



Public Safety & Transportation Committee Agenda

City of Newton **In City Council**

Wednesday, October 5, 2016

7:45 PM NOTE LATE START TIME
Room 205

Items Scheduled for Discussion:

The Committee will meet jointly with the Public Facilities Committee on the following item:

Referred to Public Safety & Transportation, Public Facilities and Finance **Committees**

- #335-16** **Request for Ordinance amendments to require removal of snow from sidewalks**
COUNCILOR DANBERG requesting that §26-8 through §26-9 and §20-21 of the City of Newton Rev. Ords., 2012, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers from sidewalks abutting their property and to review and amend enforcement provisions including structure of fines for snow removal violations. [09/27/16 @ 11:36 AM]
- #329-16** **Request amendment to Sec. 19-175. Angle parking.**
COUNCILOR RICE, requesting that **Sec. 19-175. Angle parking.** of the City of Newton Revised Ordinances, 2012, be amended to allow Traffic Council to designate on street angle parking for overnight resident sticker and visitor permit parking. [09/22/16 @ 10:52 AM]
- #414-13(4)** **Revise Ordinance to raise the age limit for retired police officers to work details**
HIS HONOR THE MAYOR requesting that Chapter 24-6 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 70 to serve as special police officers for the purpose of performing police details in the City of Newton. [09/21/16 @ 6:21 PM]

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.

Items Not Scheduled for Discussion at this meeting:

- #314-16** **Discussion with MassDOT regarding the Needham Street and Elliot Street Bridges**
COUNCILOR YATES, requesting a report from MassDOT on efforts to coordinate the reconstruction of the Needham Street Bridge and to complete the construction of the Elliot Street Bridge to avoid a double detour affecting Newton Upper Falls and sections of Newton. [09/07/16 @ 9:08 PM]

REFERRED TO PROGRAMS & SERVICES AND PUBLIC SAFETY COMMITTEES

- #312-15** **Update from Health Department on opiate overdose epidemic**
ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide. [10/19/15 @ 1:30 PM]

CITY COUNCIL RECOMMITTED TO PUBLIC SAFETY ON 06/20/16

Referred to Public Safety & Transportation and Finance Committees

- #197-15(2)** **Pilotless Aircraft Operation**
COUNCILORS ALBRIGHT, BAKER, AND NORTON proposing an ordinance regulating the operation and registration of pilotless aircraft in the City of Newton. [04/07/16 @ 4:25 PM]
Public Safety & Transportation approved 5-0 on 05/04/16
Finance Approved 5-0-2 on 06/13/16, Lappin, Norton abstaining
Public Safety & Transportation Held 6-0 on 09/07/16, Lipof not voting

REFERRED TO PUB FACIL, PROG & SERV, AND PS&T COMMITTEES

- #46-15** **Discussion of parking options and permits at municipal and school parking lots**
ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @ 1:35 PM]
- #72-14** **Discussion of installing a possible bike lane on Walnut Street**
ALD. CICCONE & JOHNSON, requesting a discussion of the installation of a possible bike lane on Walnut Street between Otis Street and Commonwealth Avenue. [03/03/14 @ 8:17 AM]

#28-14 Discussion on duplicate street names

ALD. CICCONE AND FULLER, on behalf of the Health Department and the Emergency Medical Services (EMS) requesting a discussion on duplicate street names.

[01/09/14 @ 10:57 AM]

#240-12 Request Chapter 19 Motor Vehicles & Traffic be amended, Sec. 19-224 and 19-226

RECODIFICATION COMMITTEE, requesting that **Chapter 19 MOTOR VEHICLES AND TRAFFIC** be amended to determine who has jurisdiction for parking on municipal land, the owning department as described in **Sec. 19-224. Parking prohibited on city grounds.** or the Traffic Council as described in **Sec. 19-26. Authority and role of Traffic Council.**

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11 Updates on the renovations to the City's fire stations

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]

#137-11 Possible changes to long-term meter fees to discourage short-term use

ALD. DANBERG AND FULLER, requesting possible changes to City Ordinance 19-191, Parking Meter Fees, to require a minimum purchase at long-term parking meters in order to discourage short-term use. [04/26/11 @ 9:52 AM]

Respectfully submitted,

Allan Ciccone, Jr. Chair

Docket # 329-16

DRAFT FOR DISCUSSION PURPOSES 9/27/2016

Add a new paragraph (c) to Sec. 19-175 as follows (added language is underscored):

Sec. 19-175. Angle parking.

