

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC SAFETY & TRANSPORTATION COMMITTEE REPORT

WEDNESDAY, OCTOBER 21, 2009

Present: Ald. Linsky (Chair), Coletti, Vance, Ciccone, Swiston, Danberg, Harney and Fischman

Also Present: Ald. Parker, Mansfield

City Staff: Marie Lawlor (Asst. City Solicitor), Sandy Pooler (Chief Admin. Officer), Chief Matthew Cummings (Newton Police Department), Linda Walsh (Health and Human Services), Clint Schuckel (Traffic Engineer), Jim Danila (Transportation Engineer) and David Koses (Transportation Planner)

**DISCUSSION ITEM: Chairman's Note:** At the Chair's request, the City's Health and Human Services Department, Linda Walsh, R.N., Clinical Services will join the Committee to provide the status of the H1N1 virus.

**NOTE:** Linda Walsh joined the Committee for discussion on this item.

Seasonal Flu Ms. Walsh said seasonal flu has three strains of the virus and she can't discuss H1N1 without talking about seasonal flu as there are still issues with seasonal flu that are really synonymous in many ways. The seasonal flu has three strains of the virus; H1N1 has one strain of the virus. The way that the vaccine is made is exactly the same. The three strains in the seasonal flu vaccine are chosen a year in advance. If people take the seasonal flu vaccine, it is exactly the same as the H1N1 vaccine. It is just a different strain of the virus. The three strains are ones that are perceived to be the most prevalent in our society and cause illness. There are major differences in people's susceptibility to seasonal flu and H1N1. H1N1 has been shown to effect kids. Scientists believe older people are more immune which is why middle schools, high schools, and colleges were hit very hard in the spring.

The state supplies the City of Newton 2120 doses based on previous usage. To date, the City has only received 1200 of those doses. Delivery should have been received by the end of October but it has been delayed. The City has 840 doses available for a clinic next week. Ms. Walsh is concerned that will not be enough. Funds are available to purchase more but a supply has not been found. Ms. Walsh suggested that if people can find available sites, they should certainly take the vaccine. Police, Fire, and DPW workers are the ones that have received the vaccine in the last few weeks.

H1N1 Virus The City of Newton has ordered 18,000 doses (received zero to date) based on residents, students, and private schools. Pregnant women and new mothers are the first priority for H1N1 because the data shows the mortality rate is very high. The Health Department is expecting 100 doses of the injectable vaccine and 100 doses of the inter-nasal vaccine. The target for the doses will be for pregnant women and family members of babies under six months old. Once more supplies are received; the city plans Saturday and Sunday clinics and

vaccinating during the school day offered in the schools. Regional clinics will be used to pool our resources once more vaccine is received. There is no peak time for when the H1N1 will be here so there will be a continuous offering for anyone who wants the shot to be able to get it. The City has never done a clinic in the younger grades. Ms. Walsh said it is droplet spread and not airborne. She reiterated how important hand washing is.

Chairman Linsky questioned if the shots were mandated for front line city personnel. Ms. Walsh explained it was all optional. She reiterated that this certainly should be watched and all parents should be aware of signs and symptoms and take children to doctor or hospital when necessary.

**REFERRED TO PUB. SAFETY & TRANS. AND PROG. & SERVICES COMMITTEES**

#391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to  
(#122-92(3)) petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11-4-08 @12:31 PM]

**ACTION:** **APPROVED 5-0 (Ald. Coletti, Danberg and Harney not voting)**

**NOTE:** Marie Lawlor, Assistant City Solicitor; Sandy Pooler, Chief Admin. Officer and Chief Matthew Cummings, Newton Police Department joined the Committee for discussion on this item.

Chief Cummings provided Committee members with a copy of the Chief Job Description dated June 3, 2009 (attached to this report).

This item had been held in January when it was recognized that changes would be necessary for the enabling act that governs that process. Once work is done in this Committee, it would go on to the State Legislature. Chairman Linsky noted that it could take a long time to see this all the way through.

