

CITY OF NEWTON

IN BOARD OF ALDERMEN

FINANCE COMMITTEE AGENDA

MONDAY, JANUARY 12, 2009

7:45 PM
Room 222

ITEMS SCHEDULED FOR DISCUSSION:

REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES

- #465-08 NEWTON RETIREMENT BOARD and ALDERMEN HARNEY, GENTILE AND SANGIOLO requesting the Newton Retirement Board seeking aldermanic adoption and mayoral approval of special legislation that would authorize it to award to Frank Albano a superannuation retirement allowance in accordance with G.L. c.32, Sec. 5 notwithstanding the provisions of G.L. c.32, Sec. 3(6)(e) requiring a former member who re-enters active service to remain in active service for at least two consecutive years before becoming eligible to receive a retirement allowance. [11-17-08 @ 10:26 PM]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #397-07 ALD. JOHNSON AND COLETTI requesting to increase the fee for dogs being off-leash except where dogs are legally able to be off-leash. [12-04-07 @ 12:22 AM]
PROGRAM & SERVICES APPROVED 5-0-1 (Ald. Sangiolo not voting, Hess-Mahan abstaining) on 01-7-09
- #9-09 HIS HONOR THE MAYOR appointing JAMES REARDON as TREASURER/COLLECTOR of the City of Newton, effective immediately, pursuant to Sections 3-3(b) of the City Charter. [12-30-08 @ 5:05 PM]
- #354-08 ALD. COLETTI requesting monthly report on cash and receivable reconciliations by Treasurer and status of Consultant work in Treasurer's Office. [09-30-08 @ 1:54 PM]
HELD 7-0-1 (Ald. Freedman not voting) on 12-22-08

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #12-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred twenty five thousand dollars (\$225,000) from bonded indebtedness to the Building Department for the purpose of replacing a boiler at City Hall. [12-24-08 @ 1:54 PM]
PUBLIC FACILITIES APPROVED 6-0 (Ald. Lennon not voting) on 01-07-09

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #11-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred ninety-four thousand dollars (\$394,000) from bonded indebtedness for the design work for the rehabilitation of Fire Station #7. [12-24-08 @ 1:55 PM]
PUBLIC FACILITIES APPROVED 5-1 (Ald. Salvucci opposed, Lennon not voting) on 01-07-09
- #10-09 HIS HONOR THE MAYOR requesting that the sum of one hundred twelve thousand three hundred fifty nine dollars fifty-nine cents (\$112,359.59) be transferred from the Human Resources Department severance funds account to various departments for severance costs that are the result of the layoffs at the end of FY08. [12-30-08 @ 5:04 PM]
- #353-08 ALD. COLETTI requesting monthly report by Executive Office before Post Audit and Oversight Committee on snow and salt expenditure from November 2008 through April 2009. [09-30-08 @ 1:54 PM]
HELD 8-0 on 11-24-08
- #351-08 ALD. COLETTI requesting discussion on the status of School Building Authority reimbursements to the City of \$46.6 million for the Newton North High School project. [09-30-08 @ 1:54 PM]
HELD 7-0 on 12-22-08
- #349-08 ALD. COLETTI requesting discussion on preparation and submission of a new Capital Improvement Plan by the Executive Office. [09-30-08 @ 1:54 PM]
HELD 7-0 on 12-22-08

Chairman's Note: Ald. Coletti will briefly discuss the following three items tonight.

REFERRED TO POST AUDIT & OVERSIGHT AND FINANCE COMMITTEES

- #300-08 ALD. JOHNSON AND SWISTON requesting discussion with Mayor David Cohen and Superintendent Jeffrey Young as to the procedures that are in place to ensure accountability of their staff in respect to adherence to the authorization of purchasing and expenditures policy and procedures. [07-21-08 @ 9:03 AM]
POST AUDIT & OVERSIGHT HELD on 11-25-08
- #299-08 HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the provisions of §18 of Chapter 32B of the General Laws which requires all eligible municipal retirees to enroll in Medicare, the acceptance of which will allow the City to enroll them in health insurance plans that supplement Medicare coverage for cost savings to both retirees and the City. [08-04-08 @ 12:35 PM]

- #299-08(2) HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the provisions of §19 of Chapter 32B (as amended) of the General Laws to allow all subscribers for whom the City provides health insurance to transfer to the Group Insurance Commission (GIC) pursuant to Section 19(e) of Section 32B, which authorizes the City to engage in so-called coalition bargaining re the issue of the City joining the GIC. [08-04-08 @ 12:35 PM]
- #246-08 ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor and the School Committee to prohibit immediately the use of any city-owned vehicle for commuting purposes in excess of ten miles from the physical boundaries of Newton and to limit use of city-owned vehicles to circumstances where an emergency response is likely during non-business hours and in which the necessary equipment is carried for such emergency response. [7-2-08 @ 12:12 PM]
HELD 7-0 on 12-22-08

ITEMS NOT SCHEDULED FOR DISCUSSION:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #13-09 HIS HONOR THE MAYOR requesting authorization to appropriate and expend three hundred eighty-five thousand dollars (\$385,000) from bonded indebtedness to the Public Works Department for the purpose of replacing both the salt shed and the Quonset hut at Crafts Street. [12-30-08 @ 5:04 PM]
PUBLIC FACILITIES APPROVED 4-0-2 (Ald. Gentile and Mansfield abstaining) on 01-07-09

Appointment by His Honor the Mayor

- #483-08 ROBERT CARP, 22 Hollywood Drive, Chestnut Hill, appointed as a Constable for the City of Newton for a term of office to expire November 30, 2011. (60 days 2-13-09) [12-3-08 @ 4:02 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #469-08 HIS HONOR THE MAYOR requesting to appropriate five hundred seventy five thousand dollars (\$575,000) from Free Cash to the School Department for the costs related to the conversion of the boilers at nine school buildings. The School Committee agreed to spend this amount from the school utility budget with the understanding that it would be restored once free cash became available. Including this sum, it is estimated that the school department will require a smaller supplemental appropriation to cover heating this winter than would have been necessary without this conversion. [11-25-08 @ 4:58 PM]
PUBLIC FACILITIES APPROVED 7-0 on 12-17-08
- #352-08 ALD. COLETTI requesting discussion monthly reports from the Chief Budget Officer and Comptroller on the status of the Health Insurance Trust Fund. [09-30-08 @ 1:54 PM]
HELD 7-0 on 12-22-08

- #348-08 ALD. COLETTI requesting discussion on the Executive Department submission of a new 5-year forecast for FY2010 budget preparation. [09-30-08 @ 1:54 PM]
HELD 7-0 on 12-22-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07-17-08 @ 9:53 AM]

**REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL.
PUB. SAFETY AND FINANCE COMMITTEES**

- #273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]
PUBLIC SAFETY & TRANSPORTATION HELD 6-0 (Ald. Ciccone and Coletti not present and voting) on 9-3-08

ITEM RECOMMITTED TO FINANCE COMMITTEE on 11-3-08

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

- #265-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred fifty thousand five hundred eighty seven dollars (\$150,587) from capital stabilization for the purpose of restoration of the exterior of the Jackson Homestead. [7-8-08 @ 5:17 PM]
**RECOMMITTED TO PUB FAC & FINANCE COMMITTEES ON 10-20-08
PUBLIC FACILITIES APPROVED 1-0-3 (Ald. Lennon, Albright and Mansfield abstaining, Salvucci and Gentile not voting) on 10-22-08
FINANCE APPROVED AS AMENDED 4-2-1 @ \$122,976 (Ald. Lennon and Gentile opposed; Johnson abstaining) on 10-27-08**

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07-08-08 @ 1:29 PM]
PROGRAM AND SERVICES HELD 7-0 on 9-17-08 (Ald. Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #260-08 ALD. SANGIOLO proposing the establishment of a revolving account to receive contributions and rental income to go directly to fund branch libraries for each individual branch. [07-08-08 @ 1:29 PM]
**PROGRAM AND SERVICES APPROVED AS AMENDED 5-0-3 (Ald. Baker, Freedman, Hess-Mahan abstaining) on 9-3-08
HELD 6-0 (Ald. Johnson not voting) on 9-22-08**

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs. [07-08-08 @ 1:28 PM]
PROGRAM AND SERVICES HELD 7-0 on 9-17-08 (Ald. Baker not voting)

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07-08-08 @ 1:29 PM]
PROGRAM & SERVICES HELD 7-0 on 01-7-09
- #213-08 ALD. LINKSY, JOHNSON, ALBRIGHT, FREEDMAN, HARNEY, HESS-MAHAN, VANCE, MANSFIELD & PARKER requesting the evaluation of the following in conjunction with the contemplated conversion of general fund monies from operational budget uses to debt service use in regard to the Newton North High School project:
- (a) the impact on city and/or school services,
 - (b) the process by which criteria and prioritization will be established when choices need to be made between services, and
 - (c) whether additional revenue will be required in the form of debt exclusions or otherwise. [04-29-08 @ 11:26 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
"Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05-21-08 @ 12:58 PM]
PROGRAM & SERVICES HELD 7-0 (Ald. Baker not voting) on 11-5-08

REFERRED TO PUB. SAFETY & TRANSPORTATION & FINANCE COMMITTEES

#174-08(2) PUBLIC SAFETY/TRANSPORTATION COMMITTEE proposing changes to the rate structure and/or enforcement hours for parking meters as well as installation of additional meters citywide. [06-18-08 @ 8:00 PM]

REFERRED TO COMMUNITY PRESERVATION & FINANCE COMMITTEES

#147-08 COMMUNITY PRESERVATION COMMITTEE recommending that the sum of \$359,400, including \$2,000 for legal costs, be appropriated from the FY'08 Community Preservation Fund's historic resources and general reserves, for a project to rehabilitate and expand storage space for the research library and archives at the Newton History Museum, to preserve the existing collections, and enhance public access to the collections. [04-01-08 @ 4:10 PM]

COMMUNITY PRESERVATION APPROVED 6-0 on 4-29-08

(A) DESIGN FUNDS ESTIMATE \$37,500.00

(B) BALANCE OF PROJECT ESTIMATE \$321,900.00

Voice vote APPROVED Motion to amend docket to add referral to Public Facilities Committee on 5-19-08.

FINANCE APPROVED (A) Design Funds at \$37,500 6-0 on 7-21-08

FINANCE HELD (B) Balance of Project on 7-21-08

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

#89-08 ALD. PARKER requesting the following:

- A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
- B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
- C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.

[02-13-08 @ 12:07 PM]

PROGRAMS AND SERVICES HELD 6-0 (Ald. Freedman not voting) on 4-9-08

REFERRED TO PROG & SERV, PUB FAC AND FINANCE COMMITTEES

#54-08(3) PUBLIC FACILITIES COMMITTEE offering a RESOLUTION to His Honor the Mayor requesting that he request and receive from the State Treasurer a review of the project plans and a review of the project's finance plan and submit said reviews to the Board of Aldermen in order to preserve cost-saving options.

PROGRAMS & SERVICES APPROVED 4-2-1 (Ald. Baker and Hess-Mahan opposed; Merrill abstaining; Parker not voting) on 3-12-08

PUBLIC FACILITIES APPROVED 5-3 (Ald.Gentile, Salvucci, Schnipper opposed) on 2-20-08

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #33-08 ALD. COLETTI requesting review of the scope of work and performance of Turner Construction and review of proposed 18-month extension of the Turner Construction contract. Included in discussion will be the process for review of future invoices of Dimeo and other vendor invoices by Turner. [01-15-08 @ 11:14]
PUBLIC FACILITIES NO ACTION NECESSARY 7-0 on 12-3-08
HELD 6-0 on 12-8-08

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #31-08 ALD. COLETTI proposing a RESOLUTION to His Honor the Mayor expressing a no confidence vote pertaining to the current status of the Newton North High School Construction Project and related Financing Plan. [01-15-08 @ 11:14 AM]

REFERRED TO PUB. SAFETY & TRANS. AND FINANCE COMMITTEES

- #30-08 ALD. COLETTI requesting a list of current vacancies in the Police, Fire and Public Works Departments, with specific discussion in Committee relative to Police Department vacancies. [01-15-08 @ 11:15 AM]
PUBLIC SAFETY & TRANSPORTATION HELD 7-0 on 9-17-08 (Ald. Ciccone not present and voting)

ITEM RECOMMITTED TO PUBLIC FACILITIES AND FINANCE ON 6/19/08**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #11-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$1,200,000 from bonded indebtedness for the purpose of funding the installation of four modular classrooms. [01-02-08 @ 4:53 P.M.]
B) \$1,225,000 from bonded indebtedness
NOTE: Letter received from Mayor on 1/4/08 requesting that appropriation amount be amended to \$1.3 million. Letters received 5/7 and 5/21 requesting that the funding source to capital stabilization for costs incurred for design work and the remaining \$1,225,000 from bonded indebtedness be voted no action necessary. Part A) \$75,000 from Capital Stabilization approved on 6/19/08.
- #207-07(4) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended to allow the adjustment of self-funded health insurance plan rates in the event that rates and any accumulated excess resources not meet actual resource requirements. [7-2-08 @ 12:12 PM]
HELD 8-0 on 9-8-08
- #207-07(3) ALD. COLETTI proposing that the sum of \$300,000 be removed from various municipal and school department budgets for FY09 and placed in a separate "employee compensation" reserve account until the Mayor and School Committee present to the Board of Aldermen performance pay plan policies. [7-2-08 @ 12:12 PM]
HELD 8-0 on 9-8-08

