



Finance Committee Agenda

City of Newton In City Council

Monday, November 14, 2016

7:00 PM
Room 211

Items Scheduled for Discussion:

- #379-16** **Appropriate \$9,000 for police enforcement of accessible parking regulations**
HIS HONOR THE MAYOR requesting authorization to appropriate nine thousand dollars from the Handicapped Parking Fine Fund to be used to pay for a special police detail enforcement of the accessible (HP) parking regulations. [10/31/16 @ 2:06 PM]
- #376-16** **Transfer \$110,000 from Budget Reserve for acquisition costs for 15 Walnut Pk**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred ten thousand dollars (\$110,000) from FY 17 Budget Reserve to fund a final payment to the Sisters of St. Joseph of Boston as part of the agreed upon acquisition costs for 15 Walnut Park. [10/31/16 @ 2:05 PM]

Referred to Public Safety & Transportation and Finance Committees

- #383-16** **Appropriate \$1,100,000 for Emergency Communications Infrastructure**
HIS HONOR THE MAYOR requesting authorization to appropriate one million one hundred thousand dollars from Free Cash to the Emergency Communications Infrastructure Improvement Fund. [10/31/16 @ 2:07 PM]
Public Safety & Transportation Approved 5-0-1 (Blazar abstaining)

Public Safety & Transportation and Finance Committees

- #333-16** **Request to temporarily increase the number of Police by one position**
HIS HONOR THE MAYOR requesting authorization to temporarily increase the authorized full-time complement of police officers by 1 FTE through April 2017. [09/29/16 @ 9:41 AM]
Public Safety Approved 6-0 on 11/09/16

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.

Referred to Public Safety & Transportation and Finance Committees

- #382-16** **Appropriate \$80,000 to purchase a police cruiser and police mechanic's truck**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend eighty thousand dollars (\$80,000) from Free Cash for the purpose of purchasing an additional police cruiser and a police mechanic's truck. [10/31/16 @ 2:07 PM]
Public Safety Approved 6-0 on 11/09/16

Referred to Programs and Services and Finance Committees

- #31-15** **Proposing an ordinance to limit leaf blower use**
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]
Programs & Services Approved as amended 7-0-1 (Councilor Kalis abstaining)
- #31-15(3)** **Discussion of Financial Impact of Leaf Blower Ban on Newton's Budget**
PROGRAMS & SERVICES COMMITTEE requesting a discussion of the financial impact of a seasonal leaf blower ban on the City's operating budget. [03/24/16 @1:41 PM]

Referred to Programs & Services and Finance Committees

- #31-15(4)** **Amend Chapter 20 Section 51 Civil Fine for Littering to Include Yard Waste**
PROGRAMS & SERVICES COMMITTEE requesting that the City of Newton Ordinances Chapter 20, Section 51, Depositing of Litter, be amended to include leaves, yard waste, and other similar material, and that civil fines be associated with violations of the section and added to Chapter 20, Section 21. [03/24/16 @1:41 PM]
Prog & Serv Approved 5-0 (Councilor Schwartz not voting) on 10/19/16

Referred to Public Facilities and Finance Committees

- #358-16** **Appropriate \$46,590,000 for the renovation of the Cabot School**
HIS HONOR THE MAYOR requesting authorization to appropriate forty-six million five hundred ninety thousand dollars (\$46,590,000) from bonded indebtedness for the purpose of funding the renovation and construction of an addition at the Cabot Elementary School. [10/11/16 @ 11:29 AM]
Public Facilities Approved 6-0 on 10/19/16
- #378-16** **Approval of the proposed Debt Management Policy**
HIS HONOR THE MAYOR requesting approval of the proposed City of Newton Debt Management Policy dated October 31, 2016. [10/31/16 @ 2:07 PM]

#380-16 **Transfer \$1,405,192 to Contribution to Capital Stabilization Fund**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one million four hundred five thousand one hundred ninety-two dollars from Treasury debt service to Contribution to the Capital Stabilization Fund. [10/31/16 @ 2:02 PM]

#279-16(2) **Rescind Council Order #279-16 to bond for the Aquinas Window Project**
HIS HONOR THE MAYOR requesting rescission of Council Order #279-16 authorizing the City to borrow three hundred thousand dollars (\$300,000) for the Aquinas Window Project and authorization to appropriate three hundred thousand dollars (\$300,000) from the Override Projects Capital Stabilization Account for the purpose of funding the Aquinas Window Project. [10/31/16 @ 2:03 PM]

Referred to Public Facilities and Finance Committees

#334-16 **Request to connect Walsingham Street to City sewer system**
COUNCILORS GENTILE, SANGIOLO, AND HARNEY, on behalf of the residents of Walsingham Street, requesting the necessary approvals to connect Walsingham Street to the City sewer system. [09/22/16 @ 11:15 AM]
Public Facilities No Action Necessary 7-0

Items Not Scheduled for Discussion at this Meeting:

Referred to Programs & Services, Public Facilities and Finance Committees

#387-16 **Appropriate \$250,000 for renovation of 1st Floor of the Ed Center**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend two hundred fifty thousand dollars (\$250,000) from the Override Capital Stabilization Fund for the purpose of renovating the space on the 1st floor of the Ed Center which has been vacated by the relocation of the Pre-K Program to the Aquinas site to house the Central High School Program, additional professional development meeting space, and general office space. [10/31/16 @ 2:05 PM]
Programs & Services Approved 4-0 on 11/09/16
Public Facilities Held on 11/09/16

Referred to Public Facilities and Finance Committees

#386-16 **MWRA loan financing for homeowners to replace lead service lines**
COUNCILORS CROSSLEY AND GENTILE proposing to establish policies and procedures for the use of approved Massachusetts Water Resource Authority (MWRA) no interest loan financing to encourage homeowners to participate in the lead service line replacement program. [10/26/16 @ 3:12 PM]
Public Facilities Held on 11/09/16

Referred to Public Facilities and Finance Committees

- #385-16** **Discussion about the Community Solar Share Program**
PUBLIC FACILITIES COMMITTEE requesting discussion with the Administration and Public Buildings Department about the Community Solar Share Program, which intends to provide credits resulting from solar power generated at 70 Elliot Street to qualifying low income residents. [10/26/16 @ 4:20 PM]
Public Facilities Held on 11/09/16

Referred to Public Facilities and Finance Committees

- #384-16** **Appropriate \$71,000 to build an observation deck on the greenway**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend seventy-one thousand dollars (\$71,000) from Free Cash for the purpose of construction an observation on the greenway walking corridor. [10/31/16 @ 2:05 PM]
Public Facilities Held on 11/09/16

Referred to Programs & Services and Finance Committees

- #381-16** **Appropriate \$405,900 to supplement School Department busing costs**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend four hundred five thousand nine hundred dollars (405,900) from the Override Stabilization Fund for the purpose of supplementing busing costs incurred by the Newton Public Schools in transporting student from the Zervas Elementary School neighborhood to the Carr School during the 2016-2017 school year. [10/31/16 @ 2:06 PM]
Programs & Services on 11/09/16

- #377-16** **Authorization to enter into 5-year school bus contract**
HIS HONOR THE MAYOR requesting authorization in accordance with MGL chapter 30B, Sec. 12 to permit the Newton Public Schools to solicit bids and enter into a 5-year contract for school bus transportation including the METCO bus services. [10/31/16 @ 2:06 PM]

Referred to Programs & Services, Public Facilities and Finance Committees

- #388-16** **Authorize the Library Trustees to apply for grant funds for library renovation**
HIS HONOR THE MAYOR requesting that the City Council authorize the Board of Library Trustees to apply for any state funds which might be able to make improvements and additions to the Newton Free Library and which will defray all or part of the cost of the design, construction and equipping of the library project; and to authorize the Library Trustees to accept and expend any such funds when received without further appropriation. [10/31/16 @ 2:05 PM]

Referred to Finance and Appropriate Committees

- #359-16** **Submittal of the FY 2018 to FY 2021 Capital Improvement Plan**

HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter.
[10/11/16 @ 11:28 AM]

Referred to Public Facilities and Finance Committees

- #357-16** **Reallocate \$250,467.24 for decommissioning two elevated storage tanks**
HIS HONOR THE MAYOR requesting authorization to reallocate the sum of two hundred fifty thousand four hundred sixty-seven dollars and twenty-four cents (\$250,467.24) from the Waban Hill Reservoir Improvements Account to be used for the decommissioning of the Stanton Avenue and Winchester Street elevated storage tanks. [10/11/16 @ 11:29 AM]
Public Facilities Approved 6-0 on 10/19/16
- #353-16** **Review/Acceptance of the FY 2018 – FY 2022 5-year Financial Forecast**
HIS HONOR THE MAYOR submitting the Fiscal Years 2018 to 2022 5-Year Financial Forecast for City Council review/acceptance. [10/11/16 @ 11:28 AM]

Referred to Public Safety, Public Facilities and Finance Committees

- #335-16** **Request for Ord. 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]
- #332-16** **Request for approval of FY 17 Property tax levy distribution percentages**
DIRECTOR OF ASSESSMENT ADMINISTRATION submitting for City Council review and approval the FY 17 Municipal Property Tax Levy Distribution Percentages among residential, open space, commercial and industrial classes of Real Property. [09/26/16 @ 3:06 PM]

