



Programs & Services Committee Report

City of Newton In City Council

Wednesday, March 4, 2020

Present: Councilors Krintzman (Chair), Noel, Ryan, Humphrey, Albright, Wright

Absent: Councilors Baker and Greenberg

Also Present: Councilors Leary, Norton, Laredo, Crossley, Danberg, Downs, and Bowman

City Staff: Liam Hurley, Assistant Superintendent; Stephanie Gillman, School Department Director of Planning and Project Management; David Macdonald, Chief of Police; George McManis, Executive Officer; Cassidy Flynn, Public Facilities Committee Clerk; Nathan Giacalone, Programs & Services Committee Clerk

Referred to Programs & Services, Public Facilities, and Finance Committees

#167-20 **Authorization to submit an SOI to the MSBA for Countryside School**

SUPERINTENDENT OF SCHOOLS requesting authorization to submit a Statement of Interest (SOI) to the Massachusetts School Building Authority (MSBA) for consideration of funding for a ~~renovation/addition~~ replacement, renovation or addition of Countryside Elementary School, designated as the highest priority for a major project before Franklin Elementary School designated as the second highest priority.

Action: **Programs & Services Approved as Amended 6-0**
Public Facilities Approved as Amended 5-0

Notes: See the March 4, 2020 Public Facilities Committee meeting report for the summary on deliberations of this item.

#124-20 **Appointment of Michael Flaherty to the Health and Human Services Advisory Council**

HER HONOR THE MAYOR appointing Michael Flaherty, 17 Glastonbury Oval, Waban, as a member of the HEALTH AND HUMAN SERVICES ADVISORY COUNCIL for a term to expire on January 1, 2023. (60 days: 04/18/20)

Action: **Programs & Services Approved 5-0 (Councilor Albright not voting)**

Notes: The Committee invited Mr. Flaherty to the table and asked him to introduce himself to the Committee and explain why he wanted to join the Human Services Advisory Council. He said that he and his wife recently moved to Newton where she grew up. Mr. Flaherty currently works as a pediatrician at Mass General Hospital and is interested in giving back to the community with the experience from his professional career. The Committee then asked Mr. Flaherty the following questions.

What do you hope to accomplish on the Advisory Council?

Mr. Flaherty said that one of his focus areas would be on school health and preventable causes of injury such as distracted driving and tobacco use. This was cited as an appropriate goal in light of the increasing rate of injuries in high school athletes as well as the rise in teen vaping and nicotine addiction. Mr. Flaherty said that working in the pediatric ICU he has seen some of the severe cases of vaping-related lung diseases. From sitting on the Trauma Injury and Prevention Committee he has heard from many other general pediatricians about the reversal to a successful trend of declining nicotine use amongst teens.

Councilor Humphrey moved approval on #124-20 and the motion carried 5-0 (Councilor Albright not voting).

#125-20 Reappointment of Brenda Anders to the Health and Human Services Advisory Council
HER HONOR THE MAYOR reappointing Brenda Anders, 158 Auburndale Avenue, West Newton, as a member of the HEALTH AND HUMAN SERVICES ADVISORY COUNCIL for a term to expire on January 1, 2023. (60 days: 04/18/20)

Action: Programs & Services Approved 5-0 (Councilor Albright not voting)

Notes: Councilor Noel moved approval on #125-20 and the motion carried 5-0 (Councilor Albright not voting).

#137-20 Request to petition the General Court for special legislation regarding special police
HER HONOR THE MAYOR requesting authorization to petition the General Court for special legislation to amend the provisions of the Acts 2014, c. 96 *An Act Relative to the Appointment of Special Police Officers in Newton*, as most recently amended by Acts 2016, c. 266, by raising the age limit for service on the special retiree police detail patrol from age 70 to age 75.

