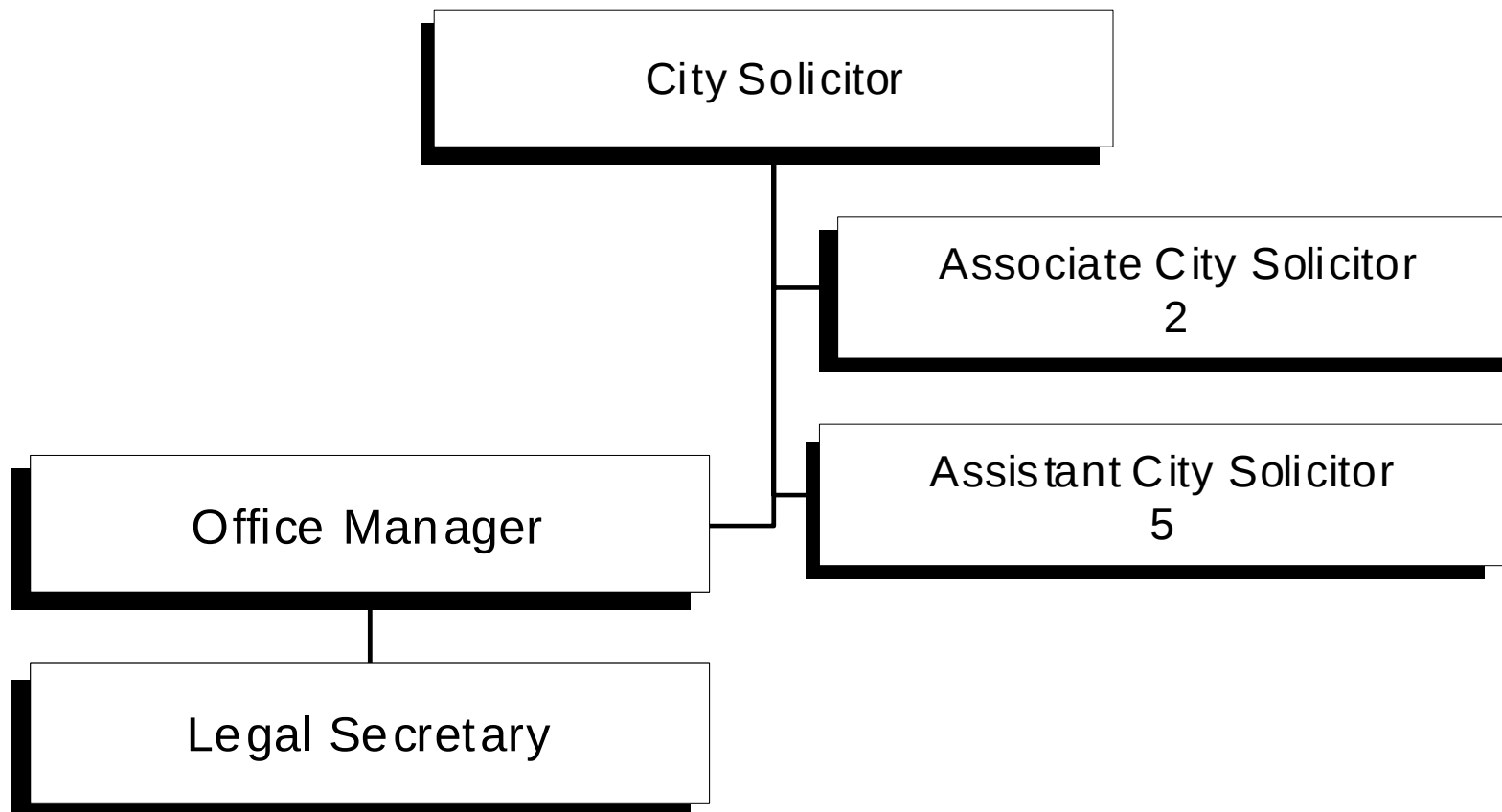




LAW DEPARTMENT

DEPARTMENT DESCRIPTION

The Law Department's mission is to provide effective and efficient legal advice and representation to all elected and appointed officials and to all city departments in order to enable the city government to operate at maximum potential with minimal risk.

The duties and responsibilities of the Law Department are numerous and varied. As chief legal counsel to the Mayor, Board of Aldermen, School Committee, city boards and commissions, city departments and city officers, the City Solicitor is responsible for:

- commencing and prosecuting all actions, legal proceedings and suits brought by the city;
- defending all claims, actions and suits brought against the city, its officers and employees before the courts and/or administrative agencies;
- furnishing city officials with legal opinions and advice relative to any subject affecting city business and operations;
- drafting, negotiating and reviewing deeds, contracts, leases, licenses, conveyances and other legal documents; and
- drafting and reviewing City Charter and Ordinance Amendments and special and general legislation.

ACCOMPLISHMENTS

Tax Matters

Was victorious in landmark SJC case holding that cellular wireless telecom carrier is not eligible for corporate telephone tax exemption, rendering all of their machinery taxable.

