



Public Safety & Transportation Committee Agenda

City of Newton In City Council

Wednesday, March 22, 2023

7:00 PM

The Public Safety & Transportation Committee will hold this meeting as a virtual meeting on Wednesday, March 22, 2023 at 7:00 pm. To view this meeting using Zoom use this link <https://us02web.zoom.us/j/81227057645> or call 1-646-558-8656 and use the following Meeting ID: 812 2705 7645

Items Scheduled for Discussion:

#76-23 Requesting authorization to petition the General Court to allow the Mayor to appoint retired Firefighters, to be able to perform fire details and to perform dispatch duties

HER HONOR THE MAYOR requesting authorization to petition the General Court for special legislation to allow the Mayor of the City of Newton to appoint retired Newton Firefighters, as the Fire Chief deems necessary, to be able to perform fire details and to perform dispatch duties in the Emergency Communications Center, two essential services that sometimes require additional staffing.

Referred to Public Safety & Transportation and Finance Committees

#109-23 Request to transfer \$450,000 to Traffic Safety – Regular Salaries

HER HONOR THE MAYOR requesting authorization to transfer the sum of four hundred fifty thousand dollars (\$450,000) to Account # 0120102-511001 Traffic Safety – Regular Salaries to fulfil the City of Newton’s two 3-year agreements with AFSCME 2913 spanning FY2019-2021 and FY2022-2024.

Chair’s Note: *In reference to Docket #67-22, At this meeting, we will discuss police training.*

#67-22 Requesting regular discussion with the Police Department

COUNCILOR DOWNS requesting regular discussion with the Police Department of police data, including crashes, types of calls, numbers and dispositions.

Public Safety & Transportation Held 8-0 on 01/05/22

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton’s ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city’s TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Public Safety & Transportation Held 6-0 on 03/23/22 (Councilor Oliver not voting)

Public Safety & Transportation Held 6-0 on 09/08/22

Public Safety & Transportation Held 7-0 on 12/07/22

Public Safety & Transportation Held 7-0 on 01/18/23 (Councilor Grossman not voting)

Respectfully submitted,

Andreae Downs, Chair



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Office of the Mayor

#76-23

Telephone
(617) 796-1100

Fax

(617) 796-1113

TDD/TTY

(617) 796-1089

Email

rfuller@newtonma.gov

February 27, 2023

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

Honorable City Councilors:

I respectfully submit this docket item to your Honorable Council requesting authorization to petition the General Court for special legislation to allow the Mayor of the City of Newton to appoint retired Newton Firefighters, as the Fire Chief deems necessary, to be able to perform fire details and to perform dispatch duties in the Emergency Communications Center, two essential services that sometimes require additional staffing.

The retired Newton Firefighters allowed to serve in these two capacities under this proposal will be eligible until they reach the age of 75. Prior to their appointment the retired Firefighter will need to pass a medical examination by a physician or other certified professional chosen by the City to determine their capacity to perform the essential duties of the assignment.

The retired Newton Firefighters chosen for the assignments will not be entitled to any specific assignment and will be subject to the limitations on hours worked and on earnings restrictions in state retirement law.

Enclosed is the draft special legislation drafted in conjunction with the Law Department.

Attached is a memo from Chief Gentile requesting the docket item and the Law Department's draft special act language.

Thank you for your consideration of this matter.

Sincerely,

Mayor Ruthanne Fuller

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2023 FEB 27 PM 4:52
CITY CLERK
NEWTON, MA. 02459



Gregory J. Gentile
Chief

CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS
1164 Centre Street, Newton Center, MA 02459-1584
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911



Ruthanne Fuller
Mayor

To: Maureen Lemieux, Chief Financial Officer
Jonathan Yeo, Chief Operating Officer
From: Greg Gentile, Fire Chief
Date: February 20, 2023
Subj: Docketing Item to Appoint Retired Fire Fighters to Perform Fire Details and Dispatch

I respectfully request an item be docketed to the Honorable Council requesting authorization to petition the General Court for special legislation to allow the Mayor of the City of Newton to appoint retired Newton Firefighters, as I the Fire Chief deem necessary, to be able to perform fire details and to perform dispatch duties in the Emergency Communications Center.

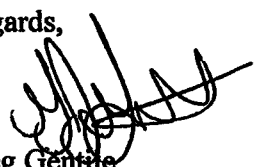
The retired Newton fire fighters allowed to serve in these two capacities under this proposal will be eligible until they reach the age of 75. Prior to their appointment the retired fire fighter will need to pass a medical examination by a physician or other certified professional chosen by the City to determine their capacity to perform the essential duties of the assignment.