Ms. Lawlor reviewed with Committee members a draft corrected board order prepared by the Law Department and said an additional citizen member was added. There was another change of an offending comma which was confusing, but after checking Ms. Lawlor found it was a Scribner's error. The new Home Rule Petition deletes that comma. The Law Department has not been contacted regarding any other changes. Chairman Linsky noted that the offending comma raised a question regarding whether the intent was for a former Newton Chief as compared to any Chief. The original Board Order did not have the comma.

Ald. Vance made the motion to approve this item and the Committee voted in favor by a vote of 5-0 (Ald. Coletti, Danberg and Harney not voting).

#391-08(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE appointing a Subcommittee to assess and offer recommendations regarding any further changes to the act of #391-08. Subcommittee members are Ald. Linsky, Coletti and Swiston. (01/21/09 @ 9:00 PM]

**ACTION:** **NO ACTION NECESSARY 5-0 (Ald. Coletti, Danberg and Harney not voting)**

**NOTE:** Marie Lawlor, Assistant City Solicitor; Sandy Pooler, Chief Admin. Officer and Chief Matthew Cummings, Newton Police Department once again joined the Committee for discussion on this item.

Chairman Linsky read questions from Ald. Coletti regarding whether it is mandatory for the Chief of Police to retire at the age of 65. Chief Cummings answered that in Civil Service it would be “yes” but now this is no longer a Civil Service rank. Ms. Lawlor said she had not been asked that question or contacted on any other changes. Chief Cummings would like to be able to have the contract allow to work beyond the age of 65.

Ald. Vance made the motion of no action necessary on this item and the Committee voted in favor by a vote of 5-0 (Ald. Coletti, Danberg and Harney not voting).

#425-02 **ALD. PARKER, LINSKY, JOHNSON AND STEWART** requesting ordinance change to allow a trial program sharing on-street parking on a given street by designating some areas as resident only (for residents of that street) and other areas for longer-term parking by Newton residents accessing public transportation and by employees of area businesses.

**ACTION:** **HELD 4-0 (Ald. Ciccone, Coletti, Danberg and Swiston not voting)**

**NOTE:** Chairman Linsky said there was a request from Ald. Parker through the Law Department to hold this item.

Ald. Harney made the motion to hold this item and the Committee voted in favor by a vote of 4-0 (Ald. Ciccone, Coletti, Danberg and Swiston not voting).

#127-09(2) **IRA KRONITZ** appealing the Denial of # TC20-09 Traffic Council Decision on 06/25/09: ALD. SCHNIPPER proposing two stop signs at the intersection of Jackson and Daniels Streets. (Ward 6) [07/14/09 @ 9:29 AM]

**ACTION:** **APPEAL APPROVED 6-1 (Vance opposed; Coletti not voting)**

**NOTE:** This item was discussed in conjunction with #127-09(3) (below) and the appeal was approved. The item will be sent back to Traffic Council per the motion of Ald. Danberg and the Committee voted in favor by a vote of 6-1 (Ald. Vance opposed).

#127-09(3) **IRA KRONITZ** requesting reconfiguration of intersection of Jackson and Daniel Streets to square up the intersection for traffic calming and pedestrian safety. [06/30/09 @ 9:57 AM]

**ACTION:** **NO ACTION NECESSARY 7-0 (Ald. Coletti not voting)**

**NOTE:** David Koses, Transportation Planner; Clint Schuckel, Traffic Engineer; Jim Danila, Transportation Engineer; Ald. Parker and Mansfield joined the Committee for

discussion on this item.

Ald. Mansfield provided Committee members with an alternate plan (attached to this report). This plan was developed initially as a result of an on-site meeting with Commissioner Daley, Ald. Danberg, Parker, Swiston, and members of the neighborhood but later modified to address concerns raised by residents. Mr. Dan Mowrey, one of the direct abutters, noted previously problems he would have in accessing his driveway given the Board of Aldermen approved bump out that has been there as a trial. A compromise had been discussed that would allow some type of drivable surface. There has been a large response from the area that notes that what is presently in place is dangerous. Ald. Mansfield said after discussions it has been noted that this trial has gone on too long and would like to ask the Public Works Department to remove the trial before winter. Another issue is that there seems to be some validity to the proposed stop signs by the Public Facilities Committee which Mr. Kronitz has requested an appeal of the denial. Ald. Mansfield said putting in some stop signs as well as pavement markings was suggested.