- #207-07(2) ALD. COLETTI proposing that the city's Financial Management Guidelines adopted under board order #207-07 be amended, effective FY10, as follows:
- (A) total resources devoted to all forms of employee compensation shall not exceed the estimated growth in total general fund revenue for the following fiscal year;
 - (B) funds for salary and wage adjustments shall not exceed the difference between total estimated revenue growth and resources needed to fund growth in health/dental and life insurance benefits and growth in the actuarial required contribution for the city's retirement system for each fiscal year;
 - (C) if collective bargaining contracts are not resolved at the time of budget submission, funds budgeted for such contracts shall be held in "municipal and compensation" reserve. [7-2-08 @ 12:12 PM]
- HELD 8-0 on 9-8-08**

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

- #83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02-27-07 @ 10:21 PM]

ITEM RECOMMITTED TO PUB. FACIL. & FINANCE COMMITTEES 3/19/07:

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #76-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]
- PUB FACILITIES APPROVED 6-0-1 (Ald. Gentile abstaining) on 3-7-07
FINANCE MOTION TO APPROVE FAILED TO CARRY 2-4-1 (Ald. Lennon, Salvucci, Gentile and Coletti opposed; Linsky abstaining) on 3-12-07
PUBLIC FACILITIES APPROVED AS AMENDED 5-0 @ \$250,000
on 10-15-07**
- #453-06 LEON JR. AND MARION D. SEMONIAN, 373 Dedham Street, requesting total abatement of betterment assessment in the amount of \$2,690 (assessed for sidewalk/curbing/road improvements to Countryside Road and Patten Circle). [11-16-06@11:02 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #345-06 ALD. SCHNIPPER requesting that the contingency on smaller Public Buildings projects be increased from 5% to at least 8%.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City.
PROGRAM & SERVICES HELD 8-0 on 11-5-08

- #93-06(2) ROBERT E. & ANNE M. SULLIVAN, 391 Dedham Street, applying for abatement of a street betterment assessment in the amount of \$15, 880 levied by the Board of Aldermen in Board Order #93-06 which improved Countryside Road by the laying out, grading and acceptance of it as a public way. [07-02-07 @ 2:24 PM]
HELD 5-0 (Ald. Johnson, Coletti and Freedman not present and voting) on 2-11-08

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- # 35-06 ALD. JOHNSON AND HESS-MAHAN requesting discussion with the School Department and School Committee members regarding the results of the studies addressing compensation for management and executive personnel and organizational structure of central administrative salaries.
PROGRAM & SERVICES NO ACTION NECESSARY 6-0 on 4-18-07
HELD 6-0 (Ald. Salvucci and Gentile not voting) on 10-27-08
- #29-06 ALD. JOHNSON AND PARKER requesting creation of a Citizen Financial Advisory Committee to work with city officials and staff to facilitate bench markers, strategic planning, and other initiatives to improve the financial operation of the City.
(President's Note: While not formally referred to the Long Range Planning Committee, this item might usefully be discussed there in light of prior discussions of similar issues.)

ITEM RECOMMITTED ON 3-5-07 TO FINANCE COMMITTEE ONLY:**REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES**

- #23-06 ALD PARKER AND LINSKY requesting that the City adopt §19 of MGL Chapter 32B to allow retiree coalition bargaining of health care benefits
PROGRAM AND SERVICES NO ACTION NECESSARY 4-0-2 (Ald. Parker and Merrill abstaining; Sangiolo not voting) on 3-8-06
FINANCE NO ACTION NECESSARY 5-0-3 (Ald. Lennon, Linsky and Parker abstaining) on 2-12-07
HELD 8-0 on 9-8-08

#250-01(5) HIS HONOR THE MAYOR requesting authorization to appropriate and expend ten thousand dollars (\$10,000) from Receipts Reserved for the purpose of planting trees along Cypress Street. These funds resulted from a condition in a special permit #250-01 granted to The Newton Terraces and Andover Newton Theological School on November 19, 2001 and must be spent or encumbered by March 16, 2009 or they revert to the petitioners. [12-09-08 @ 5:30 PM]
HELD 6-0-1 (Ald. Freedman not voting) on 12-22-08

#209-05 ALD. STEWART requesting that the Mayor provide the Board of Aldermen with a list of all salaried City employees who receive additional compensation (other than overtime) along with an explanation of the exact reasons for said additional payments.

REFERRED TO PROG. & SERVICES AND FINANCE COMMITTEES

#264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.
PROGRAM & SERVICES HELD 6-0 (Ald. Parker not voting) on 4-23-08

REFERRED TO ZONING & PLANNING AND FINANCE COMMITTEES

#168-02 HIS HONOR THE MAYOR requesting that the Board of Aldermen establish new civil fines under Section 20-21 of the City of Newton Ordinances for the violation of various environmental provisions enforced by the Conservation Commission.
ZONING & PLANNING APPROVED 6-0 on 12-13-04

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#55-02 ALD. YATES requesting that the water/sewer discount rate be made available to homeowners who receive Fuel Assistance, Supplementary Security Income, Food Stamps, Supplementary Disability Income, General Relief, Low Income Sewer and Water Assistance, School Breakfast and Lunch and other income based State and Federal programs.
PUBLIC FACILITIES APPROVED 6-0 on 6-16-04

REFERRED TO PROG. & SERV., PUB. FAC. AND FINANCE COMMITTEES

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

Respectfully Submitted,

Paul E. Coletti, Chairman

PROG
P

BOARD OF ALDERMEN

CITY OF NEWTON

08 NOV 17 PM 10:26

DOCKET REQUEST FORM

CITY CLERK
NEWTON, MA. 02159

DEADLINE NOTICE: Aldermanic Rules require items to be docketed with the Clerk of the Board NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL BOARD MEETING in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the Board of Aldermen

Date: September 17, 2008

From (Docketer): Newton Retirement Board

Address/phone/email: Newton City Hall, 1000 Commonwealth Avenue, Newton MA

Additional sponsors: ALDERMEN HARNEY, GENTILE + SANGIOLLO

1. Please docket the following item (edit if necessary):

The Newton Retirement Board (Board) seeking aldermanic adoption and mayoral approval of special legislation that would authorize the Board to award to Frank Albano a superannuation retirement allowance in accordance with G.L. c. 32, §5 notwithstanding the provisions of G.L. c. 32, §3(6)(e) requiring a former member who re-enters active service to remain in active service for at least two consecutive years before becoming eligible to receive a retirement allowance.

2. The purpose and intended outcome of this item is:

- | | |
|----------------------------------------------------------------------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input type="checkbox"/> Appropriation, transfer, expenditure, or bond authorization | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Special permit, site plan approval, zone change (public hearing required) | <input type="checkbox"/> License or renewal |
| | <input type="checkbox"/> Appointment confirmation |
| | <input checked="" type="checkbox"/> Other |

3. I recommend that this item be assigned to the following committees:

- | | | |
|--------------------------------------------------------------|----------------------------------------|--------------------------------------------|
| <input type="checkbox"/> Programs & Services | <input type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |
| <input type="checkbox"/> Post Audit & Oversight | | |
| <input type="checkbox"/> Committee on Community Preservation | | |

4. This item should be taken up in committee:

Immediately (Emergency only, please). Please state nature of emergency: _____

- As soon as possible, preferably within a month
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE

I estimate that consideration of this item will require approximately:

- One half hour or less
- More than one hour
- More than one meeting

- Up to one hour
- An entire meeting
- Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Citizens (include telephone numbers/email please)

Kelly Byrne, Executive Director, NRB

Marie Lawlor, Law Dept.

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion *:

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Aldermen have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

Please check the following:

- 9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
- 10. I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
- 11. I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Nunzio J. Piselli, Chairman, Newton Retirement Board
[Please retain a copy for your own records]

ALDERMAN JAY HARNEY

Jay Harney

11/17/08

Draft ACT:

AN ACT AUTHORIZING THE CITY OF NEWTON RETIREMENT BOARD TO
GRANT A SUPERANNUATION RETIREMENT ALLOWANCE TO FRANK
ALBANO

Notwithstanding any general or special law to the contrary, and in particular the provisions of G.L. c.32, §(3)(6)(e) requiring a former member who re-enters active service to remain in active service for two consecutive years prior to becoming eligible for a retirement allowance, the Newton Retirement Board is authorized to grant to Frank Albano a superannuation retirement allowance in accordance with the provisions of G.L. c. 32 §5.

09 JAN -6 PM 2:35
CITY CLERK
NEWTON, MA. 02159

Application for Voluntary Superannuation Retirement

Form Last Revised: August, 2003

Retirement Board: Please place your address and phone number here. ▶

Newton Retirement System
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449
TEL: (617) 796-1095
FAX: (617) 796-1098

Member's Last Name First M.I. Social Security #

Eligibility Requirements for Superannuation Retirement

If you are a member of Group 1 or 2, you are eligible to retire at any age with at least twenty years of creditable service. If you last became a member of a retirement system prior to January 1, 1978 you may, as a member in service, retire at 55 with any number of years of service. If you last became a member of a retirement system on or after January 1, 1978 and you have less than 20 years of creditable service, you must have at least ten years of creditable service and be at least age 55 to retire. If you are a member of Group 4, you are eligible to retire at any age with 20 years of creditable service or at age 55. The amount of your allowance depends on your age, creditable service, group classification and salary.

- If you are an active employee or on leave of absence, you can apply for retirement with the board no earlier than four months before your intended date of retirement.

Applicant Information

To the Retirement Board:

I respectfully request retirement for superannuation in retirement Group as of with years and months of creditable service under the provisions of G.L. c. 32, §§ 1-28.

In connection with my application, I certify the following:

I AM RETIRING FROM

Agency or Department* Title/Position

MY PRESENT ADDRESS

Street and Number

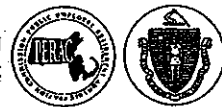
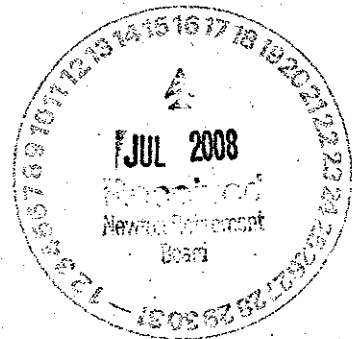
City/Town State Zip Phone #

Date of Birth Social Security #

MY ADDRESS AFTER RETIREMENT (Enter only if different from present address)

Street and Number

City/Town State Zip Phone #



Application for Voluntary Superannuation Retirement

Albano	Frank	J.	022 -44 4248
Member's Last Name	First	M.I.	Social Security #

Employment History

Please supply all periods of service and specify any temporary or irregular service.

I was also employed by other governmental units/political subdivisions in the Commonwealth of Massachusetts as follows:

UNIT	DEPARTMENT	POSITION	DATES EMPLOYED	
			From	To
			From	To
			From	To

- Are you presently receiving a retirement allowance from any retirement system of any governmental units/political subdivisions within the Commonwealth of Massachusetts? Yes No
If yes, please specify systems, date of retirement and retirement type.

- Are you a veteran? Yes No

If yes, please specify military branch and dates of active service.

- Have you been officially investigated for or charged with misappropriation of funds from your employer or convicted of any crime related to your office or position? Yes No
If yes, please provide documentation.

- If you are applying for retirement by reason of resignation, failure of re-election or reappointment, removal or discharge under the provisions of G.L. c. 32, § 10; please briefly summarize the facts:

Resignation/Retirement

I sign this application under the pains and penalties of perjury. I affirm that the information presented in this application is correct, complete and accurately presented. I understand that giving false or incomplete information may subject me to the loss of my benefits as well as civil and criminal penalties.

Applicant's Signature Frank Albano Date 7/8/08

Applicant's Name (Print) Frank J. Albano

The following must be filed by you or your beneficiary with your retirement board:

- A properly completed *Application for Voluntary Superannuation Retirement* (this form).
- A properly completed *Choice of Retirement Option Form at Retirement*. (Included in retirement package).

~~Copy of your most recent official salary certificate and/or other records applicable to your position.~~

~~*For those retiring from regional or county retirement systems, please identify the community.~~

Newton Contributory Retirement System

CITY HALL
1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MASSACHUSETTS 02459-1449

Telephone
(617) 796-1095

Fax
(617) 796-1098

TDD-TTY
(617) 796-1089

E-Mail:
kbyrne@newtonma.gov

Internet
www.ci.newton.ma.us

BOARD
Nunzio J. Piselli
Appointed Member
CHAIRMAN

Francis P. Capello
Elected Member
VICE CHAIRMAN

David C. Wilkinson
Ex-Officio Member

Paul Bianchi
Elected Member

Richard C. Heidlage
Appointed Member

+

Kelly Byrne
Director

Donna M. Cadman
Administrative Assistant

July 7, 2008

Mr. Frank Albano
318 Auburndale Ave
Auburndale, MA 02466

Dear Mr. Albano;

Enclosed please find a copy of a memorandum issued by the Public Employee Retirement Administration Commission (PERAC) dated April 29, 2008 regarding "Former Members Returning to Public Employment". Upon receipt of this memorandum I made a verbal inquiry to PERAC regarding the "two year rule" explained on page two and how it impacted your expectation to defer receipt of your retirement allowance to age 55 (August 15, 2008). I received a written response from PERAC dated May 22, 2008, copy enclosed.