Referred to Zoning & Planning and Finance Committees

- #270-16** **Request to Amend Demolition Delay Ordinance**
COUNCILORS HESS-MAHAN, LEARY, SCHWARTZ, AUCHINCLOSS, SANGIOLO, AND BAKER requesting amendments to Chapter 22, Division 2. Demolition Delay, of the Revised Ordinances to increase sanctions for failure to comply with the conditions of a demolition permit and/or demolition of a structure without an appropriate permit. [07/21/16 @11:40 AM]
Zoning & Planning No Action Necessary 7-0 10/24/16

Referred to Zoning & Planning, Programs & Services and Finance Committees

- #256-16** **Request to extend notification area of notice for special permit petitions**

COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300’ required by Massachusetts General Law Chapter 40A to also include property owners within 600’ of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300’ will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]

#209-16 Discussion of expenditures related to the Complete Streets Grant
COUNCILOR FULLER requesting discussion regarding expenditures related to the Complete Streets grant with representatives of the Department of Public Works. [05/26/16 @ 1:11 PM]

Referred to Programs & Services, Public Facilities and Finance Committees

#175-16 Authorization to enter into a settlement agreement with National Grid.
HIS HONOR THE MAYOR requesting authorization for the City to enter into a settlement agreement with Boston Gas Company d/b/a National Grid. [04/25/16 @ 6:52 PM]

#173-16 Interest charges on late payment of utility bills
COUNCILOR SANGIOLO requesting creation of a policy or ordinance related to interest charges on late payments of utility bills to the City and proportional return of interest charges if or when the utility bill is abated. [04/27/16 @ 1:39 PM]

#112-16 Appropriation of mitigation funds for pedestrian and traffic improvements
HIS HONOR THE MAYOR requesting authorization to appropriate and expend the following Mitigation Funds:

A. Village Café at 719 Washington Street	\$2,500
B. 258 Nevada Street at Linwood Street	\$1,500
C. Cherry Street at Washington Street	\$2,000
D. O’Hara’s Restaurant, Newton Highlands	\$2,500
E. Rox Diner Parking & Pedestrian Improvements	\$2,500
G. Canton Circle LLC, 714-724 Beacon Street	\$10,000

#40-16 Request to accept MGL 149 Sec 148C related to earned sick time for employees
COUNCILOR SANGIOLO requesting that City of Newton formally accept and/or take all necessary steps to accept Massachusetts General Law Chapter 149, Section 148C, in order to qualify full-time, part-time, seasonal, and temporary

employees coverage under the earned sick time regulation, 940 CMR 33, as approved by the voters of Massachusetts in the 2014 Election as Ballot Question 4 – Earned Sick Time for Employees. [01/19/16 @ 2:35 PM]

- #287-15** **Submittal by the Mayor of the 5-Year Financial Forecast**
HIS HONOR THE MAYOR submitting the FY 2017-FY 2021 5-Year Financial Forecast for Board of Aldermen review/acceptance. [10/01/15 @ 1:53 PM]

Referred to Public Facilities and Finance Committees

- #223-15** **Discussion on the process of licensing the use of city buildings**
ALD. LAREDO requesting a discussion of the process of licensing the current and future use of city building, including: (a) how licensees may request the use of city buildings; (b) the process for determining which licensees will get the use of city buildings; (c) how the fees for the use of city buildings are set; and (d) how the current process compares to the process for permitting the use of school buildings. [08/13/15 @ 11:20 AM]

- #190-15** **Discussion of policy to record all meetings and post meeting materials online**
ALD. SANGIOLO requesting a discussion with the Executive Department relative to creating a policy to require audio recordings of all meetings of boards and commissions and requiring them to be posted to the City's website, as well as posting of all documentation that is reviewed by boards and commissions and/or by their designated City staff member.

Referred to Zoning & Planning, Land Use and Finance Committees

- #104-15** **Qualification of affordable units developed at Comm Ave, Pearl St, and Eddy St**
ALD. JOHNSON, LAREDO, AND GENTILE requesting a report from the Planning Department re how many of the affordable units developed at Commonwealth Avenue, Pearl Street, and Eddy Street qualify for inclusion on the State's Subsidized Housing Inventory List; if a property is not on the list, what can be done to make it eligible. [04/09/15 @ 12:00 PM]

Referred to Land Use and Finance Committees

- #49-14** **Implementation of technology to monitor compliance with special permits**
LAND USE COMMITTEE requesting discussion with the Chief Financial Officer and the Chief Information Officer regarding the critical need to implement technology which enables the development, management and use of shared, searchable, mobile-accessed (both read and write) database which contains parcel-based information that can be accessed by all city departments (including Planning, Inspectional Services (ISD), Assessing, Engineering, Fire, Police, Health), the Board of Aldermen and the community. This technology must support the work of ISD and other departments in both the office and the field to more effectively and efficiently monitor and enforce compliance with approved special permits and other related Board Orders. [02/10/14 @ 6:47 PM]

#248-12 **Ordinance amendments to Article IV Purchases and Contracts**
RECODIFICATION COMMITTEE recommending that **ARTICLE IV. PURCHASES AND CONTRACTS, Secs. 2-182 through 2-205**, be amended to make it consistent with state law.

Respectfully submitted;

Leonard J. Gentile, Chair



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#379-16

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(617) 796-1100

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(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

October 31, 2016

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

RECEIVED
Newton City Hall
2016 OCT 31 PM 2:06
DAVID A. OLSON, CHC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the appropriation of \$9,000 from the Handicapped Parking Fine Fund to be used to pay for a special police detail enforcement of the accessible (HP) parking regulations.

At their regularly scheduled meeting on October 17, 2016 members of the Commission on Disability approved using this money for "Operation Access". "Operation Access" would take place starting with the day after Thanksgiving through the day after Christmas on weekends and some evenings targeted at malls and commercial areas. One hundred percent of the proceeds (fines) from Operation Access will go directly into the COD's HP Fines account, in order to fund projects that will directly benefit people with disabilities in Newton.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

Maureen Lemieux

From: Jini Fairley
Sent: Friday, October 28, 2016 4:33 PM
To: Setti D. Warren; Maureen Lemieux
Cc: Rob Caruso; Girard Plante; Lucie; ROSEMARY BARSZCZ; GBJONAH@aol.com; Barbara Lischinsky; John J. Babcock; Rachel Powers; Heather Platt; Jason Rosenberg; Jini Fairley; Paul D. Anastasia
Subject: COD Vote

I am sending this on behalf of the Newton COD.

Jini

Dear Mayor Warren and Maureen Lemieux,

On behalf of the Commission On Disability, we, the COD Co-Chairs, are writing to you regarding an action that took place at the COD's regularly scheduled monthly meeting on October 17, 2016.

the COD members approved \$9000 of the funds in the COD's HP Fines Account to be used to pay for a special police detail enforcement of the accessible (HP) parking regulations.

"Operation Access" would take place starting with the day after Thanksgiving through the day after Christmas on weekends and some evenings targeted at malls and commercial areas. One hundred percent of the proceeds (fines) from Operation Access will go directly into the COD's HP Fines account, in order to fund projects that will directly benefit people with disabilities in Newton.

Here is an excerpt from the minutes regarding this decision,:

"Under Old Business, there was more discussion about using a portion of the HP Fines funds for an enforcement of the accessible (HP) parking regulations using a special police detail targeting the holiday shoppers in December at the malls and other commercial parking lots. Jay thinks it is a great idea and Captain Anastasia agreed. He suggested that the COD allot a certain amount of money and then he could figure out how many hours and days that amount would cover for a police detail focused on those commercial areas exclusively. These funds need to be approved by the Mayor and the City council before they can be used. Lucie asked if members could decide now as to the amount to allocate and the details worked out with the Police and Executive Departments. Captain Anastasia said that it would be best to allocate up to a certain amount, and if the Police detail didn't use the full amount, the rest would remain in the HP Fines account. Rob suggested to use about half of the \$17,809 of the HP Fines account, such as \$9,000 and he asked for a motion. Jane made a motion to approve up to \$9,000 in the COD HP Fines account to be used for a special police detail to issue tickets to violators of the accessible HP parking regulations. Rosemary seconded the motion. The motion passed unanimously by a vote of 4 (Rob, Lucie, Jane, Rosemary)-0."

Two members were absent, Barbara and Girard.

We hope you will support the COD's decision to spend up to \$9,000 for a special police detail to ticket violators of the Massachusetts accessible (HP) parking regulations in December focused on malls and other commercial areas in the city. We would appreciate the docketing of this item for the City Council to appropriate these funds at their next scheduled meeting, in order for Operation Access to begin in late November.

Thank you for your consideration of this appropriation.