Action: Programs & Services Approved 6-0

Notes: Chair Krintzman introduced and summarized the item. He described that municipalities often seek special permission from the state to allow certain individuals to act as special police officers in certain situations such as traffic details and at construction sites. Passage of this item would ask the state for the special legislation needed to modify the existing law to allow individuals up to age 75 to serve as special police officers. Under the current special legislation, special police officers may serve Newton up until age 70. He further clarified that if this item passed committee and the full council, it would then need the Mayor's signature to move forward. After this step, it would move up to the State Legislature where it would need to get passed. Newton Police Chief David MacDonald joined the Committee for this item.

Chief MacDonald also gave an overview of the item and the Department's objectives for seeking the change to move the age limit from 70 to 75. He said that this change would necessitate an annual physical to ensure that the officers would be in fit shape. He said that with the recent developments being constructed in Newton, this change is necessary to meet the city's needs as more officers retire.

The questions asked by the Committee and answers are as follows.

How will raising the age limit up to 75 affect the pool of special police officers?

Chief MacDonald answered that this is correct as it would allow those currently on the force to remain longer if they wish and allow more to apply for the job, though he specified that applicants would be required to undergo yearly physicals to ensure that they are capable enough for the job.

When this goes to the legislature, how should the Council be involved?

If the legislature passes this, will the limit be permanent at 75? Would the officers retain their rank and pay?

The raise of the age limit to 75 would be permanent. They do not retain their rank and pay as they are considered retiree status. They maintain police powers on the detail site and must undergo training nearly identical to regular police officers. They are also subject to a strict 40 hour per week cap which so far has been observed.

What is the percentage of retirees who want to do this job? Would these officers also be able to assist with traffic control around the schools?

Chief MacDonald answered that he does not know the exact overall number but that the Newton Police Department currently has 19 retirees doing special police work. He specified that the retired officers cannot be used around the schools for traffic control as that falls under the jurisdiction of Crossing Guards, which Chief MacDonald emphasized the City needs more of.

Is the solution of special retiree detail officers cheaper for the City than borrowing officers from neighboring communities?

Chief MacDonald emphasized that this is not a permanent solution, nor is it much cheaper. However, he said that these details are often paid by private contractors when warranted. When the detail is performed for the City, they are paid by the City. A long-term solution to Newton's police personnel shortage is under development.

Will special detail officers be carrying weapons?

Yes.

Will the physicals the special officers undergo prepare them for what they would need to do to respond the event of a crime?

Chief MacDonald clarified that he is not a medical professional and cannot speak on the specifics of the physicals, but he understands that they are conducted with full knowledge of what the requirements are for the job.

Chair Krintzman clarified that this measure will expand the pool of eligible applicants and will not alter who pays the detail officers.

Are other cities and towns doing this?

Chief MacDonald said that he cannot speak on whether they are moving the age up, but from the information he does have he can say that other communities range from the standard age at 65 to 70. He is not immediately familiar with any others with the age ceiling set at 75. He said that he supports this measure for applicants who are physically capable of it.

Are you confident in this proposal?

Chief MacDonald answered that he was and anticipated that not all who are eligible will sign up. He feels that it will supplement Newton's officer pool in a time of need. He also clarified that he maintains the authority to pull a special detail officer off the street if they are not physically able. They also retain the right to refuse a call on a day that they do not feel they would perform well on.

Are the special officers still protected by the union?

Chief MacDonald said that they are not. They are considered per diem employees with pay governed by the retirement system. This allows the Chief to be able to remove special officers at his discretion.

If these special officers are only on traffic detail, why do they need to carry guns?

Chief MacDonald answered that this is because while on detail the officers maintain full police authority. This authority only applies to any incidents at the detail site and does not empower them to get into their vehicles and respond to police calls. Chief MacDonald also clarified that they receive all the same firearm training that any other officer does. He also said that it is rare that they need to respond to crime incidents while on detail and they are also empowered to call for backup in these cases.

Councilor Albright moved approval on item #137-20 which carried 6-0.

The meeting adjourned at 8:08 PM.

Respectfully Submitted,

Josh Krintzman, Chair