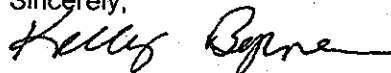
The Newton Retirement Board reviewed this correspondence at its last monthly meeting held on June 18, 2008. While PERAC has admittedly agreed that the language I relied on in the Massachusetts Public Employee Retirement Guide (Revised 6.2000) was "ambiguous", the Retirement Board feels that the language contained in their guide was clearly wrong and misleading. The Board also feels that a positive outcome through an appeal process to allow your deferred retirement at age 55 would be very unlikely as the statutory language contained within MGL Chapter 32 (public pension law) governing the "two year rule" would prevail.

Due to the unfortunate circumstance this has left you faced with, the Retirement Board is willing to request a Home Rule Petition (also called a "Special Act") with the City of Newton Board of Aldermen to exempt you from the provisions of the "two year rule" so as to allow your retirement at age 55. This process is as follows: The Retirement Board will docket the petition for the special act with the Board of Alderman (BOA). The BOA will refer the request to the Programs and Services Committee for discussion and recommendation. If approved in Committee, the item will be referred back to the BOA. If approved by the BOA, the item next goes to the Mayor for authorization and signature. At this point, the Mayor's office will file the necessary petition and draft bill for the special law with the state legislature.

In discussing this option with you on the phone last Friday you agreed to have the Retirement Board begin this process. I will provide you with copies of all correspondence relating to the filing of this Act, once prepared by the City Solicitor's Office.

In the meantime, please complete the enclosed retirement forms, for an effective date of retirement of August 15, 2008 pending approval of the Special Act.

Sincerely,



Kelly Byrne, Director

Cc: Marie M. Lawlor, Asst. City Solicitor


Enclosures

NEWTON RETIREMENT BOARD

Newton City Hall
 Newton Centre, MA 02459-1449

 Tel (617) 796-1095
 Fax (617) 796-1098
 E-mail: kbyrne@newtonma.gov

MEMORANDUM

DATE: May 29, 2008
TO: Retirement Board Members
FROM: Kelly Byrne, Director 
RE: PERAC MEMO# 19/2008 – Frank Albano

 After reading the enclosed PERAC Memo# 19/2008 (Pg. 2, paragraph 1), I questioned how this would apply to our inactive member Frank Albano. I contacted PERAC and left a voice mail message for further clarification, which resulted in their written response, copy enclosed, dated May 22, 2008.

HISTORY:

03/28/78 Mr. Albano became a member of the Newton Retirement System.
 05/10/96 Mr. Albano terminated his employment with the City of Newton. (Age 42)
 09/16/96 A Rollover of Mr. Albano's annuity savings fund was issued.
 08/11/03 Mr. Albano became a member of the Newton Retirement System.
 09/10/03 At Mr. Albano's request, buyback information and a potential retirement benefit estimate was sent to Mr. Albano.
 09/19/03 Mr. Albano terminated his employment with the City of Newton.
 09/23/03 A buyback rollover payment was received for Mr. Albano's prior service (18 yrs., 1 mos.)

When Mr. Albano requested the buyback information and a potential retirement benefit estimate in September of 2003, I copied page 20 & 21 of PERAC's retirement guide and included with his enrollment form. I relied on the language stating that the "Two year requirement will not apply if the member was eligible to receive a termination retirement allowance or had 10 years of creditable service prior to the last separation from public service."

Mr. Albano had 18 yrs., and 1 mos. of service prior to his last separation of public service, so it appeared that he met the minimum 10 year service requirement stated in the PERAC guide. I believe I also had a conversation with Atty. Barbara Phillips at PERAC to further confirm that he would be waived from the 2 year reemployment requirement because he had the minimum 10 years of service at the time he last separated from (public) service. I now realize a written opinion regarding this issue should have been requested from PERAC in September 2003.

I've copied Marie everything. She and Dick will have to review and advise the Board at the June 18, 2008 meeting if PERAC has correctly clarified that Mr. Albano will not be eligible to retire until he has two years of consecutive service.

Thank you.

cc: Atty. Marie M. Lawlor

MEMORANDUM #19, 2008

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission
Five Middlesex Avenue, Suite 304, Somerville, MA 02145
Ph 617 666 4446 | Fax 617 628 4002 | TTY 617 591 8917 | www.mass.gov/perac
Domenic J. F. Russo, *Chairman* | A. Joseph DeNucci, *Vice Chairman*
Mary Ann Bradley | Paul V. Doane | Kenneth J. Donnelly | James M. Machado | Donald R. Marquis
Joseph E. Connarton, *Executive Director*

MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Former Members Returning to Public Employment

DATE: April 29, 2008

The Commission has received several inquiries recently regarding the treatment of former members of a retirement system who return to public employment. Following is a brief summary of several scenarios.

Former Member Withdrew Funds From System:

A current member of a retirement system, who had prior public service but who had withdrawn his or her funds from the system before a retirement benefit was paid to him or her, may make a buyback of the previously withdrawn funds to receive credit for the prior period of service. The payment would be made to the retirement system pertaining to the governmental unit for which he or she is currently employed and would equal the money withdrawn along with buyback interest. The buyback interest rate is one-half (1/2) the actuarial assumed interest rate of the system where the redeposit is being made. If the actuarial assumed interest rate is 8.25%, the buyback interest rate would be 4.125%.

For example, assume a member was separated from service and withdrew funds in the amount of \$45,000 on January 1, 2000. In January, 2007, he or she again becomes a member in a retirement system (note: this system may or may not be the same as the prior system). Upon again becoming a member, he or she may redeposit this money (along with buyback interest) in the new retirement system to purchase his or her prior service. If we assume the actuarial assumed interest rate is 8.25% in the new system, he or she would owe approximately \$59,900 (the initial amount of \$45,000 plus compound interest of \$14,900 determined at the rate of 4.125% for 7 and 1/12 years).

Please note that pursuant to the provisions of G.L. c. 32, §3(2)(a)(iv), a former member who had withdrawn his or her funds from the system would again become a member of the retirement system upon his or her subsequent employment in a governmental unit. This section states in pertinent part that, "Any person... who enters or re-enters the service as an employee of the commonwealth, a teacher as defined in section one, or an employee of any political subdivision of the commonwealth for which a system established under the provisions of such sections, or under corresponding provisions of earlier laws, is in operation on the date when he becomes an employee,... shall become a member in service upon his entry into service." He or she will be entitled to all rights in effect as of his or her most recent date of membership, including but not limited to the contribution rate.

* Please note that any member who withdraws his money from a system but later rejoins a system (could be the same system or a different system) by repaying money as provided for earlier, is not eligible to receive a Superannuation retirement allowance, an Ordinary Disability retirement allowance or a Termination retirement allowance unless and until he or she shall have been in active service for at least two consecutive years, including any period or periods of leave of absence credited as membership service, subsequent to the date that his or her new employment commenced. *

Retired Members

Retired Member Repays Retirement Benefits to Re-establish Membership (Section 105):

A member retired from a Chapter 32 retirement system. Later, he or she returns to employment in a public entity. M.G.L. c. 32, §105 allows the retiree to pay back all retirement benefits together with actuarial assumed interest (at the actuarial assumed interest rate of the system from which the retiree retired).

For example, assume a member retired on January 1, 2002 with an annual benefit of \$45,000. In January 2007, he or she is hired by the State (State Retirement System). To re-establish membership he or she would repay to the system from which he or she retired all retirement benefits received together with actuarial assumed interest. If we assume the actuarial assumed interest rate of the system from which he or she retired is 8.25%, he or she would owe approximately \$278,000 (\$225,000 in benefits + \$53,000 in interest).

The employee must return to work and membership for 5 years before he or she is eligible to receive an increased retirement benefit under this provision.

If the employee does not complete 5 years of "reinstatement service", he or she would receive a refund of the money paid to the retirement system (without additional interest). Also, if the employee did a make-up or buyback payment after being reinstated, he or she would not receive any credited service for any of the make-ups or buybacks paid after reinstatement to service.

They would, however, receive the money used to do the make-up and/or buyback back without additional interest.

Retired Member Can Waive Receipt of Retirement Allowance:

A retired member who returns to public employment can waive the receipt of his or her retirement allowance and again work for a public entity.

There is no limit as to how many hours he or she can work per year or how much pay he or she can receive from the new position so long as the allowance is being waived. He or she will not be a member of the retirement system pertaining to the new position nor can he or she receive any additional Chapter 32 retirement benefits for this period of time.

As part of his or her new employment, he or she would be required to participate in an alternate retirement program (an OBRA plan), unless he or she returned to employment in the same system from which he or she retired. In this case, he or she would be considered a "returning annuitant" and would not be required to participate in an OBRA plan.

Retired Member Chooses not to Waive Receipt of Retirement Allowance:

A retired member who returns to public employment can decide not to waive the receipt of his or her retirement allowance while working for a public entity.

If he or she chooses not to waive receipt of his or her retirement allowance and is working in the public sector in Massachusetts, he or she can work a maximum of 960 hours per year and the pay that he or she receives from the new position is limited to the difference between the current salary of the position he or she retired from and his or her retirement allowance.

Retired Member Elected to Office or Directly Appointed:

Any retired member of a retirement system upon election to office by popular vote or direct appointment to a position for a term of years by the governor, or appointment to any position by the mayor, city council, selectmen or a sheriff may elect to become a member-in-service of the retirement system pertaining to the position to which they are elected or appointed provided that he or she repays into the system from which he or she retired the total amount of retirement benefits received from that system (without interest) from his or her date of retirement through the date of his or her again becoming a member-in-service.

If a member previously retired for Superannuation is elected to office, that member can work without limitation even if they choose not to rejoin the retirement system. However, if a member previously retired under disability is elected and chooses not to join the retirement system, he or she would be subject to the limits provided for in G.L. c. 32, §91A.

Disability Retiree Returning to Service (Section 8):

In some instances, a member retired under a disability (accidental or ordinary) is later found to be able to perform the essential duties of the position from which he or she was retired. If the retired member is found able to perform the essential duties of the position within two years of the date of the disability retirement, he or she is to be restored to the position that he or she retired from. If the retired member is found able to perform the essential duties after two years from the date of the disability retirement, he or she should be restored to the position, if vacant, or put on a waiting list for the next available position to become available. If a retired member is restored to service, upon his or her subsequent retirement, he or she would receive creditable service for the period of time for which he or she was retired on a disability. No additional contributions or payments are necessary to be restored to service and/or receive such creditable service.

We trust the foregoing is of assistance. If you have any questions concerning this matter, do not hesitate to contact this office.

[Return to PERAC Home Page](#)

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

DOMENIC J. F. RUSSO, *Chairman* | A. JOSEPH DeNUCCI, *Vice Chairman*
 MARY ANN BRADLEY | PAUL V. DOANE | KENNETH J. DONNELLY | JAMES M. MACHADO | DONALD R. MARQUIS

JOSEPH E. CONNARTON, *Executive Director*

May 22, 2008

Kelly Byrne
 Director
 Newton Retirement Board
 1000 Commonwealth Avenue
 Newton Centre, MA 02459-1449



Dear Ms. Byrne:

This letter is in regards to questions you had regarding PERAC Memo #19/2008. Specifically you had questions about the passage dealing with members who re-deposited money to the system and the application of the so-called "two year rule" in G.L. c. 32, §3(6)(e).

Our understanding is that you have a member who had 18 years of service when he terminated his service and withdrew his funds. In 2003, the member returned to service and worked for approximately six weeks. During this six-week period, the member had re-deposited the funds he had withdrawn, together with regular interest, into the system. He stopped working after the six weeks believing he was eligible to retire at some point in the future.

Chapter 32, section 3(6)(e) states:

Anything in sections one to twenty-eight inclusive to the contrary notwithstanding, no person who becomes a member under subdivision (3) of this section, and no member who is reinstated to or who re-enters active service as provided for in paragraph (b), (c) or (d) of this subdivision, or who transfers or re-establishes his membership as provided for in subdivision (8) of this section, shall be eligible to receive a superannuation retirement allowance, an ordinary disability retirement allowance or a termination retirement allowance unless and until he shall have been in active service for at least two consecutive years, including any period or periods of leave of absence credited as membership service, subsequent to the date of commencement of his new employment, or unless, in the case of any member who is reinstated to or who re-enters active service as provided for in paragraph (b) of this subdivision or who transfers his membership as provided for in paragraph (8) (a) of this section, he was eligible to receive a retirement allowance under the provisions of section ten at the time of his last separation from service; provided that, in the case of a member whose account is transferred under said paragraph (8) (a), this paragraph shall not apply



Kelly Byrne
May 27, 2008
Page Two

after the member has rendered service or attained an age so that he would have been eligible to retire if he had continued to be a member of the retirement system from which his account was transferred.

We will now dissect this section to see how it applies to the member in question.

