

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 3, 2014

Present: Ald. Ciccone (Chair), Fuller, Lipof, Harney, Johnson, Yates, Schwartz and Cote

Also Present: Ald. Lennon

City Staff: Chief Howard Mintz, Sergeant Jay Babcock and Captain Marc Gromada, Newton Police Department; and David Koses, Transportation Coordinator

#414-13(2) HIS HONOR THE MAYOR requesting that Chapter 24 of the City of Newton Revised Ordinances, 2012, be amended to reflect the special legislation approved by the General Court authorizing the Mayor, upon recommendation of the chief of Police, to appoint former Newton police officers who have retired for superannuation and who are under age 65 to serve as special police officers for the purpose of performing police details in the City of Newton.

**ACTION:** **APPROVED 6-0, Ald. Harney and Fuller not voting**

**NOTE:** Chief Mintz joined the Committee for discussion on this item.

In December 2013, the Board of Aldermen approved a petition to the General Court for Home Rule Legislation authorizing the Mayor, upon recommendation of the Chief of Police, to appoint former Newton police officers who have retired (honorably and without disabilities) and who are under age 65 to serve as special police officers for the purpose of performing police details in the City of Newton.

Chief Mintz stated in May 2014, this legislation passed. In June, Newton began using six retired police officers (under the age of 65) to perform police details alleviating some department issues. It is working out well; Police Department staff fully support this proposal including the Superior Officers Association and the Patrol Officers Association. Chief Mintz is hopeful the pool of candidates will grow to ten to twelve retirees in the next several years.

The retiree would be limited to performing details, they would not be assigned other police tasks, unless dire emergencies rise. Details would include road construction projects, traffic, Boston marathon, security purposes and special events. Officers are required to purchase their own weapons and equipment. They would be limited to working 40 hours per week, set by State law. Officers would not be offered union protection and could be terminated with a fourteen-day notice.

Committee members said that they support amending the City's Ordinance in order to offer retirees an opportunity to perform police details in the City of Newton.

Without further discussion, Ald. Yates made the motion to approve this item. Committee members agreed 6-0, Ald. Harney and Fuller not voting.

#41-11(3) ALD. LENNON, LEARY, CICCONE, JOHNSON requesting implementation of an overnight parking pilot program for the period of November 15, 2014 through April 15, 2015 in Ward One. [07/07/14 @ 1:33 PM]

**ACTION:** **HELD 7-0, Ald. Harney not voting**

**NOTE:** Committee members were provided with a letter on behalf of residents of 457 Centre Street, attached to this report.

Ald. Lennon, Mr. Koses, Captain Gromada and Sergeant Babcock joined the Committee for discussion on this item.

Chair Ciccone stated that Ald. Lennon, Leary and Johnson agree that there are many residents opposed to implementing this pilot program.

Chair Ciccone stated that in February 2014, the Board of Aldermen approved raising the overnight parking fine from \$5.00 to \$25.00 effective on November 1, 2014. He then asked Sergeant Babcock to track the number of violations, violation locations and if any, number of complaints received from November 2014 to January 2015. Chair Ciccone requests that this item be held this evening pending Sergeant Babcock's report and stated that if residents continue to express their needs for parking, he anticipates discussing this item in January or February 2015. If there is no expression of needs, he anticipates this item will not be discussed.

Ald. Lennon said that this item was docketed because there are some residences within the City that do not have parking on-site creating a hardship for residents who need a place to park their cars. The intent is to allow a possible permitting process for residents with parking hardships. Many of the residents of Nonantum receive frequent tickets for overnight on-street parking during the winter months because they do not have a place to park overnight. The approval of overnight parking permits is at the discretion of the Police Traffic Bureau.

Without discussion, Ald. Yates made the motion to hold this item pending Sergeant Babcock's report. Committee members agreed 7-0.

#201-13(2) 128 BUSINESS COUNCIL, requesting an amendment to board order #201-13 of the Needham Shuttle Bus License, which includes revisions and approval to travel on Oak, Eliot, Woodward and Lincoln Streets and eliminate travel on Forest and Columbus Streets. [08/18/2014 @ 12:50 PM]

**ACTION:** **APPROVED 6-0-1, Ald. Yates abstaining and Ald. Harney not voting**

**NOTE:** Sergeant Babcock joined the Committee for discussion on this item.

Sergeant Babcock stated that 128 Business Council contacted him requesting an amendment to their shuttle route. 128 Business Council would prefer to travel on Oak, Eliot, Woodward and

Lincoln Streets and eliminate travel on Forest and Columbus Streets. He then said that the Police Department (Traffic Bureau) approves this bus route revision after observing the desired route and pickup area. The revised route is better for all. The route is smoother, less congestion and perhaps less accidents. They are somewhat mimicking the "T" route.

As requested, 128 Business Council installed back up cameras on each shuttle providing drivers with a better view and after several hours of role-play on two days they satisfied Sergeant Babcock's concerns.

Ald. Yates asked if the shuttle could pick-up other riders. Sergeant Babcock answered no, it would be beyond their permit unless they revise their license.

Ald. Lipof made the motion to approve this route as docketed. Council members agreed 6-0-1, Ald. Yates abstaining and Ald. Harney not voting. Ald. Yates said that he would abstain because the route map did not include the route into Needham and the deplorable road conditions on Oak Street.

**Committee Clerk's Note:**

On September 8, 2014, the 128 Business Council provided the attached two maps for clarification purposes:

1. Needham Shuttle Current Route including full view of current route and all stops noted. Serving 320 Needham Street, Newton and Needham Crossing Office Park via the Needham Street Corridor.

2. Proposed Shuttle Route connecting 320 Needham Street, Needham Crossing Office Park with Newton Highlands station including turn-by-turn route as follows:

Turn-by-turn Route

Left on Oak Street

Right on Eliot Street

Straight onto Woodward Street

Right onto Lincoln Street

Right onto Walnut Street

On September 4, 2014, the Department of Public Works said that they anticipate the Oak Street construction project be complete in approximately two to three weeks including the resetting of curbs, sidewalks and handicap curbs.

At approximately 8:30 pm, Ald. Johnson made the motion to adjourn. Committee members agreed 6-0, Ald. Harney not voting.

Respectfully submitted,

Allan Ciccone, Jr. Chairman

**Insert a new Sec. 24-6 as follows, and renumber existing Secs. 24-6 through 24-9 accordingly.**

**Sec. 24-6 Police Retiree Detail Patrol**

The mayor may appoint, at the recommendation of the police chief and as the police chief deems necessary, retired Newton police officers as special police officers, to be known as the Newton Police Retiree Detail Patrol, to perform police details or any duties arising therefrom or during the course of police detail work, whether or not related to the detail work, subject to the following requirements and conditions. Special police officers appointed under this section shall be paid for performing assigned details at the same rate as regular police officers performing assigned details.

(a) The retired police officers shall have been regular Newton police officers and retired from Newton based on superannuation. They shall be subject to the same maximum age restrictions as applied to regular Newton police officers under chapter 32 of the General Laws.

(b) Prior to appointment under this section, a retired Newton police officer shall pass a medical examination by a physician or other certified professional chosen by the City to determine whether the retired Newton police officer is capable of performing the essential duties of a special police officer under this section, the cost of which shall be borne by the retired Newton police officer.

(c) Special police officers appointed under this section shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the General Laws, or chapter 151A of the General Laws. Special police officers appointed under this section shall not be eligible for special leave, vacation, or other benefits enumerated in article II of chapter 2 of these ordinances.

(d) Special police officers shall, when performing the duties under this section, have the same power to make arrests and perform other police functions as do regular police officers of the City of Newton.