The retired Newton fire fighters chosen for the assignments will not be entitled to any specific assignment and will be subject to the limitations on hours worked and on earnings restrictions in state retirement law.

Enclosed is the draft special legislation drafted in conjunction with the Law Department.

Thank you for your attention to this request.

Regards,


Greg Gentile
Chief of Department

**CHAPTER _____ AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED
NEWTON FIRE FIGHTERS TO THE RETIRED FIRE FIGHTERS DETAIL AND
DISPATCH 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 fire chief and as the fire chief deems necessary, retired Newton fire fighters to perform fire details and/or to perform dispatch duties in the Emergency Communications Center of the City of Newton. Firefighters so appointed shall be known as the Newton Retired Fire Fighters Detail and Dispatch Patrol. The retired Newton fire fighters shall have been regular Newton fire fighters and retired based on superannuation. Notwithstanding the maximum age restrictions applied to regular Newton fire fighters under chapter 32 of the General Laws, the retired Newton fire fighters shall be eligible to serve pursuant to this Act until they reach the age of 75. Prior to appointment under this act, a retired Newton fire fighter shall pass a medical examination by a physician or other certified professional chosen by the City to determine whether the retired Newton fire fighter is capable of performing the essential duties of an assignment to fire detail or emergency dispatch under this act, the cost of which shall be borne by the retired Newton fire fighter.

SECTION 2. Retired fire fighters appointed under this act shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, or chapter 150E of the General Laws. Retired fire fighters 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, 2017.

SECTION 3. Retired fire fighters appointed to perform fire details under this Act shall not perform fire suppression duties unless authorized by the fire chief. Retired fire fighters appointed to perform duties in the Emergency Communications Center shall perform only those duties authorized by the fire chief.

SECTION 4. Retired fire fighters appointed under this Act shall be appointed for an indefinite term, subject to removal by the mayor or the fire chief at any time with a 14 day written notice.

SECTION 5. The workweek for retired fire fighters 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 7:00 A.M. at the start of each Monday of the calendar week. In no case shall any retired fire fighter appointed under this act perform fire details and dispatch in excess of forty (40) hours in any given workweek.

DRAFT FOR DISCUSSION February 2023

SECTION 6. Retired fire fighters appointed under this Act shall be subject to the rules and regulations, policies and procedures and requirements as the fire chief and the mayor of the City of Newton may impose from time to time, including, but not limited to restrictions on the type of detail or dispatch assignments, requirements regarding medical examinations to determine continuing capability to perform the duties of a retired firefighter appointed under this Act, requirements for training, requirements for CPR certification, and requirements regarding uniforms and equipment. Compliance with all requirements will be at no cost to the City of Newton.

SECTION 7. Retired fire fighters 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. Retired fire fighters 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 retired fire fighter working fire details or dispatch duties, or averaged over such lesser period of time for any retired fire fighter officer appointed pursuant to this Act 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 retired fire fighter appointed under this act reaches the age of 75, whichever occurs sooner. Retired fire fighters 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 retired fire fighter under this Act does not entitle that person to assignment to any fire detail or dispatch duty.

SECTION 10. Retired Newton fire fighters serving 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.



RUTHANNE FULLER
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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CITY CLERK
CITY OF NEWTON, MA 02459

#109-23

Telephone
(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
rfuller@newtonma.gov

March 13, 2023

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

Councilors:

I respectfully submit a docket item to your Honorable Council requesting authorization to transfer the sum of \$450,000 to 0120102-511001 (Traffic Safety-Regular Salaries). The City of Newton recently reached agreement with AFSCME 2913 on two 3-year Collective Bargaining Agreements covering FY2019 – FY2021 and FY2022 – FY2024.

AFSCME 2913 includes the Parking Control Officers as well as all Traffic Supervisors (Crossing Guards).

The sources of these funds are per below.

- \$402,798 from 0110498-519700 (Reserve Funds-Current Year Wage Reserve)
- \$47,202 from 0110498-579000 (Reserve Funds-Current Year Budget Reserve)

Thank you for your consideration of this matter.

