

CITY OF NEWTON
IN BOARD OF ALDERMEN
PROGRAMS AND SERVICES COMMITTEE REPORT
WEDNESDAY JUNE 6, 2012

Appointment by his honor the Mayor:

#124-12 MARJORIE BUTLER, 33 Andrew Street, Newton Highlands, appointed as a member of the Election Commission for a term of office to expire March 31 2013. [04-30-2012 @ 6:43PM]

ACTION: **APPROVED 6-0**

NOTE: Marjorie Butler joined the committee to discuss her appointment to the Election Commission. Ms. Butler has been a resident of the city for over 25 years with three children going through its school system. She has served on the school councils for both Countryside and Brown, has participated in election initiatives, and was involved in elections in Cambridge. She has an interest in getting people involved in the election process and would think it an honor to take Fay Cohen's place. Ms. Butler explained that she has been employed for 25 years as an attorney enforcing the worker protection laws, with pension laws as her specialty. She would like to serve the election commission as a way to serve her community through something she has a great interest in. Ald. Baker made the motion to approve the item. The motion to approve carried unanimously.

Public hearing continuation:

#123-12 CAROLYN WONG et al. filing with the City Clerk on April 24, 2012 a Neighborhood Area Council Petition, with 255 qualified signatures, pursuant to article 9-3 of the City Charter, requesting the Board of Aldermen to hold a public hearing to establish a Newton Centre Neighborhood Area Council. [04-24-12 @ 2:33PM]

ACTION: **WITHDRAWN BY PETITIONERS**

NOTE: When last the committee met they held open the public hearing that began on May 23rd to hear comments from the public about the creation of a Newton Centre Area Council. Since then residents who filed the petition have withdrawn it and have been persuaded to get a revised geographical boundary done in order to expand the included area of the proposed council. It was decided by the committee that they would not take any additional vote for two reasons: one it's not necessary, and two, if they did it would render the signatures gathered unusable; simply withdrawing the petition keeps the obtained signatures active for the next time this comes before the Board. Upon that decision the conversation on the subject was complete.

#170-12 ALD. SANGIOLO, BAKER, BLAZAR , JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public

buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

ACTION: **HELD 6-0**

NOTE: The Chair recognized Ald. Baker who introduced the item. He began framing the issue stating that the thrust of the question is when you have a situation where you have a set of policies – should we have those memorialized? He cited to the Town of Wellesley's ordinance (see attached). Wellesley's legal counsel shared information with Ald. Baker and also shared a copy of a letter he wrote to the Wellesley School Committee (see attached). While not a formal opinion letter, it does provide a history of Wellesley's naming process. According to the ordinance, No town assets shall be named or renamed except in accordance with their by law. Wellesley distinguishes major town assets from other assets and major assets require the approval of Town Meeting while other assets can be named by those entities that control the asset. Ald. Baker suggests that the part of the challenge for us is that we have a pattern of different kinds of naming practices and the question of what is appropriate to consider as a way to regularize this into a framework so people understand what the rules are. Part of the question we have is what we need to understand is the scope of local authority and what the state says – does it occupy the field. Wellesley is the only example he could find where they had tried to address this. Raised the issue of whether we should have our own process because we have so many assets in the City that people might want to name.

At that point, Ald. Baker asked Atty. Young to join in the discussion. Ald. Linsky asked whether Wellesley went through a similar process. Ald. Baker responded by referring to the legal letter/opinion where Town Counsel suggests that selling naming rights for schools was not a good idea but they have taken advantage of selling naming rights in their Library. This raises the question – are there different types of assets that can be treated differently than other assets for different purposes? Should the “sale” be treated differently than a naming like a “memorialization?” Ald. Baker referred to the Enron case as an example where there is a change of circumstance. According to Ald. Baker, the questions are: What is the current capacity of the Board to shape an ordinance? What kind of ordinance should it be? Do we need one? Do we have the authority to deal with this independently without an ordinance? Atty Young addressed the Committee. She referenced a 1994 opinion issued by the Legal Department (see attached) and a Post Audit review that was done around 1994-1995. She said there is not a lot of state law on this matter. In a very quick overview of the Wellesley opinion, she didn't see any statutes cited by Wellesley's Town Counsel although there are a few that they (our law department) cited in their 1994 opinion. With regard to parks, there is a statute which gives commissioners the authority to name. With regard to schools, it is more subtle. She referred to an opinion received by the Chair in an email from the Massachusetts Association of School Committees (see attached) which suggests schools have the authority over naming rights but there is no express statute. There is a general statute that states school committees have supervisory authority over