ATB upheld Newton's valuations of telephonic personal property and denied corporate exemption on machinery to local exchange provider

Won tax assessment appeal at ATB brought by large commercial property owner.

Secured IRS waiver of all penalties arising out of city's non-depositing of payroll withholding amounts.

41A Deferral Applications – Completed title reviews and reports, and recorded lien documents for properties for which tax deferral applications were filed with the Assessors in FY008.

Civil Litigation

Successfully defended City in Civil Rights case in Federal Court by winning nine day jury trial.

Successfully defended City in handicap discrimination case by winning seven day jury trial.

Won civil rights complaint before Federal Office for Civil Rights brought by School Department employee.

Real Estate

230 Lake Avenue - Negotiated, drafted documents, and closed on purchase of a portion of 230 Lake Avenue, together with conservation restrictions, historic preservation restriction, and a pathway easement along the lakefront.

Transfer of CLN (Community Living Network) properties to Newton Housing Authority - Obtained permanent deed restriction on former CLN property transferred to NHA and negotiated assignment to NHA of outstanding CLN indebtedness.

Obtained permanent easement from the Commonwealth for Elliot Street pumping station.

Contracts and Licenses

NORESCO - Drafted and finalized Master Energy Services Agreement for implementation of energy savings measures in City and School buildings, with Day Middle School as the first project to be undertaken.

Verizon - Finalized lease for Verizon Wireless to occupy space in cupola.

Waste Management - Drafted and finalized contract with Waste Management for trash collection and automated collection trial.

Nonantum Library - Negotiated, drafted and finalized license for community group to utilize former Nonantum Library branch building.

RCN - Negotiated and finalized amendment extending RCN cable TV license to 15 year term

Drafted amendment to management contract between the Newton Farm Commission and Newton Community Farm, Inc., permitting renovation of the Angino barn.

MAXIM FluMist Immunization Pilot Program – advised Commissioner of Health and Human Services, and negotiated contract to institute the first pilot program in Massachusetts to provide flu immunization (FluMist nasal spray) to Newton middle school students.

Schools

Defended three trade contractor bid disputes for the new Newton North High School, including the settlement of one dispute and the successful defense of a second dispute before the Attorney General's Fair Labor Division.

Assisted with the execution of the GMP Amendment for the new Newton North High School.

Completed the MSBA application for funding for the new Newton North High School.

Worked with Newton Public Schools on several projects funded through the federal Safe Schools/Health Students grant.

Ordinances

Drafted amendment to handicapped parking ordinance.

Drafted traffic council criteria and guidelines as well as an ordinance amendment extending eligibility for resident permit parking areas to streets bordered partially by commercial or institutional properties in addition to streets bordered solely by residential properties.

Drafted ordinance creating pilot program for eligible owners of Newton businesses to purchase permits allowing long-term parking for their employees in certain municipal off-street lots.

Drafted ordinance providing temporary parking permits for applicants such as contractors and health care workers who are unable to comply with time limitations on parking while providing services to Newton residents.

Drafted zoning ordinance amendment to clarify and codify ISD dormer and half-story policies.

Enforcements and Collections

Negotiated with surety (Heller & Smith) to ensure completion of water main work abandoned by contractor on Dudley Road.

Coordinated successful joint code task force enforcement on non-conforming 5-family structure which was illegally being used as a 7 family house in a single residence district, and which had multiple life threatening health and building code violations.

Assisted Zoning Enforcement Agent in enforcement actions against owners of two residentially zoned properties illegally used as a lodging houses.

Successful enforcement against owner of non-permitted roof over back deck in imminent danger of collapse. Notice of Unsafe Structure served upon owner; structure posted by ISD. Property owner removed unsafe roof structure.

Recovered \$207,060 for damage to city property, unpaid police and fire details, court ordered restitution and employee injury liens.

Miscellaneous

Negotiated and successfully resolved dispute with developer over Newton-Commonwealth Golf Course's right to install 50' protective netting between the 16th hole and new 4-story condominium development built 5' to 10' feet from the property line.

Newton Commonwealth Foundation –Advised and assisted Newton Commonwealth Golf Foundation in updating foundation's original by-laws.

18-20 Cambria Road –closed on deferred forgivable loan to CAN-DO for purpose of rehabilitating affordable housing project using CDBG funds.

GOALS AND OBJECTIVES

Assist in the on-going new Newton North High School construction project as issues arise.

Negotiate and draft license agreements for use of Waban and Auburndale Branch Library buildings.

Negotiate and draft new contract for trash collection and disposal, including fully automated collection services.

Negotiate and draft new contract for provision of ambulance services.

Negotiate and draft long-term contract extension between the Newton Farm Commission and Newton Community Farm, Inc., for operation of the Angino Farm.

Oversee implementation of the Remediation Fund established pursuant to the Clear Channel special permit board order #542-03.

Negotiate and draft lease for use of Kennard Estate property.

