

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

Wednesday, December 4, 2013

Present: Ald. Ciccone (Chair), Johnson, Yates, Swiston, Kalis, Fuller and Harney

Absent: Ald. Schwartz

Also Present: Ald. Crossley (Vice Chair), Lennon, Gentile, Albright, Lappin, Danberg, Laredo, Linsky and Hess-Mahan

Absent: Ald. Salvucci

City Staff: Chief Howard Mintz, Sgt. Jay Babcock, Newton Police Department; Chief Bruce Proia, Newton Fire Department; Officer Edward Lavalle, Newton Police Union President; Donnalyn Khan, City Solicitor; Robert Rooney, Chief Operating Officer; Maureen Lemieux, Chief Financial Officer and Josh Morse, Commissioner, Public Buildings Department

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

#420-13 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred seventy-five thousand dollars (\$275,000) from the Operating Override Stabilization Fund for the purpose of funding the design for Station 3 (Willow Street) and Fire Headquarters. [11/25/13 @ 3:26 PM]

PUBLIC FACILITIES APPROVED 7-0

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

NOTE: The Public Safety & Transportation Committee discussed the item jointly with the Public Facilities Committee. Please see the Public Facilities report for a detailed account of this discussion.

REFERRED TO PUBLIC SAFETY AND PROG & SERV COMMITTEES

#414-13 HIS HONOR THE MAYOR requesting authorization to petition the General Court for Home Rule Legislation to authorize 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. [11/25/13 @ 3:26 PM]

ACTION: APPROVED 7-0

NOTE: Ald. Linsky, Chief Howard Mintz, Sgt. Jay Babcock, Officer Edward Lavalle and Donnalyn Khan joined the Committee for discussion on this item.

Chair Ciccone said that by approving this legislation it allows the City to offer trained police officers an opportunity to perform private police details; paid by the contractor requesting the detail. Training includes firearms, officer safety and CPR certification.

Committee members and Aldermen present expressed their questions and concerns regarding this legislation.

Questions:

Committee members asked if this legislation would affect retirement earnings or health care coverage? Would retirees continue to contribute to their retirement plan and is there a dollar limit earning restriction? Is the City required to provide workers' compensation if injured on duty? How many officers are interested in being appointed and would this legislation encourage early retirement?

Concerns:

Committee members stated that they are concerned with the fact that the City is not being paid in a timely fashion from contractors. They encourage a proficient process be implemented for collections and made a suggestion to collect advance pay from the contractor requesting the police detail.

Chief Mintz stated that this legislation would help alleviate some department issues. The legislation would allow him the opportunity to appoint former Newton police officers who have retired (without disabilities) for superannuation and who are under age 65 to perform police details in the City. The retiree would be limited to performing details, they would not be assigned other police tasks, unless dire emergencies rise. The retiree would be limited to working 40 hours per week. Retirees would not be offered union protection and could be terminated with a fourteen-day notice. Current police officers would be offered the opportunity to perform police details first. Sgt. Babcock and Capt. Marzilli would work out specific details and assign detail locations. The officers would be trained in-house on new techniques offering specific skills and traffic laws at no additional cost to the City. Officers are responsible for their weapons, equipment purchases and their own transportation.

Ms. Khan answered that this legislation would not affect retirees' health care coverage. Retirees would be limited to working 960 hours per year without affecting the Fair Standards Labor Act (FSLA). The earnings allow retirees to earn wages on top of their retirement pay. The pay would not affect retirement benefits and they would not be entitled to other health care options. Ms. Khan did not have available the dollar earning restriction. Ms. Khan stated that officers do not have workers' compensation. Each officer appointed under the special legislation shall be subject to Section 111F if injured. She then said that she estimates fifteen retirees would be interested in the appointment.

Officer Lavalley said that police details continue to be a statewide issue due to low work force. The City works with the Massachusetts Municipal Police Coalition (MMPC) who facilitates the sharing of information, ideas and resources among its member unions to identify and work to achieve the important interests of municipal police officers, to provide aid and assistance to member union's in the pursuit of their common goals in collective bargaining and in other forums. The City would benefit by this legislation because police officers are experienced, certified and properly trained at no expense to the City.

