



## 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**

- Concluded negotiations and drafting of agreement for operation of Angino Farm by non-profit Newton Community Farm Inc.
- Negotiated and finalized cable TV license with Verizon.
- Succeeded in commercial property tax appeal case (Dacos Realty) saving the city \$21,000.
- Drafted legislation broadening City's investment opportunities for its trust funds.
- Successfully dismissed lawsuit brought by contractor in breach of contract case for \$535,000.
- Continued collection of unpaid police detail bills totaling to date more than \$72,000.
- Closed on CPA funding for B'nai B'rith Covenant House affordable housing development.

- Closed on inclusionary zoning affordable housing units at Oxford House, 391 Walnut Street.
- Negotiated and finalized historic preservation restriction granted by Lasell College to the City on Rockwell Building.
- Assisted in obtaining state authorization to use CM at risk process for construction of new Newton North High School; Advised re: solicitation of Construction Management firms; and assisting in negotiation of contract with selected firm.
- Advised various City officials on referendum process pertaining to site plan approval of the proposed new Newton North High School.
- Assisted with phase 1 of project close-out for the Newton South High School renovation.
- Brought successful zoning enforcement actions against large landscape and construction businesses located in residential neighborhoods.
- Drafted ordinance amendment allowing charge for use of storm water facilities.
- Negotiated and drafted final administrative services contract for city employee health insurance plan with Tufts Total Health.

- Achieved favorable ruling in civil service case allowing the city to rely more effectively on CORI checks during hiring process.

### **GOALS AND OBJECTIVES**

- Resolve respective contractual and financial obligations of parties involved in the Newton South High School construction project.
- Continue to assist and advise numerous clients on legal issues arising out of planned construction of new Newton North High School.
- Begin negotiations on new long term solid waste contracts in coordination with Solid Waste Commission.
- Continue work on new Community Preservation Act projects, including but not limited to: Durant Kenrick House; Farlow and Chaffin Parks; Warren House Capital Improvements; Newton Centre Playground; City Hall & War Memorial Grounds; Jefferson St. Lighting.
- Begin Cable TV license renewal negotiations with RCN.
- Negotiate license agreement and assist in coordinating permitting process to allow for Wi Fi capability for public and municipal benefit.

- Finish Recodification of City ordinances in coordination with City Clerk and Board of Aldermen, as required by City Charter.

- Resolve dispute as to use of beach and repair of wall at Crystal Lake by negotiation and/or enforcement; Assist and advise re: purchase or taking of property located at 40 Rogers St.

- Advise and support Board of Aldermen and Planning Department on new proposals for sustainability of natural resources through “Green Zoning”.

- Successfully resolve Stearns/Pellegrini CPA litigation.

- Assist Building and School Departments in acquisition of eight modular classrooms.

- Assist and support various clients in returning Carr School to public school use.

- Assist various clients in working on myriad legal issues pertaining to the proposed Chestnut Hill Square development.

- Assist in advising and training new Executive Secretary to the Election Commission.

- Effectively represent School Department in vastly increased number of Special Education appeals.

DEPARTMENT:

108 - CITY SOLICITOR

**CITY OF NEWTON BUDGET  
DEPARTMENT SUMMARY**

OBJECT SUMMARY	ACTUAL 2005	ACTUAL 2006	ORIGINAL	2007		RECOMMENDED 2008	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2007 To 2008	
51 - PERSONAL SERVICES	820,376	768,882	773,896	0	773,896	777,232	3,336	0%
52 - EXPENSES	292,916	412,330	279,443	98,055	377,498	279,443	-98,055	-26%
<b>SUB-TOTALS:</b>	<b>1,113,292</b>	<b>1,181,212</b>	<b>1,053,339</b>	<b>98,055</b>	<b>1,151,394</b>	<b>1,056,675</b>	<b>-94,719</b>	<b>-8%</b>
57 - FRINGE BENEFITS	91,604	88,365	96,565	0	96,565	106,415	9,850	10%
<b>SUB-TOTALS:</b>	<b>91,604</b>	<b>88,365</b>	<b>96,565</b>	<b>0</b>	<b>96,565</b>	<b>106,415</b>	<b>9,850</b>	<b>10%</b>
<b>DEPARTMENT TOTALS:</b>	<b>1,204,895</b>	<b>1,269,576</b>	<b>1,149,904</b>	<b>98,055</b>	<b>1,247,959</b>	<b>1,163,090</b>	<b>-84,869</b>	<b>-7%</b>

