



Programs & Services Committee Report

City of Newton In City Council

Wednesday, March 23, 2016

Present: Councilors Rice (Chair), Leary, Hess-Mahan, Kalis, Schwartz, Auchincloss, Baker and Sangiolo

City Staff: David Olson (City Clerk), Karyn Dean (Committee Clerk)

#76-16 Mayor's appointment of Jessica Barton to Urban Tree Commission

JESSICA BARTON, 9 Proctor Street, Newton, appointed as a member of the URBAN TREE COMMISSION for a term to expire February 5, 2018 (60 days 5/6/16) [02/10/16 @ 10:00 AM]

Action: Approved 6-0 (Councilors Baker and Sangiolo not voting)

Note: Ms. Barton joined the Committee. She explained that she has been attending Urban Tree Commission meetings since the fall and learned that the UTC generally advises the City and the City Council on issues relative to trees. She would like to have a part in how trees can add to the experience in the City.

A Councilor asked about the solar panel carports that are being proposed for several sites in the City. While they seem like a good idea in the current climate, they can come at the expense of some trees and that makes their acceptance a more difficult decision. Ms. Barton said the UTC will be meeting on this in the coming week. She did note that at the Newton South site there were only a few small trees that would be removed and ultimately replaced. The Library site, however, has younger trees and some more mature trees that would be removed so she wondered if there might be an alternative to the Library site. Perhaps waiting for more information on how other sites are working would be useful. It is a delicate balance because both the solar panels and the trees are valuable.

The Committee thanked Ms. Barton for being willing to serve and unanimously approved her appointment.

#104-16 Mayor's appointment of Brooke Foucault Welles to Human Rights Commission

BROOKE FOUCAULT WELLES, 9 William Street, Newton, appointed to the HUMAN RIGHTS COMMISSION for a term to expire February 25, 2019 (60 days 5/06/16) [03/07/16 @ 4:37 PM]

Action: Approved 6-0 (Councilors Baker and Sangiolo not voting)

Note: Ms. Welles joined the Committee. She explained that she is an Assistant Professor of Communication Studies at Northeastern University and she studies new media communication and has recently been studying online activism. She is a Newton resident, mother of two and a

member of the First Unitarian Society of Newton all of which heightens her sense of activist sensibilities. She was particularly moved to join the HRC after an experience of housing discrimination she and her family endured relative to the lead paint laws. She wasn't sure where to turn and then found the HRC. This inspired her to attend meetings and she felt the work they were doing was important. Much of the work is non-child-friendly or just child-friendly by accident, however, and she would like to change that. She planned a night of discussions about race and racism with parents and children which went very well.

A Councilor observed that the HRC used to do programming around genocide and the Holocaust at the schools but has seen less of that and would support more, especially considering recent incidents of anti-Semitic graffiti and other activity seen at the schools and at a school event. Ms. Welles said she would like to work in the near term on the issues of race as well as income. She understands the Mayor's office is also working with the schools on some of those issues.

Councilor Kalis moved approval and the Committee voted in favor of Ms. Welles appointment.

- #10-16** **Polling location change from Memorial Spaulding School to Temple Beth Avodah**
NEWTON ELECTION COMMISSION requesting the Newton City Council approve a change of polling location for Ward 8, Precinct 2 from the Memorial Spaulding School to Temple Beth Avodah at 45 Puddingstone Lane, Newton beginning with the September 2016 State Primary Election. [12/17/15 @ 5:21 PM]
- Action:** **Approved 3-1-3 (Councilor Auchincloss opposed; Councilors Baker, Schwartz and Kalis abstaining; Councilor Sangiolo not voting)**

Note: David Olson, City Clerk, joined the Committee. He introduced Election Commissioners Jan Huffman, Marjorie Butler and Nancy Levine; Commissioner John McDermott was unable to attend. Mr. Olson explained that the Election Commissioners made the decision to request the move of polling location from the Memorial Spaulding School to Temple Beth Avodah