Chief Mintz stated that the City has improved the process of being paid by private contractors for details. Contractors have been paying. Requesting advance payment would be difficult because of the Fair Labor Standards Act (FLSA). He is hopeful that private contractors will begin paying

interest. Ms. Khan stated that the City has made significant progress and improvements on detail collections. Contractors have been paying for details performed and most realize details will not be provided if bills remain unpaid. Ms. Khan then stated that the mandatory state retirement age is 65 years. The City's Law Department has linked this special legislation to state law if state law age requirement were to change.

Committee members said that they support the request to petition the General Court for Home Rule Legislation for offering retirees the opportunity to perform police details in the City of Newton.

Without further discussion, Ald. Harney made the motion to approve this item. Committee members agreed 7-0.

The following five (5) items were referred without discussion to the 2014-2015 Board of Aldermen. Committee members agreed 6-0, Ald. Fuller not voting.

REFERRED TO PUBLIC SAFETY & TRANS AND PROG. & SERV. COMMITTEES

#410-13 ALD. JOHNSON, ALBRIGHT AND LINSKY requesting discussion with the Parks & Recreation, Police, Fire and Law Departments regarding options to decrease vandalism at the Albemarle Park (Halloran Recreation Complex) before April, 2014 [11/12/13 @ 4:15 PM]

ACTION: REFERRED TO 2014-2015 BOARD OF ALDERMEN

#302-13 ALD. FULLER, CICCONE & ALBRIGHT, requesting a presentation and discussion by the Executive Office and Chief of Police on the findings of the recently completed Newton Police Department departmental review. [08/12/13 @ 8:32 PM]

ACTION: REFERRED TO 2014-2015 BOARD OF ALDERMEN

#244-13 ALD. SWISTON, on behalf of Beth Birnham, 24 Stanley Road, Waban, requesting the development of a wildlife management plan that may include a communications policy, a citizen group and public education. [06/12/13 @ 2:56 PM]

ACTION: REFERRED TO 2014-2015 BOARD OF ALDERMEN

#150-13 ALD. JOHNSON, ALBRIGHT & LINSKY, requesting the Planning Department create a traffic and parking management plan for the Education Center, Day Middle School, Horace Mann Elementary School and Carr School neighborhood area by December 2013. [03/29/13 @ 9:11 AM]

ACTION: REFERRED TO 2014-2015 BOARD OF ALDERMEN

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11/17/11 @ 11:07 AM]

ACTION: REFERRED TO 2014-2015 BOARD OF ALDERMEN

**The following three (3) items were voted No Action Necessary without discussion.
Committee members agreed 7-0.**

REFERRED TO PUBLIC SAFETY/TRANSPORTATION & FINANCE COMMITTEES

#314-13 NEWTON POLICE DEPARTMENT, proposing that **Sec. 19-336(a). License plates or medallions; fee for same; transfer to new vehicle.** be increased from \$50 to \$100, effective 2014. [09/12/13 @ 11:21 AM]

ACTION: NO ACTION NECESSARY

REFERRED TO PUBLIC SAFETY & TRANS. AND FINANCE COMMITTEES

#428-12 ALD. CICCONE & FULLER requesting a discussion with the Executive Office and the Police Department regarding police staffing and overtime costs. [12/07/12 @ 1:34 PM]

ACTION: NO ACTION NECESSARY

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE

#41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]

ACTION: NO ACTION NECESSARY

At approximately 10:15 pm, Ald. Yates made the motion to adjourn. Committee members agreed 7-0.

