

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY APRIL 11, 2012

Present: Ald. Sangiolo (Chairman), Linsky (Vice-Chair), Blazar, Baker, Hess-Mahan, Rice; absent: Ald. Fischman, Merrill; also Present: Ald. Yates, Lennon, Lappin, Swiston
Staff: Bob DeRubeis (Commissioner, Parks and Recreation), Dori Zaleznik (Commissioner, Health Department), Bob Rooney (Chief Operating Office), John MacGillivray (Veterans Agent), Rebecca Smith (Committee Clerk)

#114-11(2) ALD. HESS-MAHAN & ALD. SALVUCCI requesting a discussion on the definition of “tot lot” in the ordinance and whether there are other play areas/structures which should be protected from the presence of dogs.

ACTION: **NO ACTION NECESSARY 5-0 (Rice not voting)**

NOTE: Ald. Hess-Mahan introduced the item and explained that it arose out of concern that the term “tot lots” in the ordinance didn’t incorporate all areas which should be protected from dogs due to the frequency of young children at such locations. Bob DeRubeis, Commissioner for Parks and Recreation, shared with the committee that section 3-26 of the ordinances was amended a short time ago to include additional areas which should not allow the presence of dogs; there are presently 25 different locations that are restricted from dogs whether on-leash or off-leash. Commissioner DeRubeis stressed that off-leash dogs are not allowed on elementary school grounds, nor is there any plan to allow such activity. Commissioner DeRubeis also shared that the Parks and Recreation Department is starting to initiate education seminars to cover what proper behavior is with dogs, both off-leash and on-leash, since there is some concern in the community about people not cleaning up after their dogs, and letting dogs run loose in fenced in areas not deemed off-leash.

Harry Sanders, Watertown Street, commented that while the off-leash program and great, we should balance it with a Dog Free Zone (DFZ program) like they have in California that allows people who may be uncomfortable/afraid of dogs the ability to use parks and other areas without the threat of coming into contact with a dog. The point was well taken by the committee, and Ald. Linsky suggested that perhaps dog free hours at parks could be an option.

Ald. Hess-Mahan expressed his willingness to have a vote of No Action Necessary on this item if the Commissioner feels comfortable with this list. Commissioner DeRubeis shared his feeling that this is a thorough list but will double check for good measure. The motion to vote No Action Necessary was then made by Ald. Hess-Mahan which carried unanimously.

#37-12(2) PROGRAMS AND SERVICES COMMITTEE requesting a discussion to consider the creation of a three-man tree crew to be under the control of the Parks and Recreation Department. [02/09/2012 @ 11:02AM]

ACTION: **NO ACTION NECESSARY 5-0 (Rice not voting)**

NOTE: The proposal for the three man tree crew is included in the Parks and Recreation budget and will therefore be discussed as it relates to the department's budget at the meeting of programs and services on the 25th of April. The motion to vote No Action Necessary on this docket item was made which carried unanimously.

#84-12 HIS HONOR THE MAYOR requesting that the Board accept G.L. c. 138 §33B to allow the Board of License Commissioners to grant the sale of alcoholic beverages on Sundays starting at 10:00 a.m. [03/26/2012 @ 4:37PM].

ACTION: **HELD 5-0 (Rice not voting)**

NOTE: Dori Zaleznik, Commissioner of Health and Human Services, introduced the item explaining that the City has the choice to accept the local option that would allow the sale of alcohol and alcoholic beverages to commence at 10am on Sundays instead of 11am. The Commissioner explained that she has heard much interest in accepting this local option from the dining establishments in the city who tell her that they are losing business to surrounding towns because of their inability, at present, to serve alcohol at brunch. Commissioner Zaleznik explained that upon talking with the Licensing Commission, especially Martina Jackson (Chair of the commission), it became clear that they would like as much guidance from the Aldermen as possible when considering this. They do not want to declare what should happen, one way or the other, without hearing from those who represent the public and are elected. If the Board is interested in accepting this then they're happy to consider it as well.

Some members of the committee had reservations about whether this is something that should be accepted and whether the city wants to allow for this activity to occur so early in the morning. It was clarified by Ald. Linsky that accepting this option gives the Licensing Commission the ability to consider petitions by establishments that want to sell alcohol starting at 10am. Any petition still has to be considered, heard by the public, and voted upon by the Licensing Commission. Ald. Linsky suggested that whether this option can be accepted in full or in part (to allow only for food establishments to sell starting at 10am) should be confirmed by the Law Dept. Ald. Baker stated his concern that there isn't enough Aldermanic notice about the Commission's meetings. To remedy this, it was suggested that either their agenda be placed in the Aldermen's mailboxes or that the Aldermen be added to the distribution list for the Licensing Commission.