Sincerely,

**Rob Caruso, Co-Chair
Girard Plante, Co-Chair
Newton Commission On disability**



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

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October 31, 2016

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

RECEIVED
NEWTON CITY HALL
2016 OCT 31 PM 2:03
DAVID A. OLSON, CHIEF
NEWTON, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket a request to transfer the sum of \$110,000 from Acct # 0110498-5790 FY17 Budget Reserve to fund a final payment to the Sisters of St. Joseph of Boston as part of the agreed upon acquisition costs for 15 Walnut Park. As the Council may recall, the Sisters' original asking price for 15 Walnut Park was \$16,000,000. Following negotiations, the Sisters reduced the purchase price, but asked if the City would be willing to convey or lease a small lot of land at the corner of Washington Street and Walnut Park adjacent to the Jackson School playing fields. The Sisters considered expansion of the playing fields to be a valuable consideration.

Accordingly, the Purchase and Sale Agreement between the City and the Sisters provided that the City would explore whether the corner lot, which is Spears Park, could either be sold or leased to the Sisters. The P&S Agreement provided that if the corner lot could not be made available, the City would pay the Sisters an additional \$110,000 as part of the agreed upon acquisition costs for 15 Walnut Park.

Spears Park is in the custody of the Parks and Recreation Commission and subject to a public charitable trust, established by the testamentary gift of Miss Spear to the City in 1934, which requires the lot be kept "...as a green spot to help to beautify ..." Newton. After review of the title to the corner lot, it was clear that a number of challenging legal impediments would need to be overcome in order to make the corner lot available for use by the Sisters.

Rather than start a legal process that is unlikely to be successful, I am requesting that the Council appropriate \$110,000 to make the final payment to the Sisters for purchase of 15 Walnut Park.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

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October 31, 2016

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

RECEIVED
Newton City Hall
2016 OCT 31 PM 2:06
David A. Olson, Clerk
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the appropriation of \$1,100,000 from June 30, 2016 Free Cash to the Emergency Communications Infrastructure Improvement Fund.

As you know, Unparalleled Public Safety in today's ever-changing environment requires a reliable, robust, redundant emergency communications system. For the first time in the City's history, the City has established an Emergency Communications Team (internally referred to as the "Purple Team") consisting of members of the Police Department, Fire Department, Information Technology Department, Public Buildings Department and the Executive Department in order to ensure that the City's Emergency Communication System is able to meet the needs of the residents, visitors, emergency personnel, and first responders of the City of Newton. The 5-Year C.I.P. includes necessary improvement to the City's Public Safety Emergency Communications System.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor



Bruce A. Proia
Chief

**CITY OF NEWTON, MASSACHUSETTS
FIRE DEPARTMENT HEADQUARTERS**

**106 Waban Street, Newton, MA 02458
Chief: (617) 796-2210 Fire Prevention: (617) 796-2230
FAX: (617) 796-2211 EMERGENCY: 911**



Setti D. Warren
Mayor

October 28, 2016

Maureen Lemieux
Chief Financial Office
City of Newton
1000 Commonwealth Ave
Newton, MA 02458

Maureen,

I respectfully request to docket funding of \$1.1 Million Dollars for the City wide emergency communication upgrades.

The funding will be used for upgrades to the emergency communication systems that Fire and Police are currently using.

Thank you for consideration to this request.

Bruce Proia
Chief of Department

PUBLIC SAFETY EMERGENCY COMMUNICATIONS

Introduction

Unparalleled Public Safety in today's ever-changing environment requires a reliable, robust, redundant emergency communications system. For the first time in the City's history, the City has established an Emergency Communications Team (internally referred to as the "Purple Team") consisting of members of the Police Department, Fire Department, Information Technology Department, Public Buildings Department and the Executive Department in order to ensure that the City's Emergency Communication System is able to meet the needs of the residents, visitors, emergency personnel, and first responders of the City of Newton.

Similar to the depiction of the Information Technology hierarchy, the City's Emergency Communication System is dependent on its infrastructure.

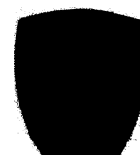
- Public Safety Radio System Infrastructure
- Emergency Dispatch Communications
- Emergency Operations Center
- In-Building Communication Capabilities
- Fixed Building Radio Systems
- Radios and Mobile Data Equipment

Radio System Infrastructure

The Radio System Infrastructure is the backbone of the City's Public Safety Emergency Communications System. Components include 10 repeaters on 4 towers or mountaintops, 8 receivers, 2 dispatch centers, an emergency operations center, 200 portable radios, and 80 mobile radios in public safety and other critical City vehicles.

The system is currently non-trunked, UHF in the 470 & 482/3 range, narrow banded on the Fire Department. Implementation is planned to move to a digital platform.

Newton Fire Department



Our Mission

"...To maintain a department of fire personnel trained in all aspects of fire suppression, rescue, salvage, fire prevention, hazardous materials and emergency medical response, enabling us to serve and protect, without prejudice or favoritism, the lives and property of the residents of Newton from both natural and man-made disasters."

Newton Police Department



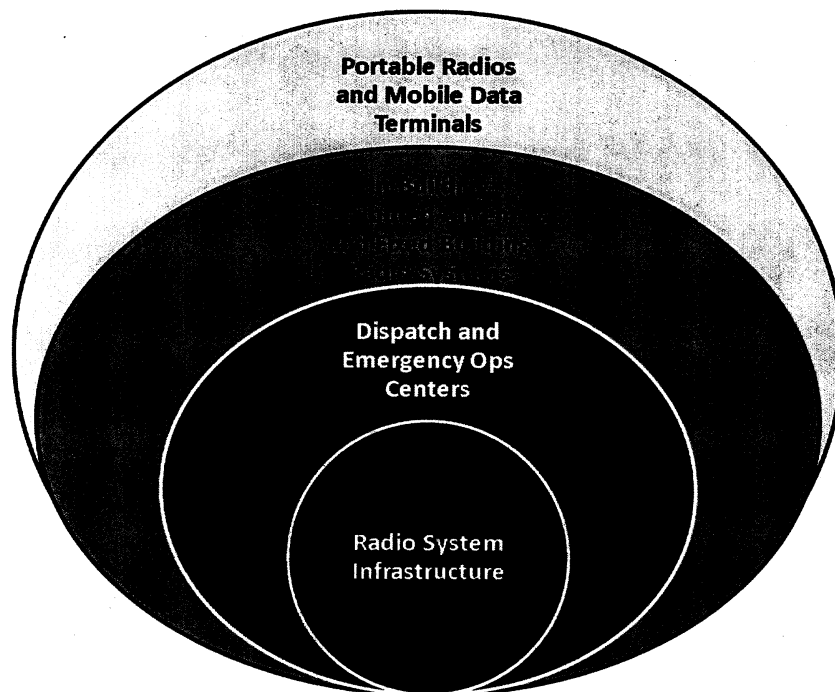
Mission Statement

The mission of the Newton Police Department is to work in partnership with our community. We commit to protect and preserve the rights and dignity of every human life, to maintain peace, order, and a secure environment for the community and their property. We will continue to strive for excellence in the delivery of our police services, and to enhance the quality of life of every citizen.

Combined Emergency Dispatch Center

The City of Newton Combined Emergency Dispatch Center is the City's Public Safety Answering Center taking calls for Police, Fire, and Medical emergencies. The City's Dispatch Center receives 27,000 emergency 911 calls each year and is responsible for dispatching appropriate police, fire or medical personnel in response to all calls.

The calls range from simple to life and death situations. All Dispatchers are certified 911/EMD, utilizing computer based medical protocol, 911 geo-location of incoming calls, and a computerized Dispatch system.



Emergency Operations Center

The Emergency Operations Center (EOC) is a tool for coordinating on-scene operations during low-frequency and high-risk incidents. The EOC mobilizes people and equipment to handle incidents that are outside the ability of any single agency to resolve. The purpose of the EOC is to ensure that departmental response capabilities are maintained and authoritative information is disseminated to the general public. The EOC will have full, state of the art audio and video teleconferencing capabilities as well as "Muxed" imaging capability. (Muxing is the process of combining these video, audio and subtitle components into the container file so that it can be read/played back.) Capturing important incident-related information at an EOC will provide officials with the necessary real-time data to set strategic directions; establish priorities; and allocate resources. These actions allow field commanders to focus on the incident objectives while the EOC serves as the central hub or an interconnected message

center for the city-wide infrastructure (Police, Fire, DPW, Schools and City Hall) as well as the larger State Multi-agency Coordination System (MACS). If a major incident were to occur, all components of MACS are activated including MEMA and other State and federal agencies.

In-Building Communication Capabilities

Many buildings are built with construction materials that do not allow radio signals to penetrate very well between walls and through floors. In-Building Antenna Systems are designed to accommodate the unique building construction and floor plans and provide solutions that effectively distribute the radio signals in, out and within the building through an interconnected system of antennae placed on each floor.

For each public school, the City of Newton Fire Department is completing a needs assessment to determine if the installation of a Bi-Directional Amplifier (BDA), Radio Site, or other equipment as required/needed enhancing coverage for the buildings. For new construction within the City of Newton a building owner may be required to purchase, install, and maintain a BDA for public safety. This is handled through Newton Fire Prevention with support from the Fire Technical Services & Wires divisions. Regardless of who installs the equipment it is required to support both Newton Fire & Police Channels (four channels in total). In the case of the schools an additional school emergency channel is added to the system. All radio channels currently in use by the City are UHF. The systems installed must meet NFPA specifications and are separate from any systems which enhance cellular telephone or other wireless services within the building.