Mr. Olson explained that in 2013, the School Department implemented security measures in all the schools. These measures included moving some of the polling locations to different areas of schools and that is what has occurred at Memorial Spaulding. The polls were formerly located in the gym, but the School Department did not feel that was secure as voters had to walk through a hallway to reach the gym. They moved the location to the basement cafeteria, which has a door leading to the outside parking lot. Polls workers and voters could therefore enter the polling area directly without walking through other parts of the school. The basement location has been adequate, but with the presidential election coming up and a significantly higher voter turnout expected than in years past, it is projected to become terribly inadequate. The Election Commission is concerned that the basement set-up will not be suitable to efficiently move voters in and out of the location without causing significant bottlenecks.

Mr. Olson prepared a handout for the Committee which is attached to this report. The handout demonstrates and explains a ranking system that was used to determine the more desirable

location. The criteria included Accessibility, Parking, Visibility, Walking Distance, Function of Space, Security, Public Safety, HVAC and Exclusive Use. Each criteria was given a score from 1-5. On a scale of 1 to 45, Temple Beth Avodah scored 41, while Memorial Spaulding scored 30.

Mr. Olson explained that the two locations are a 1-minute drive and a 3-minute walk apart.

Committee Questions/Comments

It was asked if there might be any conflict with Jewish holidays falling on election days. Mr. Olson explained that the City voted a Charter change so that elections do not have to be held on a Tuesday, which will provide flexibility. That change had been prompted by the desire to accommodate a number of religious holidays last year. The state is also aware of religious holidays and makes accommodations as well. The state primary will be on a Thursday this year in order to avoid religious holidays and Memorial Day and to give enough time for ballots to be printed in time for the November election. The Election Commission worked with the Temple to project out five years and there are no conflicts. The Commission's goal, as well as the state's goal, is to not schedule elections on religious holidays.

There was some concern about the use of the Temple for other events such as weddings or funerals. There was also concern with security as children are there on Tuesdays for Hebrew School. Mr. Olson explained that the security at the Temple is better than at Memorial Spaulding because the Hebrew School and daycare facilities are located in a completely separate building from the polling location. The administrator of the Temple was completely comfortable with that as well as with unexpected events such as funerals. They felt they would be able to make it work and were eager to have the polling location at the Temple.

At Memorial Spaulding there are teacher offices and bathrooms off the polling space and the only way for the children or teachers to get to those are through the polling location. Even though the basement is the most secure area of the building, teachers and children are still regularly traversing the area.

A Committee member asked if any problems had been evident at Memorial Spaulding in the past. Mr. Olson explained that the gym space, which had always been used, worked very well but it was not an option anymore. The safety policy of the School Department necessitated the move to the basement which he believes will not be a workable solution going forward, particularly for a presidential election. Since the move to the basement, the elections have been smaller with turnout of 20% or less with the last presidential election taking place in the gym space. There is an expected turnout of 80% or more for the upcoming presidential election and he feels the basement will be extremely inadequate. He explained further that even if the School Department allowed them back into the gym, the Temple is still a much more desirable and usable polling location overall, based on the scores.

One of the Election Commissioners noted that poll workers at Memorial Spaulding have complained that the space is very uncomfortable. The door leads right into the room which brings

in gusts of cold air for the entire 16 hours they are there. The wind screen does little to mitigate the cold. The space is narrow and movement and flow through the room is difficult. Because the space is right off the parking lot, there are buses and cars as well as trucks making deliveries, all which idle outside the door and exhaust fumes enter the space. Voters may not get the negative impact of the space in the few minutes they are there, but poll workers are there for 16 hours and the impact is significant.