(e) Special police officers shall be appointed for an indefinite term, subject to removal by the mayor or the chief of police at any time with a 14 day written notice.

(f) The workweek for special police officers appointed under this section shall be seven (7) consecutive twenty-four (24) hour periods, for a total of one hundred and sixty-eight (168) hours, which shall commence at 8:00 A.M. at the start of each Monday of the calendar week. In no case shall any special police officer appointed under this section perform police details or any duties arising therefrom in excess of forty (40) hours in any given workweek.

(f) Special police officers appointed under this section shall be subject to the rules and regulations, policies and procedures and requirements as the chief of police and the mayor may impose from time to time, including, but not limited to restrictions on the type of detail assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer, requirements for training, requirements for firearms licensing and qualifications and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the City of Newton. Special police officers appointed under this section shall not be subject to section 96B of chapter 41 of the General Laws.

(g) Special police officers appointed under this section shall be sworn before the city clerk of the City of Newton who shall keep a record of all such appointments.

(h) Special police officers appointed under this section shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under section 111F of chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks before the incapacity. In no event shall payment under section 111F of chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under section 111F of chapter 41 shall terminate in accordance with section 111F of Chapter 41 or when a special police officer appointed under this section reaches the age of 65, whichever occurs sooner. If the age limitation applicable to regular police officers serving a city is increased from 65 years of age, the termination of benefits under section 111F of chapter 41, as provided in this section for special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any such special police officer. Special police officers appointed under this section shall not be subject to section 85H or 85H 1/2 of chapter 32, nor eligible for any benefits pursuant thereto.

(i) Appointment as a special police officer under this section does not entitle that person to assignment to any detail.

(j) Retired Newton police officers serving as special police officers under this section shall be subject to the limitations on hours worked and on earnings restrictions as provided in paragraph (b) of section 91 of chapter 32 of the General Laws.

pursuant to the provisions of G.L. c. 44, §53A½.

(d) Notwithstanding the provisions of subsection (b), gifts of tangible personal property valued at \$1,000 or more that are offered to a gift receiving entity on the condition that such property be named in a particular manner may be accepted pursuant to the provisions of G.L. c. 44, §53A½.

(e) Each gift receiving entity shall submit annually to the mayor and the board of aldermen a list containing each gift of tangible personal property valued at \$1,000 or more received during the prior calendar year. Such gift list shall be submitted on or before March 31 of each year and shall include the identity of the donor of each such gift unless the donor has requested in writing that his/her identity not be revealed. (Ord. No. W-40, 4-2-01)

**Secs. 2-11—2-24. Reserved.**

**ARTICLE II.  
SPECIAL LEAVE, VACATIONS AND OTHER ABSENCES**

**DIVISION 1. GENERALLY**

**Sec. 2-25. Article not applicable to school employees.**

The provisions of this article shall not apply to employees in the school department who are covered by school department regulations filed with the city clerk. (Rev. Ords. 1973, § 2-21)

**Sec. 2-26. Holidays established.**

(a) Subject to the exceptions and conditions provided in this article, all employees, except policemen and firemen, whose compensation is fixed on an annual basis shall receive their regular compensation and all employees whose compensation is fixed at an hourly rate shall receive eight (8) hours pay (or in the case of a half holiday, four (4) hours pay) at their regular compensation for each of the following holidays: January the first, July the fourth and Christmas Day, or the day following when any of such days occur on Sunday, and the third Monday in February, the third Monday in April, the last Monday in May, the first Monday in September, the second Monday in October, November eleventh and Thanksgiving Day, and a half holiday on either the employee's nearest scheduled working day before Christmas or his nearest scheduled working day before New Year's Day, the scheduling of such half holiday to be at the discretion of the department head. Each employee shall be compensated for one additional day per year as a holiday. The scheduling of said holiday for each employee shall be at the discretion of the mayor or his designee.

(b) If any such holiday falls on an employee's scheduled day off such employee shall be given another day off with pay in lieu thereof, which shall be scheduled at the discretion of the department head subject to the general policy hereby established, that so far as it may be consistent with the proper functioning of the department such day shall be granted on either the last scheduled workday preceding or the next scheduled workday following such holiday.

(c) In order to qualify for compensation for any such holiday such person shall have worked on all of his last regularly scheduled workday prior to and the next regularly scheduled workday following such holiday, unless his absence on such regularly scheduled workday is due to jury service or is an absence for which compensation is payable under this article. (Rev. Ords. 1973, §§ 2-22; Ord. No. S-277, 10-5-87)

**State law reference**—Authority to prescribe holidays,  
G.L. c. 40, § 21A

**Sec. 2-27. Working on legal holidays; pay in lieu of holidays.**

If any employee, except policemen and firemen, is required to work on any holiday, as set forth in section 2-26, he shall be given an additional day off. If an additional day off as required by this section or section 2-26 cannot be given by reason of a personnel shortage or other cause, the employee shall be entitled to an additional day's pay in lieu thereof. (Rev. Ords. 1973, § 2-23)

**Sec. 2-28. Leaves of absence.**

(a) Leaves of absence without pay not covered in the provisions of this article or otherwise provided for in the ordinance may be authorized upon recommendation of the department head with the approval of the mayor. Approval shall be obtained prior to such leave of absence.

(b) Leaves of absence with pay not exceeding two (2) days for any one employee for not more than two (2) employees for each local chartered unit of the veterans' organizations listed hereinafter may be authorized upon recommendation of the department head with the approval of the mayor for the purpose of attending state or national conventions of the American Legion, American Veterans committee, AMVETS of World War II, Disabled American Veterans, Legion of Valor, Marine Corps League, Order of the Purple Heart, United Spanish War Veterans, Veterans of Foreign Wars, Reserve Officers Association of the United States, Franco-American War Veterans, Inc., Italian-American War Veterans, Inc., or Jewish War Veterans of the United States. Such employees must be accredited delegates or alternate delegates to such conventions, and no employee shall receive a leave of absence under this subsection more than once in each calendar year. Leaves of absence granted under this subsection will not be charged to such employee's available vacation time.

(c) Leaves of absence with pay may be authorized by the mayor for members of local units of labor organizations for the purpose of attending conventions, conclaves or conferences of their parent labor organizations in accordance with the terms of any collective bargaining agreement between the city and the local unit.

(d) Nothing contained in this section shall be construed to prevent the mayor from authorizing leaves of absence from the city on business connected with city affairs. (Rev. Ords. 1973, § 2-24)

**Secs. 2-29—2-39. Reserved.**

DIVISION 2. SPECIAL LEAVE

**Sec. 2-40. Interpretation.**

Special leave shall mean that period of time for which an employee shall be entitled to receive compensation during absence from work because of personal sickness or injury, the illness or injury of certain members of his family, the death of certain members of his family, certain religious observances or personal business in accordance with this division. (Rev. Ords. 1973, § 2-31)

**Sec. 2-41. Amount of time allowed.**

Every employee shall be entitled to special leave at the rate of one and one-quarter (1-1/4) days for each month of service completed. An employee shall earn one and one-quarter (1-1/4) days of special leave in the first month of employment if the starting date of employment is prior to the fifteenth (15th) day of the month. (Rev Ords. 1973, § 2-32; Ord. No. S-277, 10-5-87)

**Sec. 2-42. Special leave not allowed in certain cases.**

(a) No person shall be entitled to any compensation or benefits under this division for any period of disability resulting in whole or in part from any of the following:

- (1) The voluntary use of intoxicating liquor, drugs or narcotics.
- (2) Self-inflicted injuries other than accidental.
- (3) Injuries sustained while engaged in or resulting from or arising out of the commission by such person of a felony or of a misdemeanor involving moral turpitude.
- (4) Injuries sustained while engaged in or resulting from or arising out of the violation of any lawful rule or regulation of the department in which employed.
- (5) Injuries sustained as a result of reckless, improper or vicious conduct, or illegal or immoral practices.