Fixed Location Radio Sites

Fixed Location Radio sites contain equipment which can receive or transmit signals to our first responders. These sites are usually at high points around the City or at strategic locations to provide the best possible coverage. There are three major challenges that require addressing as part of this process which are the obsolescence of equipment and network connections, the transition to fiber connections, and adding or expanding the backup power at each fixed location.

Currently 90% of the City's radio sites communicate with each other over copper circuits provided by Verizon, while the remaining 10% communicate using City fiber or fire alarm cable. The City's provider, Verizon, has stated that they will no longer be servicing these circuits after December 2017. With the now complete connections of fiber to each radio site, the Fire and Police departments can transition off Verizon and on to fiber. This transition requires the purchase of equipment which allows the interconnection of radio equipment to fiber. The transition will also allow for a network triangle to be completed between each site, the Fire Department, and Police / Dispatch center.

As part of the obsolescence of copper circuits from Verizon, the transmitters and receivers used by emergency personnel, require updating to support the transition to an IP based network which runs over Fiber. The current equipment will also reach its end of life from the manufacturer in 2018. The Police Department has already transitioned some equipment which will be able to integrate with the Fire equipment creating a singular redundant network across all radio sites with similar equipment, features, and functions. The new Dispatch equipment and EOC will be able to take advantage of these technology upgrades to provide the highest level of service to the City's first responders.

Lastly, Fire and Police will add battery backup banks to each radio site as needed. These banks of batteries will provide power for a long enough period of time allowing for technicians to arrive at the sites and determine why the power has failed. In cases where a site has generator backup the batteries will provide power during the time it takes the power to be transferred from one source to another. This creates a buffer at those sites to get access, install temporary power generation equipment, etc., when it is needed the most. Having the battery power backups, the system can withstand multiple simultaneous power failures, still enabling Fire and Police technical teams time to respond and assess each site affected.

Mobile and Portable Radios

The mobile and portable radios are the lifeline between emergency responders, dispatchers, and when activated, the Emergency Operations Center. The mobile and portable radios have a 7 to 10-year support / life cycle from the manufacturer. Once they are not supported anymore they become challenging to service. The City's current radios are expected to reach the end of their useful life according to the manufacturer in 2018.

Mobile Data Equipment

Each Police cruiser is equipped with a computer that provides dispatch information, Criminal History, Registry of Motor Vehicles checks, GPS, and report writing capabilities. The intranet also provides the police officer in the cruiser daily vehicle inspection compliance, missing person's pictures, daily information, floor plans of buildings, and other information deemed to be needed in the vehicle.

The Fire Department also has computers for each piece of apparatus. Information capabilities include report writing in the field, GPS locations, dispatch information, and floor plans. In addition, the fire department will migrate to technology that will allow access to inspection documents which may need to be evaluated at an emergency scene.

Security

As with all Emergency Preparedness Plans, Emergency Communications Plans must by their nature remain secure. Therefore, although this section of the Capital Improvement Plan will identify components of the Emergency Communications System as well as their value and purpose for the City, technical details will not be provided in order to ensure that the safety of the City's emergency personnel and first responders is not compromised.

Public Safety Five Year Plan FY18 -FY22							
Project ID	Area	Prior Year FY2017					
TBD	Dispatch Center equipment - All dispatch equipment has met it's life expectancy and must be upgraded	\$ 700,000	\$ -	\$ -	\$ -	\$ -	\$ -
TBD	Manet Road Communications Building	\$ 766,000	\$ -	\$ -	\$ -	\$ -	\$ -
INFR-04	Infrastructure - Fiber: Terminate fiber at towers and antenna locations. Right now most towers have fiber coiled awaiting the final 100 feet of the run with termination. Building access is all that is needed. NOTE-No coil at Exit 16	IT Capital Improvement Plan	\$ -	\$ -	\$ -	\$ -	\$ -
SBDA-01	School In-Building Amplifier (BDA) Elementary School - Cabot School 229 Cabot Street	Completed	\$ -	\$ -	\$ -	\$ -	\$ -
SBDA-21	School In-Building Amplifier (BDA) Elementary School - Angier School 1697 Beacon Street	Completed	\$ -	\$ -	\$ -	\$ -	\$ -
SBDA-22	School In-Building Amplifier (BDA) High School - Newton North High School 457 Walnut Street	Completed	\$ -	\$ -	\$ -	\$ -	\$ -
SBDA-16	School In-Building Amplifier (BDA) High School - Newton South High School 140 Brandeis Road	Under Construction	\$ -	\$ -	\$ -	\$ -	\$ -
SBDA-16	School In-Building Amplifier (BDA) Elementary School - Zervas School 30 Beethoven Avenue	Under Construction	\$ -	\$ -	\$ -	\$ -	\$ -
DISP-02	Fire Station 3 Dispatch - Fire Alarm Station Alerting upgrades: Needs to happen as part of Station 3 Project. Review Pervis fire station alerting system and Zetron options. Pervis is more expensive, however, seems to have some additional features that Zetron does not. This includes items that will better allow for response time tracking.	\$ 250,000	\$ -	\$ -	\$ -	\$ -	\$ -
DISP-03	Fire Station 3 Dispatch - Digitizers: Upgrade to Digitize units. Working with RB Allen to design a redundant system that runs between Police HQ Dispatch & Newton Fire Station 3/HQ as part of station move.	\$ 130,000	\$ -	\$ -	\$ -	\$ -	\$ -
RADI-04	Radio Integration with Cell Phones	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -
INFR-03	Infrastructure - Fiber	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -
INFR-05	Infrastructure - Power	\$ 75,000	\$ 75,000	\$ -	\$ -	\$ -	\$ -
INFR-07	Infrastructure - Power Generators with intelligence to report their status.	\$ 60,000	\$ -	\$ -	\$ -	\$ -	\$ -
FIRE-01	Fire "Online" & Mobility: Purchase equipment such as new mobile data terminals, software, licenses, servers, and support required to expand Fire's Mobile data platform. This will include pushing to all online forms, Community Plus, and other initiatives to make records online vs via paper.	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000	\$ 60,000
DISP-01A	Dispatch -Radio Infrastructure: Electronics to connect city fiber to radio system at each tower location.	\$ 270,000	\$ -	\$ -	\$ -	\$ -	\$ -
DISP-01B	Dispatch -Radio Infrastructure: Continuous power backup for radio remote tower locations - required to keep fiber network running between sites. Transport in DISP-01A will be used for reporting of site power status and failures.	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -
INFR-13	Infrastructure - Manet Road / Waban Hill: Complete grounding to R56 specification & Install Racks and other building related equipment. Include in this security cameras. Install new antennas, multicouplers, duplexers, and associated equipment	\$ 95,000	\$ -	\$ -	\$ -	\$ -	\$ -
DISP-01C	Dispatch - Voting System: New Voting Comparators to be Digital/Analog multi-mode compliant for FD & Police	\$ 150,000	\$ -	\$ -	\$ -	\$ -	\$ -
RADI-01	Purchase Repeaters & Receivers for Fire Department & NPD: Purchase new infrastructure equipment to upgrade our radio system as the infrastructure is falling out of manufacturer support. NPD/NFD GTR8000 PD1/FD2 Repeater at Station	\$ 345,000	\$ -	\$ -	\$ -	\$ -	\$ -

Public Safety Five Year Plan FY18 -FY22		Budget					
RADI-05	Antenna & Site Work for All Radio Sites: Purchase new antennas, feedline, grounding equipment, and installation. This will cover all radio sites as most have not been replaced in several years	\$ 220,000	\$ -	\$ -	\$ -	\$ -	\$ -
RADI-02	Portable Radios for Fire Department: Purchase new radios for Fire Department users as equipment is reaching end of life. Also newer equipment will allow for centrally managed server to aid in providing critical changes/updates to radio programming via WIFI.	\$ -	\$ 400,000	\$ -	\$ -	\$ -	\$ -
RADI-02A	Portable Radios for Police Department: Purchase new radios for Police Department users as equipment is reaching end of life.	\$ -	\$ 550,000	\$ -	\$ -	\$ -	\$ -
SBDA-18	School In-Building Amplifier (BDA) Middle School - Bigelow Middle School 42 Vernon Street		\$ 100,000				
SBDA-19	School In-Building Amplifier (BDA) Middle School - Brown Middle School 125 Meadowbrook		\$ 100,000				
SBDA-20	School In-Building Amplifier (BDA) Middle School - Day Middle School 21 Minot Place		\$ 100,000				
SBDA-23	School In-Building Amplifier (BDA) Middle School - Oak Hill Middle School 130 Wheeler Road		\$ 100,000				
INFR-01B	Infrastructure - Fiber Additional Fiber runs to Northwest and Southwest corners of the City. For the Southwest area, the Wells Ave corner is radio-challenged but there is the Newton Wellesley Annex on Wells Ave, the Nahant Boat House and the Jewish Community Center (with an extremely high peak) in the same general area. Fiber could be run from the south loop. For the Northwest corner, prospect Hill in Waltham is connected by a patchwork of copper maintained by Verizon. Support calls are an everyday occurrence. Has anyone considered a tower on top of the Marriott in Auburndale?		\$ -	\$ 35,000	\$ -	\$ -	\$ -
INFR-01C	Spectrum & Antenna System Analyzer Equipment is for analysis of antenna systems and gives us the ability to analyze signals and look at interference when it occurs. This also allows us to better test the BDA systems which are being installed in each school system as it will show precise readings of signal levels during testing. We can use these levels to measure and check performance of our Radio and BDA systems throughout the years to identify issues and correct them.		\$ -	\$ 35,000	\$ -	\$ -	\$ -
INFR-15	Radio Coverage Expansion: Review, Investigate, and Expand to 2-3 sites for PD&FD		\$ -	\$ 250,000	\$ -	\$ -	\$ -
INFR-06	Infrastructure - Resiliency: Microwave communication for redundancy between radio locations. Est \$30,000/tower		\$ -	\$ 150,000	\$ -	\$ -	\$ -
SBDA-13	School In-Building Amplifier (BDA) Education Center on Crafts Street		\$ 100,000				
SBDA-14	School In-Building Amplifier (BDA) Elementary School - Underwood School 101 Vernon Street		\$ 100,000				
SBDA-15	School In-Building Amplifier (BDA) Elementary School - Ward School 10 Dolphin Road		\$ 100,000				
SBDA-24	School In-Building Amplifier (BDA) Elementary School - Williams School 141 Grove Street		\$ 100,000				

