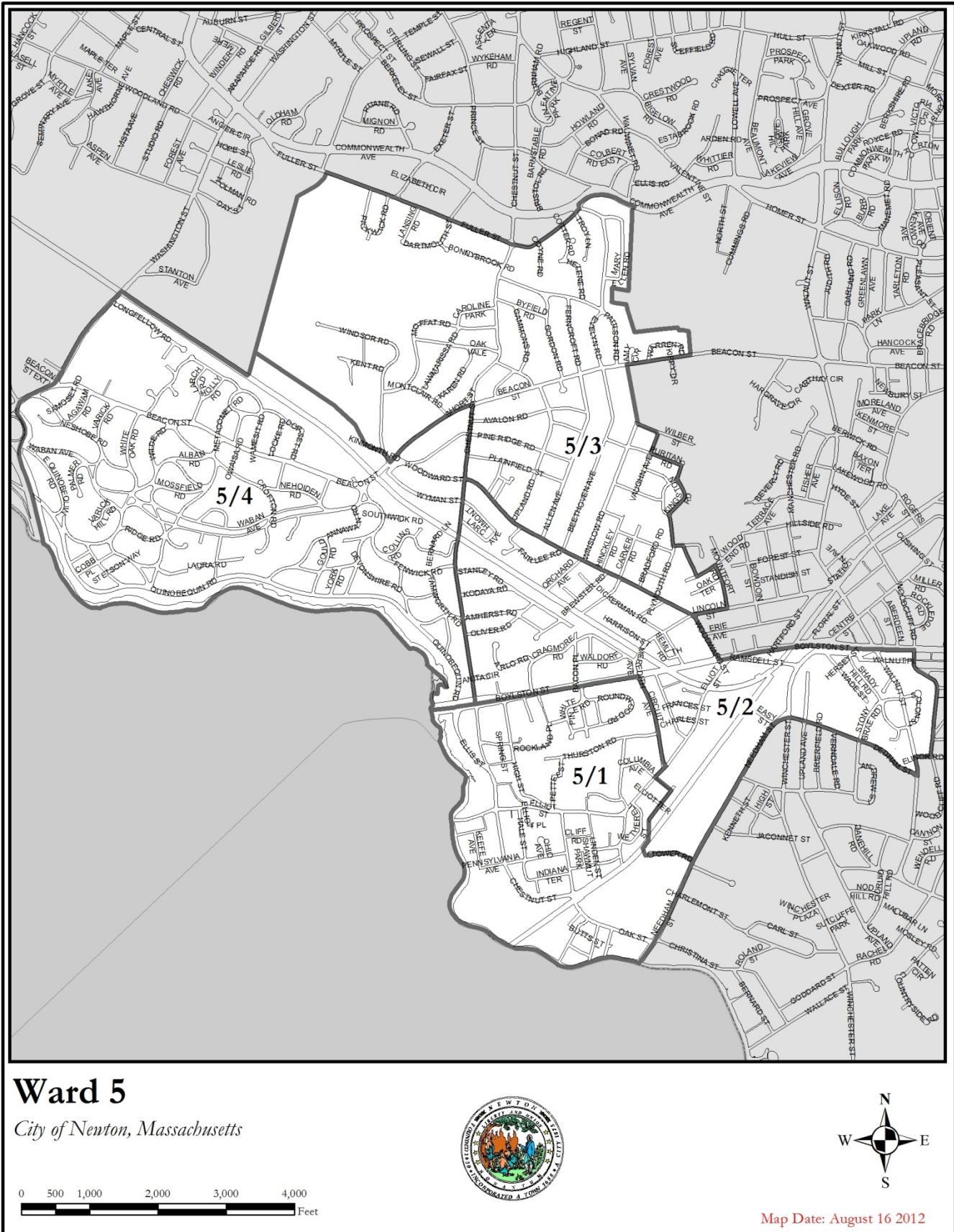
State Law references—Decennial division of city into wards and precincts, G.L. c. 54, §§ 1, 2, and 4; Chapter 403, section 35, of the Acts of 1992