Sincerely,

Ruthanne Fuller
Mayor

CITY OF NEWTON
AND
AFSCME COUNCIL 93, LOCAL 2918
TRAFFIC SUPERVISORS/PARKING CONTROL
MEMORANDUM OF AGREEMENT

The City of Newton (the "City") enters into the following Agreement with AFSCME Council 93, Local 2918, Traffic Supervisors/Parking Control Officers (the "Union"), for a three-year successor collective bargaining agreement from July 1, 2018 to June 30, 2021 (FY19-FY21) as follows:

A. Traffic Supervisors

1. Article XIX (Wages):

- (a) FY19: July 1, 2018, 3% COLA to the existing grid.
- (b) FY20: July 1, 2019, 3% COLA to the existing grid.
- (c) FY21: July 1, 2020, 3% COLA to the existing grid.

2. Annual Meeting of Traffic Supervisors

The City shall compensate Traffic Supervisors at their regular rate of pay for attendance at the annual mandatory meeting held by the Newton Police Department, with a minimum of two (2) hours regular pay for each Traffic Supervisor in attendance at this meeting.

The City also agrees to retroactively pay all Traffic Supervisors, who were in attendance at this mandatory meeting, at their regular hourly rate of pay, for two hours for each annual meeting which occurred during the period of this agreement. Both parties agree that this shall represent any and all claims for retroactive payment for attendance at this meeting.

B. Parking Control Officers

1. Article XIX (Wages)

- (a) FY19: July 1, 2018, 3% COLA to the existing grid.
- (b) FY20: July 1, 2019, 3% COLA to the existing grid.
- (c) FY21: July 1, 2020, 3% COLA to the existing grid.

2. Annual Meeting of Traffic Supervisors and Its applicability to Parking Control Officers

The City shall compensate Parking Control Officers for attendance at the annual mandatory meeting of Traffic Supervisors held by the Newton Police Department. If attendance at this meeting results in the PCO working more than 40 hours during the week of the mandatory meeting, the PCO shall be paid at their overtime rate. If attendance at this meeting results in the PCO not working more than 40 hours during the week of the mandatory meeting, the PCO shall be paid at their regular rate of pay. In all



circumstances, the Parking Control Officers will each receive a minimum of two (2) hours pay for attendance at this meeting.

The City also agrees to retroactively pay all Parking Control Officers, who were in attendance at this mandatory meeting and who worked more than 40 hours during the week of that mandatory meeting, at the overtime rate of pay, for two (2) hours for each annual meeting which occurred during the period of this agreement. Both parties agree that this shall represent any and all claims for retroactive payment for attendance at this meeting.

C. Article XXVIII (Duration)

Revise Section 28.01 to read as follows:

"28.01 This AGREEMENT shall be effective as of July 1, 2018 for the period ending June 30, 2021 and shall remain in effect from year to year thereafter unless either party hereto, desiring to terminate or amend any provisions of this contract, send written notice of the same to the other no later than one hundred twenty (120) days prior to the termination date hereof or any succeeding anniversary date."

AFSCME COUNCIL 93,
LOCAL 2918
TRAFFIC SUPERVISORS/PARKING CONTROL

By:

By:

By:

By:

By:

By:

Date:

CITY OF NEWTON

By:

By:

By:

By:

By:

By:

Date:

Mayor Ruthanne Fuller
Digitally signed by Mayor Ruthanne Fuller
Date: 2023.01.10 18:07:57 -05'00'

Maureen Lemieux
Digitally signed by Maureen Lemieux
Date: 2023.01.10 18:30:38 -05'00'

Michelle Pizzi OBrien
Digitally signed by Michelle Pizzi OBrien
Date: 2023.01.09 18:12:12 -05'00'

George R. McMains
Digitally signed by George R. McMains
DN: cn=George R. McMains, o=Newton Police Department, ou,
email=gmcmains@newtonma.gov, c=US
Date: 2023.01.11 08:06:35 -05'00'

Aissa Givhan

END OF DOCUMENT

CITY OF NEWTON
AND
AFSCME COUNCIL 93, LOCAL 2913
TRAFFIC SUPERVISORS/PARKING CONTROL
MEMORANDUM OF AGREEMENT

The City of Newton (the "City") enters into the following Agreement with AFSCME Council 93, Local 2913, Traffic Supervisors/Parking Control Officers, for a three-year successor collective bargaining agreement from July 1, 2021 to June 30, 2024 (FY22-FY24).

A. Traffic Supervisors

1. Article XIX (Wages)

- (a) FY22: July 1, 2021, 3% COLA to the existing grid.
- (b) FY23: July 1, 2022, 8% COLA to the existing grid.
- (c) FY24: July 1, 2023, 3% COLA to the existing grid.

2. Annual Meeting of Traffic Supervisors

The City shall compensate Traffic Supervisors at their regular rate of pay for attendance at the annual mandatory meeting held by the Newton Police Department, with a minimum of two (2) hours regular pay for each Traffic Supervisor in attendance at this meeting.