You had indicated that the member in question had taken a refund of his contributions and subsequently repaid the contributions upon returning to service in the Newton Retirement System. Sections 3(6)(c) and 3(6)(d) deal with re-establishing membership after retirement deductions have been withdrawn from the system (depending on whether the member returns within two years or after two years). Since one of these sections would apply to your member (it is not known by the Commission if the member returned within two years of withdrawing his funds or not), he must have two years of service subsequent to commencement of his new employment in order to be eligible for a Superannuation, Ordinary Disability or Termination benefit.

Section 3(6)(e) then goes on to list some provisos that would allow a member to circumvent the two-year requirement. These are "...in the case of any member who is reinstated to or who re-enters active service as provided for in paragraph (b) of this subdivision [§3(6)]..." or "...who transfers his membership as provided for in paragraph (8) (a) of this section [§3], he was eligible to receive a retirement allowance under the provisions of section ten at the time of his last separation from service..." Section 3(6)(b) deals with inactive members whose membership has been retained by failing to withdraw their total accumulated deductions. Section 3(8)(a) deals with members who transfer membership from one system to another by transferring their total accumulated deductions. Since he had withdrawn his funds from the system, neither of these sections would apply to your member. Therefore, the so-called "two-year rule" would apply.

It is our understanding that the Newton Retirement Board used information from page 21 of Massachusetts Public Employee Retirement Guide (Revised 6,2000) in determining whether the member in question was eligible to retire. This guide, in a question/answer format, contains the following:

Q: What creditable service requirements pertain to the transfer or re-establishment of membership and retirement benefit eligibility?

A: No member who is reinstated or re-enters or who transfers or re-establishes his membership is eligible to receive a superannuation, ordinary disability, or termination retirement allowance until the member has been in active service for at least two consecutive years following the start of the new employment. This two-year requirement will not apply if the member was eligible to receive a termination retirement allowance or had 10 years of creditable service prior to the

Kelly Byrne
May 27, 2008
Page Three

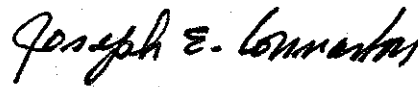
last separation from public service. In the few systems that have not adopted the 10-year ordinary disability provision, the member must have 15 years of creditable service.

Admittedly, the above answer is ambiguous. The last two sentences of the answer passage are referring to eligibility for an ordinary disability benefit (and not a superannuation benefit) as suggested by the fact that the final sentence talks about the ten-year ordinary disability local option. This ambiguity has been cleared up in the most recent Massachusetts Public Employee Retirement Guide (Revised 2.2006).

Unfortunately, unless new information is provided, your member will not be eligible to receive a superannuation, ordinary disability or termination retirement benefit until he has two consecutive years of creditable service.

We trust the foregoing is of assistance and we apologize for any inconvenience that has been caused. If you have any further questions, do not hesitate to contact this office.

Sincerely,



Joseph E. Connarton
Executive Director

JEC/sfc

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Massachusetts Public Employee Retirement Guide

REVISED 6/2000

Public Employee Retirement Administration Commission
Commonwealth of Massachusetts



Creditable Service

Q *How is creditable service earned?*

A In general, you earn creditable service toward your retirement allowance for the period during which you contribute either 5%, 7%, 8%, 9%, 11%, or 12% of your salary to the retirement system.

Q *May I buy back creditable service?*

A If you terminate your public service and take a refund of your accumulated total deductions and later return to public service, you may re-establish your prior creditable service by buying it back. But, you will begin as a new member, making contributions at the current rate.

Seasonal Employment

Q *How is creditable service calculated for seasonal employees?*

A Employees whose work is found by their retirement board to be seasonal in nature and who work full-time for at least seven months are entitled to one year of creditable service. Retirement boards will, on a board by board basis, determine how much full-time seasonal service will constitute the equivalent of one year of service for those who work less than seven months a year.

Two-Year Creditable Service Requirement

Q *What creditable service requirements pertain to the transfer or re-establishment of membership and retirement benefit eligibility?*

A No member who is reinstated or re-enters or who transfers or re-establishes his membership is eligible to receive a superannuation, ordinary disability, or termination retirement allowance until the member has been in active

service for at least two consecutive years following the start of the new employment. This two-year requirement will not apply if the member was eligible to receive a termination retirement allowance or had 10 years of creditable service prior to the last separation from public service. In the few systems that have not adopted the 10-year ordinary disability provision, the member must have 15 years of creditable service.

Q *Is the two-year requirement waived when a transfer involves no break in service?*

A This requirement will not apply once the member has become eligible to retire from the retirement system from which his/her account was transferred by virtue of attaining an age or earning sufficient creditable service.

Workers' Compensation Benefits

Q *How is my creditable service affected by an absence caused by a work-related injury or hazard?*

A Full creditable service will be awarded to any member-in-service for a period of absence that is attributable to an injury sustained or a hazard undergone during employment that results in total incapacitation and for which Workers' Compensation benefits are paid. The member receives the creditable service without having to make contributions to the retirement system. Workers' Compensation benefits received during such a period are not considered to be regular compensation and cannot be used to calculate a retirement allowance.

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON
IN BOARD OF ALDERMEN

ORDINANCE NO.

January , 2009

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON
AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Section 3-26 *Restraint of Dogs* as follows:

1. Delete, in subsection (b) Penalties, all language occurring after the word “punished” and insert in its place the following language

“by a fine of fifty dollars (\$50.00) for each offense.”

Approved as to legal form and character:

DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

Item #397-07 Redlined Ordinance:

Sec. 3-26. Restraint of dogs.

(a) Prohibitions:

- (1) No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the city. No person owning or harboring a dog shall allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of the premises. No dog shall be permitted in any street or public place within the city unless it is effectively restrained by a chain or leash not exceeding ten (10) feet in length.
- (2) Tot Lots: No person owning or harboring a dog shall suffer or allow a dog, leashed or unleashed, to enter a tot lot as hereinafter defined. For the purposes of this section, the term "tot lot" shall mean an outdoor play area located on land owned or controlled by the city intended for use by young children, the boundaries of which may be designated by a fence and/or sand, ground cover, grass or otherwise, and which may contain play equipment. Without limiting the foregoing, tot lot shall include currently designated tot lots which are listed below. Tot lots are fenced unless otherwise noted.

Albemarle Park

*Angier School (approximately 155' x 30')

*Burr Park (approximately 95' x 75')

Burr School

Carleton Street area

Cabot Park. East Side Parkway

*Crescent Street Playground (approximately 90' x 70')

Davis School Playground

Emerson Playground

Franklin School

Hawthorn Park

** Lower Falls Community Center (approximately 80' x 80')

*Memorial-Spaulding School (approximately 90' x 90')

** Newton Centre Playground, (approximately 115' x 105')

Newton Highlands Playground

Winchester Street (Centre and Needham Streets)

Newton North High School

Newton South High School

*Richardson Playground, Allen Avenue (approximately 150' x 62')

River Street Playground

Sterns Playground

Upper Falls Playground

*Ware's Cove (approximately 200' x 60')

West Newton Common, Elm and Webster Streets

*Williams School (approximately 50' x 60')

* Tot lots which are not surrounded by a fence. Area measurements of non-fenced sites are in excess of ground cover.

** Tot lots which are partially surrounded by a fence.

(b) Penalties: Any owner or keeper of a dog who shall fail to comply with the foregoing provisions of subparagraph (a) shall be punished by a fine of fifty dollars (\$50.00) for each offense.

Deleted: as follows:

Deleted: ¶

¶
(1) for the first offense in a calendar Year
. \$25.00¶

¶
(2) for the second offense in a calendar
year . \$35.00¶

¶
(3) for each subsequent offense in a
calendar year . \$50.00



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#9-09
#9-09

Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

December 30, 2008

08 DEC 30 PM 5:05
CITY CLERK
NEWTON, MA. 02159

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

It is with pleasure that I send to the Honorable Board of Aldermen for your confirmation, the appointment of Mr. James Reardon as Treasurer/Collector of the City of Newton, effective immediately. This is done in accordance with Sections 3-3(b) of the City Charter. This letter constitutes notice of the appointment to the Clerk pursuant to Section 3-4 of the City Charter.

Jim Reardon has served as the Acting Treasurer/Collector since July 28, 2008. Prior to that, he served as the City's Deputy Treasurer/Collector, since 2001. His experience also includes service as the Treasurer/Collector of the Town of Canton as well as over 25 years experience in banking and other financial management positions.

He holds a bachelor's degree from the University of Notre Dame and a Master in Business Administration from Anna Maria College.

Jim has both the professional credentials and proven commitment of service to the City of Newton to qualify him as our Treasurer/Collector. I recommend him to your Honorable Board for your approval. I look forward to working with Jim as he undertakes this important position.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: smp

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE

#9-09
#9-09

JAMES G. REARDON
76 Barouche Drive
Marshfield, MA 02050
(781) 834-3668 Home
(617) 796-1341 Work

08 DEC 30 PM 5:05
CITY CLERK
NEWTON, MA 02159

SUMMARY: Experienced financial professional (CCM) with specific experience in cash management, tax collection, income and expense allocation and budgeting. Possess strong administrative skills in staff supervision, bank relationships, and collections. An adaptable individual with excellent communication and presentation skills.

PROFESSIONAL EXPERIENCE: CITY OF NEWTON, Newton, MA 2001-Present
Deputy Treasurer/Collector

Responsible for cash management, collections, and various administrative functions

- Responsible to Treasurer for implementing updated cash management system
- Supervise daily collection of taxes and water payments
- Hire staff for all positions
- Invest city's available funds
- Manage funds for payment of city obligations
- Ensure staff provides efficient and responsible customer service

TOWN OF CANTON, Canton, MA 2000-2001
Treasurer/Collector

Responsible for cash management, collections, and various administrative functions

- Manage billing and collecting of taxes, excises, and water payments
- Receive all money belonging to Town
- Pursue delinquent accounts, including tax title
- Oversee long-term and short-term borrowing
- Manage funds for payment of obligations of Town departments
- Ensure staff provides efficient and responsible customer service

TOWN OF CANTON, Canton, MA 1997-2000
Assistant Treasurer/Collector

Responsible for cash management, collections, and various administrative functions

- Implement lockbox for collection of taxes
- Manage bidding process for stop loss insurance
- Participate in preparation of annual budget
- Responsible for liquidity, including forecasting, short-term investments, and funds transfers
- Reconcile cash and bank balances
- Establish collection procedure for bad checks

JAMES G. REARDON

Page Two

PNC BANK, NEW ENGLAND, Boston, MA

1985-1997

Treasury Manager

Overall responsibility for cash management system

- Designed and implemented Lotus 1-2-3 based cash management system
- Prepared liquidity, asset & liability, and cash position reports
- Responsible for daily liquidity position; short-term borrowing and lending; correspondent banking activity; Federal Reserve Bank reserve requirements and Treasury Tax & Loan activity
- Awarded cash bonuses for job performance

08 DEC 30 PM 5:05
CITY CLERK
NEWTON, MA 02159

YANKEE BANK, Boston, MA

1984-1985

Assistant Controller

Managed liquidity related functions of the bank

- Managed daily cash position; federal funds trading
- Monitored correspondent banking activity; account reconciliation
- Recommended for early performance and salary review

OLD COLONY / NORTHEAST PETROLEUM, Chelsea, MA

1979-1984

Assistant Office Manager

Performed various administrative functions in a fast-paced retail environment

- Received early, six month performance and salary review
- Supervised and administered a clerical staff of fourteen
- Prepared extensive monthly gasoline inventory reconciliation
- Reconciled all station and C-store bank accounts
- Monitored variances in product inventory

BAYBANK NORFOLK, Dedham, MA

1971-1979

Budget and Cost Manager

Compiled detailed income and expense allocation for branches and internal departments.

- Prepared income and expense reports and annual budget
- Supervised accounts payable staff
- Completed extensive Management Training Program

EDUCATION:

University of Notre Dame, B.A. Sociology

Anna Maria College, M.B.A.

American Bankers Association:

National School of Bank Investments and Financial Management

New England Banking Institute: Money Market Instruments, Economics, Securities

Processing, Accounting

PROFESSIONAL DESIGNATIONS:

Certified Cash Manager

PFY



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#12-09
Telephone
(617) 796-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

December 23, 2008

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$225,000 from Bonded Indebtedness to the Building Department for the purpose of replacing a boiler at City Hall.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC:srb

08 DEC 24 PM 1:54
CITY CLERK
NEWTON, MA 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen
Mayor

December 15, 2008

The Honorable David B. Cohen
Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: City Hall Boiler Replacement

Dear Mayor Cohen:

The Public Buildings Department respectfully requests the sum of \$225,000 to design and replace one of the boilers at City Hall. The new burner will be a combination oil/gas style. Existing boiler #1 has three leaking sections. The current boiler is over 25 years of age and replacement, not repair, is recommended.

Should you have any questions regarding this matter, please feel free to contact my office.

Sincerely,

A. Nicholas Parnell, AIA
Commissioner of Public Buildings

ANP:dla
CC: Sandy Pooler, Chief Administrative Officer
Josh Morse, HVAC Technologist
Susan Burstein, Chief Budget Officer

08 DEC 24 PM 1:54
CITY CLERK
NEWTON, MA. 02159

City Hall - Estimate for Boiler and related equipment Replacement

Boiler Demo / Replacement	\$	112,000
Dual Oil/Natural Gas Burner	\$	27,500
Condensate Return & related boiler room equipment replacement/repairs	\$	25,750
Building Trap Replacement	\$	24,000
Hot water piping replacement	\$	7,750
Design / Contract Administration	\$	17,275
Sub Total	\$	214,275
5% Contingency	\$	<u>10,714</u>
Project Cost	\$	224,989 *

Rounded to \$225,000



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#11-09
Telephone
(617) 796-1100
Teletax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

December 23, 2008

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate three hundred ninety-four thousand dollars (\$394,000) from bonded indebtedness for the design work for the rehabilitation of Fire Station #7.