(b) This section shall be subject to all other pertinent provisions of the Revised Ordinances or any law applicable thereto. (Rev. Ords. 1973, § 2-33).

**Sec. 2-43. Use of special leave for personal illness.**

An employee shall be entitled to use special leave to the full extent of his accumulation during absence from work because of sickness or injury of the employee in accordance with this division. (Rev. Ords. 1973, § 2-34)

**Sec. 2-44. Notification of department heads, etc., when absence due to sickness or injury occurs.**

When an employee of the city is absent from his duties on account of disability because of sickness or injury, he shall promptly notify his department head or such person as his department head shall designate, and it shall be the duty of the head of the department in which such employee works, or the mayor in the case of the head of the department, to notify the director of human resources and the comptroller of accounts of such absence. When an employee is absent due to illness or injury in excess of three (3) consecutive days, he must present a medical clearance to return to duties from his health care provider or obtain such a clearance from a qualified health care provider provided, without charge to the employee, by the director of human resources. During such absence no salary or wage shall accrue to such employee except during periods of authorized special leave in accordance with this division. (Rev. Ords. 1973, § 2-35; Ord. No. R-15, 8-13-79; Ord. No. S-91, 4-16-85; Ord. No. X-35, 10-21-02)

**Sec. 2-45. Use of special leave to attend ill member of family.**

Every employee, except members of the auxiliary school patrol or parking control officers of the police department, shall be entitled to use special leave to the full extent of his accumulation during absence from work because of the illness of the employee's spouse, children or parents residing in the same household as the employee. (Rev. Ords. 1973, § 2-36)

**Sec. 2-46. Approval and review of sick leave; hazards.**

(a) No salary or wage shall accrue to any employee under section 2-43 or section 2-45, unless the director of human resources shall find that the absence of such employee from duty is justified by reason of sickness or injury. (Rev. Ords. 1973, 2-37)

(b) Upon notification by a department head or the mayor, in accordance with section 2-44, the director of human resources may investigate each case of sickness or injury so reported to him and certify his findings to the



comptroller of accounts and to the department head or the mayor, as the case may be. As part of his investigation, the director of human resources may accept a written statement in such form as he may prescribe from the absent employee's health care provider, based upon the personal observations of such health care provider as to the nature, extent and probable duration of the sickness or injury. He may also require such employee to undergo an examination by a qualified health care provider(s) without charge to the employee. Refusal of the employee to submit to such examination(s) shall disqualify him from receiving any sick leave on account of the absence then under investigation or any continuation thereof.

(c) Upon determination by a department head, the director of human resources or the mayor that an employee, while engaged in the performance of his duty, appears to be suffering from sickness or injury so as to constitute a hazard to his health or the health of other persons, the director of human resources may order such employee to discontinue his duties for such time as the director deems desirable and may require such employee to undergo an examination by a qualified health care provider(s) without charge to the employee. (Rev. Ords. 1973, 2-37; Ord. No. X-35, 10-21-02)

**Sec. 2-47. Bereavement leave for absence due to death in family.**

Any employee shall be entitled to paid bereavement leave during absence from work for a period not exceeding three (3) days due to the death of a parent, stepparent, husband, wife, child, stepchild, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandparent, grandchild, brother-in-law or sister-in-law. There shall be no limit on the number of times an employee may use bereavement leave in any calendar year, and bereavement leave shall not be charged to special leave. Every such absence shall be approved and certified to by the head of the department in which such official or employee works, or in the case of the department head by the mayor. (Rev. Ords. 1973, § 2-38; Ord. No. S-91, 4-16-85)

**Sec. 2-48. Use of special leave for absence for religious observances.**

An employee, except a member of the police or fire force, shall be entitled to use special leave during absence from work for religious observances as approved by the mayor. Such absences shall be limited to a total of three (3) days during any calendar year and the right thereto shall not be cumulative. (Rev. Ords. 1973, § 2-39)

**Sec. 2-49. Use of special leave for personal business.**

An employee, except a member of the auxiliary school patrol or parking control officer of the police department, shall be entitled to use special leave during absence from work to attend to personal business. Every such absence shall be requested not later than the third working day in advance or such earlier time period as the department head may require. The scheduling of such absences for personal business shall be at the reasonable discretion of the department head. Such absences shall be limited to two (2) days during any calendar year and the right thereto shall not be cumulative. (Rev. Ords. 1973, § 2-40)

**Sec. 2-50. Accumulation of time.**

(a) Unused portions of special leave shall be cumulative and such unused special leave, except during the first year of employment, shall be calculated as of January first of each year. Sick leave as accumulated prior to January 1, 1967, in accordance with the applicable ordinances in effect prior to that date shall be converted as of that date to special leave and all leaves of absence with pay taken during the year 1967 prior to May 1, 1967, for any of the purposes named in this division shall be deemed to have been taken under this division.

(b) Unused special leave will not be available for use or payment in cash upon termination of employment except as provided in section 2-51, but it shall continue to be available upon an employee's transfer to another position in the same or another department. An employee who is laid off or resigns under conditions that are not

discreditable to him shall, if reemployed within twelve (12) months, have available any unused special leave accumulation existing at the time of his separation. (Rev. Ords. 1973, § 2-41)

**Sec. 2-51. Payment of accumulated special leave for certain separated employees; conditions.**

Whenever the employment of any person is terminated by retirement under the General Laws of the Commonwealth of Massachusetts or death and such person has accrued at least 175 days of unused accumulated special leave, he, or in the case of his death, his estate, shall be paid a monetary amount as set out in the chart below.

**Accumulated special leave monetary payment**

175 - 224 days .....	\$4,000.00
225 - 249 days .....	\$5,000.00
250 days or more .....	\$6,000.00

(Rev. Ords. 1973, § 2-42; Ord. No. S-91, 4-16-85; Ord. No. S-277, 10-5-87)

**Sec. 2-52. Substitutes, etc., for absentees.**

Should the disability of an employee make it advisable in the judgment of the mayor to employ a substitute, such substitute shall be paid at such rate as may be authorized by the mayor, which payment shall be charged to such appropriation as may be available or as the board of aldermen may direct. Extra work or duties performed by employees regularly in the employ of the city and necessitated by reason of the disability of a fellow employee shall not be paid for except upon the approval of the board of aldermen. (Rev. Ords. 1973, § 2-43)

**Sec. 2-53. Leave obtained contrary to provisions of division.**

Any employee who shall be found by the mayor, after a hearing, to have obtained special leave pay contrary to this division, or through any misrepresentation by him or by any other person in connivance with him, shall not be entitled to the benefit of this division for a period of one year after such finding. (Rev. Ords. 1973, § 2-44)

**Secs. 2-54—2-64. Reserved.**

DIVISION 3. ANNUAL VACATIONS

**Sec. 2-65. Eligibility; amount of time allowed.**

(a) For the purpose of this division, the following terms shall have the following meanings:

*Group I employees* are those employees who are subject to a collective bargaining agreement or who are classified as non-exempt pursuant to the Federal Labor Standards Act.

*Group II employees* are all other employees.

