



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

Finalized closeout of Newton South High School .

Assisted with early bid packages for the new Newton North High School as well as pre-qualification of Trade Contractors.

20 Rogers Street -- Acquired this property by eminent domain to add to City's Crystal Lake bathing facility.

ATB Victory - Massachusetts Appellate Tax Board ruled in favor of Newton against Verizon New England Inc. ruling that poles and wires erected on or above public ways are taxable.

Waste Management -- Finalized and executed solid waste disposal agreement. Drafted collection and haul contract for automated collection

Recovered \$126,888 for numerous street and traffic light knockdowns

Recovered \$25,400 in unpaid police special leave details

Provided representation as in-house resource to School Dept. in numerous special education matters.

Brimmer & May -- Completed land swap with Brimmer & May school, which will result in a new, lighted, handicapped accessible walkway to the Chestnut Hill T stop

Finalized Recodification of City ordinances and published new ordinance book containing the Revised Ordinances of 2007.

Drafted new Planned Multi-Use Business Development ordinance; advised Zoning and Planning Committee on multiple issues involving ordinance.

Advised on legal issues, and assisted Zoning and Planning Committee in editing City's new Comprehensive Plan.

Drafted new Green Zoning Ordinance; advised Zoning and Planning Committee on multiple issues, including pre-emption of certain proposed provisions by State Building Code.

Dogs Off-Leash - Drafted ordinance to provide procedure for Parks and Recreation Dept. and Conservation Commission to designate certain areas of parks and/or conservation land as "Dogs Off-Leash Areas."

Newton North High School Smoke Free Zone ordinance – drafted ordinance prohibiting smoking within a 900 foot perimeter of NNHS, and advised Health and School Departments on multiple issues concerning implementation and civil ticketing.

Successful criminal zoning enforcement case against owner/operators of landscape construction business in residential district. Case settled. Defendants agreed to cease operations. City collected fines in the amount of \$10,000.

Drafted ordinance amendment authorizing Traffic Council to take final action of site specific parking and traffic regulations (with appeal process to full Board) and to adopt Traffic and Parking Regulations to be used in place of site specific portions of Traffic and Parking ordinances.

Drafted the "Tiger Zone" parking plan to facilitate off-site parking for staff and students during construction of the new Newton North High School.

76 Webster Park -- Former land of Irene Forte purchased with CPA funds, subdivided and transferred to (1) Habitat for Humanity for a new affordable duplex, with a conservation restriction given to the City on a portion of the lot; (2) City to add to adjoining conservation area, with a conservation restriction to be held by Newton Conservators.

Whole Foods -- renegotiated lease of City-owned land to be used as parking lot for Whole Foods on Walnut Street

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

CLN/NHA Property Transfer – Assisted Community Living Network (CLN) and Newton Housing Authority (NHA) in

proposed transfer of affordable and elderly housing units to from CLN to NHA

NewTV -- Executed amendment to City-NewTV Agreement to encompass new cable monies from Verizon

GOALS AND OBJECTIVES

Assist in the negotiation of the Guaranteed Maximum Price (GMP) for the new Newton North High School. Also, negotiate financing agreement with state (MSBA)

Support ISD in the training of a new Chief Zoning Code Officer

Work with ISD and Planning Department on administrative site plan reviews involving religious institutions protected by state (Dover Amendment) and federal (RLUIPA) laws

230 Lake Avenue -- Finalize acquisition of fee and other rights to this property

Waste Management -- Finalize and execute collection and haul agreement

ESCOs -- Draft and finalize master guaranteed energy savings agreement and related financing.

Wi-Fi -- Amend wireless ordinance to address Wi-Fi for municipal purposes

Affordable Housing -- Provide legal counsel and drafting assistance for CDBG, HOME, and CPA-funded affordable housing properties

Intermunicipal Agreement -- Work with Waltham to agree on a workable solution for Newton properties using Waltham sewers but being billed and collected by Newton.

Draft RFP and perform contract work re: automated water meter reading system

Provide legal support for the golf course management contract bid process

Work to successfully implement anticipated new administrative process for recovering costs of damaged street and traffic lights

Assist in the resolution of the land disposition issues pertaining the land surrounding the Waban Hill Reservoir and the Woodland Drive/Ward Street pump station.