Thank you for your consideration of this matter.

Very truly yours,

David B. Cohen
Mayor

DBC: srb

08 DEC 24 PM 1:55
CITY CLERK
NEWTON, MA. 02159

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



PUBLIC BUILDINGS DEPARTMENT

A. NICHOLAS PARNELL, AIA, COMMISSIONER

Telephone: (617) 796-1600

Fax: (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen

Mayor

December 15, 2008

Honorable David B. Cohen
Mayor
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Fire Station #7, 144 Elliot Street, Newton Upper Falls -- Design/Clerk Building
Renovation Funding Request

Dear Mayor Cohen:

Please consider this request in the amount of \$393,750 to cover the cost of Design, Clerk, and related expenses associated with the building renovation to Fire Station #7, 144 Elliot Street, Newton Upper Falls.

Now that the City will be going forward with plans to renovate various fire stations, it will be essential to have funds in place to compensate the design Architect and their consultants. I am also requesting funds to cover the Clerk, testing and construction costs for the renovation of the fire station.

The breakdown of fees is as follows:

Architectural and consultants	\$275,000
Clerk	75,000
Testing	<u>25,000</u>
	\$375,000
Contingency (5%)	<u>18,750</u>
Total	\$393,750

Please do not hesitate to contact me should you have any questions regarding this request.

Sincerely,

A. Nicholas Parnell, AIA
Commissioner of Public Buildings

ANP:dl

CC: Chief Joseph LaCroix
Sandy Pooler, Chief Administrative Officer
Susan Burstein, Chief Budget Officer

08 DEC 24 PM 1:55
CITY CLERK
NEWTON, MA 02159

F

10-09



City of Newton, Massachusetts
Office of the Mayor

Telephone
#10-09 6-1100
Telefax
(617) 796-1113
TDD
(617) 796-1089
E-mail
dcohen@newtonma.gov

David B. Cohen
Mayor

December 26, 2008

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer from the Human Resources department severance account the sum of \$112,359.59 to various departments as listed below. These funds reimburse the various departments for severance costs that are the result of the layoffs at the end of FY08.

From:
HR SALARIES
0110901-JN002 112,359.59

Department	Amount	
Assessing	3,525.87 ✓	0110601-JN002
Treasury	1,909.69 ✓	0110701-JN002
City Clerk	7,048.27 ✓	0110102-JN002
Public Works	4,093.44	0140101-JN002
Health and Human Services	5,535.58 ✓	0150101-JN002
Public Buildings	11,400.26 ✓	0110501-JN002
Law	5,377.12 ✓	0110801-JN002
Senior Center	3,418.00 ✓	0150202-JN002
Library	65,815.52 ✓	0160104-JN002
TOTAL	112,359.59	

08 DEC 30 PM 5:04
159

Thank you for your consideration of this matter.

Very truly yours,

RAW
01/05/2009

David B. Cohen
Mayor

DBC:srb

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us



DEDICATED TO COMMUNITY EXCELLENCE



David B. Cohen
Mayor

City of Newton, Massachusetts
Office of the Mayor

#299-08
#299-08(2) 8
#299-08(2)

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E-mail
dcohen@newtonma.gov

August 1, 2008

08 AUG -4 PM 12:35
CITY CLERK
NEWTON, MA. 02159

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration two requests to accept provisions of the Massachusetts General Laws related to health insurance.

I respectfully request that your Honorable Board accept Section 18 of Chapter 32B of the General Laws. This provision requires all eligible municipal retirees to enroll in Medicare. The benefit of their enrollment in this program is that the City can enroll them in health insurance plans that supplement the coverage provided by Medicare, resulting in cost savings both to the City and to the retirees.

The vast majority of our retirees are already enrolled in Medicare. A small number of retirees are not eligible for Medicare and they will continue to be enrolled in regular health insurance plans. There is a very small number of employees who are eligible for Medicare, but who did not ever enroll; acceptance of this section will require them to enroll in Medicare. If the City were to join the Group Insurance Commission (GIC), all our retirees who are eligible for Medicare would be required to enroll in Medicare.

I also respectfully request that your Honorable Board accept Section 19 of Chapter 32B (as amended) of the General Laws for the purpose of transferring all subscribers for whom the City provides health insurance to the Group Insurance Commission pursuant to Section 19(e) of Section 32B of the General Laws.

Section 19 authorizes the City and our unions to engage in, so called, coalition bargaining relative to the issue of the City joining the State Group Insurance Commission health insurance program. Normally, all changes to health insurance benefits must be bargained individually with each union and all benefits must be uniform between unions, effectively resulting in the need to achieve unanimous agreement from all unions for any change in benefits. Under the coalition bargaining provisions of Section 19(e), if the City can

1000 Commonwealth Avenue Newton, Massachusetts 02459

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DEDICATED TO COMMUNITY EXCELLENCE

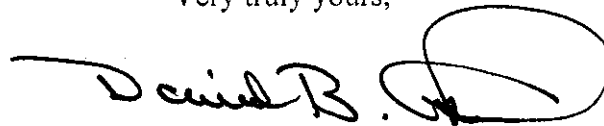
garner the support of 70% of the unions, we can switch our employees and retirees to the GIC. I know how important this issue is to the City, so I am docketing this request now so that if our discussions with the unions result in an agreement by October 1, 2008, we can join the GIC effective July 1, 2009.

Acceptance of Section 19 provides for coalition bargaining solely for the purpose of enrolling our employees and retirees in the GIC, coalition bargaining will not cover any other health insurance related topic. Acceptance of this section will become effective only upon an agreement between the City and the unions for enrolling them in the GIC. Furthermore, if the City were to join the GIC, we must notify the GIC by October 1, 2008 of an agreement with the unions to do so.

I am docketing this provision in the hope and with the expectation that the unions will meet with the City in a timely manner to discuss joining the GIC, to analyze the potential cost savings of participation in the GIC, and to notify the GIC of our decision prior to October 1, 2008. We propose to discuss comparisons of the City rates for our plans with those for the GIC plans; the history of rate increase for the City and the GIC; the benefit structures and plan designs of each plan; potential impacts to individual enrollees; and other factors to understand the short-term and long-term impacts of such a change.

Thank you for your consideration of this matter.

Very truly yours,



David B. Cohen
Mayor

DBC: smp

08 AUG -4 PM 12: 36
CITY CLERK
NEWTON, MA. 02159

299.08/2
#299-08(2)

CITY HALL ASSOCIATES

Local 3092

**NEWTON CITY HALL
1000 COMMONWEALTH AVENUE
NEWTON CENTRE, MA 02459**

**Executive Board
Vincent Antonellis
Marcy DeWolfe
Russell Palmer**

President

Frank Greco

Vice President

Patricia Sweeney

Recording Secretary

Mary Cicciu

Treasurer

Robert DeLuca

August 12, 2008

08 AUG 12 AM 10:59
CITY CLERK
NEWTON, MA. 02159

Sandy Pooler, Chief Administrative Officer
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Dear Sandy:

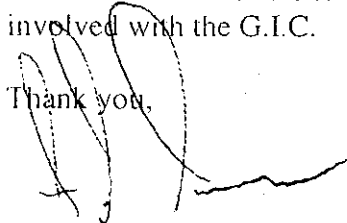
I have received your letter in regards to discussing the Group Insurance Commission (G.I.C.) option.

I, along with all members of the insurance advisory committee (I.A.C.) have expressed to you on several occasions that we are not interested in joining the G.I.C.

As Sgt.-At-Arms of AFSCME, Council 93, which represents over 40,000 employees, I have talked to many many local Presidents in regards to health plans. I have found one thing to be true, my members have one of the best health plans around. Why are you attempting to circumvent our current health plans?

As President of Local 3092, I am informing you that my members **do not** wish to be involved with the G.I.C.

Thank you,


Frank Greco, President
Local 3092, City Hall Associates

cc: Mayor David B. Cohen
Board of Aldermen

#299-08
299-08

CITY OF NEWTON
COALITION OF UNIONS
46 Austin Street
Newtonville, MA 02460
Phone: 617-244-9562/Fax: 617-244-2332

September 9, 2008

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

08 SEP 15 AM 11:47
CITY CLERK
NEWTON, MA 02159

Honorable Ladies and Gentlemen:

We, the elected representatives of all school and municipal unions in Newton, are writing in response to a letter sent to you from Mayor Cohen dated August 1, 2008 and docketed by the City Clerk on August 4, 2008. (Attachment 1) On August 4, 2008, Sandy Pooler, Chief Administrative Officer, wrote a letter to the Insurance Advisory Committee, re: "Discussing the GIC Option", with the Mayor's letter to you attached. (Attachment 2)

Unfortunately, the Insurance Advisory Committee is not the appropriate venue for discussion of collective bargaining issues, including joining the GIC (Group Insurance Commission) The appropriate venue for discussion of Section 19 of Chapter 32B is the Coalition of Unions. In the past, on two occasions the coalition of unions has unanimously requested the Mayor and the Board of Aldermen to adopt Section 19 of Chapter 32B. (Attachment 3) In both cases, we have been rejected.

We are still interested in coalition bargaining and the adoption of Chapter 32B, Section 19, but not in the manner described by the Mayor in his August 1st letter. Paragraph 5 of this letter asserts: "Section 19 authorizes the City and unions to engage in, so called, coalition bargaining *relative to the issue of the City joining the State Group Insurance Commission health insurance program.*" (Emphasis added) The Mayor seems to think that the only portion of Section 19 of Chapter 32B that applies is 19 (e). Please review the attached Chapter 32B, Section 19, as amended and effective July 25, 2007, and note that the heading under Section 19 makes reference to "health carriers, public employee committees, agreements with public authorities, and transfer of subscribers to commission."

Paragraph 6 of the Mayor's August 1st letter is a clear mis-statement of fact: "Acceptance of Section 19 provides for coalition bargaining *solely for the purpose of enrolling our employees and retirees in the GIC, coalition bargaining will not cover any other health insurance related topic.*" The unions are not able to enter into discussion about Chapter 32B, Section 19, until we have clarity on what such adoption of Section 19 entails; and we petition you to assure us that the Mayor's interpretation is not the legally correct

representation of Section 19 of 32B. We have petitioned you twice before to adopt Section 19 as it is clearly written in the Massachusetts General Laws. We ask for your timely addressing of this issue. The unions have already done the work of analyzing the Projected Aggregate Cost Impact of Joining GIC, as well as the following four (4) sub-categories under the title of "What Will This Feel Like to the Member:"

- Tufts POS (Current) vs. Tufts PPO (GIC)
- Tufts HMO (Current) vs. Tufts PPO (GIC)
- HPHC HMO (Current) vs. HPHC PPO (GIC)
- Tufts Medicare Complement (Current) vs. Tufts Medicare Complement (GIC)

The individual unions and their representatives have a positive history of working with the city administration on cost-saving measures relative to health insurance. Our track record is stellar and has been acknowledged as such by the city leadership. We look forward to continuing this collaborative relationship.

We look forward to your prompt response to this letter.

Sincerely,

Jay Babcock and Cheryl Turgel

Co -Chairs

Cc: David B. Cohen
Sandy Pooler



David B. Cohen
Mayor

Attachment 2

City of Newton, Massachusetts
Office of the Mayor

#299-08 Telephone
(617) 796-1100
Telefax
(617) 796-1113
E-mail
Dcohen@ci.newton.ma.us

Memorandum

To: Insurance Advisory Committee
From: Sandy Pooler, Chief Administrative Officer *SMP*
Date: August 4, 2008
Re: Discussing the GIC Option

Last spring, we all talked about looking at the rates and benefits offered by the State Group Insurance Commission (GIC). We understood that there was a great deal of interest from the public as well as from elected officials in the City to explore this option as a way to control ongoing health insurance cost increases. There was consensus among us that any discussion of the plusses or minuses of entering the GIC had to be based on a solid, credible review of the rates, benefits, and potential cost savings, if any, that joining the GIC would bring.

I have not heard whether the unions have completed your review of those rates, benefits, and potential cost savings. The City has prepared such an analysis, and I look forward to exchanging that information with any that you have prepared, so we have a common understanding of the facts.

I request that the Insurance Advisory Committee schedule a meeting with the City to discuss these issues the week of September 8, 2008. As you know, if the City and its employees and retirees are going to join the GIC next year, we must notify the GIC before October 1, 2008 of our agreement to join. In order to facilitate these discussions, I suggest a meeting between the City and Carol Chandor (and other representatives of your choosing) before the end of August to review each others figures and resolve any questions about potential differences in those figures.

Before we could join the GIC, the City, through the Mayor and the Board of Aldermen, must accept section 19(e) of chapter 32B of the Massachusetts General Laws, which provides for coalition bargaining on the issue of joining the GIC. In order to keep this process moving forward, and because of the length of time we know it takes the Board of Aldermen to deliberate upon and pass an item as important at this, Mayor Cohen as submitted a docket item to the Board to accept section 19(e). I have attached a copy of his letter.