(b) The provisions of chapter 41, section 111 of the General Laws shall, except as otherwise provided, apply to all employees of the city whether or not of a class of employee covered by such section, but in determining the length of time worked in accordance with such section, the provisions of section 2-69 shall govern. Every employee who is not entitled to a vacation under chapter 41, section 111 of the General Laws and section 2-69,

but who was employed for not less than fifteen (15) weeks during the twelve (12) months preceding the first day of June in any year shall, except as hereinafter provided, be entitled during such year to vacation leave with pay as follows: Group I employees shall be entitled to one (1) day of such vacation leave for each full five (5) week period of such employment. Group II employees shall be entitled to one and one-half (1-1/2) day of such vacation leave for each full five (5) week period of such employment. Such vacations shall be granted in the manner provided in chapter 41, section 111 of the General Laws.

If a normal workweek for any employee who has accrued five (5) days of vacation leave under the preceding sentence exceeds five (5) days, he shall be entitled to one full normal work week of vacation leave accrued. Notwithstanding the preceding provisions, during the calendar year in which his most recent period of employment commences, an employee shall be entitled to vacation leave with pay only after the completion of six (6) months of employment prior to December first in such year, in which case a Group I employee shall be entitled to one full workweek of vacation leave and a Group II employee shall be entitled to one and one-half (1-1/2) weeks of vacation leave.

(c) Additional vacation leave, with pay, shall be granted in conformance with section 2-67. (Rev. Ords. 1973, § 2-52)

Cross reference—Vacations for library employees, § 16-4

**Sec. 2-66. Time not cumulative.**

The vacation periods allowable under sections 2-65 and 2-67 shall not be cumulative, but shall be taken only in the calendar year in which the employee first becomes entitled thereto, provided, however, that subject to the discretion of his department head, or the mayor for an employee who is a department head, Group II employees may accumulate no more than a one week vacation period which vacation period must be taken in the calendar year next following the year in which it accrued. (Rev. Ords. 1973, § 2-53; Ord. No. S-277, 10-5-87)

**Sec. 2-67. Additional vacation, certain employees.**

All full-time employees or permanent part-time Group I employees who shall have completed an aggregate of five (5) years of service in the employ of the city shall be entitled to a total of three (3) weeks of vacation annually commencing with the calendar year in which they complete such service. All such Group I and Group II employees who shall have completed an aggregate of ten (10) years of service in the employ of the city shall be entitled to a total of four (4) weeks of vacation annually commencing with a calendar year in which they complete such service. All Group II employees who shall have completed an aggregate of twenty (20) years of service in the employ of the city shall be entitled to a total of five (5) weeks of vacation annually commencing with the calendar year in which they complete such service. All such Group I employees who shall have completed a specified aggregate of years of service as enumerated in Table 1 below shall be entitled to the total period of vacation annually which corresponds to said aggregate years of service, commencing with the calendar year in which they complete such service.

Table 1

<u>Aggregate years of service</u> .....	<u>Vacation earned</u>
10 years .....	4 weeks
20 years .....	4 weeks, 1 day
21 years .....	4 weeks, 2 days

- 22 years ..... 4 weeks, 3 days
- 23 years ..... 4 weeks, 4 days
- 24 years .....5 weeks

In any year in which an employee first becomes entitled to an additional third, fourth, or fifth week of vacation specified herein, and the entitlement would not vest until after November 1st of the calendar year, the employee may take his or her additional vacation beginning November 1st of the calendar year, subject to the regular vacation scheduling procedure. No employee shall be entitled to such additional vacation in a calendar year unless the employee is entitled to a vacation under the provisions of section 2-65. (Rev. Ords. 1973, § 2-54; Ord. No. S-91, 4-16-85; Ord. No. S-276, 10-5-87; Ord. No. T-197, 12-16-91; Ord. No. T-315, 12-6-93)

**Sec. 2-68. Vacation pay in advance.**

Any employee entitled to a vacation under the provisions of sections 2-65 and 2-67 shall be entitled to receive his pay for the period of such vacation in advance on the payday next preceding the date on which his vacation is to commence. (Rev. Ords. 1973, § 2-55)

**Sec. 2-69. Certain time off not to be deducted.**

The time or period of absence during which any person shall be entitled to compensation under Divisions 1 and 2 of this article shall not be deducted from the vacation time to which such person is otherwise entitled. Such time or period of absence as well as vacation time taken under this Division 3 shall be included in computing the number of weeks of service in determining eligibility for vacation. (Rev. Ords. 1973, § 2-56)

**Secs. 2-70—2-105. Reserved.**

**ARTICLE III.  
FINANCE**

DIVISION 1. GENERALLY

**Sec. 2-106. Custody of bonds.**

The bond of the city collector-treasurer shall be kept by the mayor; and the bonds of other city officers shall be kept by the collector-treasurer, unless otherwise provided by law. (Rev. Ords. 1973, § 2-167)

**Sec. 2-107. Procedure for expenditure of money generally.**

No officer, department head, board or commission authorized to expend money shall make requisition for purchasing of supplies or materials until funds are available therefor, nor shall they enter into contracts for services to be rendered to the city, other than for personal services provided for in the budget or supplemental appropriation, without issuing a written order therefor, the order before delivery to the contractor to have certified thereon a statement from the city comptroller that there is sufficient unencumbered balance of the appropriation to be charged to the amount due under the order. No obligation shall be incurred against appropriations until the city comptroller verifies in writing the availability of an appropriation for such expenditure. Orders issued by the departments shall not be delivered to the vendors until the city comptroller shall have certified thereon that there is a sufficient unencumbered balance of the appropriation to be charged to pay the amount due under the purchase order.

**19-206. Overnight on-street resident parking permit program**

Notwithstanding the provisions of Section 19-174(b), there shall be a resident overnight on-street parking permit program (the “program”) in the City of Newton to govern overnight on-street parking of residents’ motor vehicles during the winter. Such program shall commence on November 15, 2014 and expire on April 15, 2015 unless renewed or modified by the board of aldermen. The program shall be administered by the chief of police or his designee.

**A. *Overnight on-street resident parking permit, eligibility***

(1) A resident overnight on-street parking permit of a design specified by the chief of police shall be issued by the police department to an owner or lessor of a motor vehicle which is registered in the Commonwealth of Massachusetts or other state, with a registered gross weight of under two and one-half (2 ½) tons, principally garaged in the City of Newton, owned or leased by a resident of Ward 1 of the City of Newton who otherwise qualifies for of issuance of a permit under this section.

(2) Residents of properties located within one thousand (1,000) feet of a municipal parking lot shall not be eligible to receive a permit.

(3) Commercial vehicles shall not be eligible to receive a permit.

(4) Eligibility is limited to residents of Ward 1.

(5) Eligibility is limited to residents of legally zoned single family, two-family or multi-family dwellings as defined in section 30-1 of the zoning ordinance.

(6) Acceptable proof of residency for subsection (1) will be the same as set forth in section 19-200 (2) of these ordinances.

**B. *Locations and number of overnight parking permits***

(1) (a) The chief of police, with guidance from the fire chief and the commissioner of public works, shall determine the locations where overnight on-street permit parking will be allowed. Approved parking locations are subject to change.

(b) The chief of police shall, in the exercise of his discretion, determine which location to assign to a particular resident based on consideration of the street conditions, street capacity, availability of spaces, proximity, as well as considerations of public safety. No resident is guaranteed a permit or an assignment to any particular location.

(2) The maximum number of permits allowed is as follows:

(a) No more than one permit is allowed per individual for no more than one vehicle;

(b) The maximum number of permits allowed per dwelling unit shall be equal to the number of vehicles registered to the dwelling unit, less the number of off-street parking spaces available on the property to the residents of that dwelling unit, as determined by the chief of police, provided, however, that no more than three permits may be issued per dwelling unit.

C. *Procedure and fees*

(1) Applications for a permit shall be submitted on such form and in such manner as the chief of police may specify.