Respectfully submitted,

Allan Ciccone, Jr. Chairman

Headquarters & Fire Station #3

Feasibility through Site Plan Approval Funding Request



Department of Public Buildings
City of Newton

November 13, 2013



Recap: Original Feasibility Study (12/2011)

Findings and Recommendations

- HQ, & Station 3 are undersized compared to the space needed for their mission.
- All facilities are not configured properly to meet modern firefighting best practices (e.g. training, female facilities, communications, etc.) and do not provide accessible public space.
- Recently adopted Massachusetts Code requirements for seismic resistance applicable to Fire Stations mandate significant alterations to existing structures.
- All facilities have systems at the end of their useful life or are currently out of service. Repair costs will continue to climb and energy usage is far beyond modern equipment.
- Programming/Component layouts are complete.

Recommendations-

- Replace all buildings on site.
- Construct a combined facility for Station 3 & HQ in a phased operation.



Feasibility Study/ Site Plan Approval Goals

- This study will be limited to the existing facilities and its current operational components. **Note-** Wires Division has moved to the New Station 10 Project.
- Confirm and refine the suitability of redeveloping the Station(s) onsite to meet modern firefighting needs, keep and/or relocate the HQ building, and relocate the Fire Fighter's Memorial.
- Review Code and Historical/ Preservation compliance.
- Create building elevations and floor plans to better understand critical component layouts and interconnectivity.
- Study the Overall Space Needs for the future facility over the next 20 years in conjunction with the City's 5-year Technology Vision.
- Develop site sections for further dialog with neighbors (Salon/MWRA).



Program Requirements

- Apparatus Bays Front Center St. (Minimum 5 Bays)
- 5 Drive Through Bay Arrangement
- Headquarters building kept (no demo, relocation ok)- New
- Minimize Station Downtime & impact to the Public Emergency Alarm Reporting System
- Swing Space for essential systems- New
- Can utilize a portion of the MWRA property if necessary- New
- Redevelopment can extend to property lines- New



Building Elements


- Chiefs office
- Administrative and other staff offices
- Payroll
- Fire Prevention
- Back up Dispatch Center
- Public Emergency Alarm Reporting System
 - Alarm Transmitting Equipment (city & private)
 - Radio Systems (local & Metrofire)
 - Fire Station Alert System
 - Signaling Equipment
 - Monitoring Systems
 - Emergency Communication Center
- EOC
- IT

Feasibility Study/ Site Plan Approval Funding

- Hire Owner's Project Manager and Designer(w/ consultants).
- Provide additional rough concepts advancing the site concepts plans that take into account the updated programming requirements. City/ Fire Department will select 3 preferred designs for additional refinement.
- After the feasibility study selection...
 - Develop schematic design level drawings (plans, building sections, elevations and site plan).
 - Procure an updated site survey.
 - Refine the seismic resistance requirements for the HQ building.
 - Obtain Site Plan Approval- Prepare, revise, and advance preferred designs drawings, plan and elevations, meeting both with the Design Review Committee (DRC) and NFD to obtain consensus through Schematic Design