I look forward to discussing these important issues with you in a timely manner.

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.ci.newton.ma.us

The General Laws of Massachusetts

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#299-08

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE IV. CIVIL SERVICE, RETIREMENTS AND PENSIONS

CHAPTER 32B. CONTRIBUTORY GROUP GENERAL OR BLANKET INSURANCE FOR PERSONS IN THE SERVICE OF COUNTIES, CITIES, TOWNS AND DISTRICTS, AND THEIR DEPENDENTS

Chapter 32B: Section 19. Health carriers; contracts; public employee committees; agreements with public authorities

[Text of section effective until July 25, 2007. For text effective July 25, 2007, see below.]

Section 19. (a) Notwithstanding the provisions of any other section in this chapter, the appropriate public authority of any governmental unit which has undertaken to provide health coverage to its employees, retirees, surviving spouses or dependents, who shall hereafter be referred to collectively as subscribers, by acceptance of any other section of this chapter may instead elect to provide health coverage to all such subscribers pursuant to the provisions of this section, by entering into a contract or contracts with any one or more health carriers, or by transferring such subscribers to the group insurance commission established in chapter thirty-two A, pursuant to subsection (e) herein. This section shall take effect in a county, except in Worcester county, city, town or district upon its acceptance in the following manner: in a county except in Worcester county, by a vote of the county commissioners; in a city having Plan D or a Plan E charter, by majority vote of its city council and approved by the manager; in any other city by majority vote of the city council and approved by the mayor; in a town, by vote of the board of selectmen; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting. Acceptance hereunder shall not take effect until a written agreement is reached between the appropriate public authority and the public employee committee established herein.

Notwithstanding the provisions of subsection (c) of section four of chapter four, the acceptance of this designation may be revoked in the same manner it was accepted in accordance with all other subsections of section four B of chapter four, subject to the requirements of any public employee committee agreements as provided in this section and chapter one hundred and fifty E; provided, that revocation of this section shall not take effect until a written agreement providing for such revocation is reached between the appropriate public authority and the employee committee established herein. Nothing in this section shall preclude an appropriate public authority from agreeing to establish a health and welfare trust fund under section fifteen.

Any such contract or contracts with any one or more health insurance carriers shall be in conformity

with an agreement reached by an appropriate public authority and a public employee committee. Such election by the appropriate public authority may be renewed in conformity with any successor agreement reached with a public employee committee.

The public employee committee shall be composed of a representative of each collective bargaining unit in the governmental unit and a retiree. The retiree representative shall be a designee of the Retired State, County and Municipal Employees Association. The retiree representative shall have a ten percent vote. The remaining ninety percent vote shall be divided as follows: each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the governmental unit. Any agreement with the public authority must be approved by seventy percent of votes cast by the representatives on the public employee committee.

For the purposes of this section, a health carrier shall include any insurance company organized pursuant to chapter one hundred seventy-five, hospital service corporation organized pursuant to chapter one hundred seventy-six A, medical service corporation organized pursuant to chapter one hundred and seventy-six B, a health maintenance organization organized pursuant to chapter one hundred and seventy-six G, a preferred provider organization organized pursuant to chapter one hundred seventy-six I, or, in the case of a governmental unit which is partially or fully self-insured with respect to health coverage, any third party administrator selected by the governmental unit, which may include but is not limited to any health carrier.

An agreement so approved under this section shall be binding on all active and retired employees for whom health coverage is being purchased; shall supersede any conflicting provisions of all collective bargaining agreements and shall itself not be subject to supercedence in any statutory impasse proceeding under chapter one hundred and fifty E. Any dispute arising over the interpretation or application of the public employee committee agreement under this section may be submitted to binding arbitration under the labor arbitration provisions of the American Arbitration Association upon request of the public employee committee. Any request must be approved by seventy percent of votes cast by the representatives on the public employee committee.

A governmental unit which elects to provide health coverage to subscribers under this section shall be deemed in full compliance with any other provisions of this chapter regulating the procurement of health insurance.

A governmental unit which elects to provide health coverage under this section pursuant to an agreement approved by a public employee committee, may provide such coverage either as a single governmental unit or, pursuant to section twelve, through joint purchase with other governmental units or, with multiple governmental units, through a risk-sharing pool, trust or health carrier or third party administrator, or by making payments to a health and welfare trust fund to provide health coverage under this section either as a single governmental unit or together with multiple governmental units.

The appropriate public authority may contract with a health carrier for direct coverage of subscribers for whom the carrier's geographic service area provides appropriate access and coverage for other subscribers in accordance with subsection (d) herein.

(b) Nothing in this section shall be deemed to require, preclude or permit any change in any aspect of health coverage for active employees authorized by this section except where an agreement to provide for such change is reached by an appropriate public authority and a public employee committee in an

agreement entered into or modified subsequent to the effective date of this subsection. In the absence of a successor agreement approved under this section the prior agreement of the public employee committee and the appropriate public authority regarding the provision of health insurance shall remain in effect.

(c) Nothing in this section shall be construed so as to relieve any governmental unit from providing health coverage to any employee, retiree, surviving spouse or dependent to whom it has an obligation to provide coverage under any other provision of this chapter.

(d) The agreement reached between an appropriate public authority and the public employee committee shall provide for those subscribers who, by reason of residence or domicile, cannot be appropriately served within the service area of the health carrier or carriers included in said agreement, subject to the provisions set forth in this subsection.

Coverage for active employees under this subsection shall be pursuant to and in conformity with the agreement required by this section and shall conform to all requirements of this section. The agreement reached between an appropriate public authority and the public employee committee shall provide that any subscriber who for reasons of residency is not eligible for enrollment in any such plan offered by a governmental unit shall be covered under a plan offered pursuant to chapter one hundred and seventy-six I, if any such plan is provided for under said agreement; provided, that any such subscriber who lives ten miles or more from the nearest primary care physician providing care under said plan shall have out-of-pocket payments and medical deductibles limited to the amount that he would have paid had he utilized the network of medical services of the plan offered pursuant to chapter one hundred and seventy-six I. If the agreement reached between the appropriate public authority and the public employee committee provides for only health maintenance organizations or other health carriers that limit enrollment to a particular geographic area, then, notwithstanding any general or special law to the contrary, health maintenance organizations or other health carriers shall provide for the coverage of services provided or arranged for all subscribers who do not reside within the geographic service area of said carriers in the following manner: Any subscriber not eligible for direct coverage due to his residency shall have the same benefit schedule and premium contribution provided to subscribers residing within the carrier's geographic service area, including but not limited to covered services, out-of-pocket payments and medical deductibles for any and all medical services provided for or arranged pursuant to such agreement.

(e) Where an agreement reached by an appropriate public authority and the public employee committee covering the public employee committee of the governmental unit executed or modified subsequent to the effective date of this subsection so provides, the appropriate public authority shall, for a period of time specified by regulation of the group insurance commission transfer to said commission all subscribers for whom it provides health coverage. The regulations of said commission shall permit the governmental unit, upon agreement reached by the appropriate public authority and the public employee committee pursuant to this section, to withdraw from such transfer to said commission after a period of not less than three years following such transfer consistent with the provisions of subsection (f).

(f) Said commission shall negotiate and purchase health coverage for subscribers transferred pursuant to subsection (e) and shall promulgate regulations for coverage of such subscribers so transferred. The schedule of benefits available to such transferred subscribers shall be determined by said commission in accordance with chapter thirty-two A. Said commission shall offer such subscribers at least the same choice as to health carriers as is made available to state employees, subject only to the agreement reached between the appropriate governmental unit and the public authority committee. The governmental unit's contribution to the cost of health coverage for such subscribers, shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter

thirty-two A. Said commission shall require the governmental unit to collect and forward to the said commission the full premium or cost of coverage, including the subscriber's contribution, if any; provided, that the commission shall require any governmental unit so transferring subscribers under this section, notwithstanding any general or special law to the contrary, to forward to the commission the full cost of at least one month's but not more than three month's premiums for such transferred subscribers thirty days prior to the effective date of said transfer. For the purpose of determining the cost to subscribers transferred pursuant to subsection (d), the dollar amount payable by said subscribers shall be the same as the dollar amount paid by subscribers covered by the plan offered by the appropriate governmental unit, distinguishing only by the type of plan, individual, family or optional medicare extension plan, in which the subscriber enrolls. Said commission may also charge the governmental unit an administrative fee, to be determined by said commission, which shall be paid by the governmental unit and shall not be considered as part of the cost of coverage for purposes of determining the contributions of the governmental unit and its employees to the cost of health coverage. Any such administrative fee charged hereunder shall be used by said commission to pay any personnel or other costs associated with the administration of said plans.

(g) Any agreement reached between the governmental unit and the public employee committee shall provide that within the same health coverage plan the percentage contributed by the governmental unit to the premium or cost of health coverage shall be the same for all subscribers covered under this section. Said payments shall differ only by the type of coverage elected under the plan, individual, family, optional medicare extension or other; provided, however, that the percentage contributed by the governmental unit may vary among the different health coverage plans offered under the agreement reached between the governmental unit and the public employee committee. The agreement reached hereunder shall provide that the percentage contributed by said governmental unit to the premium or cost of at least one medicare extension plan available to all eligible subscribers shall be no less than the minimum percentage contributed by said governmental unit to any other health coverage plan offered pursuant to the agreement reached hereunder. Any governmental unit that accepts this section shall establish by agreement with the public employee committee a contribution by said governmental unit to said premium or cost of health coverage that provides for a minimum of fifty percent but not more than ninety-nine percent.

Chapter 32B: Section 19. Health carriers; contracts; public employee committees; agreements with public authorities; transfer of subscribers to commission

[Text of section as amended by 2007, 67, Sec. 4 effective July 25, 2007. For text of section effective until July 25, 2007, see above.]

Section 19. (a) Notwithstanding any other provision of this chapter, the appropriate public authority of a political subdivision which has undertaken to provide health insurance coverage to its subscribers by acceptance of any other section of this chapter may instead elect to provide health insurance coverage to all its subscribers pursuant to this section by entering into contracts with health insurance carriers or by transferring its subscribers to the commission under subsection (e). For the purposes of this section, the term "subscribers" shall mean employees, retirees, surviving spouses and dependents of the political subdivision and may include employees, retirees, surviving spouses and dependents of a district who previously received health insurance benefits through the political subdivision accepting this section. This section shall take effect in a political subdivision upon its acceptance in the following manner: in a county, except Worcester county, by a vote of the county commissioners; in a city having Plan D or a Plan E charter, by majority vote of the city council and approval by the manager; in any other city, by majority vote of the city council and approval by the mayor; in a town, by vote of the board of selectmen; in a regional school district, by vote of the regional district school committee; and in all other districts, by vote of the registered voters of the district at a district meeting.

Acceptance of this section shall not take effect until a written agreement has been reached between the appropriate public authority and the public employee committee, but the written agreement may condition acceptance of this section upon the transferring of subscribers into the commission under subsection (e).

A written agreement to transfer subscribers to the commission under this section shall be the sole means by which the subscribers of a political subdivision may be transferred to commission coverage.

Notwithstanding subsection-(c) of section 4B of chapter 4, the acceptance of this section may be revoked in the same manner it was accepted in accordance with all other subsections of section 4B of said chapter 4, subject to the requirements of any written agreements as provided in this section and chapter 150E. The revocation of this section shall not take effect until a written agreement providing for revocation is reached between the appropriate public authority and the employee committee established herein. Nothing in this section shall preclude an appropriate public authority from agreeing to establish a health and welfare trust fund under section 15.

Except as otherwise provided in subsection (e), a contract with a health insurance carrier shall be in conformity with an agreement reached by an appropriate public authority and a public employee committee. The election by the appropriate public authority may be renewed in conformity with any successor agreement reached with a public employee committee. The public employee committee shall include a representative of each collective bargaining unit with which the political subdivision negotiates under chapter 150E and a retiree representative. Either the public employee committee or the appropriate public authority may convene the initial meeting of the committee at any time upon 30 days notice. The retiree representative shall be designated by the Retired State, County and Municipal Employees Association. The retiree representative shall have a 10 per cent vote. The remaining 90 per cent vote shall be divided so that each collective bargaining unit represented on the public employee committee shall have a weighted vote equal to the proportion which the number of employees eligible for health insurance under this chapter employed in the bargaining unit he represents bears to the total number of employees eligible for health insurance in all bargaining units of the political subdivision. An agreement with the appropriate public authority shall be approved by 70 per cent of the weighted votes of the representatives on the public employee committee and shall be binding on all subscribers and their representatives. For the purposes of this section, a health insurance carrier shall include any insurance company organized pursuant to chapter 175, hospital service corporation organized pursuant to chapter 176A, medical service corporation organized pursuant to chapter 176B, health maintenance organization organized pursuant to chapter 176G, preferred provider organization organized pursuant to chapter 176I and, in the case of a political subdivision which is partially or fully self-insured with respect to health insurance coverage, any third party administrator selected by the political subdivision, which may include, but shall not be limited to, a health insurance carrier.