Ald. Sangiolo shared that she would be in support of this if it didn't also give liquor stores the option to extend their Sunday hours to 10am. As an alternative option, Ald. Hess-Mahan presented the idea of voting to accept the statute but to them also pass a resolution to allow the Board of Aldermen to give guidance to the licensing commission and suggest that these extended licenses go to establishments where alcohol is accompanied by food. This idea was well received by the committee. Ald. Baker requested that the item be held until the Health Department can provide the Committee with a list of communities in the state that have accepted this local option; he would like to see if our surrounding communities have opted in. The motion to create a parens 2 to craft the above referenced resolution was also made by Ald. Linsky. Both motions

carried unanimously. The item will be discussed at the next meeting of the Programs and Services Committee, next Wednesday, April 18th.

#85-12 ALD. LENNON & LAPPIN requesting a review and possible ordinance amendment to review and adjust the salary of the Clerk Clerk/Clerk of the Board of Aldermen pursuant to Article XI of the *Rules and Orders of the Board of Aldermen 2012-2013* [03/26/12 @10:25 PM]

ACTION: **HELD 6-0**

NOTE: Ald. Lennon and Lappin joined the committee to discuss this item. Ald. Lennon distributed documents that he and Ald. Lappin compiled as research to use in determining what the appropriate salary increase should be for Mr. Olson/the position of City Clerk & Clerk of the Board; they are requesting the guidance of the Programs and Services committee on this matter. It was explained to the committee that this position has not received a pay increase since 2008 despite 1% and 2% pay increases given to H grades and union members in that time (City Clerk/Clerk of the Board salary is set by ordinance); that being the case, a review of his salary is overdue. Ald. Lennon and Lappin are also working on an updated job description for this position which would include new responsibilities that Mr. Olson has received over the years; they will be discussing the draft of the job description with Dolores Hamilton, Director of Human Resources, and Ald. Johnson for her additional HR opinion.

The consensus of the committee is that Mr. Olson, and the position he holds, greatly deserves an increase especially given the additional duties he has assumed and the duration of time he has gone without an increase. Another element to consider is the number of staff he supervises (9.2 people), the 24 aldermen he provides assistance too (each considered .1 FTE, making his total staff 13),

Ald. Lennon explained that he and Ald. Lappin are of the mind that an appropriate increase would put Mr. Olson's salary in the same range of the Chairman of the Board of Assessors and the Director of Human Resources (both listed at \$111,210 in the FY12 budget) but that is a preliminary suggestion and they are looking for input on it. Additionally, per Ald. Linsky's suggestions, the committee will be looking to derive a salary schedule for this position to put in the ordinance after determining what the appropriate increase is at this time for Mr. Olson.

In terms of funding the increase, Ald. Lennon explained that although this would likely not be passed until after the budget, the Executive Department has agreed to set aside some extra money in the budget for wage reserves that will be distributed to Mr. Olson when a number is settled on and voted through. Mr. Olson would receive half of the increase this fiscal year and half the next fiscal year.

Ald. Hess-Mahan inquired as to what Mr. Olson's salary would be today had Mr. Olson received the 1% and 2% increases over the past 4 years that the H grades have received. Mr. Lennon explained that without including the concept of "steps" that are received by union members and H-grades, and simply taking into consideration the percentage bumps, Mr. Olson's salary should be around \$101,000. The committee considered the idea of this being the starting point/bottom of the range when trying to determine what a suitable salary for Mr. Olson should be.

Ald. Lennon requested that the committee hold the item and that members review the documents provided and come back with suggestions. He will also attempt to gather

job descriptions from surrounding towns to compare the list of responsibilities and determine how that correlates to salary amounts. The item will be discussed at the next meeting of this Committee, next Wednesday April 18th.