The City also agrees to retroactively pay all Traffic Supervisors, who were in attendance at this mandatory meeting, at their regular hourly rate of pay, for two (2) hours for each annual meeting which occurred during the period of this agreement. Both parties agree that this shall represent any and all claims for retroactive payment for attendance at this meeting.

B. Parking Control Officers

1. Article XIX (Wages)

- (a) FY22: July 1, 2021, 3% COLA to the existing grid.
- (b) FY23: July 1, 2022, 3% COLA to the existing grid.
- (c) FY24: July 1, 2023, 8% COLA to the existing grid.

2. Annual Meeting of Traffic Supervisors and its applicability to Parking Control Officers

The City shall compensate Parking Control Officers for attendance at the annual mandatory meeting of Traffic Supervisors held by the Newton Police Department. If attendance at this meeting results in the PCO working more than 40 hours during the week of the mandatory meeting, the PCO shall be paid at their overtime rate. If attendance at this meeting results in the PCO not working more than 40 hours during the



week of the mandatory meeting, the PCO shall be paid at their regular rate of pay. In all circumstances, the Parking Control Officers will each receive a minimum of two (2) hours pay for attendance at this meeting.

The City also agrees to retroactively pay all Parking Control Officers, who were in attendance at this mandatory meeting, and who worked more than 40 hours during the week of that mandatory meeting, at the overtime rate of pay, for two (2) hours for each annual meeting which occurred during the period of this agreement. Both parties agree that this shall represent any and all claims for retroactive payment for attendance at this meeting.

C. ARTICLE IV (Union Dues and Agency Fee)

Modify section 4.01 as follows:

"Pursuant to the provisions of General Laws, Chapter 180, Section 17A, accepted by the CITY, UNION dues shall be deducted by the CITY weekly from the salary of each employee, per pay period, who voluntarily executes and remits to the CITY a form of authorization for payroll deduction of UNION dues, ~~initiation fee and assessments.~~

Modify section 4.03 as follows:

"Transmittal of said dues deducted shall be made electronically to the UNION Treasurer within twenty-five (25) working days after the month in which dues are deducted; provided that the CITY Treasurer is satisfied with such evidence as he they may require that the Treasurer of the UNION has given to the UNION a bond, in a form approved by the Commissioner of Corporations and ~~Taxation~~ Revenue, for the faithful performance of his/her duties, in a sum and with surety or sureties as are satisfactory to the CITY TREASURER."

Delete Section 4.05 relating to agency fees and re-title this article: "Union Dues."

D. Article VI B (Employee Attendance)

Effective July 1, 2022, amend section 6B.06 to increase the annual "recognition" pay to increase from \$250 to \$300.

E. Article XVIII (Hours of Work)

Modify sections 18.01 as follows:

"The days of employment for School Traffic Supervisors shall conform to the Newton school calendar and hours."

Modify sections 18.02 as follows:

"The basic work week for School Traffic Supervisors shall consist of seven hours and thirty minutes (7.5 hours)."

2 

Modify sections 18.03 as follows:

"Adjustments in pay for School Traffic Supervisors for working at a post requiring coverage beyond the regular weekly schedule of seven hours and thirty (30) minutes will be maintained through the school year including vacations, holidays, and paid sick days."

Add new section 18.04 as follows:

"The hours of work for Parking Control Officers shall consist of 40 hours per week on a four-and two-day rotation and as set forth by the schedule agreed to on July 27, 2020. The regular workday shall consist of ten (10) hours beginning at 8:00 a.m. and ending at 6:00 p.m. daily."

Add new Section 18.05 as follows:

"The City shall have the right to modify the daily start and end times for hours of work of Parking Control Officers during the school year to reflect the needs of the School Department calendar when Parking Control Officers are also serving as Traffic Supervisors, so long as notice is given to the Union and all members of the bargaining unit within two weeks of the start of the school year. If a modification in hours results in Parking Control Officers working more than the forty (40) hour work week, Parking Control Officers shall be compensated in accordance with this agreement."

F. Article XXVIII (Duration)

Revise Section 28.01 to read as follows:

"28.01 This AGREEMENT shall be effective as of July 1, 2021 for the period ending June 30, 2024 and shall remain in effect from year to year thereafter unless either party hereto, desiring to terminate or amend any provisions of this contract, send written notice of the same to the other no later than one hundred twenty (120) days prior to the termination date hereof or any succeeding anniversary date."