(2) The following non-refundable fees to defray the costs of program administration shall be payable as directed by the chief of police:

Application fee:	\$20.00 per vehicle
Permit Fee:	\$80.00 per vehicle
Permit replacement fee:	\$ 5.00

(3) Each application shall be accompanied by:

- (a) A non-refundable application fee of \$20.00;
- (b) Proof of residency;
- (c) Such proof of the number of vehicles registered to the applicant's address as may be required by the chief of police.

(4) Upon receipt of an application, the chief of police shall investigate each application by conducting a site visit in order to determine the number of off-street parking spaces available for the applicant's dwelling unit.

(5) In the event the chief of police determines an applicant to be eligible for a permit, he shall determine and assign the location for which the permit shall be valid, and shall notify each applicant of any determination. Determinations of the chief of police under this section shall be final.

(6) Upon notification of eligibility and location assignment, the applicant shall pay an additional non-refundable permit fee of \$80.00 in order for the permit to issue.

(7) Any outstanding fines for parking violations attributable to the motor vehicle for which a permit is requested must be paid in full before such permit is issued.

D. *Display of overnight resident parking permit*

The chief of police shall establish rules governing display of permits. A permit that is not properly displayed or visible shall not be a valid permit. Each permit shall visibly display the registration number of the vehicle to which it is assigned, the assigned location, and the expiration date of the permit.

E. *Effect of overnight on-street resident parking permit*

(1) Vehicles which display a valid permit shall be exempt from the winter overnight parking restrictions specified in section 19-174(b). Such permit shall not be valid in any street or in any location other than the location to which it is assigned.

(2) Permits shall not be in effect during the period of a declared snow emergency.

(3) The chief of police may temporarily suspend the effect of permits in any location if he determines such suspension is necessary for public safety purposes.

(4) A permit is not valid for any vehicle other than the vehicle for which it was issued and whose registration number is displayed on the permit.

(5) Until its expiration, surrender or revocation, a permit shall remain valid until April 15, 2015.

F. *Revocation of permits*

(1) A permit shall be revoked if it is transferred to a different vehicle than the vehicle to which it was assigned.

(2) A permit shall be revoked if the vehicle's registration address changes, or if the applicant no longer resides at the address.

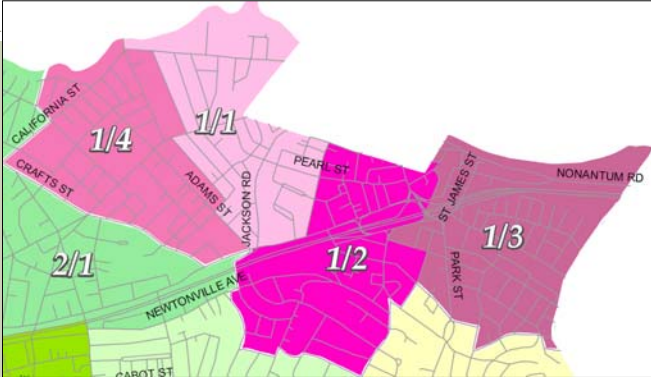
(3) A permit may be revoked if the vehicle is not removed from the location during a declared snow emergency or during a temporary period of suspension for public safety purposes.

- G. If any provision of this section or the application of such provision to any person or circumstance shall be held invalid, the validity of the remainder of this section and the application of such provision to other persons or circumstances shall not be affected thereby.



**WINTER OVERNIGHT  
PARKING BAN OVERRIDE PERMIT PROGRAM**

*Joint Public Safety and Public Safety and Transportation Committee Meeting  
October 9, 2013*



**WARD 1 PILOT**

Problem Statement

---

- **Lack of off-street parking availability**
  - Some residents have no driveway
  - Some residents have more cars than driveway space
  - Cannot park on the street Nov 15 – April 15, 2-6AM
  - Some residents receive very frequent tickets during winter months
    - ✦ Current ticket only \$5
    - ✦ *Future fee increase possible*
    - ✦ Fee increase would hit some homeowners hard
  - Option: Develop an overnight winter [parking ban override](#) program

## “Winter Parking Ban Waiver” Characteristics

- **Proposed Approval Process:**
  - Residents apply in person at Traffic Bureau
  - Applicant must provide the following:
    - ✦ Proof - residency
    - ✦ Proof - vehicles registered to address
  - Traffic Bureau investigates each application
    - ✦ Site visit; determination of approved parking location (i.e., block)
    - ✦ Traffic Bureau decision in conjunction with Fire, DPW
  - Approved parking location is at the discretion of the Traffic Bureau
    - ✦ No appeals process
    - ✦ Subject to change

## “Winter Parking Ban Waiver” Characteristics

- **Proposed Fee:**
  - Application fee of \$20 (non-refundable) per vehicle
  - If request is approved, fee to receive permit is \$80 per vehicle
  - May reapply if conditions change – but requires new application fee
  - \$5 replacement fee

## “Winter Parking Ban Waiver” Characteristics

- **Proposed Characteristics of the Permit:**
  - Issued by the Traffic Bureau for a particular location
  - Permits come in the form of a sticker
    - ✦ Sticker must be affixed to windshield, lower left corner, driver-side
  - Valid between November 15, 2013 and April 15, 2014
  - Does NOT OVERRIDE CITYWIDE SNOW EMERGENCY
    - ✦ Permit may be revoked if vehicle is not removed after declared snow emergency

## “Winter Parking Ban Waiver” Characteristics

- **Other Proposed Characteristics of the Program:**
  - Not available to Commercial Vehicles
  - Valid within Ward 1 only (during pilot period)
    - ✦ Board of Aldermen to review program after winter season
  - Not available to residences located within 1,000 feet of a public parking lot

## “Winter Parking Ban Waiver” Characteristics

- **Other Characteristics and Examples:**
  - Only one permit allowed beyond available off-street spaces
  - Only one permit allowed per individual
  - No more than three permits allowed per dwelling unit

## Traffic Bureau Staffing

- **New responsibilities**
  - Permits related to Newton North Neighborhood Parking Plan
- **Anticipated future responsibilities**
  - Permits related to Auburndale Village parking plan
  - Additional neighborhood parking plans
- **Pilot Parking Waiver**
  - Requires staff time for on-site research for each permit issued

## Proposed Schedule

- **September 2013**
  - PS&T presentation and comment
  - Draft ordinance language
- **October/November 2013**
  - PS&T, Public Facilities, Finance, BOA approval
  - Traffic Bureau orders stickers, hiring
- **November 2013 – April 2014**
  - Pilot Underway
- **2014**
  - Review pilot, modification, expansion

## Questions and Comments

**THE COPLEY GROUP**

Managing Agent

September 3, 2014

Allan Ciccone, Jr  
Chairman  
Public Safety & Transportation Committee  
Board of Alderman  
Newton City Hall  
Newton, MA 02459

RE: #41-11(3), 19-206: Overnight on-street resident parking permit program  
Comments

Dear Chairman Ciccone:

Thank you for taking the time to meet with us to discuss the parking challenges of the residents of 457 Centre Street. We appreciate the willingness of you and your colleagues to come up with innovative solutions for your constituents. Unfortunately the provisions within the proposed pilot program restrict our residents from participating in such a program, given their proximity to within one thousand (1,000) feet of a municipal parking lot, as provided for in Provision A(2) of the proposed ordinance. We respectfully request, and propose that provision A(2) be stricken in its entirety for the reasons discussed herein.

Provision A(2) should be excluded from the proposed ordinance because it frustrates the purpose of the overnight on-street resident parking permit program by excluding those the ordinance is designed to protect. The presumed purpose of the ordinance is to alleviate the parking hardship for residents of congested areas of the City which have a high percentage of residential properties with little or no parking available on-site. By excluding residents within 1000 feet of a municipal parking lot many residents of Ward One, that purpose, to alleviate congestion, is diminished.