OPM/Designer: \$250,000

Contingency- \$25,000

 Total Request- \$275,000



Appendix

Examples



Option Matrix

Fire Station 3 HQ Meeting 10/29/13

Fire Station #3 & Headquarters		Alternative Site Layout Options Matrix													
<ul style="list-style-type: none"> ● Favorable ⊖ Neutral ■ Prohibitive ○ Unfavorable 		S0, S, SS, \$\$\$, SSSS													
Criteria	Meets Program							Does Not Meet minium Program Requirements							
	Recommendation														
	1 NPA Option F	2 DMS Option 4	3 DMS Option B	4 DMS Option 3	5 DMS Option 2	6 DMS Option 1	7 NPA Option C	8 Fire Fighter Triangle Option	9 DMS Option A-2	10 DMS Option C	11 DMS Option C-2	12 NPA Option D	13 DMS Option A	14 NPA Option E	
Site Facts															
1	Apparatus Bays Front Center St.	●	●	●	●	●	●	●	●	○	○	○	○	○	○
2	Maintains Working Fire Station	●	●	⊖	●	●	●	●	●	●	●	●	●	○	○
3	Salon Encroachment (Y/N)	N	N	N	Y	Y	Y	Y	Y	N	N	N	N	N	N
4	Adequate parking	●	●	●	●	●	●	●	●	●	●	●	●	●	●
5	5 Drive Through Bay Arrangement	●	●	○	○	●	●	●	●	●	○	○	●	●	●
6	MWRA Encroachment (Y/N)	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N
7	Land/Easement Swap	N	Y	N	N	N	N	N	Y	N	N	N	N	N	N
8	More than 2 stories	⊖	⊖	●	⊖	⊖	⊖	⊖	○	●	●	●	⊖	●	⊖
9	Verizon Vault disturbance	⊖	○	⊖	⊖	○	⊖	○	○	●	●	●	●	●	●
Cost															
1	HQ Relocation (Y/N)	Y	Y	Y	Y	N	N	N	■	Y	■	N	N	Y	N
2	Additional Project Costs	\$\$	\$\$	\$\$\$	\$\$\$	\$\$\$\$	\$\$\$\$	\$\$\$\$	\$\$\$\$	\$\$	\$\$\$	\$0	\$0	\$\$	\$0
3	Minimizes phasing logistics	●	●	○	○	○	●	●	○	○	○	●	●	●	●
4	Utility Relocation	○	○	⊖	⊖	○	○	○	○	●	○	●	●	●	○
5	Reduces need for swing space	●	●	●	●	●	●	●	●	●	●	●	●	●	○
Legal Impacts															
1	Legal Restrictions	●	⊖	●	●	●	⊖	●	○	●	●	●	●	●	●

\$ <\$100,000
 \$\$ \$100K - \$1M
 \$\$\$ \$1M - \$5M
 SSSS >\$5M

Recommended Options- *Proposed Site Plans*

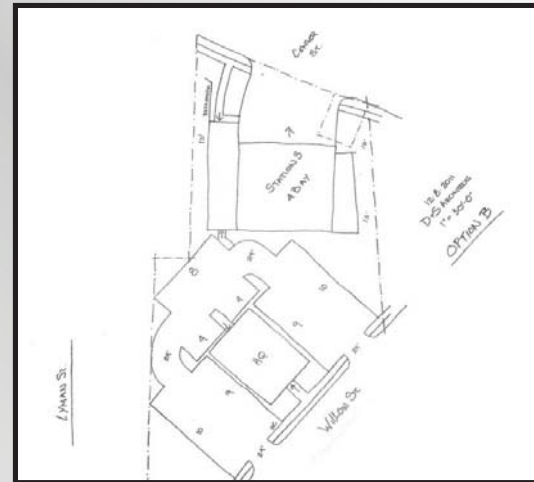
Option 1



Option 2



Option 3





Headquarters Facts-

- Built in 1928
- Close in size to the Space Needs
- Large interior staircase
- Houses the City's backup emergency communications center which makes the building an "essential" facility and is required to resist higher seismic loads.

Constructability Notes:

- If renovated an elevator will be required to provide public and staff accessibility to the second floor administration services.
- Renovations would be very expensive due to the Code required structural system.
- New facility could be constructed to house the full Program requirements which includes the backup communications center. This solution would be less costly than a renovation and would provide an energy efficient and modern facility.

Headquarters– Space Needs

	Present	Future	
<u>Staffing</u>			
Administration	8	6	
Fire Prevention	6	8	
<u>Site Requirements</u>			
Transformer	1	1	
Chiller	0	1	
Emergency Generator	1	1	
Parking – Public	0 (on street)	4	
Parking – Private	9	15	
<u>Building Requirements</u>			
Public Space		290	SF
Administration		1,599	
Fire Prevention		1,698	
IT & Communications		964	
Building Services		926	
		<hr/>	
	Subtotal	5,477	NSF
Walls, Circulation, stairs, chase space etc. @ 35%		1,643	
	<hr/>	<hr/>	
	Total	7,120	GSF



Station 3 Facts-

- Built in 1954
- Undersized for the space need, specifically in storage and vehicle garage space.
- The Space Needs Study recommends a moderate increase in size due to four factors, the increase in staff, the increase in apparatus, the increase in storage, and the Department's desire for duplicate EMT facilities.