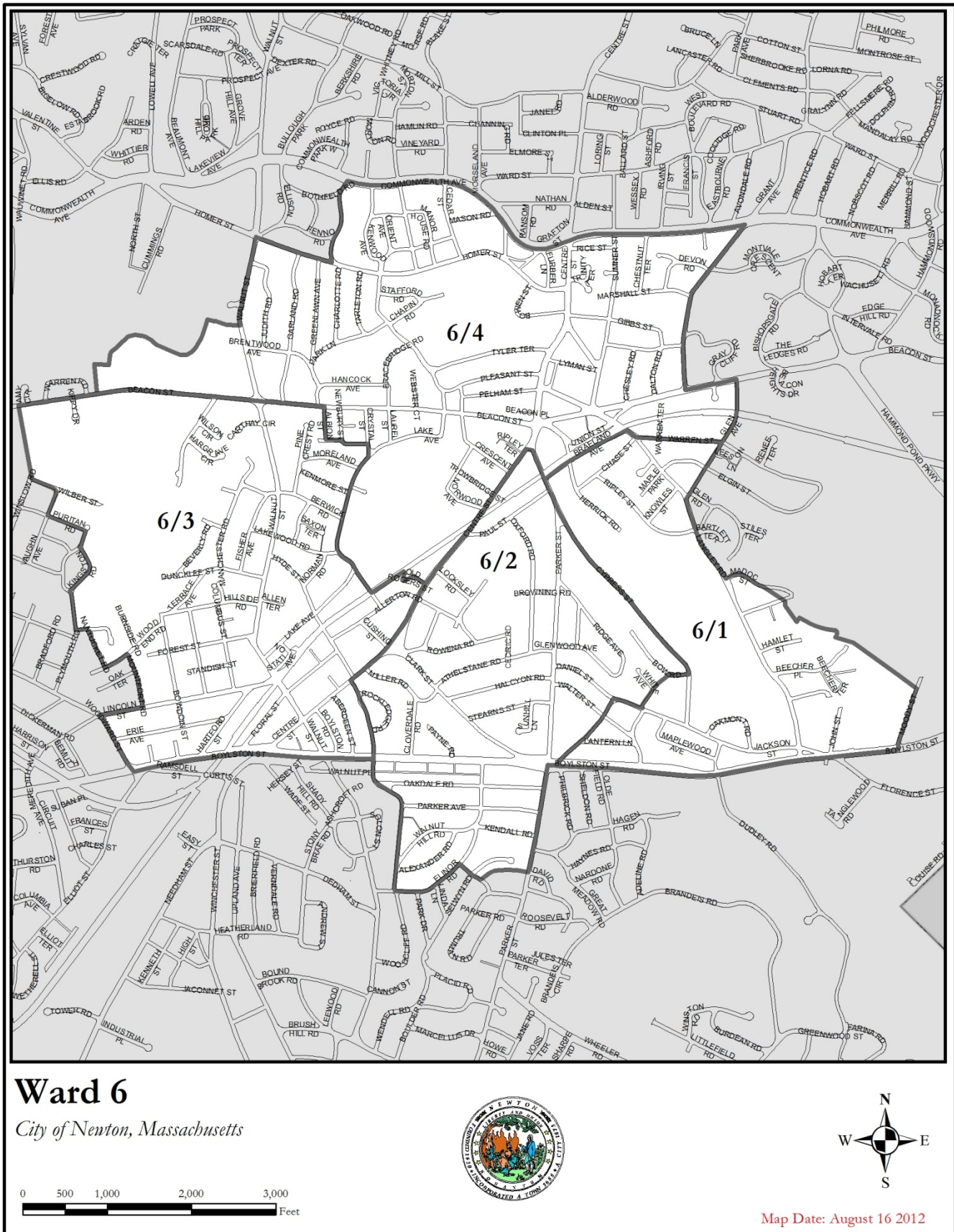


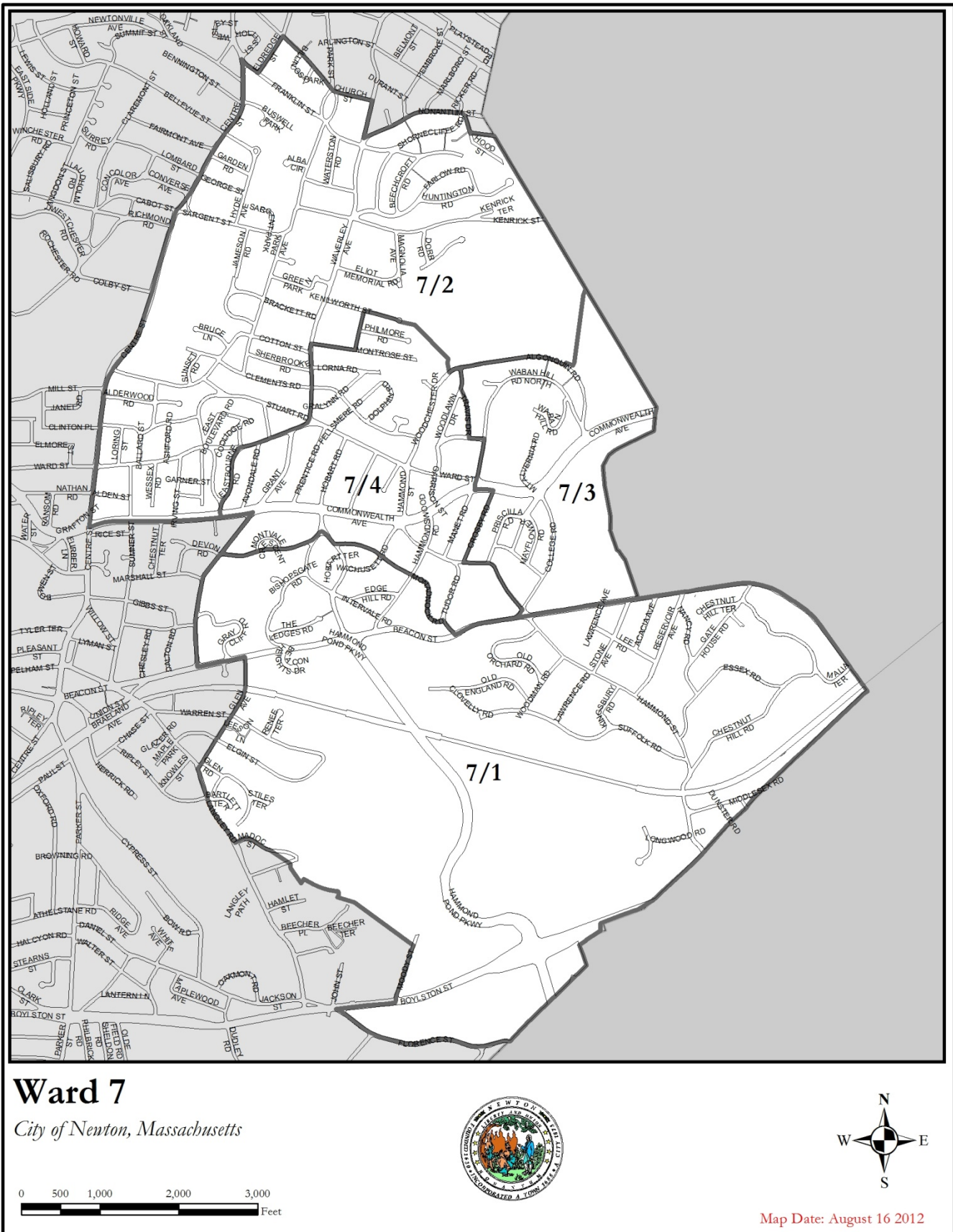














Updated August 9, 2013

Chapter 6

CITY CLERK*

Sec. 6-1. Notification of officers and boards of certain orders of ~~board of aldermen~~city council.