A Committee member asked about the process of notifying the voters so they are aware of the change. Mr. Olson said they are required, by law, to send a mailing to each registered voter in the precinct with the information. On election day, there will be A-frames in front of Memorial Spaulding directing voters to the new location as well as at the Temple identifying it as the new location. A move was recently made from Fire Station One to Grace Episcopal Church which went very smoothly. If the postcard is missed, then signs direct voters to the appropriate location which is very close by. The inconvenience factor would be quite small. The costs involved would be postage for the mailings and a couple of A-frame signs.

A Committee member felt the Temple was not as central a location as the school. Mr. Olson said the criteria are subjective but both locations are very central. Some voting locations are not even within precincts but instead end up in adjacent precincts just because suitable locations are not available.

Some Committee members felt while the assessment has been rigorous, the civic benefit has not been quantified. He said that research shows that people vote differently in schools. There was sentiment that the School Department needed to be more flexible so that the societal benefits would not be lost.

Councilor Lipof noted that for over 35 years the gym was used, it seemed, without any problems. However, he understands that the times have changed and security issues are pressing. He also understands why they see the Temple as a more advantageous location for all the reasons covered in the ranking system. He would have preferred to keep the location in the school, however.

Councilor Lappin was concerned that the civic lesson was being removed from the equation. Parents picking up children would likely be voting there and that would be good for their children to see. She agreed that the basement was not a good spot, but moving it back to the gym might be workable with some extra security. She also heard that the Temple needed two weeks leeway before or after a holiday, but Mr. Olson said they retracted that requirement and now need only a day or two. Councilor Lappin asked if the City was paying the Temple to use the space and Mr. Olson said there was no cost involved. Ultimately, she would rather see the polling location stay at the school, moved to the gym with extra security.

Mr. Olson explained that the Election Commission is not looking to move out of the schools as a policy. The other schools seem to be working well for the most part. The Bowen School hasn't been ideal but they don't really have another option that would work better. They, therefore,

worked with Mike Cronin and the custodian to find a better space within the school and still meet their security protocols. The school will lose its library on election day in order to accommodate the change, but the school was comfortable with that. Other times they have had to move out of schools due to construction.

Some Committee members noted that the poll workers need to be considered, and that most of them are senior citizens. With an 80% turnout expected, the door will be opened all day and that would be very uncomfortable at Memorial Spaulding considering the layout. Also, the basement area is just not suitable in terms of size and flow. Considering that and all the other criteria, the move seems reasonable.

A Councilor noted that when an event like Newtown happens, security needs to be assessed and as a parent, that is of utmost importance. Having lived through that and 9/11, there is an unfortunate reality that security has to be considered.

Councilor Rice noted that both the Waban and Zervas community do not want the polling location moved back to Zervas. Two precincts were moved. Both the Waban Improvement Society and the Zervas PTO donated money to put a ramp in to the Waban Library. The Library loves having the election there and the School loves not having it there due to the logistical problems it had experienced.

Councilor Hess-Mahan moved approval and the Committee voted 3-1-3 to approve with Councilor Auchincloss opposed; Councilors Schwartz and Kalis abstaining; Councilor Baker also abstained because he said he was not there for much of the conversation.

#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]

Action: **Held 8-0**

#31-15(2) **Amend Noise Ordinance restrictions for yard maintenance equipment**
THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]

Action: **Held 8-0**

Note: Councilor Rice reminded Committee members that they had requested a conversation with Police Chief David MacDonald about enforcement; and with Parks & Recreation Commissioner Bob DeRubeis about costs to the City relative to a seasonal leaf blower ban. Both have joined the Committee for the discussion. Councilor Rice also noted that Councilor Gentile has requested that the discussion be referred to Finance Committee in order to review the implications of those costs.

Councilor Leary provided an overview of the larger Special Meeting that took place on March 7th and how the comments and suggestions from those Councilors present were synthesized and incorporated into the current draft ordinance at the regular meeting on March 9th. In summary, based on that input, the Committee decided that keeping the ordinance as simple as possible was the best way to provide compromise and address the concerns that were expressed by the Councilors.