Public Safety Five Year Plan FY18 -FY22

INFR-01A	Service Monitor for Repeaters, Portable, and Mobile Radios (and ancillary equipment): Equipment is for tuning and calibrating portable, mobile, repeaters, and receiver equipment. Current portable radios are to be serviced per the manufacturer every 4 months. Repeaters should be checked twice a year with the change of the seasons to allow for identification of issues and swift resolution.	\$ -	\$ -	\$ -	\$ 60,000	\$ -	\$ -
INFR-12	Central Monitoring and reporting mechanism for Generator & Transfer Switches: Purchase and install equipment at each generator which allows for remote monitoring and data gathering on generator performance.	\$ -	\$ -	\$ -	\$ 125,000	\$ -	\$ -
SBDA-17	Command Post Vehicle Purchase a command post vehicle which can support operations in the field. Workstations & radio equipment would be installed and vehicle could include meeting space for city teams. This vehicle would be deployed to incidents within the City of Newton or events which require an in the field operations center. Vehicle would be jointly staffed by Fire/Police department depending on function/need and would be jointly built/developed.	\$ -	\$ -	\$ -	\$ 100,000	\$ -	\$ -
SBDA-09	School In-Building Amplifier (BDA) Aquinas School - 106 Waban Street				\$ 100,000		
SBDA-10	School In-Building Amplifier (BDA) Elementary School - Lincoln Eliot School 191 Pearl Street				\$ 100,000		
SBDA-11	School In-Building Amplifier (BDA) Elementary School - Mason Rice School 149 Pleasant Street				\$ 100,000		
SBDA-12	School In-Building Amplifier (BDA) Elementary School - Memorial Spaulding School 250 Brookline Street				\$ 100,000		
INFR-08	Public Safety SAN & Virtualization: Mirrored SAN and Virtual Servers on systems located at Police and Fire HQ	\$ -	\$ -	\$ -	\$ -	\$ 175,000	\$ -
SBDA-05	School In-Building Amplifier (BDA) Elementary School - Pierce School 170 Temple Street					\$ 100,000	
SBDA-06	School In-Building Amplifier (BDA) Elementary School - Carr 233 Nevada Street					\$ 100,000	
SBDA-07	School In-Building Amplifier (BDA) Elementary School - Countryside School 191 Dedham Street					\$ 100,000	
SBDA-08	School In-Building Amplifier (BDA) Elementary School - Franklin School 125 Derby Street					\$ 100,000	
INFR-11	Mobile Generators: Purchase trailer mounted generators which can be brought to events or public buildings within the city to support emergency service functions. Would require adapting public buildings and locations to accept the connection of the generators.	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 375,000
SBDA-02	School In-Building Amplifier (BDA) Elementary School - Horace Mann School 687 Watertown Street						\$ 100,000
SBDA-03	School In-Building Amplifier (BDA) Elementary School - Bowen School 280 Cypress Street						\$ 100,000
SBDA-04	School In-Building Amplifier (BDA) Elementary School - Burr School 171 Pine Street						\$ 100,000
	Totals	\$	\$	\$	3,136,000		



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#333-16

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(617) 796-1100

Telefax
(617) 796-1113

TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

September 28, 2016

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

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to temporarily increase the authorized FTE complement of the Police Department by one (1). The department is anticipating a mandatory retirement this spring, and is in the process of hiring new recruits for the academy. This increase will enable the department to have a trained officer ready to "hit the streets" at the time of the retirement.

Thank you for your consideration of this matter.

Sincerely,

A handwritten signature in cursive script that reads "Setti D. Warren".

Setti D. Warren
Mayor



City of Newton
Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679

Office of the Chief of Police
HEADQUARTERS
1321 WASHINGTON STREET
NEWTON, MASSACHUSETTS 02465

DAVID L. MACDONALD
CHIEF OF POLICE
September 21, 2016

Honorable Mayor Setti D. Warren
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
Newton City Hall
2016 SEP 22 PM 1:11
David L. MacDonald
Newton, MA 02459

Dear Council Members and Mayor Warren:

We respectfully request to temporarily increase the number of budgeted positions for sworn personnel from 149 to 150. The extra position would be needed until April 30, 2017, at which time Sergeant Kenneth Cahoon will be required by law to retire (at age 65.) The extra position would be occupied by a recruit in the Police Academy, who will begin training there on 9/26/2016. This future Student Officer has been employed with our department as an Emergency Telecommunications Dispatcher since July 15, 2013. Until your approval is obtained, he will continue to occupy the Dispatcher position that he will be vacating. His weekly pay as a Student Police Officer will be less than his pay as a Dispatcher.

We make this request because we have a limited number of opportunities to apply for openings in Police Training Academies in Massachusetts. The training period for each session is six months. After graduation from the Academy, the Officer goes through another eight weeks of Field Training during which he or she is paired with an experienced officer. Therefore, it takes approximately eight months for a newly hired recruit to be qualified to work as a Police Officer. Please also be aware that a Student Police Officer in the Academy is not a member of the Patrolmen's Union, nor is he or she entitled to Section 111F benefits if he or she is injured while training in the Academy.

Thank you for your consideration in this matter.

Sincerely,

David L. MacDonald
Chief of Police





SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#382-16

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(617) 796-1100

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TDD
(617) 796-1089

E-mail
swarren@newtonma.gov

October 31, 2016

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

Ladies and Gentlemen:

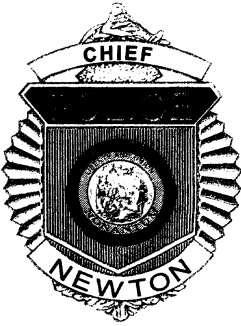
I write to request that your Honorable Council docket for consideration a request to appropriate and authorize the expenditure of the sum of \$80,000 from June 30, 2016 Certified Free Cash for the purpose of purchasing an additional police cruiser and a police mechanic's truck. Justification is attached.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
NEWTON CITY HALL
2016 OCT 31 PM 2:07
DAVID A. OLSON, CHC
NEWTON, MA 02459



City of Newton
Police Department



TELEPHONE
(617) 796-2101
FAX # (617) 796-3679

Office of the Chief of Police

HEADQUARTERS

1321 WASHINGTON STREET

NEWTON, MASSACHUSETTS 02465

DAVID L. MacDONALD
CHIEF OF POLICE

Maureen,

We are requesting \$80,000 for the purchase of 2 police vehicles.

The first vehicle is the Police Mechanics Truck. The current vehicle is no longer safe to be on the road. The rot on the frame is very bad and should not be driven. The vehicle has multiple uses for the Police Department. Our mechanic uses it multiple times per day to go service police vehicles (flat tires, dead battery, etc.) and cannot make it to the station. The Honor Guard uses it to transport officers and flags to different events. In an emergency the truck is used to transport temporary signs and barricades to the incident location. Cost to outfit the new Garage Truck is approximately \$30,000 with all the equipment.

The Second vehicle is the Police Patrol Interceptor. This is a front line police response vehicle that will replace an old Ford Crown Victoria. The new Ford Interceptor is Green Compliant and much better on fuel economy. The new vehicle will come with a 5 year 100,000 mile bumper to bumper warranty cutting down on the maintenance costs. The old Crown Victoria is out of warranty and any repair comes straight out of the budget. The cost of this vehicle is approximately \$50,000 outfitted with all the equipment.

Thank you,

A handwritten signature in black ink, appearing to read "David MacDonald".

Chief David MacDonald



11/10/2016

#31-15 (LEAF BLOWERS) COUNCILOR GENTILE'S PROPOSED REVISIONS TO 09/22/2016 DRAFT REDLINE FOR DISCUSSION PURPOSES. (Proposed revisions in bold)

**ARTICLE II.
NOISE**

Sec. 20-13. Noise control.

(a) This ordinance may be cited as the "Noise Control Ordinance of the City of Newton."

