



# Finance Committee Report

## City of Newton In City Council

**Monday, August 11, 2022**

Present: Councilors Grossman (Chair), Noel, Kalis, Malakie and Humphrey

Absent: Councilor Gentile, Norton and Oliver

City staff present: Comptroller Steve Curley, Chief Financial Officer Maureen Lemieux, Manager of Financial Planning and Analysis Perry Rosenfield and Police Chief, John Carmichael

**#406-22      Request to transfer \$1,500,000 from Current Year Wage Reserve**  
HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from Acct # 0110498-519700 Current Year Wage Reserves to fund the recently reach agreement with the NPSOA (Newton Police Superior Officers Association)

**Action:**      Finance Approved as Amended to \$2 million Subject to Second Call 4-1 (Councilor Humphrey Opposed)

**Note:**            The Committee was joined by Chief Financial Officer Maureen Lemieux and Police Chief Carmichael for discussion on the item. Ms. Lemieux presented the request to transfer funds from the Current Year Wage Reserve account to fund the contract as agreed to with the Newton Police Superior Officers Association. Ms. Lemieux noted that the administration is requesting an amendment to increase the transfer from \$1.5 million to \$2 million dollars. She stated that the final number has not yet been determined, but will be in advance of the City Council vote on September 6, 2022.

Ms. Lemieux noted that the City has not reached an agreement with the Newton Superior Officers Association since the collective bargaining negotiations for FY12-FY14. She explained that the FY15-FY18 contract went to mediation and was ultimately settled by a binding panel. The request for funds are intended to settle the contract for FY19-FY21 and FY22-FY23, which will expire on June 30, 2023.

Ms. Lemieux detailed changes to the contract. As part of the Memorandum of Agreement, the NPSOA agreed to:

- add language relative to the use of “less than lethal weapons” (i.e. 40 millimeter weapons and conducted energy weapons (similar to Tasers));
- to include the establishment of a body camera pilot program;
- to establish a Committee to study hours of work and split shifts as compared with straight shifts;
- to implement a new software program to enhance performance evaluations; and

- to accept the modified health insurance plan, consistent with the plans for the City's other collective bargaining agreements

As part of the contract, the City agreed to:

- a 3% cost of living increase for each of the five contract years;
- increased holiday pay incentives for four major holidays (Independence Day, Thanksgiving, Christmas and New Years Day);
- increased longevity for a flat rate (\$300) rather than a % of the top step of police officers;
- a shift differential of 9% for second and third shift;
- an annual training stipend of \$500;
- the same vacation schedule as the NPA;
- bereavement pay for live-in significant others;
- establishment of Juneteenth as a paid holiday;
- the addition of language relative to paid details to read "personnel trained as auxiliary police"

Ms. Lemieux explained that if an agreement is not met through the collective bargaining negotiation process, the union can ask to go to mediation. At the state level, there is an objective Joint Legal Management Committee who makes binding decisions based on proposals presented.

Ms. Lemieux and Chief Carmichael responded to questions from the Committee. Regarding the body camera program, Committee members questioned what metrics are used to determine success and how success will be measured. Chief Carmichael explained that that is one of the details that they hope to identify during the pilot program. He noted that the body cameras were recommended as part of the Newton Task Force and have been modeled in Boston as well as at the state level. He explained that there are additional factors that must be considered at the local level and noted that levels of acceptance from the community will be closely monitored. Chief Carmichael explained that there are some situations that require police presence, where residents might prefer more discretion and may be uncomfortable with video recording (i.e. domestic violence, sexual assault, issues with children). He noted that although there is data from other communities, it is the intent that the program designed for Newton is specific to the needs of the Newton community. Ms. Lemieux noted that after the pilot program, the City will have information to determine how and if to move forward with body cameras. It was noted that the twelve sergeants wearing the body cameras will be in the field and will be given a stipend for wearing the cameras while on duty.

The Committee noted that the request for \$500,000 additional dollars is significant and questioned why the final number has not been determined. Additionally, Committee members questioned whether the 3% cost of living increases have been factored into the municipal operating budget. Ms. Lemieux explained that the requested funds are coming from a Wage Reserve Account. She noted that funds are in that account and not in that budget because it is not clear when an agreement will be reached with the unions. She explained that the 3% annual cost of living increases have been accounted for and noted that the department will also have salary savings through attrition. Ms. Lemieux noted that the final amount has not yet been determined because there are several complicated variables (retired and/or

new officers, the 3% cost of living increase which compounds each year, the calculation on retroactive pensionable/non-pensionable overtime pay).

With respect to the tools that the Police Department may use, Chief Carmichael explained that Mass General Law allows each municipality and Chief of Police to assign types of weapons that the department may use based on their use of force. Massachusetts changed from common law use of force standards to a statutory use of force law that must be followed. In accordance with the new laws, the City has updated policies and procedures to reflect the use of force laws. Chief Carmichael noted that the tools currently in use by the department are archaic and not appropriate for modern day policing. He noted that the new tools will include the 40 millimeter less lethal force option and conducted energy weapons.

There was some concern relative to the change in use of force weapons and the fact that the Council was not able to provide input on the change in policy. Ms. Lemieux and Chief Carmichael assured the Committee that any concerns and questions from Councilors and members of the public would be heard before the Public Safety and Transportation Committee. Members of the Committee noted that Chief Carmichael is always willing to discuss operations with PS&T.

Councilors were encouraged to see the details of the contract and pleased that an agreement was met. Councilor Kalis motioned to amend the amount to \$2 million which passed 4-1 with Councilor Humphrey opposed. Councilor Kalis motioned to approve the item, as amended, subject to second call which passed 4-1 with Councilor Humphrey opposed.

**Respectfully Submitted,**

**Rebecca Walker Grossman, Chair**



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MAYOR

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August 29, 2022

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

Councilors:

I respectfully request that your Honorable Council amend Docket Item #406-22 *Request to transfer \$1,500,000 from Current Year Wage Reserve HER HONOR THE MAYOR requesting authorization to transfer the sum of one million five hundred thousand dollars (\$1,500,000) from Acct # 0110498-519700 Current Year Wage Reserves to fund the recently reach agreement with the NPSOA (Newton Police Superior Officers Association) by deleting "the sum of one million five hundred thousand dollars (\$1,500,000)" and replacing it with "the sum of two million one hundred fifty thousand dollars (\$2,150,000)".*

Please know that the wage reserve calculations to cover five prior years of contracts with the NPSOA (FY19, FY20, FY21, FY22 and FY23) have taken quite a bit of analysis. When our team met with the Finance Committee on August 11, we had increased the amount requested to \$2M. Our final calculations came to \$2.15M.

As this collective bargaining agreement spans a period of five years, and upon finalizing the calculations, it is clear that we need to transfer \$2,150,000 to the Police Department's salary accounts.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in black ink that reads "Ruthanne Fuller".

Ruthanne Fuller  
Mayor