Practically speaking, this ordinance would disadvantage those who live near municipal parking lots. While it is true that a separate parking program allows residents to park their motor vehicles overnight in designated municipal parking lots between November 15 to April 15, residents are only permitted to do so between the hours of 7:00PM to 7:00AM and must then move their motor vehicles early in the morning to an alternative location, or make payment. Such a time restriction is not present in the proposed ordinance, nor should it be, as it would not be practical.

By singling out certain residents to be excluded from the benefits of the proposed ordinance, namely the residents of 456 Centre Street, unreasonably discriminates against those residents and may violate the equal protection clause of the MA and US constitution. This particular section is not rationally related to the purpose of the ordinance because it removes eligibility of those it is specifically designed to protect, solely based on their location.

We respectfully request that this provision be removed from the proposed ordinance, in which case, it would enjoy our full support. Thank you for your consideration of these comments on behalf of the residents of 456 Centre Street.

Best regards,

A handwritten signature in black ink, appearing to read "Norman A. Levenson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Norman A. Levenson  
President

**Danielle Delaney**

---

**From:** Patrick Sullivan <psullivan@128bc.org>  
**Sent:** Monday, August 18, 2014 12:12 PM  
**To:** Danielle Delaney  
**Subject:** Route Amendment  
**Attachments:** Shuttles\_Needham\_Maps\_AlternateRoute\_20140626.pdf; Shuttles\_Needham\_Permit\_2014Amendment\_20140818.pdf

Danielle,

I would like to request an amendment to board order #201-13. 128 Business Council proposes a change to the current route used by our Needham Shuttle. I have attached a formal request letter as well as a map of the proposed route change.

Thank you,  
Patrick Sullivan

RECEIVED  
NEWTON CITY CLERK  
2014 AUG 18 PM 12:50  
DAVID A. OLSON, CMC  
NEWTON, MA 02459

Patrick Sullivan, LEED GA  
Director of Policy & Outreach  
128 Business Council  
395 Totten Pond Rd, Suite 302  
Waltham, MA 02451

e. [psullivan@128bc.org](mailto:psullivan@128bc.org)

p. 781-890-0093, ext. 5

f. 781-890-4736

w. [www.128bc.org](http://www.128bc.org)



If possible please do not print this e-mail and help save paper.





Danielle Delaney, Committee Clerk  
Newton Board of Alderman  
Public Safety & Transportation Committee  
1000 Commonwealth Ave  
Newton, MA 02459

RECEIVED  
Newton City Clerk  
2014 AUG 18 PM 12:50  
David A. Olson, OMC  
Newton, MA 02459

RE: Amendment of board order # 201-13

Mrs. Delaney:

128 Business Council is requesting an amendment to the permit for our Needham Shuttle, board order# 201-13.

The Needham Shuttle operates Monday through Friday from 6:30am - 10am and from 3:45pm - 6:40pm. The shuttle service provides commuter with direct transit access from Newton Highlands MBTA Station on Walnut Street to offices located at 320 Needham Street in Newton, as well as the Needham Crossing Office Park in Needham. Over the past two years the Needham Shuttle has provided over 45,000 rides to commuters who would otherwise likely be driving to their destination in single-occupancy vehicles.

128 Business Council seeks an amendment to our permit to allow our shuttle to travel on Oak Street, Eliot Street, Woodward Street, and Lincoln Street.

Our current permit allows the shuttle to travel north on Needham Street to Winchester Street and then onto Centre Street. The shuttle then turns left on Walnut Street, travels past the Newton Highlands MBTA Station, turns left on Forest Street, left on Columbus Street, and left on Lincoln Street. The vehicle travels down Forest and Columbus streets in order to pull up on the southbound side of Walnut Street where we can pick up and drop off passengers on the corner of Walnut Street and Lincoln Street.

The new proposed route between 320 Needham Street and Newton Highland Station would require the vehicle to turn left off of Needham Street on to Oak Street, then right onto Eliot Street. The shuttle would travel on Eliot Street across Route 9 and onto Woodward Street, then right on Lincoln Street. This proposed route would eliminate the need for the vehicle to pass the Newton Highland Station in order to turn around to reach our passenger pick-up and drop-off

UNLOCKING THE GRID

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781.890.4736 • www.128BC.org**



location. With this route change, the shuttle would no longer need to travel on Forest Street and Columbus Street, and would also be able to avoid morning and evening peak time traffic on Needham Street.

128 Business Council staff met with Sergeant Babcock from the Newton Police Traffic Bureau Division to review the route and to observe the shuttle pull in and park in the pick-up and drop-off space on Lincoln Street. Sergeant Babcock stated that he did not have any concerns with the route change as long as the shuttle driver is careful to park the vehicle clear of the corner of Lincoln Street and close to the curb.

Sincerely,  
Patrick Sullivan  
Director of Policy & Outreach  
128 Business Council

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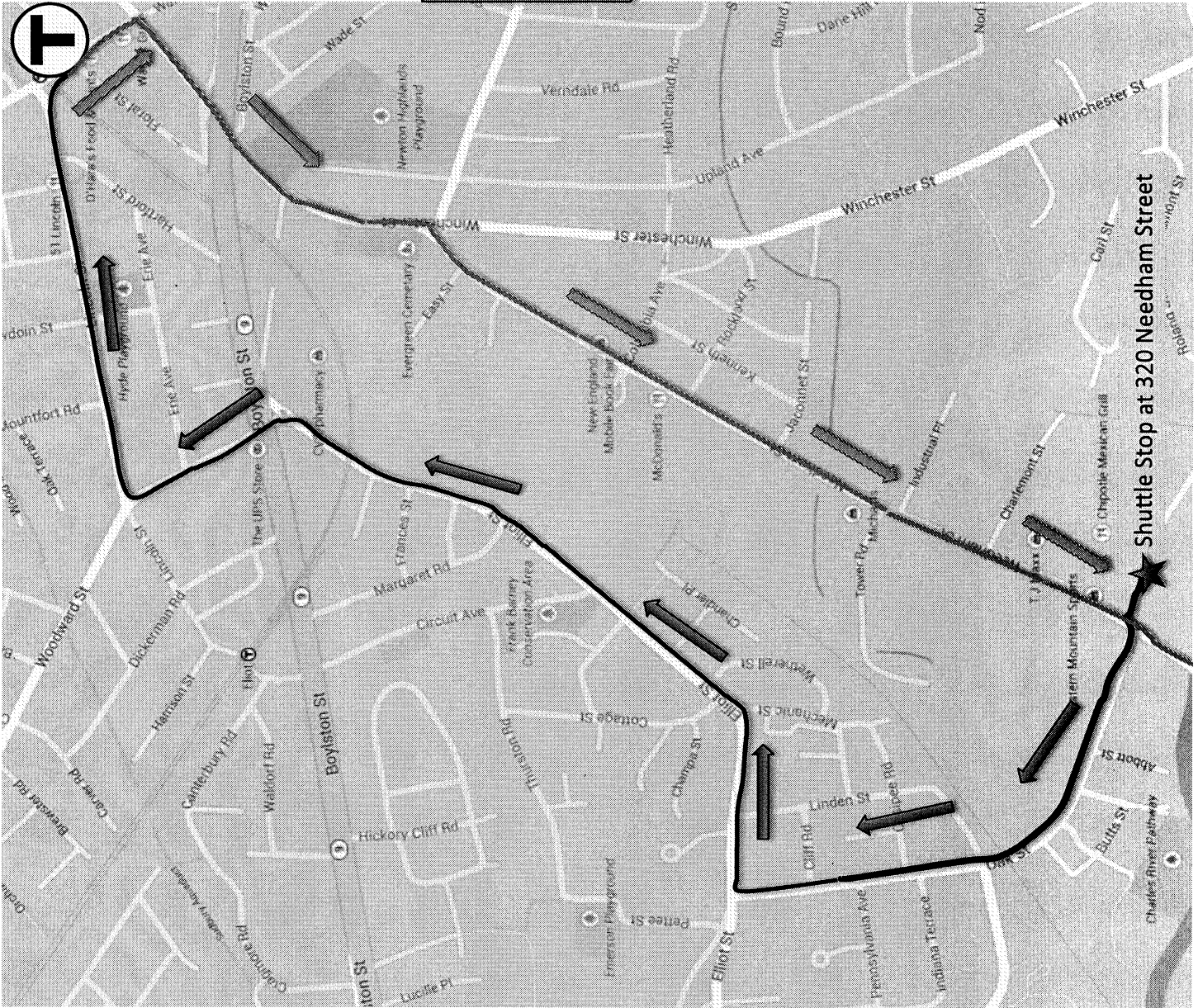
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2014 AUG 18 PM 12: 51