(b) *Declaration of findings and policy.* Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefor it is the policy of the City of Newton to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(c) *Scope.* This ordinance shall apply to the control of all sound originating within the limits of the City of Newton except as follows:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities; and
- (2) all snow clearance activities; and
- (3) any program or activity supervised by the parks and recreation department of the city in effect and as it exists on June 1, 1983.

(d) *Definitions.* For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

Construction and demolition: Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil , rocks, concrete, asphalt or other raw material.

Electronic devices: any radio, tape recorder or player, television, phonograph, public address system, loudspeaker, amplified musical instrument or any other similar device, except two-way communication radios.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work: any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR): the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

Leaf blower: any portable motorized device, whether carried or pushed, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, ~~vacuuming~~, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

Motorcycle: any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and mopeds.

Motor vehicles: any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

Noise pollution: a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution.

Tonal sound: any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.
(e) *Noise Pollution prohibited.*

- (1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.
- (2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.
- (3) All noise level measurements made pursuant to subsection (e) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(f) *Time Restrictions.*

- (1) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods:
 - (A) Between 7:00 a.m. and 8:00 p.m. on weekdays; or
 - (B) Between 9:30 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays as established in section 2-26 of these revised ordinances.
- (2) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from construction and demolition activity is prohibited except

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

during the following time periods:

(A) Between 7:00 a.m. and 7:00 p.m. on weekdays; or

(B) Between: 8:00 a.m. and 7:00 p.m. on Saturdays;

(C) Generation of any noise from construction and demolition activity is prohibited at any hour on Sundays and legal holidays as established in section 2-26 of these revised ordinances, except by permit issued in accordance with subsection (h)(1).

(3) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 9:00 p.m. until 7:00 a.m. the following morning.

(4) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic, within three hundred (300) feet of any dwelling, hotel or residence, for a period of greater than five (5) minutes.

(5) Between the hours of midnight and 6:00 a.m. deliveries and pick-ups for commercial or business purposes are prohibited within 300 feet of any dwelling within a residential zone excepting deliveries to such dwellings, deliveries of gasoline to gasoline stations, deliveries or pick-ups at state or federal governmental offices and any other commercial or business delivery or pick-up operation that does not increase noise levels 5dB(A) or more above background noise level. For purposes of this subsection, "deliveries" and "pick-ups" shall include the loading and unloading of a vehicle.

(6) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling.

(7) Between the hours of 11:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City of Newton authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 5dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(g) *Maximum Noise Levels.* Notwithstanding the provisions of subsections (e)(1) and (e)(2), the following are the maximum noise levels that are permitted for the specified purposes:

Maximum noise level dB(A) permitted:

(1) *Vehicles*

Vehicle Class Stationary or Moving

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

All vehicles over 10,000 lbs. GVW
or GCWR 86

All Motorcycles 82

Automobiles and light trucks..... 75

Noise measurements shall be made at a distance of fifty (50) feet from the closest point of pass-by of a source or fifty (50) feet from a stationary vehicle.

(2) Construction and demolition.

The cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dB(A). No individual piece of equipment shall exceed a maximum noise level of 90 dB(A). If noise barriers are used that effectively shield nearby areas from a condition of noise pollution, the following devices shall be exempt from the maximum noise level limitations: jackhammers; pavement breakers; pile drivers; and rock drills.

Maximum noise level dB(A) permitted:

Backhoe, bulldozer, concrete mixer, dump truck, loader, paver, pneumatic tools, roller, scraper 90

Air compressor 85

Generator 90

Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise 75

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

(3) Yard, Garden, or Grounds Maintenance Equipment

Maximum noise level dB(A) permitted:

Commercial Chipper, 3 1/2 inch or greater limb capacity (running at full speed but not chipping) 90

Commercial truck-mounted leaf
vacuum..... 90

All other equipment, including home
tractor, ~~leaf blower~~, lawn mower
or trimmer 65

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

- (4) *Tonal Sound Corrections.* When a tonal sound is emitted by a noise source specified in subsections (g)(1), (g)(2) and (g)(3) herein, the limit on maximum noise levels shall be 5dB(A) lower than as specified in subsections (g)(1), (g)(2) and (g)(3).
- (5) *Maximum Noise Levels for HVAC systems.* No person shall operate any air conditioning, refrigeration or heating equipment for any residence or other structure or operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the background noise level by more than 5 dB(A). This provision shall not apply, however, to periodic or emergency maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order. Noise measurements and noise pollution determinations shall be taken in accordance with subsections (e)(2) and (e)(3).
- (6) *Alternative Measurement Procedures.* If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1), (g)(2) and (g)(3), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.
- (7) All noise-level measurements made pursuant to subsection (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(h) *Restrictions on use of leaf blowers.* Notwithstanding the provisions of sections 20-13 (f) and (g), on or after January 1, 2017 no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton from Memorial Day through Labor Day in each year, **except that one 65 dBA leaf blower per lot may be used during this period to clear walks and driveways of clippings.** At all other times leaf blowers may be operated subject to the following provisions:

(1) Permitted hours of use. Leaf blowers may be operated only during the following times:

Monday – Friday: 8:00 7:00 a.m. – 5:30 5:00 p.m., **except that the City of Newton, through its Parks and Recreation Department, shall be allowed to use leaf blowers prior to 7:00 a.m. for the sole purpose of maintaining city village centers.**

Saturday: 9:30 8:00 a.m. – 5:30 5:00 p.m.

Sundays and legal holidays: prohibited except for operation by a resident of the property on which the leaf blower is operated between 9:30 a.m. and 5:30 p.m.; **and except for operation of leaf blowers on lots over thirty acres used for institutional or recreational purposes between 9:30 a.m. and 12:00 p.m.**

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

(2). Only leaf blowers meeting the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer’s label indicating the model number of the leaf blower;

C. Leaf blowers must bear an affixed manufacturer’s label documenting a noise rating of **65 77 dB(A)** or less; and

D. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower. Non-factory modifications are not permitted.

(3) During times of emergency caused by a storm or other special circumstance, the Mayor or his designee may temporarily suspend application of all or a portion of this section for purposes of cleaning up from such storm or other special circumstance.

~~(4) The Mayor may grant, on a case by case basis, a permit for exemption from all or a portion of this section in accordance with the provisions of section 20-13 (i).~~

(4) No more than three leaf blowers at a time may be operated on a residential lot.

(5) The provisions of section 20-13 (i) shall not apply to leaf blower operation.

∴

(hi) Permits for exemptions from this ordinance and for extensions of time to comply with this ordinance.

(1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account: (i) the extent of noise pollution caused by not requiring such compliance; and (ii) whether reasonable efforts have been made to abate the noise. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. In granting any such permit, the mayor or his designee may impose such appropriate conditions as he deems necessary pursuant to this section. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance. Promptly after issuance, copies of all such permits shall be filed with the clerk of the board of aldermen and to each ward alderman for the affected ward.

(2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-14 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-19

be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

(~~h~~) *Judicial Review.* Any person aggrieved by the grant or denial of a permit pursuant to subsection (h)(1) or an extension of time pursuant to subsection (h)(2) may seek relief therefrom by a civil action in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

(~~j~~) *Penalties.* Violation of any of the provisions of this section shall constitute a misdemeanor and any person, upon conviction of such violation, shall be fined an amount not to exceed three hundred dollars (\$300.00). Each day that such violation continues shall be considered to be a separate offense.

(l) *Enforcement.* The Newton Police Department and the Inspectional Services Department shall be responsible for enforcement of this ordinance. Each department shall document the disposition of all complaints by written report available to the public. The written report shall clearly indicate whether the complaint resulted in a warning or fine. If a warning or fine was not issued for a complaint, the responding city employee shall clearly indicate the reason. For purposes of enforcing sec. 20-13 (h) pertaining to use of leaf blowers, the enforcing department may take into consideration photographs, video, or electronic depiction as evidence of a violation.

(~~k~~) *Non-criminal disposition.* In addition to the penalties set forth in subsection (j), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the Revised Ordinances, as amended, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in Sections 20-21(c) and 20-21(d).

(m) In the event the person in violation of section 20-13 (h) pertaining to leaf blower use is a contractor, the property owner shall be notified of the violation and of any warning or other enforcement issued to the contractor.

(~~h~~) *Severability.* If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83; Ord. No. T-62, 12-4-89; Ord. No. T-200, 12-16-91; Ord. No. V-286, 3-6-00; Ord. Z-32, 7-14-08; Ord. No. Z-78, 02-22-11; Ord. No. Z-104, 04-02-12)

Cross reference—Sounding warning devices on motor vehicles, § 19-72; noise by hawkers and peddlers, § 17-26.

Secs. 20-14—20-19. Reserved.

#31-15 (LEAF BLOWERS)

DRAFT REDLINE FOR DISCUSSION PURPOSES 09/22/2016

(Added language underscored; deleted language struck through)

ARTICLE II.

NOISE

Sec. 20-13. Noise control.

(a) This ordinance may be cited as the "Noise Control Ordinance of the City of Newton."

(b) *Declaration of findings and policy.* Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefore it is the policy of the City of Newton to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(c) *Scope.* This ordinance shall apply to the control of all sound originating within the limits of the City of Newton except as follows:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities; and
- (2) all snow clearance activities; and
- (3) any program or activity supervised by the parks and recreation department of the city in effect and as it exists on June 1, 1983.