Chairman Linsky opened the discussion to members of the public who were present.

Public Comment:

Dan Mowrey, 3 Daniel Street, asked if the Police Chief would veto the stop signs and Ald. Danberg noted that the Chief would veto a trial but not the permanent stop signs.

Barry Bergman, 18 Walter Street, asked if cobblestone could be used to define the crosswalks as well as slowing traffic down.

Sean Roche, 42 Daniel Street, said the cobblestones in Kenmore Square do not work well. He also is not sure the second crosswalk is necessary and could diminish the one that people use. He does not feel the bump out is what is causing people to go into that lane. The bump out is simply making people go slower.

Rachel Geller, 235 Jackson Street, feels this keeps everybody in their lanes and makes everybody safer.

Mark Field, 41 Daniel Street, wanted a clarification of the location of the signs.

Ira Kronitz, 43 Walter Street, feels this is a good compromise taking away much of the fear of going into the other lane. He asked Ald. Ciccone for his opinion and the response was positive. Traffic Engineer Clint Schuckel said the two approaches that have 1500 to 2600 cars a day have to stop and the approach that has approximately 250 cars a day needs to go through it. The people that arrive at this intersection are going to expect everybody to stop and this is a very counter-intuitive approach. Typically the major movements of traffic are not stopped; usually the direction that has the least cars is stopped. Crosswalk stanchions would send a mixed message, they say driver yield to pedestrians. Mr. Schuckel noted you would be putting a yield and a stop right in front of a driver at the same time and would not recommend putting a stop line in front of a crosswalk. It would be very difficult to have a stop line that you could not see as you would have to pull forward after making sure there is no one crossing. There are environmental consequences of stopping 1500 cars a day as well as noise consequences. He does not feel it is justified to stop thousands of vehicles. He feels ignoring warrants is not a good thing and people tend to speed up when they are feeling they are being unnecessarily stopped. Massachusetts has legal language that discourages putting in unwarranted stop signs. He

reiterated he did not see the need for stop signs and he would like to see this done with some physical change to the road.

Sean Roche feels a compromise can be reached that does not immediately require stop signs.

After further discussion, it was agreed to have a Neighborhood Meeting on Wednesday, October 28<sup>th</sup> at 7:00 pm at City Hall on Jackson and Daniel Street.

Ald. Danberg made the motion for no action necessary and the Committee voted in favor by a vote of 7-0 (Ald. Coletti not voting).

At approximately, 10:10 pm Ald. Vance moved for adjournment, which was approved 7-0 (Ald. Coletti not voting).

Respectfully Submitted,

Stephen M. Linsky, Chairman

**First Draft**

**CITY OF NEWTON**

**POLICE CHIEF**

**JOB DESCRIPTION**

**General Responsibilities:** The police chief provides administrative direction and control of the Police Department's functions, operations, and sworn and civilian personnel through supervision of subordinate staff and review of their activities. He/she formulates policies and procedures governing departmental activities, and prepares or directs the preparation of special activity proposals sent for consideration by the mayor and/or the staff from the Executive Department.

**Administrative Responsibilities:** The police chief directs the preparation of annual budget estimates and authorizes and controls expenditures; develops short and long-term goals and objectives to improve services; directs the development of in-service training programs to increase departmental efficiency and employee career development; oversees the selection, training, assignment and required discipline of departmental personnel; resolves citizen complaints which cannot be handled by subordinate managers; and coordinates departmental activities with those of other City departments, court authorities, local, state and Federal law enforcement agencies, non-governmental organizations and members of the general public. The police chief serves as the primary authority on all matters pertaining to the Police Department programs and law enforcement.