Negotiate and draft amendment to GL c. 121A tax agreement with New Falls Associates.

Pursuing appeal in Appeals Court seeking to reinstate petitions to recoup back taxes for a six year period that were lawfully imposed on phone company.

Seeking Appellate Tax Board finding on proper methodology to value poles and wires of phone company.

Procurement of Services for Management of Trust Funds - Work with the City Treasurer-Collector, Chief Procurement Officer and Trustees of the City's Trust Funds to finalize RFP's to obtain fund management services for the City's Trust Funds.

Lyons Field Lighting - Prepare contracts and license agreements required for the privately funded installation of athletic field lighting at Lyons Field by the Newton West Little League.

Obtain easements from Lasell College and other property owners for the sewer line installed under the relocated portion of Seminary Avenue.

Water Meters/Automated Water Meter Reading System - Work with the DPW and the Chief Procurement officer to develop an RFP for the procurement of water meters and an automated water meter reading system.

Assist ISD to increase enforcement of abandoned properties utilizing laws currently available as well as exploring potential new ordinance to allow City to more easily regulate such properties.

DEPARTMENT:

108 - CITY SOLICITOR

CITY OF NEWTON BUDGET DEPARTMENT SUMMARY

OBJECT SUMMARY	ACTUAL 2007	ACTUAL 2008	ORIGINAL	2009 ADJUSTMENTS	TOTAL	RECOMMENDED 2010	APPROPRIATION CHANGE 2009 To 2010	
51 - PERSONAL SERVICES	812,021	837,457	845,133	5,377	850,510	892,859	42,349	5%
52 - EXPENSES	372,498	423,522	279,443	35,460	314,903	279,443	-35,460	-11%
SUB-TOTALS:	1,184,519	1,260,979	1,124,576	40,837	1,165,413	1,172,302	6,889	1%
57 - FRINGE BENEFITS	95,492	100,589	97,926	0	97,926	105,858	7,932	8%
SUB-TOTALS:	95,492	100,589	97,926	0	97,926	105,858	7,932	8%
DEPARTMENT TOTALS:	1,280,011	1,361,568	1,222,502	40,837	1,263,339	1,278,160	14,821	1%

FUNCTIONAL ELEMENT SUMMARY	ACTUAL 2007	ACTUAL 2008	ORIGINAL	2009 ADJUSTMENTS	TOTAL	RECOMMENDED 2010	APPROPRIATION CHANGE 2009 To 2010	
0110801 LEGAL	1,136,676	1,264,315	1,152,502	5,377	1,157,879	1,208,160	50,281	4%
0110893 LEGAL SETTLEMENTS	143,335	97,254	70,000	35,460	105,460	70,000	-35,460	-34%
DEPARTMENT TOTALS:	1,280,011	1,361,568	1,222,502	40,837	1,263,339	1,278,160	14,821	1%

LEGAL	ACTUAL 2007	ACTUAL 2008	ORIGINAL	2009 ADJUSTMENTS	TOTAL	RECOMMENDED 2010	APPROPRIATION CHANGE 2009 To 2010	
51 - PERSONAL SERVICES	812,021	837,457	845,133	5,377	850,510	892,859	42,349	5%
52 - EXPENSES	229,163	326,269	209,443	0	209,443	209,443	0	0%
SUB-TOTALS:	1,041,183	1,163,726	1,054,576	5,377	1,059,953	1,102,302	42,349	4%
57 - FRINGE BENEFITS	95,492	100,589	97,926	0	97,926	105,858	7,932	8%
SUB-TOTALS:	95,492	100,589	97,926	0	97,926	105,858	7,932	8%
Element Totals:	1,136,676	1,264,315	1,152,502	5,377	1,157,879	1,208,160	50,281	4%

LEGAL SETTLEMENTS	ACTUAL 2007	ACTUAL 2008	ORIGINAL	2009 ADJUSTMENTS	TOTAL	RECOMMENDED 2010	APPROPRIATION CHANGE 2009 To 2010	
52 - EXPENSES	143,335	97,254	70,000	35,460	105,460	70,000	-35,460	-34%
SUB-TOTALS:	143,335	97,254	70,000	35,460	105,460	70,000	-35,460	-34%
Element Totals:	143,335	97,254	70,000	35,460	105,460	70,000	-35,460	-34%

DEPARTMENT:

108 - CITY SOLICITOR

CITY OF NEWTON BUDGET
PERSONAL SERVICES SUMMARY

ACCOUNT	POSITION TITLE	RANGE	2009 BUDGET		2010 RECOMMENDED	
			FTE	SALARY	FTE	SALARY
511001	City Solicitor	H15	1	130,487	1	131,141
	Assoc. City Solicitor	H12	2	200,689	2	204,724
	Asst. City Solicitor	H11	4.9	434,267	5	445,240
	Office Manager	H06	1	60,058	1	61,266
	Legal Secretary II	H02	1	45,131	1	46,038
Account Totals:			9.9	870,632	10	888,409
Report Totals:			9.9	870,632	10	888,409