The draft ordinance (attached) now includes:

- Changing the seasonal ban to Memorial Day through Labor Day for everyone including residents, the City and large parcel owners; and maintaining the proposed winter ban from December 15 through March 1; there would be no exemptions
- Maintaining the proposed times and days of operation during non-ban intervals;
- Maintaining the current level of 65db and simplifying the enforcement of the ordinance through manufacturers labeling of dB levels thereby eliminating the need for the decibel meter as a tool of enforcement;
- Maintaining the one blower per 10,000 square feet provision;
- Removing the proposed registration process;
- Making no changes to the current noise ordinance waiver provision and emergency waiver provision; and
- Providing an effective date of January 1, 2017

Councilor Hess-Mahan had also proposed a civil fine for dumping leaves and yard waste in the street as no fines currently exist for that offense. This will be docketed as a separate item which will also be referred to the Finance Committee.

For reference, the reports from the March 7th and March 9th meetings can be found at:

<http://www.newtonma.gov/civicax/filebank/documents/73915/03-07-16%20Programs%20&%20Services%20Report.pdf> and

<http://www.newtonma.gov/civicax/filebank/documents/74207/03-09-16%20Programs%20&%20Services%20Report.pdf>

Police Department Response

Chief of Police, David MacDonald addressed the Committee. He explained that the police would handle a leaf blower complaint as they would any other noise ordinance complaint and would certainly make sure people were in compliance when responding to calls. However, they would not be proactively seeking to enforce the noise ordinance because that sort of enforcement is rife for confrontation and poor morale and his mandate is to establish community relationships. The goal would be, particularly with smaller companies who are working hard in the community and trying their best to work within the laws of the City, to advise and educate first and foremost. If someone or some company became a habitual offender then the police would certainly cite them if found in violation.

It was asked if the police had a way to track how often a particular person or company was in violation. Chief MacDonald noted that when the fines for the noise ordinance were changed to a graduated system, the department had to be proactive in tracking. It was difficult at first to keep track, however, and was, frankly, unwieldy. He believes the department now has a way to simplify that tracking process and it should not be problematic.

Councilor Leary explained that education would be part of the initiative with the new ordinance. Working with the landscaping contractors and drafting best practices with them and community organizations such as *Newton Leaves* could be part of that. As much information as possible relative to the ordinance and the developed best practices would be disseminated to the community and posted on the City's website. She hoped the Police Department could assign a liaison officer who could touch base with the Newton landscapers and perhaps *Newton Leaves* and *Newton Safe and Sound*. She also wanted to be sure that the education component extended to the police officers so that they knew the parameters of the ordinance and there would be no confusion when it came to enforcement.

<http://www.newtonleaves.org>

<http://www.meetup.com/newtonsafeandsound>

Chief MacDonald explained that the department is in the process of restructuring the Community Services Bureau. For the past couple of weeks a sergeant has been working there which the department has not had before. He is envisioning that role as somewhat of an ombudsman for several areas. He would like to see more community policing department-wide, but this particular position would dovetail into a liaison with some of these groups. In the near future, he also hopes to have a community outreach specialist/crime prevention person who can work with the ombudsman position as well.

A Committee member noted that because enforcement will always be a complaint driven process, the goal is to get complaints down to zero; crafting a simple to follow ordinance, offering as much education on it as possible and working with residents and landscaping contractors will be essential to that goal.

It was asked if manufacturers' decibel labels on the machines would facilitate enforcement. Chief MacDonald said if the machine were running when the officer arrived, it would make it very simple to determine if the machine is out of compliance with the ordinance. He reminded the Committee members that if the machine is not running when police arrive, the operator is under no obligation to produce it for inspection. He noted that his past experience as a patrol officer, however, showed him that most people try to follow the laws and usually a reminder or short conversation is sufficient for compliance.