(d) *Definitions.* For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

Construction and demolition: Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other raw material.

Electronic devices: any radio, tape recorder or player, television, phonograph, public address system, loudspeaker, amplified musical instrument or any other similar device, except two-way communication radios.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work: any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR): the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

Leaf blower: any portable motorized device, whether carried or pushed, whether powered by gasoline or other fuel, electricity or battery, used in any landscape or property construction or maintenance activity, for the purpose of blowing, dispersing, vacuuming, redistributing, or removing dust, dirt, leaves, grass or plant clippings, litter or other debris.

Motorcycle: any unenclosed motor vehicle having two or three wheels in contact with the ground, including, but not limited to, motor scooters, minibikes, and mopeds.

Motor vehicles: any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

Noise pollution: a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution.

Tonal sound: any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

(e) *Noise Pollution prohibited.*

- (1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.
- (2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.
- (3) All noise level measurements made pursuant to subsection (e) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(f) *Time Restrictions.*

- (1) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods:
 - (A) Between 7:00 a.m. and 8:00 p.m. on weekdays; or
 - (B) Between 9:30 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays as established in section 2-26 of these revised ordinances.
- (2) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from construction and demolition activity is prohibited except during the following time periods:

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

(A) Between 7:00 a.m. and 7:00 p.m. on weekdays; or

(B) Between: 8:00 a.m. and 7:00 p.m. on Saturdays;

(C) Generation of any noise from construction and demolition activity is prohibited at any hour on Sundays and legal holidays as established in section 2-26 of these revised ordinances, except by permit issued in accordance with subsection (h)(1).

(3) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 9:00 p.m. until 7:00 a.m. the following morning.

(4) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic, within three hundred (300) feet of any dwelling, hotel or residence, for a period of greater than five (5) minutes.

(5) Between the hours of midnight and 6:00 a.m. deliveries and pick-ups for commercial or business purposes are prohibited within 300 feet of any dwelling within a residential zone excepting deliveries to such dwellings, deliveries of gasoline to gasoline stations, deliveries or pick-ups at state or federal governmental offices and any other commercial or business delivery or pick-up operation that does not increase noise levels 5dB(A) or more above background noise level. For purposes of this subsection, "deliveries" and "pick-ups" shall include the loading and unloading of a vehicle.

(6) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling.

(7) Between the hours of 11:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City of Newton authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 5dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(g) *Maximum Noise Levels.* Notwithstanding the provisions of subsections (e)(1) and (e)(2), the following are the maximum noise levels that are permitted for the specified purposes:

Maximum noise level dB(A) permitted:

(1) *Vehicles*

Vehicle Class Stationary or Moving

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (9/22/2016)

§ 20-13 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-13

All vehicles over 10,000 lbs. GVW
or GCWR 86

All Motorcycles 82

Automobiles and light trucks..... 75

Noise measurements shall be made at a distance of fifty (50) feet from the closest point of pass-by of a source or fifty (50) feet from a stationary vehicle.

(2) *Construction and demolition.*

The cumulative noise level of all construction and demolition on one site at any one time shall not exceed 90dB(A). No individual piece of equipment shall exceed a maximum noise level of 90 dB(A). If noise barriers are used that effectively shield nearby areas from a condition of noise pollution, the following devices shall be exempt from the maximum noise level limitations: jackhammers; pavement breakers; pile drivers; and rock drills.

Maximum noise level dB(A) permitted:

Backhoe, bulldozer, concrete mixer, dump truck, loader, paver, pneumatic tools, roller, scraper 90

Air compressor 85

Generator 90

Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise 75

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

(3) *Yard, Garden, or Grounds Maintenance Equipment*

Maximum noise level dB(A) permitted:

Commercial Chipper, 3 1/2 inch or greater limb capacity (running at full speed but not chipping) 90

Commercial truck-mounted leaf
vacuum..... 90

All other equipment, including home
tractor, ~~leaf blower~~, lawn mower
or trimmer 65

Noise measurements shall be made at a distance of fifty (50) feet from the source, or from the nearest lot line, whichever distance is less.

- (4) *Tonal Sound Corrections.* When a tonal sound is emitted by a noise source specified in subsections (g)(1), (g)(2) and (g)(3) herein, the limit on maximum noise levels shall be 5dB(A) lower than as specified in subsections (g)(1), (g)(2) and (g)(3).
- (5) *Maximum Noise Levels for HVAC systems.* No person shall operate any air conditioning, refrigeration or heating equipment for any residence or other structure or operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the background noise level by more than 5 dB(A). This provision shall not apply, however, to periodic or emergency maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order. Noise measurements and noise pollution determinations shall be taken in accordance with subsections (e)(2) and (e)(3).
- (6) *Alternative Measurement Procedures.* If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1), (g)(2) and (g)(3), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.
- (7) All noise-level measurements made pursuant to subsection (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(h) Restrictions on use of leaf blowers. Notwithstanding the provisions of sections 20-13 (f) and (g), on or after January 1, 2017 no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton from Memorial Day through Labor Day in each year. At all other times leaf blowers may be operated subject to the following provisions:

(1) Permitted hours of use. Leaf blowers may be operated only during the following times:

Monday – Friday: 8:00 a.m. – 5:30 p.m.

Saturday: 9:30 a.m. – 5:30 p.m.

Sundays and legal holidays: prohibited except for operation by a resident of the property on which the leaf blower is operated between 9:30 a.m. and 5:30 p.m.

(2). Only leaf blowers meeting the following criteria are permitted for use:

A. Leaf blowers must be manufactured after January 1, 2005 for EPA Class 4 engines and after January 1, 2008 for EPA Class 5 engines;

B. Leaf blowers must bear an affixed manufacturer’s label indicating the model number of the leaf blower;

C. Leaf blowers must bear an affixed manufacturer's label documenting a noise rating of 65 dB(A) or less; and

D. Leaf blowers may only be used with any muffler, full extension tube and sound attenuating devices supplied by the manufacturer of the leaf blower. Non-factory modifications are not permitted.

(3) During times of emergency caused by a storm or other special circumstance, the Mayor or his designee may temporarily suspend application of all or a portion of this section for purposes of cleaning up from such storm or other special circumstance.

(4) The Mayor may grant, on a case by case basis, a permit for exemption from all or a portion of this section in accordance with the provisions of section 20-13 (i).

-

(hi) Permits for exemptions from this ordinance and for extensions of time to comply with this ordinance.

(1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account: (i) the extent of noise pollution caused by not requiring such compliance; and (ii) whether reasonable efforts have been made to abate the noise. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. In granting any such permit, the mayor or his designee may impose such appropriate conditions as he deems necessary pursuant to this section. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance. Promptly after issuance, copies of all such permits shall be filed with the clerk of the board of aldermen and to each ward alderman for the affected ward.

(2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

(ij) Judicial Review. Any person aggrieved by the grant or denial of a permit pursuant to subsection (h)(1) or an extension of time pursuant to subsection (h)(2) may seek relief therefrom by a civil action in any court of competent jurisdiction as provided by the laws of the Commonwealth of Massachusetts.

(jk) Penalties. Violation of any of the provisions of this section shall constitute a misdemeanor and any person, upon conviction of such violation, shall be fined an amount not to exceed three hundred dollars (\$300.00). Each day that such violation continues shall be considered to be a separate offense.

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§ 20-14 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-19

(~~k~~) *Non-criminal disposition.* In addition to the penalties set forth in subsection (j), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the Revised Ordinances, as amended, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in Sections 20-21(c) and 20-21(d).

(m) In the event the person in violation of section 20-13 (h) pertaining to leaf blower use is a contractor, the property owner shall be notified of the violation and of any warning or other enforcement issued to the contractor.

(~~h~~) *Severability.* If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83; Ord. No. T-62, 12-4-89; Ord. No. T-200, 12-16-91; Ord. No. V-286, 3-6-00; Ord. Z-32, 7-14-08; Ord. No. Z-78, 02-22-11; Ord. No. Z-104, 04-02-12)

Cross reference—Sounding warning devices on motor vehicles, § 19-72; noise by hawkers and peddlers, § 17-26.

Secs. 20-14—20-19. Reserved.

FINANCIAL IMPACT OF LEAF BLOWER BAN

BEAUTIFICATION

Purchase of two (2) Madvac PS 300 Pedestrian Sweepers	\$15,000-20,000 ea.	\$ 30,000.00
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LEAF REMOVAL

Leaf Removal Contracts

	With Leaf Blower	W/O Leaf Blower	
47 site route	\$ 29,000.00	\$ 29,000.00	\$ -
37 site route	\$ 16,000.00	\$ 18,500.00	\$ 2,500.00
24 site route	\$ 7,000.00	\$ 8,200.00	\$ 1,200.00

FORESTRY

7 to 10 % reduction in work quantity	Overtime	\$ 15,000
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EQUIPMENT

Replacement of current blowers with compliant blowers per ordinance	\$ 7,000
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TOTAL PARKS & RECREATION COSTS	\$ 55,700.00
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Sec. 20-51. Depositing of litter.