An agreement approved under this section shall be binding on all active and retired employees for whom health insurance coverage is being purchased, shall supersede any conflicting provision of a collective bargaining agreement and shall not be superseded in a statutory impasse proceeding under chapter 150E, but the agreement may include procedures for resolving an impasse in negotiations for a successor agreement. A dispute arising over the interpretation or application of the public employee committee agreement under this section may be submitted to binding arbitration under the labor arbitration provisions of the American Arbitration Association upon request of the public employee committee or the appropriate public authority, except as otherwise provided in subsection (f). A request shall be approved by 70 per cent of the weighted votes of the representatives on the public employee committee as set forth in this section or, where applicable, by a majority vote of the appropriate public authority. A political subdivision which elects to provide health insurance coverage to subscribers under this section shall be deemed in full compliance with this chapter regulating the procurement of health

insurance. A political subdivision which elects to provide health insurance coverage under this section pursuant to an agreement approved by a public employee committee, may provide such coverage either as a single political subdivision or, under section 12, through joint purchase with other political subdivisions or, with multiple political subdivisions, through a risk-sharing pool, trust or health insurance carrier or third party administrator, or by making payments to a health and welfare trust fund to provide health insurance coverage under this section either as a single political subdivision or with multiple political subdivisions. The appropriate public authority may contract with a health insurance carrier for direct coverage of subscribers for whom the carrier's geographic service area provides appropriate access and coverage for other subscribers in accordance with subsection (d).

(b) Nothing in this section shall require, preclude or permit a change in any aspect of health insurance coverage for subscribers authorized by this section except where an agreement to provide for such change is reached by an appropriate public authority and a public employee committee in an agreement entered into or modified after the effective date of this subsection except as otherwise provided in subsection (e). In the absence of a successor agreement approved under this section, the prior agreement of the public employee committee and the appropriate public authority regarding the provision of health insurance shall remain in effect.

(c) Nothing in this section shall relieve a political subdivision from providing health insurance coverage to an employee, retiree, surviving spouse or dependent to whom it has an obligation to provide coverage under any other provision of this chapter.

(d) The agreement reached between an appropriate public authority and the public employee committee shall provide for those subscribers who, by reason of residence or domicile, cannot be appropriately served within the service area of the health insurance carrier included in the agreement, subject to this subsection.

Coverage for subscribers under this subsection shall be pursuant to and in conformity with the agreement required by this section and shall conform to all requirements of this section. The agreement reached between an appropriate public authority and the public employee committee shall provide that a subscriber who for reasons of residency is not eligible for enrollment in any such plan offered by a political subdivision shall be covered under a plan offered under chapter 176I, if any such plan is provided for under the agreement, but a subscriber who lives 10 miles or more from the nearest primary care physician providing care under the plan shall have out-of-pocket payments and medical deductibles limited to the amount that he would have paid had he utilized the network of medical services of the plan offered under chapter 176I. If the agreement reached between the appropriate public authority and the public employee committee provides for only health maintenance organizations or other health insurance carriers that limit enrollment to a particular geographic area, then notwithstanding any general or special law to the contrary, health maintenance organizations or other health insurance carriers shall provide for the coverage of services provided or arranged for all subscribers who do not reside within the geographic service area by providing the same benefit schedule and premium contribution provided to subscribers residing within the carrier's geographic service area including, but not limited to, covered services, out-of-pocket payments and medical deductibles for all medical services provided for or arranged under the agreement.

(e) Where an agreement, either executed or modified, reached by an appropriate public authority and the public employee so provides, the appropriate public authority shall notify the commission that it will transfer all subscribers for whom it provides health insurance coverage to the commission. The notice shall be provided to the commission by the appropriate public authority not later than October 1 of each year and the transfer of subscribers to the commission shall take effect on the following July 1. On the effective date of the transfer, the health insurance of all subscribers, including elderly governmental

retirees previously governed by section 10B of chapter 32A and retired municipal teachers previously governed by section 12 of chapter 32A, shall be provided through the commission for all purposes and governed under this section. As of the effective date and for the duration of this transfer, subscribers transferred to the commission's health insurance coverage shall receive group health insurance benefits determined exclusively by the commission and the coverage shall not be subject to collective bargaining, except for contribution ratios which shall be determined by the written agreement.

Subscribers transferred to the commission who are eligible or become eligible for Medicare coverage shall transfer to Medicare coverage, as prescribed by the commission. In the event of transfer to Medicare, the political subdivision shall pay any Medicare part B premium penalty assessed by the federal government on retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan. For each subscriber's premium and the political subdivision's share of that premium, the subscriber and the political subdivision shall furnish to the commission, in such form and content as the commission shall prescribe, all information the commission deems necessary to maintain subscribers' and covered dependents' health insurance coverage. The appropriate public authority of the political subdivision shall perform such administrative functions and process such information as the commission deems necessary to maintain those subscribers' health insurance coverage including, but not limited to, family and personnel status changes, and shall report all changes monthly to the commission. In the event that a political subdivision transfers subscribers to the commission under this section, subscribers may be withdrawn from commission coverage at either 3 or 6-year intervals from the date of transfer of subscribers to the commission, as determined by the written agreement which shall specify the withdrawal interval and withdrawal procedures. The written agreement may specify the procedures for resolving an impasse in negotiations over whether to withdraw from commission coverage and for determining health insurance coverage and contribution ratios for subscribers for the year following withdrawal from the commission. In the event that binding arbitration is included in the written agreement, the agreement shall provide that the dispute shall be submitted to arbitration and, if no method of arbitration is provided in the agreement, then the dispute shall be administered by the American Arbitration Association under the procedures set forth in its Labor Arbitration Rules.

The decision and notice to withdraw shall be made by October 1 of the year prior to the effective date of withdrawal. All withdrawals shall be effective on July 1 following the political subdivision's notice to the commission. Except as otherwise provided in the written agreement, withdrawal from commission coverage shall revoke acceptance of this section and any written agreements related to the implementation of this section as of the effective date of withdrawal. In the event that the acceptance of this section is revoked, the appropriate public authority of the political subdivision shall abide by all commission requirements for effectuating such withdrawal, including the notice requirements in this subsection. In the event a political subdivision withdraws from commission coverage under this section, such withdrawal shall be binding on all subscribers, including those subscribers who, prior to the transfer to the commission, received coverage from the commission under sections 10B and 12 of chapter 32A and, after withdrawal from the commission, those subscribers who received coverage from the commission under said sections 10B and 12 of said chapter 32A shall not pay more than 25 per cent of the cost of their health insurance premiums.

In the event of revocation of acceptance of this section, the political subdivision and public employee unions shall return to governance of negotiations of health insurance under chapter 150E and this chapter on the effective date of withdrawal from commission coverage, to negotiate healthcare coverage for subscribers thereafter.

(f) To the extent authorized under chapter 32A, the commission shall provide group coverage of subscribers' health claims incurred after transfer to the commission. The claim experience of those

subscribers shall be maintained by the commission in a single pool and combined with the claim experience of all covered state employees and retirees and their covered dependents, including those subscribers who previously received coverage under sections 10B and 12 of chapter 32A.

Notwithstanding any general or special law to the contrary, a political subdivision that self-insures its group health insurance plan under section 3A and has a deficit in its claims trust fund at the time of transferring its subscribers to the commission and the deficit is attributable to a failure to accrue claims which had been incurred but not paid may capitalize the deficit and amortize the amount over 10 fiscal years in 10 equal amounts, or on a schedule providing for a more rapid amortization. Except as provided otherwise herein, subscribers eligible for health insurance coverage under subsection (e) shall be subject to all of the terms, conditions, schedule of benefits and health insurance carriers as employees and dependents as defined by section 2 and commission regulations. The commission shall determine all matters relating to subscribers' group health insurance rights, responsibilities, costs and payments, excluding contribution ratios, and obligations, including but not limited to, the manner and method of payment, schedule of benefits, eligibility requirements and choice of health insurance carriers and these matters shall be determined exclusively by the commission and shall not be subject to collective bargaining, the written agreement under subsection (a) or to arbitration under the agreement. The commission may issue rules and regulations consistent with this section and shall provide public notice of any proposed rules and regulations and notice of thereof at the request of interested parties, together with an opportunity to review those rules and regulations and an opportunity to comment on those proposed rules and regulations in writing and at a public hearing, but the commission shall not be subject to chapter 30A.

The commission shall negotiate and purchase health insurance coverage for subscribers transferred under subsection (e) and shall promulgate regulations, policies and procedures for coverage of the transferred subscribers. The schedule of benefits available to transferred subscribers shall be determined by the commission pursuant to chapter 32A. The commission shall offer those subscribers the same choice as to health insurance carriers and benefits as those provided to state employees and retirees. The political subdivision's contribution to the cost of health insurance coverage for transferred subscribers shall be as determined under this section, and shall not be subject to the provisions on contributions in said chapter 32A. Any change to the premium contribution ratios shall become effective on July 1 of each year, with notice to the commission of such change not later than January 15 of the same year.

A political subdivision that transfers subscribers to the commission shall pay the commission for all costs of its subscribers' coverage, including administrative expenses, and the governmental unit's cost of subscribers' premium. The commission shall determine on a periodic basis the amount of premium which the political subdivision shall pay to the commission. If the political subdivision unit fails to pay all or a portion of these costs according to the timetable determined by the commission, the commission may inform the state treasurer who shall issue a warrant in the manner provided by section 20 of chapter 59 requiring the respective political subdivision to pay into the treasury of the commonwealth as prescribed by the commission the amount of the premium and administrative expenses attributable to the political subdivision. The state treasurer shall recoup any past due costs from the political subdivision's cherry sheet under section 20A of chapter 58 and transfer that money to the commission. If a governmental unit fails to pay to the commission the costs of coverage for more than 90 days and the cherry sheet provides an inadequate source of payment, the commission may, at its discretion, cancel the coverage of subscribers of the political subdivision. If the cancellation of coverage is for nonpayment, the political subdivision shall provide all subscribers health insurance coverage under plans which are the actuarial equivalent of plans offered by the commission in the preceding year until there is an agreement with the public employee committee providing for replacement coverage.

The commission may charge the political subdivision an administrative fee, which shall not be more

than 1 per cent of the cost of total premiums for the political subdivision, to be determined by the commission which shall be considered as part of the cost of coverage for purposes of determining the contributions of the political subdivision and its employees to the cost of health insurance coverage by the commission.

(g) Any agreement reached between the political subdivision and the public employee committee, including an agreement to transfer subscribers to the group insurance commission, shall provide that within the same health insurance coverage plan the percentage contributed by the political subdivision to the premium or cost of health insurance coverage shall be the same for all subscribers covered under this section. These payments shall differ only by the type of coverage elected under the plan, including individual, family, optional Medicare extension or other coverage selections; but the percentage contributed by the political subdivision may vary among the different health insurance coverage plans offered under the agreement reached between the political subdivision and the public employee committee. The agreement reached shall provide that the percentage contributed by the political subdivision to the premium or cost of at least 1 Medicare extension plan available to all eligible subscribers shall be not less than the minimum percentage contributed by the political subdivision to any other health insurance coverage plan offered under the agreement reached. Any political subdivision that accepts this section shall establish by agreement with the public employee committee a contribution by the political subdivision to the premium or cost of health insurance coverage that provides for at east 50 per cent but not more than 99 per cent. Notwithstanding this subsection, where there is an agreement to transfer subscribers to the commission, subscribers whose coverage was governed by section 10B or 12 of chapter 32A before the date that the written agreement is executed, shall not be required to contribute more than 25 per cent of their health insurance premiums, but the written agreement may provide for a premium contribution paid by these subscribers of less than 25 per cent.

(h) If there is a revocation of acceptance or a withdrawal from the commission under this section, all retirees, their spouses and dependents insured or eligible to be insured by the political subdivision, if enrolled in Medicare part A at no cost to the retiree, spouse or dependents, shall be required to be insured by a Medicare extension plan offered by the political subdivision under section 11C or section 16. A retiree shall provide the political subdivision, in such form as the political subdivision shall prescribe, such information as is necessary to transfer to a Medicare extension plan. If a retiree does not submit the information required, he shall no longer be eligible for his existing health insurance coverage. The political subdivision may from time to time request from a retiree, a retiree's spouse and dependents, proof certified by the federal government of his eligibility or ineligibility for Medicare part A and part B coverage. The political subdivision shall pay the Medicare part B premium penalty assessed by the federal government on those retirees, spouses and dependents as a result of enrollment in Medicare part B at the time of transfer into the Medicare health benefits supplement plan.

(i) In the absence of a public collective bargaining unit, the chief executive officer of a municipality may authorize the transfer of subscribers to the commission.

CITY OF NEWTON POLICY FOR COMMUTING WITH CITY VEHICLES

Effective January 1, 2009, the following policy shall be in effect for the assignment and use of City vehicles outside the standard workweek. The policy expands upon the written policy announced by the Executive Department in 1968 and since modified from time to time. Each employee assigned a City vehicle will sign a statement that he or she has read and understands the policy.

A. General Policy

Employees assigned vehicles for commuting purposes are governed by the following general policy and philosophy. City vehicles are not personal vehicles and are not for personal use. City vehicles should be viewed as belonging to the citizens of Newton and are assigned for commuting only for purposes consistent to providing services to those citizens.