(a) The traffic council shall determine upon what streets angle parking shall be permitted and the commissioner of public works shall mark or sign such streets or cause the same to be marked or signed.

(b) Upon streets or parts of streets which have been marked or signed for angle parking, vehicles shall be parked with one wheel within twelve (12) inches of the curb and at the angle to the curb indicated by such marks or official signs. The vehicle shall be parked so that all four (4) wheels of the vehicle shall be placed wholly within the painted lines provided.

(c) The traffic council may designate one or more on-street angle parking areas or portions thereof for an overnight resident sticker and visitor permit on-street angle parking program. For the purposes of this program, angle parking areas shall include on-street areas in which parking is perpendicular to the curb. Such program shall be governed and administered in accordance with the provisions of the resident sticker and visitor permit municipal lot parking program set forth in Sec. 19-200. The traffic council shall maintain the list of areas so designated in its traffic and parking regulations.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#414-13(4)

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

September 20, 2016

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

Ladies and Gentlemen:

On September 16, 2016, the Governor signed Chapter 266 of the Acts of 2016 *An Act Relative to Special Police Officers in the City of Newton*. This special legislation, which raises the age limit for service on Newton's special retiree police detail patrol from age 65 to age 70, will become effective December 15, 2016 (90 days after signing).

I write to request that your Honorable Council docket for consideration a corresponding amendment to Section 24-6, of the Newton Revised Ordinances, 2012, in order to implement such special legislation.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

2016 SEP 21 PM 6:21
City of Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

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~~ Notwithstanding the maximum age restrictions ~~as~~ applied to regular Newton police officers under chapter 32 of the General Laws, retired police officers shall be eligible to serve as special police officers under this section until they reach the age of 70.

(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.

(g) 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.

(h) 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.

(i) 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 6570, 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.

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

(k) 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. (Ord. No. A-45, 09-15-14)

H 3885

Chapter 266
of the Acts of 2016

THE COMMONWEALTH OF MASSACHUSETTS

In the One Hundred and Eighty-Ninth General Court

AN ACT RELATIVE TO SPECIAL POLICE OFFICERS 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. Section 1 of chapter 96 of the acts of 2014 is hereby amended by striking out the third sentence and inserting in place thereof the following sentence:- Notwithstanding the maximum age restrictions applied to regular Newton police officers under chapter 32 of the General Laws, the retired Newton police officers shall be eligible to serve as special police officers pursuant to this act until they reach the age of 70.

SECTION 2. Said chapter 96 is hereby further amended by striking out section 8 and inserting in place thereof the following section:-

Section 8. A special police officer appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said 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 a lesser period of time for an officer designated as a special police officer less than 52 weeks before the incapacity. A payment under said section 111F of said chapter 41 shall not exceed, in a calendar year, the limitation on earnings contained in paragraph (b) of section 91 of chapter 32 of the General Laws. A payment under said section 111F of said chapter 41 shall terminate in accordance with said section 111F of said chapter 41 or when a special police officer appointed under this act reaches the age of 70, whichever occurs first. A special police officer appointed under this act shall not be subject to section 85H or 85H½ of said chapter 32 or eligible for the benefits.

SECTION 3. This act shall take effect upon its passage.

House of Representatives, September 6, 2016.

Passed to be enacted,

Paul J. Donato Acting
Speaker.

In Senate, September 6, 2016.

Passed to be enacted,

William U. Brown Acting
President.

Sept 16, 2016.

Approved,
at 10 o'clock and 37 minutes, P. M.

Ch. D. Blawie Governor.