buildings. She thinks that we can do an ordinance but said the most important thing is the “sale” - which is why the Comptroller requires booking the income from the sale in manner that is different from how it has been handled in the past. There are three scenarios with regard to naming:

- 1) Naming where there is no money involved (Memorialization)
- 2) Naming where there is money involved – (Donation with or without solicitation) and
- 3) Naming with marketing involved.

The donation (gift) situation is covered by municipal finance law and those school donations are handled exclusively by the School Committee. Every other donation is handled by the Board. The Board has a role in most instances to deal with money. Alderman Baker said there is a different policy at the school level and wrestles with whether they should they be treated the same or differently Ms. Young stated that the Town has an obligation to provide the school house. The School Committee has an obligation to run that school house. But what does “run” mean? Does it include naming it and everything else in it? The Chair asked if the School Committee has the authority to sell the school house. Atty. Young said no. The City owns the building which is turned over to the school committee who operates it, which is how we get to the sales aspect – sale of that naming right is equivalent to the sale of a municipal asset.

Ald. Baker stated that Wellesley’s model is a way of regularizing it. Right now, it is truly an ad hoc exercise. He cited some states where “naming” is everywhere – South Carolina, West Virginia, Kentucky. According to Atty. Young, the Board can adopt an ordinance that directs everyone to have a policy but these two (Parks and Recreation and the School Committee) have policies now. The Question Ms. Young has is the Board’s ability to nix a name selected by the School Committee. She commented that the Wellesley model appropriately starts out that the authority to name (even for major assets) lies with the entity that has custody but goes to Town meeting for final approval. Ald. Baker said that he acknowledges that not every issue should be a board issue but on the other hand, when sensitive issues come out, there should be a way to deal with it. The handle the Board has is economic. If the revolving fund doesn’t get approved, there is no control. Atty. Young gave the following example: If Mary Smith comes in with a check for the school but says they can only have it if the school building is named after her - she doesn’t think the Comptroller is likely to view that as a sale. Here, the naming is prompted not by marketing effort but by recognition of a donation with an attached string of the name. The donor’s intention has to be followed if the donation is accepted. Ald. Baker added that this goes to the definition of what a gift is. Part of the challenge is to think how an ordinance would work that leaves the authority where it belongs but regularizes the process in order to have the board involved when it needs to be involved. Atty. Young reiterated several ways it occurs:

- 1) Marketing
- 2) Donor comes forward with strings attached
- 3) Donor comes forward – recognition with a plaque on the wall or listing in a program book

She asked if there was the same concern with the third example. The Chair said she thinks there is a distinction between recognizing the donation versus actively selling a naming right.

Ald. Fischman summarized what he thought he heard and that was in Wellesley's case, jurisdiction went to the town agency that had control subject to Town meeting approval. In Newton, the School Committee has the right to name and the right to accept gifts. Atty. Young affirmed saying that the general black letter law is that the entity that has custody and control is deemed to have the authority to name. In the case of schools, there is a statute that gives school committees the general supervisory authority over its buildings and that one could conclude that they also have the right to name these buildings. The question is whether you can qualify that right under an ordinance and further dictate that choice of names can be dictated by a bylaw that specifically states that the chosen "name" needs approval. Question whether the supervisory authority they have over buildings is enough to say they have a trump card over the right to name those buildings?

