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RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

January 10, 2022

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CITY CLERK
NEWTON, MA 02459

Honorable City Council
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Councillors:

I respectfully submit a docket item to your Honorable Council requesting approval of the following two amendments to the City Ordinances that will expand the availability of personnel to conduct traffic details.

As you know, for several years, the City has been unable to fill all requested police traffic details for construction projects and other work such as road/sidewalk improvements, utility work, tree plantings and removal, and building construction/maintenance and repairs.

The City has reached agreement with both police unions, the Newton Police Superior Officers Association (NPSOA) and the Newton Police Association (NPA) in the most recent round of contract negotiations.

The following language was agreed to by each union:

"Only sworn Patrol and/or Superior officers, approved retired special police officers (Sec 24-6 of the Newton Revised Ordinances), active duty out of town officers under mutual aid agreement with the City, and supplemental paid detail personnel approved by the Chief of Police, are authorized to direct all traffic, either in person or by means of visible or audible signals, including at construction sites in the public way. However, in the event of fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require, notwithstanding the provisions of the Section. Unpaid auxiliary police shall not direct traffic at construction sites in the public way. Call-down of personnel shall be as follows: (1) active-duty Newton Police Officers, (2) retired Newton special police officers, (3) active duty out of town officers under mutual aid agreement with the City, and then (4) Supplemental Paid Detail Personnel. The call-down for the Supplemental Paid Detail Personnel shall be as follows: (1) Retired Massachusetts Police Officers based on superannuation; (2) Retired Massachusetts State Police Officers based on superannuation; (3) Retired Massachusetts Law Enforcement Division Sheriffs based on Superannuation' (4) personnel

trained as Newton Auxiliary Officers; and (5) Prior law enforcement experience or training acceptable to the Chief of Police.”

The proposed ordinance changes are as follows:

1. Amend Chapter 24 of the Ordinances by adding a new Sec. 24-11 *Supplemental Paid Traffic Control Detail Personnel* which will enable the Chief of Police to hire part-time personnel on an as-needed basis to assist in directing traffic at construction sites in the public way when no sworn officers or police retiree detail patrol appointees are available. The proposed new section should read as follows:

Sec. 24-11 Supplemental Paid Traffic Control Detail Personnel

The chief of police may appoint, subject to the approval of the mayor, persons to be known as the Newton Supplemental Paid Traffic Control Detail Personnel to direct traffic at construction sites as needed within and about the public way, and who shall be paid when actually employed by the order of the chief of police. Such Supplemental Paid Traffic Control Detail Personnel shall obey all lawful orders of the chief of police and be subject to all the rules and regulations of the police department not inconsistent with their authority and duties. Appointment to the Supplemental Paid Traffic Control Detail under this section does not entitle that person to assignment to any detail.

2. Amend Sec 19-46 of the Ordinances to include the new Supplemental Paid Traffic Control Detail appointees as persons authorized to direct traffic on construction details within and about the public ways in Newton.

AMEND Sec 19-46. Police to direct traffic; construction sites; direction in event of fire or emergency.

It shall be the duty of officers designated by the chief of police to enforce the provisions of this chapter. Only sworn police officers, retired special police officers appointed pursuant to Sec. 24-6, and, when neither is available, supplemental paid traffic control detail personnel appointed pursuant to Sec. 24-11, are hereby authorized to direct all traffic either in person or by means of visible or audible signals in conformance with the provisions of this chapter, including at construction sites in the public way. However, in the event of a fire or other emergency, to expedite traffic or safeguard pedestrians, officers of the police or fire department may direct traffic as conditions may require, notwithstanding the provisions of this chapter.

Thank you for your consideration of this matter.

Sincerely,



Ruthanne Fuller
Mayor