No person shall in any manner place or deposit or cause to be placed or deposited on any street or sidewalk, or on any park, playground or other public grounds, or upon any other premises, without the consent of the owner thereof, any noxious substance or liquid or any discarded articles or materials or any dirt, leaves, grass clippings, trimmings from trees or shrubs, wood chips or other yard waste or any rubbish or litter of any kind except in containers set out for collection in accordance with the provisions of Chapter 11 of the Revised Ordinances. (Rev. Ords. 1973, § 14-2; Rev . Ords. 1995, § 20-2)

Sec. 20-21 Sec. 20-21. Enforcing persons and revised ordinances subject to civil fine.

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

.....	<u>PENALTY</u>
() Warning	\$0.00

Sec. 3-29. Removal and disposal of canine waste.

() Any Offense.....	\$50.00
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Sec. 20-13. Noise Control

() First offense in calendar year.....	Warning
() Second offense in calendar year	\$100.00
() Third offense in calendar year	\$200.00
() Fourth or subsequent offense in calendar year	\$300.00

Sec. 20-51 Depositing of Litter

<u>() First offense in calendar year.....</u>	<u>Warning</u>
<u>() Second offense in calendar year</u>	<u>\$100.00</u>
<u>() Third offense in calendar year</u>	<u>\$200.00</u>
<u>() Fourth or subsequent offense in calendar year</u>	<u>\$300.00</u>

Sec. 26-8. Removal of snow and ice from sidewalks in certain districts.



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#378-16

Telephone
(617) 796-1100

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(617) 796-1113

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(617) 796-1089

E-mail
swarren@newtonma.gov

October 31, 2016

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

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to approve the City of Newton, Mass, Proposed Debt Management Policy, dated October 31, 2016.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
NEWTON CITY HALL
2016 OCT 31 PM 2:07
DAVID A. OLSON, CLAS
NEWTON, MA 02459

CITY OF NEWTON, MASSACHUSETTS
DRAFT DEBT MANAGEMENT POLICY
October 31, 2016

The City of Newton uses a variety of capital assets for purpose of providing community services. The assets consist of land; public buildings; community infrastructure (road network; storm and sanitary sewer networks; and water distribution networks) and major pieces of equipment.

The annual Capital Improvement Program (Section 5-3) of the City Charter is used to prioritize capital asset acquisition and improvement plans for the ensuing (5) year period. The Capital Improvement Program represents the City's plan for meeting capital needs, however individual project funding appropriation and funding orders recommended by the Mayor and approved by the Council are required for purposes of executing the capital plan.

Since Newton residents; businesses; visitors and taxpayers benefit from capital assets over a period of years, long term debt financing is the City's primary (but not exclusive) means of funding capital assets and improvements.

All bond authorizations and related capital asset and improvement appropriations originate with a recommendation of the Mayor and require a 2/3 vote of approval by the City Council. Since bond authorizations and related capital appropriations are subject to the referendum provision of the City Charter (Section 10), no such authorization or appropriation is available for obligation until 20 days has passed from the Mayor's signature of the City Council vote on the matter. All authorized and unissued long term debt and issued long term debt is accounted for on the City's general ledger in one of four General Long Term Debt Account Groups (one for debt being repaid from general revenues of the City and one for Stormwater; Sanitary Sewer; and Water debt that is expected to be repaid from dedicated revenues).

Debt limits: Massachusetts municipal finance law limits the total amount of long term debt that the City can incur for most purposes to not more than 5% of the City's equalized valuation (taxable value of the real estate tax base). The City's current equalized valuation is approximately \$26 billion, which means that the current statutory debt limit is approximately \$1.3 billion. In addition to the statutory debt limit, the City of Newton has a self-imposed policy of limiting debt service on long term bonded debt to between 4.5% and 7% of the annual General Fund budget.

Massachusetts General Law Chapter 44, Sections 7 and 8 identify both the purposes for which the City is authorized to fund with long term debt and the maximum term for which debt can be issued. Although all debt issued by the City is general obligation debt (meaning that the full faith and credit of the City has been pledged to support full and timely repayment of all long term debt obligations), debt service on bonded debt that is related to public services that are financed principally from dedicated revenues (water and sewer utilities and community preservation activities) is funded from the dedicated revenue sources and not from general revenues of the City.

Debt structuring: Insofar as the municipal finance laws of the Commonwealth of Massachusetts allow, the City makes every effort to issue debt for a term that approximates the projected useful life of the capital asset or improvement. All bonded debt of the City is issued at fixed rates of interest, based upon

CITY OF NEWTON, MASSACHUSETTS
DRAFT DEBT MANAGEMENT POLICY
October 31, 2016

open and competitive sales. Although bond maturity schedules are generally issued so as to have an equal amount of debt retired each year, the City may structure maturity schedules such that the result is equal annual debt service, if this is determined to be in the best interests of the City.

Debt issuance: In order to assist the City in the efficient and effective planning for new debt issuance and refunding of outstanding debt, the City utilizes the services of an independent professional investment advisor and an attorney with expertise in tax-exempt bond law. Both are compensated on a fee for services basis.

In order to fund necessary capital projects as expenditures are being incurred the City expects to sell long term debt on an annual basis. The timing of annual bond sales is expected to occur following the issuance of the audited Comprehensive Annual Financial Report for the prior fiscal year and at a date that the City's independent financial advisor determines is likely to generate the most favorable financial terms for the City.

Although the City has historically utilized the services of a single credit rating agency for purposes of reporting on the creditworthiness of the City bonded debt, a second credit rating was sought in 2016. Multiple ratings will continue to be acquired if such are determined to be in the best interests of the City by the independent financial advisor and the City's senior financial management team.

All bond sales of the City are to be done through an open and competitive process, with the award being made to the financial institution offering the lowest net interest cost to the City over the term of the debt (including any premium offering).

Debt management practices: In addition to accounting for each debt authorization and debt issuance, the Comptroller of the City is responsible for maintaining a separate accounting of bond proceed sources and uses by individual capital project and improvement within one of several capital project funds on the City's general ledger. The department head to whom a debt financed capital project has been voted has primary responsibility for authorizing expenditures only for those purposes approved in the bond authorization and appropriation recommended by the Mayor and approved by the Council. The Comptroller is authorized to deny any proposed expenditure that he or she determines is not within the project scope and/or does not have a projected useful life that coincides with the term of the debt that has been issued for the project.

Premiums earned on the sale of long term debt are generally general revenues of the City, however, premiums earned on projects that have been approved by the voters of the City for a Proposition 2 ½ debt exclusion, are reserved on the general ledger for appropriation by the Mayor and Council for purposes of reducing the total amount of debt that will be issued for the debt excluded project.

In order to demonstrate compliance with federal requirements for the timely disbursement of bond proceeds, all cash proceeds from the sale of bonds are deposited in a separate money market account maintained by the Treasurer. Based upon the Comptroller's quarterly reports of debt financed project

CITY OF NEWTON, MASSACHUSETTS
DRAFT DEBT MANAGEMENT POLICY
October 31, 2016

disbursements, the Treasurer reimburses general cash for the prior quarter's disbursements. The Comptroller maintains detailed records of debt financed capital project expenditures for arbitrage monitoring purposes.

The City's CFO; Treasurer; and Comptroller are responsible for monitoring the proposed and actual use of tax exempt bond proceeds for any potential "private activity uses" and for promptly notifying bond counsel of any potential issues for his or her review and final advice.

In order to provide investors and credit rating agencies with current information on the financial position and operating results of the City, every effort is made to issue the Budgetary Basis Annual Financial Report by September 1 of each year and the audited Comprehensive Annual Financial Report by December 31 of each year and to make all other required disclosures on a timely and accurate basis. Interim monthly and quarterly reports are also posted on the Comptroller's page of the City web site.

Pursuant to the Massachusetts municipal finance law, any balance that remains in a debt financed capital project, after the project has been completed, is available for re-appropriation by the Mayor and Council for another project for which the City could have borrowed for a term equal or greater than the original purpose.

This Debt Management Policy shall be included with the annual submission of the City's 5-Year Capital Improvement Plan, and shall be reviewed each year as the 5-Year Financial Forecast is prepared.



SETTI D. WARREN
MAYOR

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Office of the Mayor

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October 31, 2016

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

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to authorize the transfer of \$1,405,192 from Acct # 0110771-582A51 to the Override Projects Capital Stabilization Fund.

As you know, in July the City successfully refunded \$65 million of bonds that had been sold in 2009. By moving the resulting savings in this year's budget to the Capital Stabilization Fund, the benefit of this refunding will go far.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Office
2016 OCT 31 PM 2:02
DAVID A. OLSON, OFC
Newton, MA 02459



SETTI D. WARREN
MAYOR

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swarren@newtonma.gov

October 31, 2016

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

Ladies and Gentlemen:

I write to request that your Honorable Council docket for consideration a request to rescind Board Order #279-16 authorizing the City to borrow additional funding in the amount of \$300,000 for the Aquinas Window Project, and replace the funding source for this project by authorizing the appropriation and expenditure of \$300,000 from the Override Projects Capital Stabilization Account.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren
Mayor

RECEIVED
Newton City Hall
2016 OCT 31 PM 2:03
DAVID A. OLSON, CLIC
Newton, MA 02459