Ald. Fischman said we know the School Committee has a policy so if this ordinance were to establish guidelines; the implementing agency would be the SC. Ald. Baker added, do we have the authority absent an ordinance and this is how you must do it as opposed to this is how you have done it. Custody for operation of buildings is different from what happens to it? What is a wise set of policies? Ald. Fischman followed up saying that the problem is that the item is in front of us – their naming rights, selling it and they have a policy. Questions – if we go back to the school issue, the potential to influence their policy guidelines is an immediate challenge.

Ald. Baker explained that if we vote to establish a revolving account under the current arrangement, their policy would operate but the challenge is that the policy is subject to potential changes with each new school committee. The advantage of having an ordinance is that the policy is not dependent on the body with authority at that moment – it would become a local law. He is troubled with the notion that the ability to operate a building involves the ability to make durable changes to it which is not operational but goes to the asset itself.

Ald. Fischman asked how long Wellesley took to adopt its ordinance. Ald. Baker thought it was about one year and Atty. Young pointed to a section of the Wellesley ordinance that suggested a date. She added that all (ordinances) get reviewed by the Attorney General's Office but that the Attorney General tends to approve them. Ald. Linsky wondered where we go from here. He said he agrees with Ald. Baker that 1) this is an interesting area; 2) It has been done on an ad hoc basis; BUT FOR our Comptroller having an opinion relative to the establishment of a revolving fund, this item wouldn't be before us. He said we are now headed into a broader discussion; we don't know if it is necessary and we'll be called on it. Whether we're headed in a year's plus timeframe for purposes of a policy– the point we need to know fundamentally is what is recognized about what our authority will be. He's not saying we should not have a comprehensive approach.

Atty. Young it is going to be hard on the schools and there is not a lot that gives clear guidance about the authority we have. The Chair added that if there is no recognized body of law, that doesn't stop us from doing it.

Ald. Baker made a motion to hold. He would like to spend time with the Law Department to see if there is a way of thinking about this. He'd like to have a conversation with our Law Department and the Town of Wellesley's attorney. We are going to face the narrow question of the revolving account itself. Beyond that, is the question of what we should do with the schools. The interesting question is the degree to which schools should be treated in a different way 1) management over facility in terms of operations and 2) quality of what schools are.

Ald. Fischman suggested we look at school policy and that the other option to think about are the comments and responses from the public hearing when the item comes back to committee.

Ald. Baker said his sense is that we are thinking about an ordinance because there is a "sale" –we wouldn't have been there otherwise and that the "sale" will inform some of our conversation about an ordinance.

Ald. Fischman thinks it may be useful to look at their policy and maybe modifying it as an escape valve allowing the SC to move forward while we address a more comprehensive policy.

The Chair informed the Committee that the City heard back from the Inspector General's Office. Attorney Young reported that the IG takes the position that if there is any reimbursement made to the Foundation of any sort (even for postage stamps) in soliciting donations for the sale of the assets that come out or from this money, then in that case, they consider the City and the Schools to have a contract for services with the Foundation and therefore depending on the value of what the contract may be, it would have to go through a procurement process. It all turns on whether there is a contract for services. The IG does not see the sale of the asset itself as a contract for services or goods (which she doesn't understand). They distinguish between the sale of naming rights (not subject to procurement) versus reimbursing NSF out of proceeds received for that sale – which is a contract for services. The distinction is the money and the money coming out of the asset and reimbursing the foundation. If NSF were able to come up with a way to pay for the cost of the solicitation some way other than the proceeds from the sale, then the IG's position is there is no contract for services. If they pay for it themselves – like a volunteer situation- independent of receiving compensation from the City from the proceeds from the sale or other way from the City.

Ald. Blazar asked what if the School Department pays NSF any amount of money, Atty. Young responded that would be a contract. Atty. Young also reported that she spoke with Rick Iacobucci who told her that there are foundations that provide grants to non-profits to cover the cost of capital campaigns but they have not pursued it and they did not know if they could get it but they might look at that. Atty. Young stressed that would mean if they can cover the costs entirely out of their own pocket to run the campaign, then no procurement required legally – which is a separate question for whether there ought to be one for other reasons. Ald. Baker asked Atty. Young about some of the questions that were submitted to NSF but apparently was not sent to the Law Department regarding 2-7. Atty. Young said 2-7 would not apply – not a sale of an interest in real estate. IG doesn't see it as a sale of an interest in real estate either. Other question was asked – whether the City ever paid someone to get involved in sale of real estate. We have hired real estate broker where we have leased out Kennard Estate House – and she looked at fundraising folder for the Library – and found a draft contract

between Library Trustees and a fundraiser to run that campaign. They were not subject to procurement because it was before the procurement act was adopted.