Develop RFP for trust fund manager for all municipal trust funds

DEPARTMENT:

108 - CITY SOLICITOR

**CITY OF NEWTON BUDGET
DEPARTMENT SUMMARY**

OBJECT SUMMARY	ACTUAL 2006	ACTUAL 2007	ORIGINAL	2008		RECOMMENDED 2009	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2008 To 2009	
51 - PERSONAL SERVICES	768,882	812,021	777,232	34,319	811,551	845,133	33,582	4%
52 - EXPENSES	412,330	372,498	279,443	135,000	414,443	279,443	-135,000	-33%
SUB-TOTALS:	1,181,212	1,184,519	1,056,675	169,319	1,225,994	1,124,576	-101,418	-8%
57 - FRINGE BENEFITS	88,365	95,492	106,415	0	106,415	97,926	-8,489	-8%
SUB-TOTALS:	88,365	95,492	106,415	0	106,415	97,926	-8,489	-8%
DEPARTMENT TOTALS:	1,269,576	1,280,011	1,163,090	169,319	1,332,409	1,222,502	-109,907	-8%

FUNCTIONAL ELEMENT SUMMARY	ACTUAL 2006	ACTUAL 2007	ORIGINAL	2008		RECOMMENDED 2009	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2008 To 2009	
0110801 LEGAL	1,055,518	1,136,676	1,093,090	167,715	1,260,805	1,152,502	-108,303	-9%
0110893 LEGAL SETTLEMENTS	214,058	143,335	70,000	1,604	71,604	70,000	-1,604	-2%
DEPARTMENT TOTALS:	1,269,576	1,280,011	1,163,090	169,319	1,332,409	1,222,502	-109,907	-8%

LEGAL	ACTUAL 2006	ACTUAL 2007	ORIGINAL	2008		RECOMMENDED 2009	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2008 To 2009	
51 - PERSONAL SERVICES	768,882	812,021	777,232	34,319	811,551	845,133	33,582	4%
52 - EXPENSES	198,272	229,163	209,443	133,396	342,839	209,443	-133,396	-39%
SUB-TOTALS:	967,153	1,041,183	986,675	167,715	1,154,390	1,054,576	-99,814	-9%
57 - FRINGE BENEFITS	88,365	95,492	106,415	0	106,415	97,926	-8,489	-8%
SUB-TOTALS:	88,365	95,492	106,415	0	106,415	97,926	-8,489	-8%
Element Totals:	1,055,518	1,136,676	1,093,090	167,715	1,260,805	1,152,502	-108,303	-9%

LEGAL SETTLEMENTS	ACTUAL 2006	ACTUAL 2007	ORIGINAL	2008		RECOMMENDED 2009	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2008 To 2009	
52 - EXPENSES	214,058	143,335	70,000	1,604	71,604	70,000	-1,604	-2%
SUB-TOTALS:	214,058	143,335	70,000	1,604	71,604	70,000	-1,604	-2%
Element Totals:	214,058	143,335	70,000	1,604	71,604	70,000	-1,604	-2%

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**CITY OF NEWTON BUDGET
PERSONAL SERVICES SUMMARY**

ACCOUNT	POSITION TITLE	RANGE	2008 BUDGET		2009 RECOMMENDED	
			FTE	SALARY	FTE	SALARY
511001	City Solicitor	H15	1	126,663	1	130,487
511001	Assoc. City Solicitor	H12	2	191,926	2	200,689
511001	Asst. City Solicitor	H11	4	338,649	4	354,111
511001	Office Manager	H04	1	55,866	1	60,058
511001	Legal Secretary II	H02	1	43,160	1	45,131
Account Totals:			9	756,264	9	790,477
511101	Asst. City Solicitor	H13	0.4	33,483	0	0
511101	PT Minimum - Secretary	H05	0.4	23,419	0	0
Account Totals:			0.8	56,902	0	0
511102	Asst. City Solicitor	H11	0.8	63,004	0.8	65,881
Account Totals:			0.8	63,004	0.8	65,881
Report Totals:			10.6	876,171	9.8	856,358