The city clerk shall notify the comptroller of accounts and the collector-treasurer of all orders passed by the ~~board of aldermen~~city council authorizing appropriations, assessments, apportionments or abatements, and also all boards and officers of all orders appropriating money to be expended by them, or directing or authorizing the doing of anything, or in any way affecting their powers, immediately after such orders are approved by the mayor or are otherwise in force. (Rev. Ords. 1973, § 2-85)

Cross reference—~~Board of aldermen~~City council, Ch. 4

Sec. 6-2. Disposition and account of money received.

The city clerk shall pay over to the collector-treasurer monthly all money and fees received by ~~him~~the clerk, accompanied by a statement of the purposes for which they were received, taking the collector-treasurer's receipt therefor, and shall also render to the comptroller of accounts a statement thereof. (Rev. Ords. 1973, § 2-86)

Sec. 6-3. Record of street acceptances.

The city clerk shall keep a book, with proper index, showing the names of all streets, ways and sidewalks which have been or may be accepted or laid out, with the date of the laying out or acceptance, and the width and the alterations made from time to time. (Rev. Ords. 1973, § 2-87)

Cross reference—Streets and sidewalks, Ch. 26

Sec. 6-4. Bond.

The city clerk shall give bond, with sufficient sureties, to be approved in writing by the mayor, for the faithful performance of ~~his~~the clerk's duties. (Rev. Ords. 1973, § 2-88)

State law reference—Bond of clerk, G.L. c. 41, § 13A

Sec. 6-5. Petitions; cost of notice.

Before notice of a hearing of the ~~board of aldermen~~city council pursuant to a petition is given, the petitioner shall deposit with the city clerk a sum of money sufficient to pay the expense of such notice. (Rev. Ords. 1973, § 2-89)

Sec. 6-6. Administration of Elections.

(a) In addition to exercising the duties and responsibilities of city clerk, the city clerk shall also serve as the administrative director of the board of election commissioners and in that capacity shall:

- (1) Provide administrative and operational support to the board of election commissioners established pursuant to G.L. c. 51, sec.16A and sec. 8-6 of the City charter;

* **Charter reference**—City clerk generally, § 2-7

Cross references—City collector-treasurer, Ch. 2, Art. III, Div. 2; comptroller of accounts, Ch. 2, Art. III, Div. 3; clerk of the ~~board of aldermen~~city council, Ch. 4, Art. II.

- (2) Perform such duties and responsibilities as may be required or requested by the board of election commissioners in the performance of their duties under G.L. c. 51, sec. 16A and 950 CMR 55.02(12), or as otherwise prescribed to said board by any federal, general or special law;
- (3) Coordinate the services of other city departments for the conduct of any election; and,
- (4) Administer and keep the records of the board of election commissioners.

(b) The city clerk may assign such personnel within the city clerk's office to work in the preparation and administration of elections as he or she deems necessary or advisable to properly perform the duties and responsibilities described in subsection (a) above. (Ord. No. A-22, 05-20-13)

Karyn Dean

From: janesender <janesender@verizon.net>
Sent: Wednesday, November 18, 2015 1:40 PM
To: Karyn Dean
Subject: Proposed amendments to the Noise Control Ordinance

Dear Karen,

Here are our proposed amendments to Sec. 20-13 Noise Control. I will explain our thinking at the meeting tonight in my remarks before the committee.

Section 20-13 (g)(3)

Section should read:

Commercial truck-mounted leaf vacuum..... 65

(h) the first sentence should read:

Notwithstanding the provisions of section 20-13(f) and (g), no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton from May 1 through October 15, or from January 1 through March 15 in each year .

(h)(1) should read

Permitted hours of use. Leaf blowers may be operated only during the following times;

Monday-Friday: 8:00a.m. -5:30 pm

Saturday 9:30a.m. -5:30 p.m.