A Committee member asked the Police Chief about a provision allowing one blower per 10,000 square feet of a lot. He said that his officers would certainly not be consulting the assessors database to check lot size. Some cases would be obvious if there were two or three or more blowers on a small lot. It would have to be taken on a case-by-case basis and there needs to be

some room for judgement as was mentioned earlier to promote the community policing and relationships aspect of things.

Parks & Recreation Response

Commissioner DeRubeis joined the Committee. At the last discussion of this item, he had estimated a \$160K increase in costs due to a seasonal ban with the largest area of impact in beautification in the village squares. In terms of maintenance and leaf removal, the ban would not have much of an impact. The contractors and the City workers would still be allowed to use the machines during the seasons when they would most be needed for leaves. The Forestry Division uses leaf blowers at each tree site after removal, pruning or stump grinding; the impact of the seasonal ban would be a 7-10% decrease in productivity in that area. He did not see any impact on the upkeep of the athletic fields as the bulk of that work happens during the allowable times.

A Committee member suggested that the Commissioner speak with representatives in the Town of Lincoln and *Quiet Communities* organization as they have both dealt with restrictions there. There are definite cost implications, on the other hand, there are ways to change practices and cut costs. Lincoln has made a real commitment to balancing the two and it has been paying off. A slight increase in costs can provide a big improvement in the quality of life for Newton residents. It was also pointed out that if there should be an issue or emergency with tree clean-up, there is a waiver provision for such circumstances. The Commissioner felt the emergency waiver provision would be helpful, but in general did not feel the City should not be exempt if a ban is put in place. It does not put the City in a favorable light.

The Commissioner noted that three of their four landscaping contracts are going out soon for the new fiscal year. They will be putting language in the contract to insure compliance for equipment and decibel levels. It was asked if the 65dB machines will make it difficult for contractors to move wet leaves. Commissioner DeRubeis said wet leaves were more difficult to move and many of the contractors use higher dB machines for that reason. A Committee member suggested they could just wait for a drier day to move the leaves. Commissioner DeRubeis said they will do whatever they have to, to be in compliance with the ordinance.

Education and Best Practices

Councilor Leary invited Faith Michaels to share her experiences with the organization *NewtonLeaves* and work she has done with Brookline on education and developing best practices.

Ms. Michael's joined the Committee. She explained that she grew up in Newton and is a landscape designer currently residing in Brookline. She met with a group of stakeholders; Boston College, Brae Burn Country Club and several Newton landscaping contractors to discuss ways to find compromise on this issue. *NewtonLeaves* and *BrooklineLeaves* websites share research and meeting dates as well as the results of a survey which was conducted in Brookline. They had 1300 respondents to the survey which is significant. There is a survey on the *Newton* website which only received 40 responses due to the fact that it was not advertised as well as it had been in Brookline.

Ms. Michaels also put together a pamphlet outlining some best practices for leaf blower use, published in English, Spanish and Portuguese. It also details the Newton and Brookline laws regulating leaf blower use. It was mailed to 200 landscape companies doing business in both Newton and Brookline and is attached. The pamphlets can be printed out from the NewtonLeaves.org website and landscaping company owners are printing them out and distributing them to their crews. She will be driving around in her truck this summer and handing them out as well. The Brookline police have them to distribute and she suggested the Newton police might want to do the same. This educational campaign is a good start and she has received some positive feedback from the landscape professionals.

Any calls or emails of complaint that come to her are being followed up by calls from her to the owners of the landscaping companies to determine what the situation might be and what the solution might be. She feels that the landscape professionals are listening now and realizing that there is an issue that cannot be ignored. They understand the behaviors have to change and that will come with time and education. A Committee member noted that Ms. Michaels did facilitate a conversation with landscaper about a problem that was occurring in the neighborhood and the situation was then much improved.

Brookline has an officer assigned as a liaison on the leaf blower by-law and that is working well. The Town instituted a registration process which she feels will make enforcement easier than it has been. Brookline has been grappling with the leaf blower issue for a while now and she sits on a Moderator's Committee of seven which will be looking at this through the fall. They will then bring a new warrant to Town Meeting and the by-laws might be re-written altogether.