#68-12 ALD. YATES, MERRILL asking that the Executive Department develop a detailed plan for the storage of the veterans archives currently housed in the War Memorial that allows for proper access to the records by veterans, their families, and historians, both amateur and professional. [03-05-12 @ 9:40 PM]

ACTION: **HELD 6-0**

NOTE: Ald. Yates joined the table to discuss both items #68-12 and #68-12(2). Present also for the discussion were Bob Rooney, Chief Operating Officer, and John MacGillivray, Veterans Agent. Ald. Yates explained that this item derives from his visit to the Veterans Meeting Rooms with Ald. Merrill where the improper storage of art, photos, and other artifacts in the Veterans meeting room, came to his attention. He would like an inventory to be taken of these possessions and would also like a plan to be devised for their distribution to more appropriate locations or areas in the building where they can be displayed and properly preserved. He noted that there is an item in the budget which would allow for a part-time archivist who could take care of this. This person is proposed to be based at the Main Library. Furthermore he explained that the wing of City Hall in which the display cases are located is due for a renovation, redesign, and upgrade, which would improve the level of storage/preservation of the artifacts stored there now.

Mr. Rooney acknowledged the concern for these things and the importance of storing historical object properly. He also explained that in order to display and store things properly the archivist position needs to be created. Mr. Rooney also explained that an inventory has been done on the majority of the objects in Veterans. Mr. MacGillivray also added that the owners of the paintings that are stored in Veterans are unknown and before any of those things are distributed to other locations the city needs to determine who the owners are.

The committee asked for the inventory done thus far to be submitted to them as well as a memo explaining what is left to be inventoried. Ald. Hess-Mahan moved to hold the item and suggested discussing it further during budget. He also stated that encouraging progress on this could be a good budget resolution. The motion to hold this item and item 68-12(2) carried unanimously.

#68-12(2) ALD. YATES requesting that a detailed inventory of the more than 100 photographs, paintings, drawings and other images of the Civil War, World War I, World War II in the office section of the War Memorial Hall be prepared and a plan be developed for their public display in whole or in part before or during the city's observance of the 150th anniversary of the Civil War through 2015 and the centennial of World War I from 2014-2015. [03/23/12 @ 1:43PM]

ACTION: **HELD 6-0**

NOTE: See note for item 68-12.

Respectfully submitted,

Ald. Stephen Linsky, Vice-Chairman

84-12

RECEIVED
Newton City Clerk

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

2012 APR 11 PM 4:19

David A. Olson, CMC
Newton, MA 02459

To: Alderman Sangiolo, Chairman
Programs and Services Committee
From: Maura E. O'Keefe, Assistant City Solicitor
RE: # 84-12: Acceptance of chapter 138 §33B of the General Laws
Date: April 11, 2012

BACKGROUND

His Honor the Mayor has docketed item #84-12, requesting that the Board of Aldermen accept chapter 138 §33B of the General Laws, as most recently amended in 2010. The statute is a local option law which has not yet been accepted by the City of Newton.

BRIEF DESCRIPTION OF M.G.L. C. 138 §33B

Section 33B of chapter 138 of the General Laws states as follows:

The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

At present, restaurants in the City of Newton that hold a license to serve alcohol, under M.G.L. c. 138 §12, may not begin service of any alcohol before noon on Sundays. M.G.L. c. 138 §33.

In 1979, the Legislature enacted section 33B of chapter 138, a local option law, which permitted cities and towns to allow service of alcohol at 11 a.m. on Sundays upon acceptance of the statute. Section 33B was recently amended in July 2010 to extend the potential hours for service of alcohol on Sundays to 10 a.m.

Since §33B is a local option law, it merely requires acceptance by the Board of Aldermen. Acceptance of the statute then permits the local licensing authority to grant the extended hours on a case by case basis.

85 + 12
Received @ Mtg
4-11-12

Clerk of the Board of Aldermen/City Clerk

Incumbent: David A. Olson

Massachusetts Commissions held: Notary Public, Justice of the Peace, and Commissioner to Qualify Public Officials

FY2012 Departmental Budget: \$1,123,804

FY2012 Departmental Income: \$189,920

Number of Staff supervised: 9.2 FTEs

Number of Aldermen supported: 24

Clerk of the Board of Aldermen

The Clerk of the Board of Aldermen ("Board Clerk") serves, under the leadership of the President and Vice President of the Board, as the chief staff officer of the Board of Aldermen. As the Board's chief of staff the Board Clerk, assisted by a staff that includes an Assistant Clerk of the Board and three full time and one part time Committee Clerks is responsible for all non-policy aspects of the Board's operations so that all the functions of the Board and its committees are carried out at the most effective possible level. In this role, the Board Clerk is responsible for:

