

Chapter 4

BOARD OF ALDERMEN*

- Art. I. General, §§ 4-1—4-19**
Art. II. Clerk of the Board, §§ 4-20—4-49
Art. III. Betterment Procedures, §§ 4-50—4-51

ARTICLE I. IN GENERAL

Sec. 4-1. Time, place for aldermanic meetings.

Regular meetings of the board of aldermen shall be held in the months of January through June, inclusive, and in the months of September through December, inclusive, on the first and third Monday evenings of such months and in the months of July and August on the second Monday of each month at 7:45 p.m., unless otherwise ordered by the board of aldermen. Where any such Monday shall be a legal holiday, the meeting shall be held on the next following day which is not a legal holiday. Every adjourned sitting of the board of aldermen, not an adjourned special meeting, shall constitute a regular meeting, and the order of business thereat shall be the same as in the case of a regular meeting. Said meetings will be conducted in the aldermanic chambers of the Newton City Hall. (Rev. Ords. 1973, § 2-1)

Sec. 4-2. Salary of aldermen.

In accordance with chapter 39, section 6A, of the General Laws, each member of the board of aldermen shall receive annual compensation of nine thousand seven hundred fifty dollars (\$9,750.00), payable monthly. The effective date of any subsequent salary increase voted under this section shall be the date upon which the succeeding board (to that which voted the increase) is sworn into office. Any such subsequent salary increase shall require the affirmative vote of two-thirds (2/3) of the board of aldermen and be voted only between January first and September thirtieth of a year in which a municipal election is to be held. (Rev. Ords. 1973, § 2-3; Ord. No. 573, 7-5-73; Ord. No. 201, 3-7-77; Ord. No. R-314, 3-21-83; Ord. No. S-269 and S-270, 9-8-87; Ord. No. V-132, 9-15-97)

Sec. 4-3. Registration of persons receiving consideration to affect outcome of any matter pending before board of aldermen.

(a) Any person who has received or will receive a fee or any other consideration to effect positive or negative action by the board of aldermen on any matter pending before it shall register with the city clerk his name, address and the name of the person or persons on whose behalf he is seeking such action before commencing such activity.

(b) This section shall not apply to attorneys of record for petitioners to the board of aldermen, provided their names and addresses are clearly set forth on the petition.

(c) No violation of this section shall affect the validity of any action of the board of aldermen. (Rev. Ords. 1973, § 2-6)

Secs. 4-4—4-19. Reserved.

***Cross references** – Ward boundaries established, § 1-15; administration generally, Ch. 2; notification to officers and boards of certain orders of the board of aldermen, § 6-1

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.

(b) In the absence of the clerk of the board by reason of sickness, vacation, or absence from the city, the city clerk shall become the acting clerk of the board with all the rights, duties, and responsibilities authorized by law in the clerk of the board. Whenever possible and as requested by the clerk of the board, the city clerk shall assist the clerk of the board at regular board of aldermen meetings or at special board of aldermen meetings called for the sole purpose of acting upon the city's budget. For assisting the clerk of the board, the city clerk shall receive an annual salary from the budget of the clerk of the board in such sum as may be annually approved by the board of aldermen. (Rev. Ords. 1973, § 2-107)

Sec. 4-27. Duties.

The clerk of the board shall:

(a) Where permitted by law, be the licensing authority for the issuance and removal of licenses by the board of aldermen.

(b) Have the authority to take and record oaths.

(c) Where permitted by law, keep and maintain all board of aldermen appropriations, ordinances, resolutions, records and votes.

(d) Attend the meetings of the board of aldermen and of its general and special committees established under the rules of the board.

(e) Perform all such duties and responsibilities as set forth in the rules and orders of the board of aldermen from time to time and in effect.

(f) Perform such additional duties and responsibilities as may be determined by the board of aldermen.

(g) Perform such duties and responsibilities not otherwise enumerated above but required by law. (Rev. Ords. 1973, § 2-108)

Sec. 4-28. Clerk's responsibilities to aldermanic committees and individual aldermen.