Ald. Baker again moved hold on the item. The Chair thanked Atty. Young for joining the committee discussion on the proposed ordinance and for the update on the IG's opinion.

#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: **APPROVED 5-0-1 (Ald. Merrill not voting; Ald. Linsky abstaining)**

NOTE: Aldermen Lennon and Lappin joined the committee to discuss the item. The item was previously discussed on 4/11/12. Since the last meeting, they consulted with H/R Director Dolores Hamilton to confirm that it was reasonable to use comparisons internally looking at city department heads with similar size budgets and similar number of staff supervised. Aldermen Lennon & Lappin thought it was fair to compare the compensation of the Human Resources, Assessing and Inspectional Services Department heads with the Clerk's (see attached spreadsheet). The salary figures for those department heads for FY13 would be \$116,021 (H/R and Assessing) and \$107,743 for ISD. The figure of \$116,021 was what was recommended. They suggested that the increase from \$92,500 (David's salary in 2008) to 116,021 be split over two fiscal years. Therefore, the recommended salary for the Clerk for FY13, effective July 1, 2012, would be \$104,260 (half of the increase for the comparable salary). A subsequent docket item would then have to be discussed by the Board to elevate the Clerk to the overall recommended level of \$116,021 for FY14.

The committee then discussed the overall and FY13 salary recommendations. A few Committee members made clear they would like to have the additional comparable city & town information on salaries and job functions of other Clerks, including if they perform the duties associated with Elections, Registrar, Vital Records or any other functions performed by Clerks throughout the Commonwealth. Aldermen Lennon & Lappin explained they would continue to work with H/R and the Clerk's Office to obtain it for Finance. The suggestion was also made to conduct an analysis of how H-grade percentage increases and steps compare to the increase being discussed here. They agreed to would work with Maureen Lemieux, Dolores Hamilton and Dave Wilkinson on what this result would look like. The committee also recommended speaking with Ouida Young to clearly lay out how the ordinance process would work and to review language for the ordinance amendment. Aldermen Lennon and Lappin indicated that they will speak with Maureen Lemieux about an additional docket item that will reflect a transfer from wage reserve to reflect the FY13 salary increase. They will also consult with Ouida about the appropriate language for the ordinance change.

After further discussion, the committee voted in favor of the recommended FY13 salary of \$104,260 in order to move it to Finance with the understanding that 1) more information on the city & town comparables and H-grade increases would be provided to Finance for their deliberations; 2) a comprehensive analysis of the entire process would be developed in time for the Finance Committee's discussion.

With that understanding, the Committee voted 5 in favor with none opposed, 1 not voting (Merrill) and 2 absent (Hess-Mahan and Rice).

Respectfully Submitted,

Amy Sangiolo, Chairman

RECEIVED

APR 11 2012

Resume

Marjorie A. Butler

Current Position:

August, 1987 to the present

Counsel, Office of the Solicitor, Region 1, United States Department of Labor.

The Office of the Solicitor carries out regional litigation on behalf of the Secretary of Labor in the area of worker protection. While there are approximately two hundred worker protection laws, the major laws that the agency enforces through litigation efforts are the Occupational Safety and Health Act, the Employee Retirement Income Security Act, the Fair Labor Standards Act, Child Labor Laws, the Executive Order 11246, the Mine Safety and Health Act, and Whistleblower Statutes. As counsel, I oversee all regional litigation pursuant to the Employee Retirement Income Security Act, advise the agency that enforces the Act and supervise attorneys and staff at the Regional Solicitor's Office.

Prior to the Counsel position, I served as a Trial Attorney and Senior Trial Attorney litigating primarily in the pension and welfare plan arena, but also in all other areas of worker protection laws.