***Board Leadership Support* The Board Clerk:**

- Serves as the primary liaison between the Board Clerk's office and the President and Vice President of the Board so as to ensure that all Board and Committee functions are carried out at the highest possible level.
- Is responsible for review of all docket items submitted for consideration by the Board to ensure that the intent of each item is clear and in proper form, and for assisting the President in assigning docket items to appropriate Board Committees.
- Is responsible for the preparation of the aldermanic docket and of all agendas for all meetings of the full Board of Aldermen and of all Board committees, and for assisting the President in decisions regarding the aldermanic docket and scheduling of items for consideration by the Board.
- Is responsible for staffing all meetings of the full Board of Aldermen and for providing guidance to the President and Vice President with respect to parliamentary procedure and other matters arising at such meetings based on a solid knowledge of City Ordinances, the Rules and Orders of the Board, and Parliamentary procedure.

***Committee Support* The Board Clerk:**

- Is responsible for assignment of appropriate personnel from the Board Clerk's staff as committee clerks to provide support to the chairs of the ten (10) standing Board committees at such levels and in such manner as requested by the various committee chairs.
- Works with the President and Vice President and the committee chairs to determine what forms of support are required for each committee and its chair.

- Is responsible for the scheduling of Aldermanic meetings to avoid conflict, to meet time constraints and deadlines, and to follow the restrictions and rules set out in the city charter, city ordinances, and Board of Aldermen rules.
- Sets challenging but realistic standards and expectations for committee clerks in their support of committees and their chairs and provides appropriate orientation, training, and oversight, with guidance from the Department of Human Resources, to ensure that all committee clerks provide such support at a superior level.
- Works with committee chairs and committee clerks to obtain the presence at committee meetings of appropriate city personnel and Newton citizens to provide information on docket items in which such persons are interested, and to ensure that all background information on docket items is available to such persons and to the members of the committee.

Overall Aldermanic Support The Board Clerk:

- Is responsible for ensuring that the needs and requests of all twenty-four members of the Board of Aldermen are given the greatest feasible level of professional support to enable them carry out their aldermanic responsibilities.
- Facilitates contacts for aldermen with city officials and departments and outside agencies, including arranging for preparation of written communications to such persons and agencies requesting information or other assistance and following up, as necessary, on such requests.
- Is responsible for managing, executing, and administering all legislative business between the Board of Aldermen and city departments, other agencies, and the residents of Newton.
- Reviews docket items/requests with appropriate Department Heads, as needed, to obtain necessary history and background and to determine what departmental support is required for the Board's informed consideration of the item/request.
- Works with aldermen to determine what research and archival retrieval is necessary or useful for consideration of docket items, assigns as appropriate to members of the Board Clerk's staff the conduct of such research and retrieval, and oversees the satisfactory completion of such research and retrieval.
- Provides guidance to aldermen on the proper framing of items for the aldermanic docket
- Is responsible for ensuring full compliance with all legal requirements with respect to public notice and other matters pertaining to any meeting of the full Board and of any of its committees.
- Is responsible for the accurate drafting of Aldermanic Resolutions and Board Orders.
- Provides advice to members of the Board on procedures, practices, and policies.
- Maintains files and records of all Board actions.
- Plans and organizes Aldermanic events.

- Works actively with all Departments, Boards and Commissions, and citizen groups in order to provide advance notification to Board members of important city events and news from City Departments.

Citizen Services **The Board Clerk:**

- Manages and communicates aldermanic schedules and board calendar to appropriate city staff, citizens' groups, and the general public.
- Serves as Chief Citizen Liaison for the Board by ensuring that all members of the Board receive timely communications to the Board from members of the public.
- Oversees the development and updating of the Aldermanic webpages on the City of Newton's website making sure that Dockets, Agendas, and Reports are posted in a timely manner and that information is up to date and accurate.
- Is responsible for maintaining the city's official meeting posting boards and lobby calendar and makes sure that notices of meetings are posted in a timely manner.
- Provides information to local media outlets to communicate the actions of the board to the general public.

Licenses **The Board Clerk:**

- Is responsible for the issuance of all licenses and permits issued by or under the authority of the Board of Aldermen including: auto dealer, taxi, limousine, and junk dealers licenses and for maintaining a complete, accurate, and up-to-date file of all such licenses and permits.

Reporting Functions **The Board Clerk:**

- Reports to the President of the Board of Aldermen, as the representative of the twenty-four members of the Board.

Departmental Management and Leadership **The Board Clerk:**

- Appoints and manages the staff of the Board Clerk, including planning, training, oversight, and evaluation.
- Develops and manages an annual budget and Capital Improvement Plan for the Board of Aldermen's offices within the guidelines provided by the City.
- Reviews and approves requisitions for the expenditure of funds by the offices of the Board Clerk.