**Job Classification:** The police chief's job classification has been designated as department head, non-merit system, and is a contractual position. The police chief is eligible to participate in all benefits available to other City of Newton H-Grade employees. The mayor appoints the police chief with the approval of the Board of Aldermen. The police chief reports to, and may consult with the mayor when determining plans and policies to be observed in police operations. The police chief is also expected to work independently when carrying out the day-to-day functions of the Police Department.

**Minimum Qualification(s):** Graduation from an accredited college or university with a Bachelor's or Master's Degree in Criminal Justice, Public or Business Administration, or a related field preferred. Ten plus years of progressively responsible management experience in law enforcement also preferred.

**Special Requirements:** Must possess a valid Massachusetts Driver's License prior to the date of hire, or for non-resident candidates, within 30 days from establishing residency in Massachusetts. The successful completion of a background investigation may be required due to the confidential and sensitive nature of information handled by the police chief. Drug testing and a physical and psychological examination may also be required.

**ESSENTIAL FUNCTIONS**

**Communication Skills:** Must be effective in oral and written communications with members of the general public, police staff, city officials, city employees, law enforcement agencies and other community organizations. The police chief may be routinely required to speak before the media and public groups on the plans, programs, goals and objectives of the Police Department. He/she provides information, gives instructions and responds to questions from the general public in order to enhance public relations, and performs the same communicative skills with Police Department employees in order to clarify directives and enhance employee morale.

06/03/09

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**Manual/Physical Skills:** Attends meetings and observes, inspects and monitors in-house and field productivity of police personnel to determine and maintain compliance with departmental policies and procedures. Operates a motor vehicle requiring a standard Massachusetts Driver's License to travel to meetings and to conduct presentations held away from the police headquarters building, and he/she responds to crime scenes, major accidents or other locations to oversee police activities and to provide advice to deployed personnel.

**Mental Capacity:** Comprehends, interprets and draws inferences from charts, graphs and written supportive data to improve police operational readiness and response as it relates to: departmental policies and procedures, federal and state laws, city ordinances, personnel rules and regulations, police reports, and administrative studies that may resolve complex operational and procedural problems. Formulates programs and plans to maintain departmental efficiency and makes fair and consistent recommendations on performance ratings, disciplinary actions and other personnel matters. Analyzes information, statistics and reports on department activities to evaluate the status of existing programs implemented to address the needs of the public, and to determine future service needs and the availability of required resources to fulfill those needs.

**Knowledge and Abilities:**

Must possess knowledge of the theories, principles, and practices of effective police administration with particular attention to planning and organizing police services and operations; the theories, principles, and practices of effective public administration, with special reference to department policies, personnel, and budget administration; modern management techniques, supervisory practices, and evaluation methods; governmental organization and management; the principles and practices of effective administration with particular attention to short and long-range strategic planning; the principles and methods of budget preparation and monitoring; the activities, objectives, and ideals of police services and operations; the facilities, equipment, and personnel needed to provide police services and operations; and the laws and court decisions affecting police departments.

Must possess the ability to plan, organize, and direct the range of activities commonly found in a progressive municipal police department. Plans, organizes, coordinates, prepares, administers, and monitors the Police Department's budget. Develops goals and objectives to improve departmental services. Directs the development of in-service training programs. Resolves citizen complaints and internal personnel issues. Effectively analyzes and resolves operational and procedural problems, and analyzes information, statistics and reports on departmental activities. Resolves complex problems involving diverse functional areas and maintains high discipline and morale. Must have the ability to be an effective communicator and to maintain effective working relationships with community members, police personnel, and members of public and private institutions.

The duties listed above are intended only as general illustrations of the various types of work that may be performed by the police chief. Specific statements of duties not included does not exclude them from the position if the work is similar, related, or a logical assignment to the position. Job descriptions are subject to change by the City as the needs of the City and requirements of the job change.