FUNCTIONAL ELEMENT SUMMARY	ACTUAL 2005	ACTUAL 2006	ORIGINAL	2007		RECOMMENDED 2008	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2007 To 2008	
0110801 LEGAL	1,204,895	1,055,518	1,079,904	0	1,079,904	1,093,090	13,186	1%
0110893 LEGAL SETTLEMENTS	0	214,058	70,000	98,055	168,055	70,000	-98,055	-58%
<b>DEPARTMENT TOTALS:</b>	<b>1,204,895</b>	<b>1,269,576</b>	<b>1,149,904</b>	<b>98,055</b>	<b>1,247,959</b>	<b>1,163,090</b>	<b>-84,869</b>	<b>-7%</b>

LEGAL	ACTUAL 2005	ACTUAL 2006	ORIGINAL	2007		RECOMMENDED 2008	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2007 To 2008	
51 - PERSONAL SERVICES	820,376	768,882	773,896	0	773,896	777,232	3,336	0%
52 - EXPENSES	292,916	198,272	209,443	0	209,443	209,443	0	0%
<b>SUB-TOTALS:</b>	<b>1,113,292</b>	<b>967,153</b>	<b>983,339</b>	<b>0</b>	<b>983,339</b>	<b>986,675</b>	<b>3,336</b>	<b>0%</b>
57 - FRINGE BENEFITS	91,604	88,365	96,565	0	96,565	106,415	9,850	10%
<b>SUB-TOTALS:</b>	<b>91,604</b>	<b>88,365</b>	<b>96,565</b>	<b>0</b>	<b>96,565</b>	<b>106,415</b>	<b>9,850</b>	<b>10%</b>
<b>Element Totals:</b>	<b>1,204,895</b>	<b>1,055,518</b>	<b>1,079,904</b>	<b>0</b>	<b>1,079,904</b>	<b>1,093,090</b>	<b>13,186</b>	<b>1%</b>

LEGAL SETTLEMENTS	ACTUAL 2005	ACTUAL 2006	ORIGINAL	2007		RECOMMENDED 2008	APPROPRIATION CHANGE	
				ADJUSTMENTS	TOTAL		2007 To 2008	
52 - EXPENSES	0	214,058	70,000	98,055	168,055	70,000	-98,055	-58%
<b>SUB-TOTALS:</b>	<b>0</b>	<b>214,058</b>	<b>70,000</b>	<b>98,055</b>	<b>168,055</b>	<b>70,000</b>	<b>-98,055</b>	<b>-58%</b>
<b>Element Totals:</b>	<b>0</b>	<b>214,058</b>	<b>70,000</b>	<b>98,055</b>	<b>168,055</b>	<b>70,000</b>	<b>-98,055</b>	<b>-58%</b>

DEPARTMENT:  
108 - CITY SOLICITOR

**CITY OF NEWTON BUDGET  
PERSONAL SERVICES SUMMARY**

ACCOUNT	POSITION TITLE	RANGE	2007 BUDGET		2008 RECOMMENDED	
			FTE	SALARY	FTE	SALARY
511001	City Solicitor	H15	1	118,897	1	119,354
511001	Assoc. City Solicitor	H12	2	184,058	2	184,766
511001	Asst. City Solicitor	H11	4	322,385	4	323,625
511001	Office Manager	H04	1	52,440	1	52,642
511001	Legal Secretary II	H02	1	40,193	1	40,347
<b>Account Totals:</b>			<b>9</b>	<b>717,973</b>	<b>9</b>	<b>720,734</b>
511101	Asst. City Solicitor	H11	0.4	30,000	0.4	30,000
511101	PT Minimum - Secretary	H03	0.4	21,948	0.4	21,948
<b>Account Totals:</b>			<b>0.8</b>	<b>51,948</b>	<b>0.8</b>	<b>51,948</b>
<b>Report Totals:</b>			<b>9.8</b>	<b>769,921</b>	<b>9.8</b>	<b>772,682</b>