Management Technology **The Board Clerk:**

- Is responsible for the creation of databases for the complete, accurate, effective, and efficient maintenance of all licenses authorized by the Board of Aldermen.

- Is responsible for creation of databases for the complete, accurate, effective, and efficient maintenance of all aldermanic records including, but not limited to:
Grants of location, Ordinances, Aldermanic appointments, Recodification of ordinances, Committee agendas and reports, Water/sewer assessments, Audio recordings of all meetings of the full Board and Board committees, and Records disposition.

City Clerk

The Office of the City Clerk carries out all duties specified for it under state and local law. The office creates, organizes and maintains information and records relating to public records, vital statistics, licensing, and business registrations. The office answers inquiries made via phone, mail, E-mail, and in person, and provides the required documents. The City Clerk is the official record keeper for the City of Newton and is responsible for the organization, care and maintenance of the city's official archival material. The City Clerk oversees a staff that includes an Assistant City Clerk, a Business Records Clerk, a Vital Records Clerk, a Receipts Clerk, and the City Archivist. The City Clerk must be commissioned by the State of Massachusetts as a Notary Public and a Justice of the Peace. The duties of the City Clerk include, but are not limited to:

***Vital statistics* The City Clerk:**

- Is responsible for maintaining and processing all vital records for the City of Newton as required by state law. Records kept by the Office of the City Clerk include, but are not limited to vital statistics (birth, marriage, adoption, death and burial permits), City Contracts, Business Certificates (DBA's), appeals from decisions of the Zoning Board of Appeals and Planning Board, and filings from City boards and commissions.
- Is responsible for the creation of all statistical reports for the City of Newton required by state law, including but not limited to reports of births, deaths, marriages, and adoptions.
- Works with the State of Massachusetts Registry of Vital Records to assist in the development of and implementation of state-wide databases for the recording of birth, death and marriage records and facilitating the training of staff to use these systems.

***Record keeping/Archival Support* The City Clerk:**

- Is responsible for maintaining the City Archives which houses all official city records for the legislative branch of government and various city departments, boards, and commissions. City Records encompass 2,510 linear feet of records dating from 1680 to the present. Records are house in three vaults located in City Hall and the Newton Free Library.
- Is responsible for the arrangement, description, preservation, storage and access to Newton records with long-term, historical value including official town & city records and makes recommendations and oversees implementation of records reformatting, indexing, and delivery solutions for permanent and inactive records.

- Provides access to material held in the archives to the general public, businesses, lawyers, court personnel, city employees, municipal boards and committees, state and federal employees, vendors, and city/school departments.
- Regularly deals with confidential information; information managed requires the application of appropriate judgment, discretion and adherence to professional code of ethics e.g., Society of American Archivists (SAA) and Association of Records Managers and Administrators (ARMA).
- Is responsible for the creation of inventories of active and inactive record storage areas and coordination of scheduling of records disposition; recommends active and inactive records storage periods, in coordination with the State's Supervisor of Public Records, Records Management Unit.
- Is responsible for the processing of records according to archival principles and standards e.g., Society of American Archivists (SAA) and creates finding aids and indexes for internal and external use.
- Is responsible for the preservation of records by identifying endangered materials and levels of conservation work needed and overseeing basic repair and preventive preservation for paper records.
- Is responsible for the Maintenance of archival collections management information, including up-to-date shelf list inventory and transfer records.
- Oversees the research, planning, development and implementation of long and short-range goals for the archives and records center, in coordination with the City Archivist.
- Is responsible for the implementation and management of reformatting projects e.g., microfilm, copy photography, digital imaging; may also prepare records for reformatting, including creation of targets, in accordance with Records Management Unit, International Standards Organization (ISO) and Association for Information and Image Management (AIIM) guidelines.
- Is responsible for preparing and maintaining the Government and Officers book for the City of Newton.
- Is the official keeper of the City Seal and City Ordinances.

Licenses The City Clerk:

- Is responsible for issuing all licenses and permits issued by or under the authority of the City of Newton including Dog, Off-Leash, Burial Permit, and Business Registrations and for maintaining a complete, accurate, and up-to-date file of all such licenses and permits.

Citizen Services The City Clerk:

- All notifications and documents are public records, with some exceptions pertaining to vital records. The City Clerk is responsible for ensuring that all citizen requests for documents and information contained in the files maintained by the office of the City Clerk are answered promptly, courteously, and effectively.