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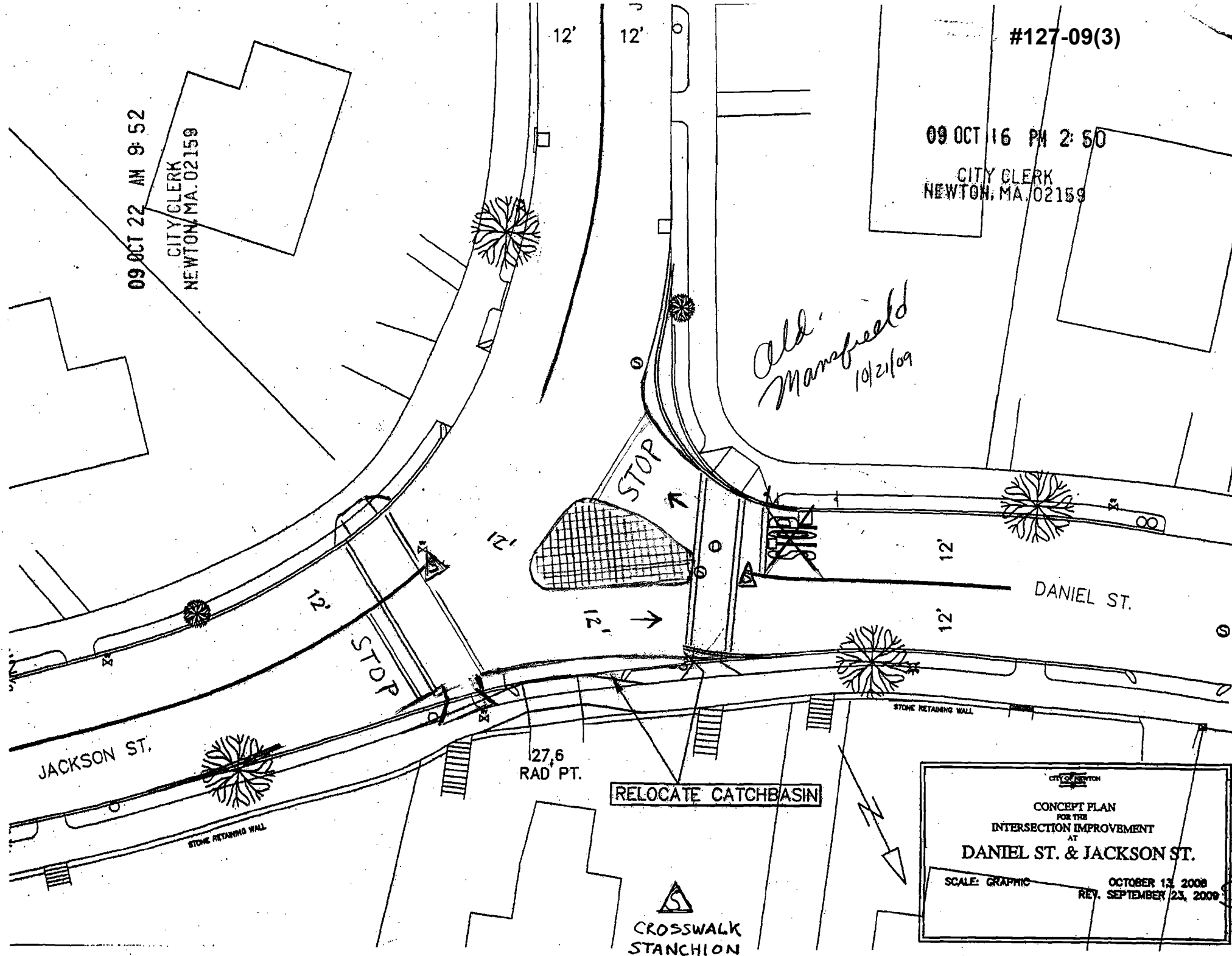
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#127-09(3)

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*Old Mansfield  
10/21/09*



CITY OF NEWTON

CONCEPT PLAN  
FOR THE  
INTERSECTION IMPROVEMENT  
AT  
**DANIEL ST. & JACKSON ST.**

SCALE: GRAPHIC

OCTOBER 13, 2008  
REV. SEPTEMBER 23, 2009