Constructability Notes:

- If renovated but not expanded the building will require a second means of egress from the upper floor.
- Renovation would be very expensive due to required structural system upgrades.
- New facility housing the full program and building location requirements would be less costly than a renovation and would provide an energy efficient and modern facility.

Station 3 – Space Needs

	Present	Future
<u>Staffing</u>		
Deputy Chief & Aides	4	4
Captains / Lieutenants	4	4
Firefighters	16	32
EMT's	8	8
<u>Site Requirements</u>		
Transformer	1	1
Chiller	0	1
Dumpster	0	1
Emergency Generator	1	1
Patio / Grill	1	1
Parking – Public	0 (on street)	1
Parking – Private	17	28
<u>Building Requirements</u>		
Public Space		145 SF
Apparatus Bays		7,104
Apparatus Support		1,601
Fire Living Quarters		3,510
EMT Living Quarters		826
Building Services		628
	Subtotal	13,814 NSF
Walls, Circulation, stairs, chase space etc. @ 35%		4,835
	Total	18,649 GSF
	15,000 GSF	



SETTI D. WARREN
MAYOR

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Office of the Mayor

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November 25, 2013

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

Ladies and Gentlemen:

I request that your Honorable Board docket for consideration a request to petition the General Court for special legislation to authorize the Mayor, upon the 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.

In addition, in the event such special legislation is enacted by the General Court, I request that this Honorable Board docket for consideration a corresponding amendment to Chapter 24 of the Newton Revised Ordinances, 2012, in order to implement such special legislation.

Draft language for both the State Home Rule and the City Ordinances is attached. Thank you for your consideration of this important matter.

Sincerely,

Setti D. Warren
Mayor

Encl

Cc: Donnalyn Kahn, City Solicitor
Howard Mintz, Chief of Police
Maureen Lemieux, Chief Financial Officer

RECEIVED
Newton City Clerk
2013 NOV 25 PM 3:26
David A. Olson, CMC
Newton, MA 02459

DRAFT FOR DISCUSSION 11/22/2013

CHAPTER _____ AN ACT RELATIVE TO THE APPOINTMENT OF SPECIAL POLICE OFFICERS, TO BE KNOWN AS NEWTON POLICE RETIREE DETAIL PATROL, IN THE CITY OF NEWTON

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

SECTION 1. The mayor of the City of Newton 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 perform police details or any duties arising therefrom or during the course of police detail work, whether or not related to the detail work. The retired Newton police officers shall have been regular Newton police officers and retired 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. Prior to appointment under this act, 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 act, the cost of which shall be borne by the retired Newton police officer.

SECTION 2. Special police officers appointed under this act 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 act shall not be eligible for special leave, vacation or other benefits enumerated in article II of chapter 2 of Newton Revised Ordinances, 2012.

SECTION 3. Special police officers shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as do regular police officers of the City of Newton.

SECTION 4. 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.

SECTION 5. The workweek for special police officers appointed under this act 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 act perform police details or any duties arising therefrom in excess of forty (40) hours in any given workweek.

SECTION 6. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures and requirements as the chief of police and the mayor of the

DRAFT FOR DISCUSSION 11/22/2013

City of Newton 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 act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 7. Special police officers appointed under this act shall be sworn before the city clerk of the City of Newton who shall keep a record of all such appointments.

SECTION 8. Special police officers appointed under this act 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 act 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 act shall not be subject to section 85H or 85H 1/2 of chapter 32, nor eligible for any benefits pursuant thereto.

SECTION 9. Appointment as a special police officer does not entitle that person to assignment to any detail.

SECTION 10. Retired Newton police officers serving as special police officers under this act 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.

SECTION 11. This act shall take effect upon its passage.

ORDINANCE**DRAFT FOR DISCUSSION PURPOSES 11/22/2013:**

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.