- Provides Notary Public Services to Newton residents, individuals doing business with the City of Newton, and City Officials.

Information Management Technology The City Clerk:

- Is responsible for creation of databases for the complete, accurate, effective, and efficient maintenance of all information collected by the City Clerks Office.
- Is responsible for creation of databases for the complete, accurate, effective, and efficient maintenance of all City records including, but not limited to:
Vital Statistics (birth, marriage, adoption and death certificates), Uniform Commercial Code (UCC) filings, City Contracts, Business Certificates (DBA's), appeals from decisions of the Zoning Board of Appeals and Planning Board, filings from City boards and commissions, and Records disposition.
- Works with City's on-line payment provider and the IT department to institute effective means for citizens to pay for licenses and permits on-line.

Departmental Management and Leadership The City Clerk:

- Appoints and manages the staff of the City Clerk, including planning, training, oversight, and evaluation.
- Develops and manages an annual budget and Capital Improvement Plan within the guidelines provided by the City.
- Reviews and approves requisitions for the expenditure of funds by the offices of the City Clerk.
- Oversees the collection and posting of receipt slips for payments for various permits, licenses, applications and certificates including the proofing, balancing and reconciliation of daily receipts. Oversees the creation of required journal and ledger entries allocating funds paid to proper accounts and the monthly reconciliation of funds received. Reconciles accounts receivable errors. Prepares required financial reports.

Board and Commission Support The City Clerk:

- Maintains a database of all appointees to Boards and Commission including the terms of their service, the date of completion of their service, and the date of taking the oath of office.
- Administer the Oath of Office to all duly appointed Board and Commission members so that they may undertake their duties.
- Provide for the timely posting of the agendas of the City of Newton's Boards and Commissions on the City's Official Posting Board in City Hall and on the Official Electronic Posting Board on the City's website.
- Provide training, training materials and guidance in the requirements of the State of Massachusetts Open Meeting Laws.

Ethics and Conflict of Interest Training: City Clerk

- Disseminate each year the State of Massachusetts Summary of the Conflict of Interest Law as required by state statute to all City and School personnel, Board and Commission members, contractors, and volunteers. The Clerk is responsible for collecting from each individual a signed statement that they have received the summary and record that information in a database.
- Notify and provide access to the State Mandated Ethics Training program to all City and School personnel and Board and Commission members biennially. Develop training materials and provide training sessions to personnel without computer access. Collect and maintain certificates for each individual showing that they completed the training session.

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 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 shall review the salary of the City Clerk/Clerk of the Board of Aldermen 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

(a) Appointment After Expiration of Term—No former alderman shall hold any compensated appointive City office or City employment until one year after the expiration of his service on the Board of Aldermen. This provision shall not prohibit a former City employee or City officer from resuming his duties as such City officer or City employee at the conclusion of his service as alderman.

(b) Interference in Administration—No member or committee of the Board of Aldermen shall directly or indirectly take part in the conduct of the executive or administrative business of the City.

Sec. 2-5. Filling of Vacancies.

(a) Special Election—If there be a vacancy, by failure to elect or otherwise, on the Board of Aldermen within the first fifteen calendar months of the term for which aldermen are elected, the Board of Aldermen shall forthwith call a special election to fill such vacancy. Such election shall be by the voters of the whole City in the case of aldermen at large, or by the voters entitled to such representation in the case of ward aldermen.

(b) After Regular City Election—If such vacancy shall occur after fifteen calendar months of the term for which aldermen are elected, no special election shall be held. In the case of a vacancy in the office of ward alderman, the person elected at the next regular City election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term. In the case of a vacancy in the office of alderman at large, the person elected at the next regular City election to the seat in which the vacancy exists shall immediately be sworn and shall, in addition to the term for which he was elected, serve for the balance of the then unexpired term. If no incumbent alderman at large from the ward in which the vacancy exists is elected at such election for such office, the candidate who receives the highest number of votes shall be deemed to be elected to the seat in which the vacancy exists and shall serve as aforesaid.

Sec. 2-6. Exercise of Powers; Quorum; Rules of Procedure.

(a) Exercise of Powers—Except as otherwise provided by law or the charter, the legislative powers of the Board of Aldermen may be exercised in a manner determined by it.