David A. Olson, CMC  
Newton, MA 02459

- Turn-By-Turn Route
- Left on Oak St
- Right on Eliot St
- Straight onto Woodward St
- Right onto Lincoln St
- Right onto Walnut St



Proposed  
Route for 128  
Business  
Council  
Shuttle –  
Connecting  
320 Needham  
Street &  
Needham  
Crossing  
Office Park  
with Newton  
Highlands  
Station

Shuttle Stop at 320 Needham Street

CITY OF NEWTON  
IN BOARD OF ALDERMEN

June 17, 2013

TO BE ISSUED JULY 14, 2013 (TO JULY 14, 2016)

The Board of Aldermen, pursuant to the provisions of Section 19-361 et. Seq. of the Revised Ordinances, as amended, hereby grants a license to

The 128 Business Council  
395 Totten Pond Road  
Waltham, MA 02454-1290

Through its bus operator:  
Local Motion, Inc.  
66B Rocsam Park Road  
Braintree, MA 02184

to operate a motor vehicle for the carriage of passengers for hire over the following described ways in the City of Newton as further specified herein.

1. Designated Routes:

Service between Newton Highlands and businesses located on Wells Avenue in Newton and in the Town of Needham

- (a) Newton Highlands Green Line Stop – Walnut Street – Centre Street – Winchester Street – Needham – Street – to border of Town of Needham.
- (b) From border of Town of Needham – Nahanton Street – 2 Wells Avenue – 95 Wells Avenue.

2. Days and Hours of Operation: Monday through Friday, 6:00 a.m. until 7:00 p.m. Shuttle service leaves approximately every 45 minutes. There is no midday service.

3. Vehicle Specifications:

a. Type of Vehicle(s): 2009 International RE Commercial

Number of vehicles: 1

Seating Capacity: 36 plus 2 ADA accessible seats

Propulsion system: Six cylinder, low sulfur diesel

b. The Licensee shall equip vehicles with two-way radios and cell phones and shall maintain contact between a dispatcher and all vehicles while in operation on the routes described herein.

4. Street Use: Centre Street, Columbus Street, Forest Street, Lincoln Street, Nahanton Street, Needham Street, Station Avenue, Walnut Street, and Wells Avenue.

5. Passenger Pickup: The Newton Highlands T Station, opposite the station on Walnut Street, other locations on private property.

6. Modifications: Subsequent to the renewal of the License, the Licensee shall be authorized to make minor adjustments to the regular bus service. The Licensee shall notify the Chief of Police within five (5) business days of any adjustment in the days of operation and hours. The Chief of Police shall maintain a file of all such requests in order to verify the total changes to the service at the end of each License term. Any other changes to the regular service shall require the approval of the Board of Aldermen.

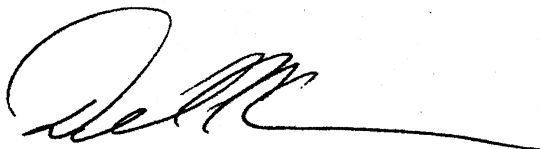
7. Term: This License is valid beginning July 14, 2013 and shall expire on July 14, 2016. Subsequent license renewals shall be granted in the discretion of the Board of Aldermen.

8. Enforcement and violation: The Chief of Police shall be charged with the enforcement of the provisions of this License. Violation of any of the above provisions shall be cause for revocation of this license in accordance with procedures to be established by the Board of Aldermen.

9. Hold harmless: The 128 Business Council and Local Motion, Inc. systems, and their officials, trustees, agents, servants and employees shall hold harmless and defend the City of Newton from and against all claims, damages, demands and actions of every kind arising out of the exercise of this License.

10. Severable provisions: The provisions of this License are severable. If any of the provisions of this License are held invalid by a court of competent jurisdiction, the remaining provisions of this License shall not be affected by such invalidity and shall remain in full force and effect, provided that upon such a finding or invalidity the City shall have the right to initiate proceedings to revise the remaining provisions of the License in a manner not inconsistent with any such finding of invalidity.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 1 absent (Alderman Lappin) 1 vacancy



(SGD) DAVID A. OLSON  
City Clerk



(SGD) SETTI D. WARREN

Mayor  
Date: 4/3/13

**Danielle Delaney**

---

**To:** Danielle Delaney  
**Subject:** FW: 128 Business Council Bus License Route Amendment

-----Original Message-----

From: John J. Babcock  
Sent: Monday, August 18, 2014 1:21 PM  
To: Danielle Delaney  
Subject: Re: 128 Business Council Bus License Route Amendment

Hi  
Yes  
I have gone out and reviewed the new route, which is better for neighbors. Also, I have gone out to the pickup area and checked that is well.  
The police department (traffic bureau) is fine with the requested changes.

Sgt Babcock



>  
> From: Patrick Sullivan [mailto:psullivan@128bc.org]  
> Sent: Monday, August 18, 2014 12:12 PM  
> To: Danielle Delaney  
> Subject: Route Amendment

>  
> Danielle,  
>  
> I would like to request an amendment to board order #201-13. 128 Business Council proposes a change to the current route used by our Needham Shuttle. I have attached a formal request letter as well as a map of the proposed route change.

>  
> Thank you,  
> Patrick Sullivan

>  
> Patrick Sullivan, LEED GA  
> Director of Policy & Outreach  
> 128 Business Council  
> 395 Totten Pond Rd, Suite 302  
> Waltham, MA 02451

>  
> e. [psullivan@128bc.org](mailto:psullivan@128bc.org)<mailto:psullivan@128bc.org>  
> p. 781-890-0093, ext. 5  
> f. 781-890-4736  
> w. [www.128bc.org](http://www.128bc.org)<http://www.128bc.org>