Sundays and legal holidays: prohibited except for operation by a resident of the property on which the leaf blower is operated between 12 noon and 5:30p.m.

(h)(2)(c)

Leaf blowers must bear an affixed manufacture's label documenting a noise rating of 65dB(A) or less. No decibel level reading by Newton Police or Inspectional Services is necessary to enforce this section.

(i)(3) new section

Notwithstanding the provisions of this section, all leaf blowers used pursuant to this exemption must comply with the provisions of (h) (1), (2) and (3).

Thank you very much!

Jane Sender

_____ Information from ESET NOD32 Antivirus, version of virus signature database 8835 (20130923)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>



CHARLES RIVER COUNTRY CLUB

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Newton Centre, MA 02459

617-332-1320
fax: 617-964-9679

Charles River Country Club
483 Dedham Street
Newton Centre, Ma 02459

Suggestions for amendments to Noise Control Ordinance of the City of Newton: re: 11/06/2015 Update
Presented to the Programs & Services Committee
November 18, 2015

Article II NOISE

Section 20-13 Page 4

(3) Yard, Garden or Grounds Maintenance Equipment – Maximum noise level dB (A) permitted **Page 4**
Change the following:

Leaf Blower.....77

Section 20-13, Page 5

(7)

Remove (H) Restrictions on use of leaf blowers within the City of Newton from May 15 through September 15 or from December 15 through March 1

(7)(h)(1) Permitted hours of use: Change to the following:

Monday – Friday: 7:00 am – 4:00pm

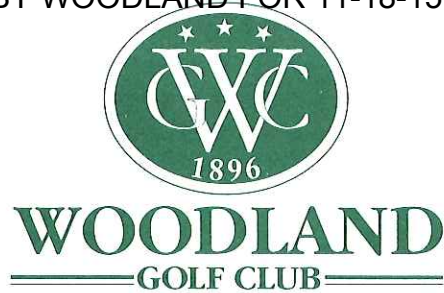
Saturday: 8:00 am – 4:00pm

Sundays and legal holidays: 8:00 am – 4:00 pm

(7)(h)(2)(C) - Page 6

Change to noise rating of 77 dB(A) for leaf blowers

(7)(h)(3) **Change 10,000 square feet to 7500 square feet**

**Woodland Golf Club****Suggestions for amendments to Noise Control Ordinance of the City of Newton:****re: 11/06/2015 Update****Presented to the Programs & Services Committee, November 18, 2015****ARTICLE II.****NOISE****Section 20-13, Page 4****(3) Yard, Garden or Grounds Maintenance Equipment – Maximum noise level dB(A) permitted**

Note the following change:

Leaf Blower.....77**Section 20-13, Page 5,****(7)**

(h) Restrictions on use of leaf blowers. Notwithstanding the provisions of sections 20-13 (f) and (g), no person including any City employee or contractor, shall use or operate a leaf blower within the City of Newton from May 15 through September 15 or from December 15 through March 1 in each year. At all other time leaf blowers may be operated subject to the following provisions:

Note the following change:

Remove (h) Restrictions on use of leaf blowers within the City of Newton from May 15 through September 15 or from December 15 through March 1

Section 20-13, Page 5**(7)****(h)**

(1) Permitted hours of use. Leaf blowers may be operated only during the following times:

Note the following changes:

Monday – Friday: 7:00 am – 4:00 pm**Saturday: 8:00 am – 4:00 pm****Sundays and legal holidays: 8:00 am – 4:00 pm**

Section 20-13, Page 6**(7)****(h)****(2)**

C. Leaf blowers must bear an affixed manufacturer's label documenting a noise rating of 65 dB(A) or less;

Note the following change: **noise rating of 65 dB(A) to 77 dB(A) for leaf blowers**

Section 20-13, Page 6**(7)****(h)**

(3) No more than one leaf blower may be used on any lot of 10,000 square feet or smaller. One additional leaf blower may be used for each additional 7,500 square feet or portion thereof comprising one lot.

Note the following change: **10,000 square feet to 7500 square feet**