(b) Quorum—A majority of the Board of Aldermen then in office shall constitute a quorum but a smaller number may meet and adjourn from time to time. The affirmative vote of a majority of the full Board shall be necessary to adopt any appropriation order. While a quorum is present, any other motion or measure may be adopted by a majority vote, except as otherwise provided by law or the charter.

(c) Rules of Procedure—The Board of Aldermen shall from time to time establish rules for its proceedings. Regular meetings of the Board of Aldermen shall be held at a time and place fixed by ordinance. Special meetings of the Board of Aldermen may be held on the call of the Mayor, as provided in Section 3-7(b), on the call of the president of the Board of Aldermen, or on the call of any seven or more members, by written notice delivered to the place of residence or business of each member at least twenty-four hours in advance of the time set.

Except as otherwise authorized by General Laws Chapter 39, Section 23A ("open meeting law"), all sessions of the Board of Aldermen shall be open to the public and press. Every matter coming before the Board of Aldermen for action shall be put to a vote, the result of which shall be duly recorded. A full, accurate, and up-to-date record of the proceedings of the Board of Aldermen shall be kept and shall be open to inspection by the public. It shall include a record of each roll call vote.

Sec. 2-7. City Clerk; Comptroller of Accounts.

As soon as practicable after the board of aldermen has been organized, it shall elect, by ballot or otherwise, a city clerk and a comptroller of accounts as officers of the city to hold office for the term of two years and until their

successors are qualified, unless they are removed by vote of a majority of the full board, taken by ballot. Vacancies in the said offices shall be filled for the balance of any unexpired term by the Board of Aldermen.

(a) City Clerk—The City Clerk shall have such powers and perform such duties as the Board of Aldermen may prescribe in addition to such duties as may be prescribed by law.

(b) Comptroller of Accounts—The Comptroller of Accounts shall keep and have charge of the accounts of the City. He shall regularly audit the books and accounts of all City agencies, and he shall have such powers and perform such other duties as the Board of Aldermen may prescribe in addition to such duties as may be prescribed by law. (Acts of 1991, chapter 50.)

Sec. 2-8. Clerk of the Board; Other Staff.

(a) Clerk of the Board—The Board of Aldermen shall elect, by ballot or otherwise, a Clerk of the Board, to hold office at its pleasure. The Clerk of the Board shall give notice of all meetings of the Board of Aldermen to its members and to the public, keep a record of its proceedings, and perform such duties as may be assigned by the charter, by ordinance, or by other vote of the Board of Aldermen.

(b) Other Staff—The Board of Aldermen may by ordinance establish other staff positions, regular or special, as it shall from time to time deem necessary or desirable to assist the aldermen in the performance of their duties.

(c) Salaries of Aldermanic Staff—The Board of Aldermen shall by ordinance establish, and may from time to time modify, a salary schedule and a job description for the Clerk of the Board and such other positions as it may create to serve as aldermanic staff.

Sec. 2-9. Measures; Emergency Measures; Charter Objection.

(a) In General—No measure shall be passed finally on the date on which it is introduced, except in cases of special emergency involving the health or safety of the people or their property. Except as otherwise provided by the charter, every adopted measure shall become effective at the expiration of twenty days after adoption or at any later date specified therein. Measures not subject to referendum shall become effective upon adoption. No ordinance shall be amended or repealed except by another ordinance adopted in accordance with the charter, or as provided in the initiative and referendum procedures.

(b) Emergency Measures—An emergency measure shall be introduced in the form and manner prescribed for measures generally, except that it shall be plainly designated as an emergency measure and shall contain statements after the enacting clause declaring that an emergency exists and describing its scope and nature in clear and specific terms. The emergency as declared and defined in a preamble thereto shall be separately voted on and shall require the affirmative vote of two-thirds of the full Board. An emergency measure may be passed with or without amendment or rejected at the meeting at which it is introduced. No measure making a grant, renewal or extension, whatever its kind or nature, or any franchise or special privilege shall be passed as an emergency measure, and except as provided in General Laws Chapter 166, Sections 70 and 71 (relating to utility lines), no such grant, renewal or extension shall be made other than by ordinance. After its adoption, an emergency measure shall be published as prescribed for other adopted measures. It shall become effective upon adoption or at such later time as it may specify.

(c) Charter Objection—On the first occasion that the question on adoption of a measure is put to the Board of Aldermen, if a single member objects to the taking of the vote, the vote shall be postponed until the next meeting of the Board of Aldermen whether regular or special. If three or more other members shall join the member in his objection, such postponement shall be until the next regular meeting; but for an emergency measure at least five members in all must object. This procedure shall not be used more than once for any matter bearing a single docket

ARTICLE II. CLERK OF THE BOARD**Sec. 4-20. Election and term.**

The board of aldermen shall elect by ballot a clerk of the board 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 and until 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 shall be determined by the board of aldermen.

