



City of Newton, Massachusetts

#237-22

Telephone
(617) 796-1000
Fax
(617) 796-1113
TDD/TTY
(617) 796-1089

Ruthanne Fuller
Mayor

March 28, 2022

CITY CLERK
NEWTON, MA. 02459

2022 APR -5 PM 5:23

RECEIVED

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

Dear Councilors:

I write to request that the Honorable City Council docket for consideration a request to petition the General Court for special legislation to allow any member of the regular police or fire departments (including the wires/fire alarm division) to reside within thirty-five miles of Newton's city limits. Current state laws limit such residency to 15 miles unless a different radius is set by a collective bargaining agreement subject to G.L. c. 150E.

In addition, and in the event such special legislation is enacted by the General Court, I request that the Honorable City Council docket for consideration corresponding amendments to Sections 10-35 (Fire Department residency requirements) and 24-2 (Police Department residency requirements) of the Newton Revised Ordinances, 2017 to implement such special legislation.

Currently the above two sections of our ordinances are not consistent with our union contracts with our Police and Fire Unions as to where employees may live.

My goal is to align our ordinances with our current practices and reinforce our goals of having both our Police and Fire Departments be more inclusive as they recruit, hire, retain and promote uniformed personnel, including Chiefs, Assistant Chiefs and Executive Officers.

Rationale

At this time, all of the uniformed personnel within both the Police and Fire Departments operate under union contacts that allow for a 35 mile residency boundary. This is inconsistent with our Ordinances. Furthermore, State law requires Chiefs of these departments to live within 15 miles while the 35 mile residency requirement is more appropriate.

With our modern communication technology, police and fire personnel can be called into Newton for an emergency and arrive on a timely basis when living within a 35 mile residency boundary.

Furthermore, the 35 mile residency boundary gives the City a generous area to find and retain qualified candidates. This is equally true when considering possible leadership candidates.

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov

Recently I decided to consider internal and external candidates for the Chief of Police. We were lucky that Walpole, where Chief Carmichael lives, happens to be within the 15 mile radius of Newton as he was an excellent fit for NPD at this moment in its storied history.

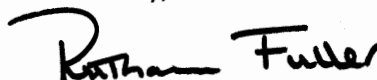
In addition, when promoting internal candidates to leadership positions, the City of Newton may find the best person living beyond the 15 mile radius. In this situation, a promotion to Chief would be deleterious as housing costs can be prohibitive close to Newton, a spouse/partner may be limited for work considerations in moving, and the family may have children in schools or the need to care for parents or other family members proximate to their current home.

As we also continue our work on diversity, equity, and inclusion (DEI) initiatives, we are constantly looking to attract candidates with diverse personal and professional experiences. Inclusive hiring practices are vital to our community's success. Such practices translate to improved employee retention and productivity and a host of other organizational benefits. Part of an inclusive hiring practice is addressing unnecessary or unintentional limitations on meeting our DEI goals. Formalizing the residency boundary allows the City to seek the interest of candidates from various parts of the Commonwealth, potentially bringing more diverse voices to our membership and leadership roles.

I have attached for your consideration a draft of proposed special legislation together with redlined drafts of the proposed ordinance amendments.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Ruthanne Fuller". The signature is written in a cursive style with a large initial "R".

Ruthanne Fuller
Mayor

LIST OF ATTACHMENTS

1. Draft Special Act
2. Redlined Ordinance Amendments (Sections 10-35 and 24-2)

DRAFT

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CITY OF NEWTON

IN CITY COUNCIL

March , 2022

ORDERED:

The request for approval of the following Home Rule legislation for enactment by the General Court be and is hereby approved by the Honorable City Council:

AN ACT EXTENDING RESIDENCY REQUIRMENTS FOR MEMBERS OF THE REGULAR POLICE OR FIRE DEPARTMENTS AND FIRE ALARM DIVISION OF THE CITY OF NEWTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Notwithstanding any general or special law or local law to the contrary, any member of the regular police or fire departments and fire alarm or wires division of the City of Newton shall, within nine months of appointment, reside within the City of Newton or within thirty-five miles of Newton's city limits, or within such distance of Newton's city limits as set under a collective bargaining agreement negotiated under chapter 150E. Said distance shall be measured from the closest Newton border limits to the closest border limits of the city or town in which said member resides.

Section 2. This Act shall take effect upon its passage.

Approved as to legal form and character:

ALISSA O. GIULIANI
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved

(SGD) CAROL MOORE
City Clerk

(SGD) RUTHANNE FULLER
Mayor

Ordinance amendments – 35 mile residency requirement police and fire

For fire dept.: amend Section 10-35 as follows:

Sec. 10-35. Place of residence of members.

~~Members of the fires department shall reside within ten (10) miles of the limits of the City of Newton.~~

Members of the fire department, including the fire alarm or wires division, shall, within nine (9) months of appointment, reside within the City of Newton or within thirty-five (35) miles of Newton's city limits, or within such distance of Newton's city limits as set under a collective bargaining agreement negotiated under chapter 150E of the general laws. Said distance shall be measured from the closest Newton border limits to the closest border limits of the city or town in which said member resides.

For police dept.: amend Sec. 24-2 as follows:

Sec. 24-2. Place of residence of members.

~~Members of the police force shall reside within the cities of Newton or Waltham or the towns of Brookline, Needham, Watertown, Wellesley or Weston or at a place within the City of Boston which is not more than three (3) miles from the city.~~

Members of the police force shall, within nine (9) months of appointment, reside within the City of Newton or within thirty-five (35) miles of Newton's city limits, or within such distance of Newton's city limits as set under a collective bargaining agreement negotiated under chapter 150E of the general laws. Said distance shall be measured from the closest Newton border limits to the closest border limits of the city or town in which said member resides.