G. Miscellaneous

1. HOLIDAYS

Add "Juneteenth" as an additional holiday.

Amend "half-holidays" to include Martin Luther King, Jr. Day.

Amend Section 16.05 (subsection 5) by renaming the holiday "Columbus Day" to "Indigenous People's Day" per the City Council resolution dated November 2, 2020, Order #351-20.

2. GPS

The City may install and maintain GPS to monitor geographic location and other related data that is necessary for the City to facilitate the safe, orderly and efficient operations of

Parking Control in the City of Newton. Tampering with GPS equipment or signal is expressly prohibited, and such misconduct will constitute just cause for discipline, up to and including termination from employment. GPS will not be used by the City to monitor the personal habits of members of the bargaining unit.

3. Scheduling/Payroll Computer Software

The NPD will adopt a new scheduling/payroll computer software program for use by its sworn officers and civilian employees, including Traffic Supervisors and PCOs. The parties shall impact bargain the implementation of the new scheduling computer software program. The parties shall take all reasonable measures to successfully put into effect the program in a timely manner and in no case later than sixty (60) days following ratification of this MOA by the union. This shall include, but not be limited to, the NPD providing personnel with training and instruction on the program as needed.

4. Health Insurance Changes

Amend the July 26, 2011 MOA between the City and AFSCME, Local 2913, to be implemented by the City no less than thirty (30) days upon ratification by members of the union of a successor CBA, as follows:

Health Insurance Changes:

- 75%-25% Contribution rate for all new benefit eligible employees
- Mandatory mail order for all maintenance medications
- Specialist Office visits - new ~~\$35 co-pay~~/visit \$40/visit
- Outpatient day surgery co-pay-new ~~\$100~~ co-pay
- Retail Clinic (as defined by the City's Plan) Visit co-pay: \$5/visit [~~\$20~~ to ~~\$5~~]
- Urgent Care (as defined by the City's Plan) Visit co-pay: \$10/visit [~~\$20~~ to ~~\$10~~]

IAC recommended health plan changes:

- Deductible of ~~\$250/\$500~~, with an annual out of pocket max of ~~\$1000/\$2500~~
- Preventative care - \$0 co-pay
- Physician Office visits - increase of ~~\$5~~ from ~~\$15~~ to ~~\$20~~/visit \$25/visit
- Emergency Room co-pay Increase of ~~\$50~~ to ~~\$100~~/visit
- 30-day Prescription drug co-pay increase:

Tier 1	\$15 <u>\$20</u>
Tier 2	\$30

4 

Tier 3 \$50

The City agrees that in return for the changes listed above, it will not seek further changes in the terms and conditions of the health insurance plans offered by it to its bargaining unit employees without the express written assent of the Association until at the earliest, negotiations for a successor to the 2011-2014 collective bargaining agreement. Further, should any federal or state law be enacted purporting to allow any such changes prior to the negotiations for a successor agreement, the City will not pursue any such changes unless it is legally compelled to do so.

5. DIRECT DEPOSIT

Within thirty (30) days of ratification by members of the union of a successor CBA, all members of the bargaining unit shall have direct deposit of payroll checks from the City.

6. MISCELLANEOUS

If a City email is provided to a member of the union, they shall be required to regularly check their City email in order to stay updated on Police Department notices or other City communications. If a member is not provided with a City email address, they shall provide to the Chief's office a personal email that they shall check regularly for Police Department notices or other City communications.

AFSCME COUNCIL 93, LOCAL 2913
TRAFFIC SUPERVISORS/PARKING CONTROL

By:

[Handwritten signature]

By:

[Handwritten signature]
1-9-23

By: _____

By: _____

By: _____

By: _____

Date:

CITY OF NEWTON

By:

Mayor
Ruthanne Fuller

Digitally signed by Mayor
Ruthanne Fuller
Date: 2023.01.10 18:08:27
-05'00'

By:

Maureen Lemieux

Digitally signed by Maureen
Lemieux
Date: 2023.01.10 18:31:02 -05'00'

By:

Michelle Pizzi
OBrien

Digitally signed by Michelle
Pizzi O'Brien
Date: 2023.01.09 16:12:01
-05'00'

By:

[Handwritten signature]
CHIEF

George R.
McMains

Digitally signed by George R. McMains
DN: cn=George R. McMains, o=Newton
Police Department, ou,
email=g.mcmains@newtonma.gov, c=US
Date: 2023.01.11 08:07:40 -05'00'

By:

[Handwritten signature]

Date:

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