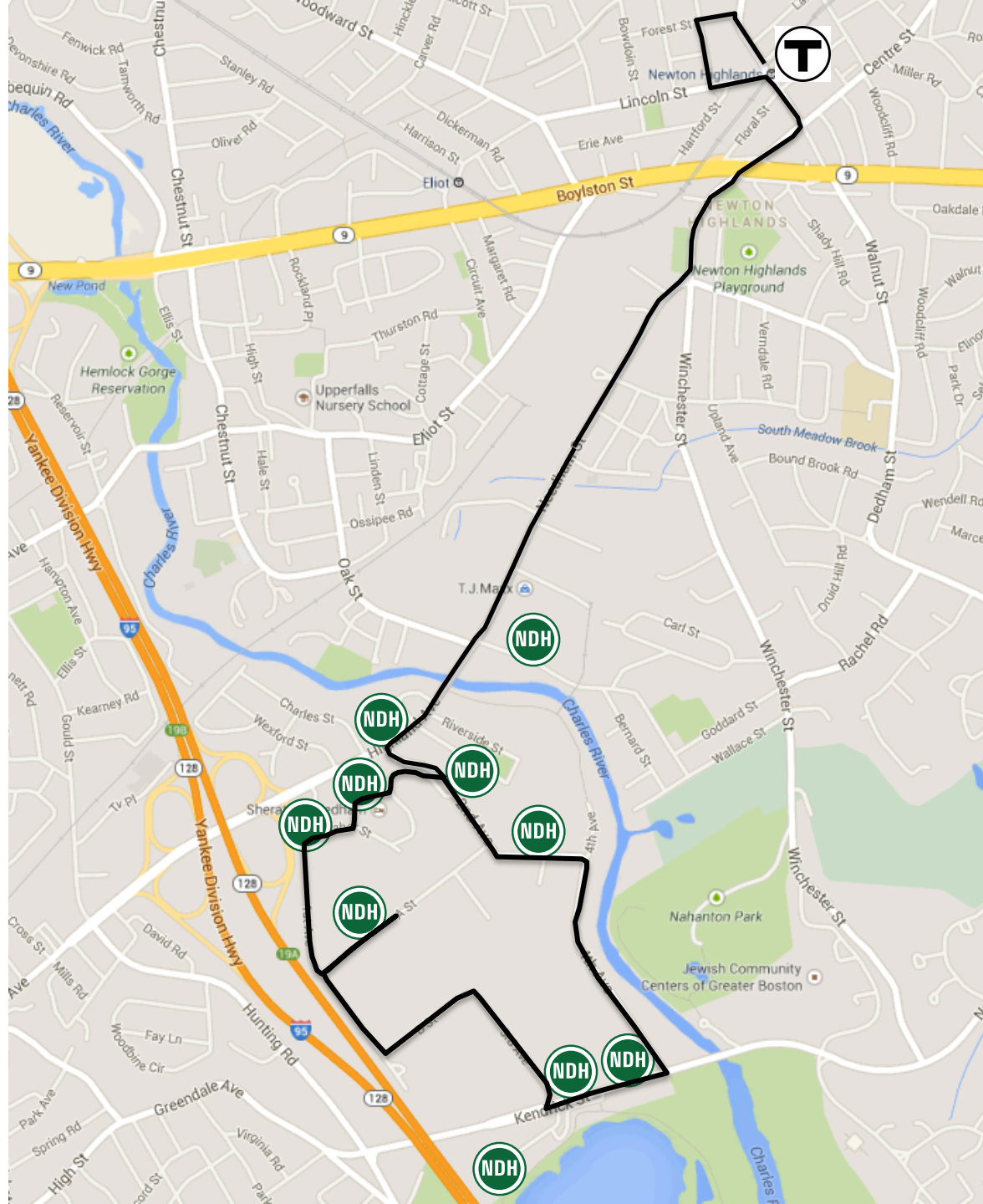
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DAVID A. OLSON, OMC  
NEWTON, MA 02459

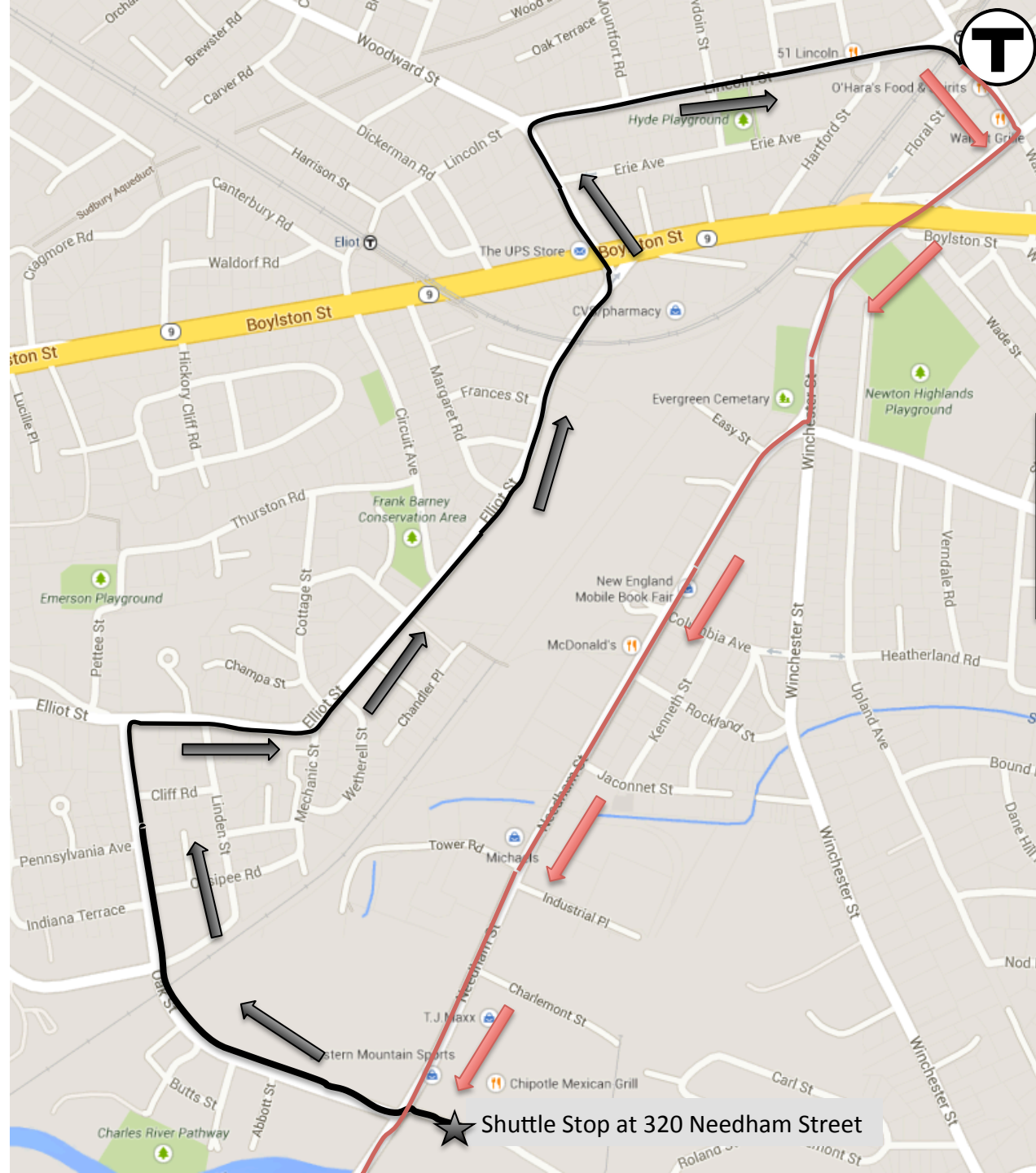
Needham Shuttle  
Current Route

Full view of  
current route and  
all stops

Serving 320  
Needham Street,  
Newton and  
Needham  
Crossing Office  
Park via the  
Needham Street  
Corridor.



Proposed  
Route for 128  
Business  
Council  
Shuttle –  
Connecting  
320 Needham  
Street &  
Needham  
Crossing  
Office Park  
with Newton  
Highlands  
Station



Turn-By-Turn Route

- Left on Oak St
- Right on Eliot St
- Straight onto Woodward St
- Right onto Lincoln St
- Right onto Walnut St