The clerk of the board shall:

(a) Prepare reports and correspondence as he may be instructed to do by committee or acting committee chairmen pertaining to committee matters.

(b) Prepare reports and correspondence pertaining to board of aldermen matters as required by the board president, vice-president or president emeritus.

(c) Perform such research or assignments as are required by a general or special committee of the board of aldermen through its chairman or acting chairman, or such research or assignments pertaining to board of aldermen activities as requested by the board president, vice-president or president emeritus.

(d) Not handle any individual alderman's correspondence, whatever the nature.

(e) Not conduct research or assignment for any individual alderman, whatever the nature. (Rev. Ords. 1973, § 2-109)

Sec. 4-29. Manner of giving notice of hearings.

Where it is provided by law or by ordinance that notice of a hearing before the board of aldermen pursuant to petition shall be given by publication, such notice shall be published in a newspaper of general circulation within the city. In all cases, unless otherwise provided by law or by ordinance, notice of hearings shall be given in the manner provided in this section. (Rev. Ords. 1973, § 2-110)

Sec. 4-30. Printing of certain matters; purchases.

The clerk of the board of aldermen shall cause to be printed all matters ordered to be printed by the board of aldermen, or by the ordinances of the city, and when so requested, all matters required to be printed by the mayor, and shall purchase all books and stationery necessary for the board of aldermen. (Rev. Ords. 1973, § 2-111)

Sec. 4-31. Positions filled by same person.

In the event that the same person fills the positions of both city clerk and clerk of the board, sections 4-31 through 4-35 shall apply. (Ord. No. R-52, 1-28-80)

Sec. 4-32. Title; powers and duties.

When the same person fills the positions of both city clerk and clerk of the board, he shall be known as the city clerk, and shall have all the duties and obligations of both the city clerk and clerk of the board as prescribed by law. (Ord. No. R-52, 1-28-80)

Sec. 4-33. Election and term.

When the same person fills the positions of both city clerk and clerk of the board, he shall be elected in the same manner as and for the same term of the city clerk and clerk of the board respectively when those positions are filled by two persons. (Ord. No. R-52, 1-28-80)

Sec. 4-34. Divisions of the department of city clerk; assistant city clerk; assistant clerk of the board.

There shall be created two divisions within the department of the city clerk, known respectively as the division of the city clerk and the division of the clerk of the board. (Ord. No. R-52, 1-28-80; Ord. No. T-104, 9-17-90)

Sec. 4-35. Acting city clerk; acting clerk of the board.

In the absence of the city clerk for reason of sickness, vacation, or absence from the city:

- (1) a staff member so designated by the city clerk shall become the acting city clerk for said division with all the rights, duties, and responsibilities authorized by law in the city clerk, and
- (2) a committee clerk so designated by the clerk of the board shall become the acting clerk of the board for said division with all the rights, duties, and responsibilities authorized by law in the clerk of the board. (Ord. No. R-52, 1-28-80; Ord. No. T-104, 9-17-90)

Secs. 4-36—4-49. Reserved.

ARTICLE III. BETTERMENT PROCEDURES

Sec. 4-50. Calculation of betterments.

(a) Whenever the board of aldermen receives a petition seeking approval of an improvement project for which betterments may be assessed, said board shall request the city engineer to prepare a calculation of the estimated

betterment assessments.

(b) Upon receipt of such a request, the city engineer shall calculate the estimated betterment assessments in accordance with the formulas set out in applicable statutes and ordinances, and deliver to the board of aldermen a schedule setting out said estimates. (Ord. No. T-108, 10-15-90)

Sec. 4-51. Abatement of betterment assessments: procedure.

(a) Whenever the board of aldermen receives a timely application for abatement of betterment assessments from any person who has been assessed betterments for an improvement project, said board shall request the opinion of the board of assessors as to the amount of benefit to the estate of the applicant.

(b) Upon receipt of such a request, the board of assessors shall examine the estate and advise the board of aldermen of said assessors' opinion as to the amount of benefit to said estate as a result of the improvement project. (Ord. No. T-108, 10-15-90)