B. Specific Guidelines

1. Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for commuting outside the direct route for personal reasons.
2. Passengers shall be limited to City employees and individuals who are directly associated with City work activity (committee members, consultants, contractors, etc). Family members shall not be transported in City vehicles. If an accident or medical emergency arises necessitating transport of passengers other than City personnel, the employee assigned the vehicle shall notify his immediate supervisor as soon as possible of the nature of the emergency.
3. Vehicle should carry only those items for which the vehicle is designed or utilized. Personal property should not be transported in the vehicle and is the sole responsibility of the operator.
4. Assigned vehicles may be utilized during the workday for transportation incidental to normal workday activities.
5. No liability coverage of any kind covers the operator, passengers and property carried in City vehicles, except while used as authorized in City business and/or as allowed under this policy. (See City Solicitor's memorandum attached to and made part of this policy.)
6. The operators of City vehicles must observe and obey all traffic ordinances, rules, and regulations, including having and maintaining a valid driver's license. Operators shall comply with anti-idling rules and laws. Fines or

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CITY CLERK
NEWTON, MA 02459

penalties for moving, parking, or any other violations are the responsibility of the operator. Operators and passengers shall wear seatbelts at all times.

7. Employees who have vehicles assigned for commuting are subject to the tax provisions of the 1984 Tax reform act. Such employees shall file annually with the Treasurer a report of usage for commuting purposes.
8. Emergency road service for commuting outside the city limits shall be the responsibility of the employee to whom the vehicle is assigned. It is recommended that employees acquire AAA or some other appropriate emergency road service membership. For vehicles other than sedans, the Superintendent of Equipment will make a case-by-case determination as to the type of emergency road service required.
9. Whenever an employee who is assigned a city vehicle is on vacation or any other leave for more than five consecutive days between March 1 and October 31, the vehicle shall be reassigned by the Department Head or parked in the appropriate City lot. When an employee is on leave for more than two consecutive days between November 1 and February 28, the vehicle shall be reassigned by the Department Head or parked in the appropriate City lot.
10. In no event is a City vehicle ever to be utilized to transport alcoholic beverages or controlled substances. Smoking is prohibited in City vehicles.
11. All vehicles, except appropriate public safety vehicles, shall be identified with the standard City seal and the name of the Department.
12. Vehicle use will be monitored on a monthly basis by the Crafts Street Garage. Employees assigned vehicles may be required to document reasons for significant month-to-month variances. Other monitoring may entail unannounced visits to sites where vehicles are parked overnight.
13. In the event any of the above guidelines are not observed, an employee using a vehicle for personal purposes shall reimburse the City at the prevailing mileage rate and disciplinary action may be taken.

Eligibility

For an employee to be assigned a vehicle for commuting purposes, the Department Head must find that one or more of the following categories apply:

1. **On Call** – Employee designed to be generally available to respond to off-hours situations. Normally, this individual would be the direct operations manager – first level supervisor for a line work unit with an assigned responsibility to respond to service disruptions or other extraordinary events outside the normal workweek.
2. **Emergency Availability** – Employee has supervisory responsibility for a line operation that provides services or maintains facilities on a 24-hour, seven-day schedule. Department operations are characterized by employees who work a six or seven-day week; extended hours; and/or frequent overtime. Employee is called for emergencies which demand his expertise, experience, knowledge, judgment, and command ability.
3. **Service Supervision** – Due to the nature of the position, the position responsibilities, and organization of the Department the individual is required to supervise programs and services at night and on weekends to ensue proper performance. The key difference between this category and the Normal Work Demand category is the nature of the activity; the amount of the activity; and the fact the activity is demanded by organizational consideration.
4. **Normal Work Demand** – Employee normally works a standard workweek. Employee attends night or evening meetings, or is called upon the perform duties outside the normal workday for special problems. This category is characterized by the expectations that an employee will average one night meeting per week and/or as many as one other call or assignment per week. This level of activity is considered a normal part of the job.
5. **Vehicle Security** – Overnight parking creates potential for threat to vehicle security. Parking convenience is not a factor.

If the Department Head rates the vehicle demand for the position in Category 1, 2, or 3, then the vehicle may be assigned for commuting purposes. If Category 4 applies, a vehicle may be assigned for commuting when Category 5 is also a factor. In assigning vehicles for commuting purposes, Department Heads shall consider the distance between the employees' home and workplace.

Whenever a position becomes vacant the authorization for commuting shall be reevaluated. Other employees not generally authorized to take vehicles home may do so, with the approval of the Department Head, when a specific need arises. A specific need may be a spontaneous demand such as a service inspection or a planned use such as a conference.

Employees assigned vehicles for commuting are to be given copies of this policy which will be maintained on file in his/her department.

POLICY FOR COMMUTING WITH CITY VEHICLES

CITY OF NEWTON, MASS.

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Effective November, 1992, the following policy shall be in effect for the assignment and use of City vehicles outside the standard work week. The policy expands upon the written policy announced by the Executive Department in 1968 and since modified from time to time.

Policies for Use of City Vehicles Outside of Standard Work Week

A. General Policy

Employees assigned vehicles for commuting purposes are governed by the following general policy and philosophy. City vehicles are not personal vehicles and are not for personal use. City vehicles should be viewed as belonging to the citizens of Newton and are assigned for commuting only for purposes consistent to providing services to those citizens.

B. Specific Guidelines

1. Vehicle use is limited to travel to and from the residence and place of work. The vehicle should be driven over the most direct route taking into account road and traffic conditions. The vehicle should not be utilized for commuting outside the direct route for personal reasons.
2. Passengers shall be limited to City employees and individuals who are directly associated with City work activity (committee members, consultants, contractors, etc.). Family members shall not be transported in City vehicles. If an accident or medical emergency arises necessitating transport of passengers other than City personnel, the employee assigned the vehicle shall notify his immediate supervisor as soon as possible of the nature of the emergency.
3. Vehicles should carry only those items for which the vehicle is designed or utilized. Personal property should not be transported in the vehicle and is the sole responsibility of the operator.
4. Assigned vehicles may be utilized during the work day for transportation incidental to normal work day activities.
5. No liability coverage of any kind covers the operator, passengers and property carried in City vehicles except while used as authorized on City business and/or as allowed under this policy (see City Solicitor memorandum attached to and made part of this policy.)
6. The operators of City vehicles must observe and obey all traffic ordinances, rules, and regulations. Fines or penalties for moving, parking, or any other violations are the responsibility of the operator.

1. On-Call -- Employee designated to be generally available to respond to off-hours situations. Normally, this individual would be the direct operations manager-first level supervisor for a line work unit with an assigned responsibility to respond to service disruptions or other extraordinary events outside the normal work week.
2. Emergency Availability -- Employee has supervisory responsibility for a line operation which provides services or maintains facilities on a 24-hour, seven-day schedule. Department operations are characterized by employees who work a six or seven day week; extended hours; and/or frequent overtime. Employee is called for emergencies which demand his expertise, experience, knowledge, judgment and command ability.
3. Service Supervision -- Due to the nature of the position; the position responsibilities and organization of the department, the individual is required to supervise programs and services at night and on weekends to ensure proper performance. The key difference between this category and the Normal Work Demand category is the nature of the activity; the amount of the activity; and the fact the activity is demanded by organizational consideration.
4. Normal Work Demand -- Employee normally works a standard work week. Employee attends night or evening meetings, or is called upon to perform duties outside the normal workday for special problems. This category is characterized by the expectations that an employee will average one night meeting per week and/or as many as one other call or assignment per week. This level of activity is considered a normal part of the job.
5. Vehicle Security -- Overnight parking creates potential for threat to vehicle security. Parking convenience is not a factor.

If the Department Head rates the vehicle demand for the position in Category 1, 2 or 3, then the vehicle may be assigned for commuting purposes. If Category 4 applies, a vehicle may be assigned for commuting when Category 5 is also a factor.

Whenever a position becomes vacant the authorization for commuting shall be reevaluated. Other employees not generally authorized to take vehicles home may do so, with the approval of the Department Head, when a specific need arises. A specific need may be a spontaneous demand such as a service inspection or a planned use such as a conference.

Employees assigned vehicles for commuting are to be given copies of this policy which will be maintained on file in his/her department.

City of Newton
Take Home Vehicles

#296-08

City of Newton Vehicle listing as of 12/04/08						
VEH.#	DEPT.	YEAR	MAKE	ASSIGNED	Position	Home Distance
717	Bldg.	2003	FORD	O'Brien	Plumber	12.9
722	Bldg.	2003	FORD	Dorsey	Electrician	3.6
725	Bldg.	2006	FORD	Marciano	Plumber	9.7
726	Bldg.	1995	FORD	Vendetti	Carpenter	6.8
727	Bldg.	2000	FORD	Corbett	Foreman	0.6
729	Bldg.	2003	FORD	Manning	Electrician	3.6
730	Bldg.	1990	CHEVROLET	Scaltreto	Mason	3.2
731	Bldg.	2003	FORD	Carrieri	Electrician	3.5
733	Bldg.	2000	FORD	Caissie	Carpenter	4.1
735	Bldg.	2003	FORD	Maguire	Plumber	17.6
738	Bldg.	1994	FORD	Cane	Oil Burner Tech.	7.4
741	Bldg.	2007	FORD	Bibbo	Carpenter	7.2
742	Bldg.	2007	FORD	Camilli	Electrician	4.1
743	Bldg.	2007	FORD	Jessup	Oil Burner Tech.	20.6
1	DPW	2009	FORD	Daley	Commissioner	48.1
3	DPW	2007	FORD	Turocy	Deputy Comm.	25.6
4	DPW	2007	FORD	Mahan	Equip. Maint. Super.	26.5
6	DPW	2005	FORD	Albu	Highway Super.	25.1
7	DPW	1999	FORD	Graham	Asst. Highway Super.	2.4
8	DPW	1999	FORD	Crane	Asst. Highway Super.	5.6
9	DPW	2002	FORD	Taverna	City Engineer	3.7
11	DPW	2004	FORD	Jasset	Asst. Highway Super.	2.2
13	DPW	2005	FORD	Camelli	Asst. Highway Super.	0.9
14	DPW	2006	FORD	Crowell	Highway Super.	24.7
16	DPW	2005	FORD	Tocci	Director of Highway	15.7
17	DPW	2000	FORD	Wang	Asst. Traffic Engineer	6.8
18	DPW	2007	FORD	Antonellis	Asst. Highway Super.	13.9
19	DPW	2000	FORD	Jodoin	Asst. Equip. Maint. Super.	32.1
300	DPW	2008	FORD	Jerdee	Utilities Super.	24.6
301	DPW	2008	FORD	Mazolla	Asst. Utilities Super.	52.5
307	DPW	2007	FORD	Ovaska	Asst. Utilities Super.	53.4
750	DPW	1998	FORD	Mula	Engineering Inspector	6.3
751	DPW	2000	FORD	O'Shea	Asst. Constrction Eng.	16.0
754	DPW	2007	FORD	Schuckel	Traffic Engineer	4.5
756	DPW	1997	FORD	Benes	Engineering Inspector	2.0
758	DPW	2000	FORD	Devoy	Construction Engineer	15.0
C - 1	Fire	2004	Ford	Chief LaCroix	Chief	19.5
C - 3	Fire	2004	Ford	A.C. Proia	Asst. Chief	2.9
C - 8	Fire	1997	Ford	Lt. Leone	Communications	2.8
K - 1	Fire	1998	Ford	Dep. Chief Castro	Deputy Chief	3.1
W - 1	Fire	1998	Ford	Supt. Knight	Super. Of Alarms	2.7
782	Health	1997	FORD	DeLuca	Health Inspector	2.6
709	ISD	1996	FORD	Antonellis	Sr. Wire Inspector	2.0
711	ISD	1997	FORD	Maguire	Sr. Plumbing Inspector	3.1
712	ISD	2007	TOYOTA	Gifford	Sr. Building Inspector	10.6
739	ISD	2007	FORD	McDonald	Wire Inspector	1.9
545	Mayor	2007	TOYOTA	Mayor	Mayor	4.0

City of Newton
Take Home Vehicles

#246-08

VEH.#	DEPT.	YEAR	MAKE	ASSIGNED	Position	Home Distance
5	Parks & Rec	2003	FORD	Towle	Commissioner	4.0
15	Parks & Rec	2002	FORD	DeRubeis	Deputy Comm.	1.4
55	Parks & Rec	2002	FORD	Stapleton	Manager	0.2
509	Police	2003	FORD	Capt. Anastasia	Dispatch Commander	18.0
510	Police	2003	FORD	Lt. Aucoin	Internal Affairs	3.0
511	Police	2000	FORD	Smith	I.T. Commander	1.2
512	Police	2004	FORD	Chief O'Brien	Chief (by contract)	2.4
513	Police	1999	FORD	Lt. Downing	Executive Officer	3.0
514	Police	2000	FORD	Capt. Mintz	Patrol Commander	11.1
515	Police	2000	FORD	Capt. Gromada	Support Services	13.0
520	Police	2007	FORD	Capt. Boudreau	Detective Commander	1.3
521	Police	1996	FORD	Capt. Cummings	Traffic Commander	2.0
531	Police	1997	FORD	Sgt. Norcross	Traffic Supervisor	5.6
1301	Police	2001	FORD	Lt. Apotheker	Bureau Commander/Medi	5.9
820	W&M	2001	FORD	Baker	Sealer	2.7