(b) As of January 1, 2008, the salary of the clerk of the board shall be at the annual rate of \$92,500, unless otherwise further amended by the board of aldermen. (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)

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

Sec. 4-22. Departmental organization; staff.

The clerk of the board shall be the head of his 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 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 office shall require. The clerk of the board's staff salaried by his department shall be solely responsible to the clerk of the board. (Rev. Ords. 1973, § 2-103; Ord. No. T-104, 9-17-90)

Sec. 4-23. Facilities.

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

Sec. 4-24. Equipment.

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

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

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

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

(a) The clerk of the board 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 shall also become the acting city clerk with all the rights, duties, and responsibilities authorized by law in the city clerk.

Department Head Compensation Comparisons

Information taken from the FY2012 Budget

Arranged by Compensation

Position	Budgeted Compensation		Total Compensation			# of Employees	General Fund FY12 Budget
	FY12	1% plus \$750	FY12	Grade	Step		
Chief Administrative Officer	127,220	2,022	129,242	H17	13		
Fire Chief	126,030	2,010	128,040	H16	13	187	16,430,025
Comptroller	125,596	2,006	127,602	H13	Z	8	28,971,622
Public Works Commissioner	124,164	1,992	126,156	H16	12	136	18,611,442
Chief Financial Officer	120,517	1,955	122,472	H13	11		
Police Chief	118,733	1,937	120,670	H16	9	198	17,594,349
Chairman, Board of Assessors	111,210	1,862	113,072	H13	16	13	1,133,166
Director of Human Resources	111,210	1,862	113,072	H13	16	8	1,082,116
City Solicitor	110,812	1,858	112,670	H15	7	11	1,165,405
Recreation Commissioner	109,322	1,843	111,165	H14	10	42	3,887,779
Retirement Director	106,648	1,816	108,464	QQQ		2	
City Librarian	106,347	1,813	108,160	H13	13	70	5,026,438
Health and Human Services Commissioner	106,110	1,811	107,921	H14	8	40	2,954,503
Collector/Treasurer	104,773	1,798	106,571	H13	12	10	22,680,915
Inspectional Services Commissioner	103,211	1,782	104,993	H13	11	13	1,080,707
Public Buildings Commissioner	95,593	1,706	97,299	H14	1	32	3,513,242
Executive Secretary Elections	93,250	1,683	94,933	H11	12	5	566,205
City Clerk/Clerk of the Board	92,857	1,679	94,536	QQQ		13	1,123,804
Senior Center Director	88,459	1,635	90,094	H10	13	4	569,826
Purchasing Agent	84,288	1,593	85,881	H12	1	5	378,161
Veterans Agent	82,104	1,571	83,675	H10	8	2	292,498
Museum Director	82,104	1,571	83,675	H10	8	3	237,014
Director of Planning .75 position	72,772	1,478	74,250	H14	2	12	904,159
Director of IT - Vacant			0	H13		7	1,113,907

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Chief Financial Officer	120,517	1,955	122,472	H13	11		

Sorted by Population

City / Town	Population	Compensation	Staff	App / Elect
Boston	617,594	\$ 102,492	14	Appointed
Worcester	181,045	\$ 125,260	19	Elected
Springfield	153,060	\$ 106,486	10	Appointed
Cambridge	105,162	\$ 123,332	10	Appointed
New Bedford	95,072	\$ 69,142	5	Appointed
Brockton	93,810	\$ 101,036	11	Appointed
Quincy	92,271	\$ 99,100	10	Appointed
Lynn	90,329	\$ 101,328	7	Appointed
Fall River	88,857	\$ 94,401	4	Appointed
Newton	85,146	\$ 92,500	13	Appointed
Somerville	75,754	\$ 78,387	6	Appointed
Waltham	60,632	\$ 108,919	11	Appointed
Brookline	58,732	\$ 104,045	6	Elected
Natick	33,006	\$ 65,000	4	Elected
Watertown	31,915	\$ 83,999	3	Appointed
Needham	28,886	\$ 81,850	5	Elected
Wellesley	27,982	\$ 74,903	4	Elected
Dedham	24,729	\$ 85,261	4	Elected
Weston	11,261	\$ 72,159	2	Appointed

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