Prior Positions:

August, 1986 through August, 1987

Law Clerk, Massachusetts Appeals Court for Judge Rudolph Kass

April, 1981 through August, 1983

Administrative Assistant, Local 26, Hotel Workers Union, Boston, MA

Education:

Wellesley College, BA Political Science, 1983

Harvard Law School, JD, 1986

Organizations:

Massachusetts Bar Association

American Bar Association, Labor and Employment Section, Government Fellowship

To: Alderman A. Sangiolo, Chair
Programs and Services Committee

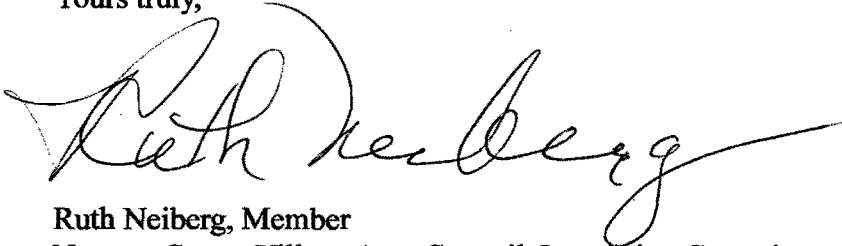
Re: Item #123-12 – Area Council Petition Filed April 24, 2012 (Newton Centre Village Area Council)

May 31, 2012

Due to the complexity of the issues that were raised at the Public Hearing on May 23rd, we are withdrawing our petition, without prejudice, effective immediately. We respectfully request your continued guidance on the appropriate next steps and look forward to hearing your response.

Thank you for the attention you have given to this matter.

Yours truly,

A handwritten signature in cursive script, appearing to read "Ruth Neiberg". The signature is fluid and extends across the width of the page.

Ruth Neiberg, Member
Newton Center Village Area Council Organizing Committee

RECEIVED
Newton City Clerk

2012 MAY 31 PM 4:45

David A. Olson, CMC
Newton, MA 02459

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

Department Head Compensation Comparisons

#85-12

Information taken from the FY2012 Budget

Arranged by Budget

Position	Budgeted Compensation		Total Compensation		Grade	Step	# of Employees	General Fund FY12 Budget
	FY12	1% plus \$750	FY12					
Comptroller	125,596	2,006	127,602	H13	Z	8	28,971,622	
Collector/Treasurer	104,773	1,798	106,571	H13	12	10	22,680,915	
Public Works Commissioner	124,164	1,992	126,156	H16	12	136	18,611,442	
Police Chief	118,733	1,937	120,670	H16	9	198	17,594,349	
Fire Chief	126,030	2,010	128,040	H16	13	187	16,430,025	
City Librarian	106,347	1,813	108,160	H13	13	70	5,026,438	
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Retirement Director	106,648	1,816	108,464	QQQ		2		
Chief Administrative Officer	127,220	2,022	129,242	H17	13			
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

Sorted by Compensation

City / Town	Population	Compensation	Staff	App / Elect
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Newton	85,146	\$ 92,500	13	Appointed
Dedham	24,729	\$ 85,261	4	Elected
Watertown	31,915	\$ 83,999	3	Appointed
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Somerville	75,754	\$ 78,387	6	Appointed
Wellesley	27,982	\$ 74,903	4	Elected
Weston	11,261	\$ 72,159	2	Appointed
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Natick	33,006	\$ 65,000	4	Elected

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Wellesley	27,982	\$ 74,903	4	Elected
Natick	33,006	\$ 65,000	4	Elected
Watertown	31,915	\$ 83,999	3	Appointed
Weston	11,261	\$ 72,159	2	Appointed

* = Per FY12 budget Clerk Staff is listed as 12.6 with each Alderman listed as 0.1 FTE

Sorted by Appointed or Elected the Population

City / Town	Population	Compensation	Staff	App / Elect
Boston	617,594	\$ 102,492	14	Appointed
Springfield	153,060	\$ 106,486	10	Appointed
Cambridge	105,162	\$ 123,332	10	Appointed
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