Sense of Committee

Councilor Hess-Mahan was ready to support the current draft. It is a good compromise. Councilor Hess-Mahan reminded the Committee that the Board of Aldermen phased in a lowering of the decibel level from 80-65 over a four year period several years ago. He would not like to see that go back up. California enacted noise and emissions standards and compliance has occurred. The manufacturers are now responding to the laws that are going into effect and making equipment that will do the job and follow the law.

Councilor Kalis wasn't sure yet. He's not sure about the 10,000 square feet measurement. Maybe it should be smaller. The hours in the current noise ordinance should not be changed for the allowable dates. This will require a behavioral change and he would like to have some sort of trial period and be able to bring it back for review. He feels more compromise could bring more Council members onboard. The willingness of Ms. Michaels to work with the landscaping community may lead to changes in behavior which would negate the necessity for some of the regulations under discussion.

Councilor Baker felt this framework can provide the most benefit for the most people. He is supporting this as framed because it creates an envelope of opportunity to do their work and still provide the quality of life people are asking for in the community. Even though there is a strong

constituency who uses landscaping services, there is also a large group who do not and is still affected by them. There will be some challenges but also allows opportunities for education and far fewer complaints and difficulties. Limiting the number of blowers per lot makes enforcement simpler. No decibel meter is needed; more than one on an average lot is a violation. He understands everyone's concerns but the quality of life is the main issue here. Also, the Commissioner of Parks & Recreation told the Committee he would make this work if enacted.

Councilor Leary agreed with Councilor Baker and was cognizant of the quality of life issues. This draft is a reasonable compromise because 65dB is still very loud. Many new regulations are met with resistance and fears of damaging businesses. For example, the car industry claimed that requiring airbags in every car would put them out of business; bar and restaurant owners claimed the non-smoking regulations would put them out of business as well. People rise to the level of expectation within reason and appropriate regulations are reasonable. She felt that this Committee has worked long and hard and has been thoughtful in coming to a compromise in this draft. People deserve to have relief from leaf blowers in the summer months as there are no leaves and alternatives can be found for other types of clean up.

Councilor Schwartz said the concept of a ban was in reaction to the seeming unenforceability of the current noise ordinance. After discussions with the Police Chief, it seems that some changes can help with enforcement such as labels on the leaf blowers. The summer ban seems reasonable as there are no leaves to be moved and seems the least troublesome time to disallow use. He would really like to understand decibels better and wondered if it would be better to have a louder machine doing work for a shorter period of time, or a quieter machine taking longer to do the job. He also thinks enforcing the number of blowers per 10,000 feet would be difficult. He feels that the current draft is close enough for him to support, but he would like to understand the decibel levels better.

Councilor Auchincloss agreed with Councilor Schwartz's comments.

Councilor Sangiolo said she needs to get back up to speed on the discussion since she has been away. The registration requirement seems to be gone from the draft as well as exemptions for large property owners. She had suggested that they allow a higher decibel level and then phase into 65 decibels but she understands why that would seem counterintuitive. She is in favor of the seasonal bans in the draft and reminded everyone that they were considering a full ban. This is much more of a compromise. She needs to consider this a bit more.

Councilor Rice was concerned about the transition from the higher decibel machines to 65 decibels since that seems to be what everyone has been using, in spite of the current ordinance. He felt the snow shoveling ordinance has been working well and this could have a similar effect. Even though there are no fines in the shoveling ordinance thus far, the behaviors are changing for the better.

Next Steps for Committee

Commissioner DeRubeis will revisit the costs based on the new dates and will provide updated numbers for the next discussion. Committee members asked if he could also try to evaluate the cost increase of going from 77dB equipment to 65dB equipment.

Councilor Rice noted that Councilor Gentile asked that this item come to Finance Committee for review. The Committee voted to docket an item for referral to Finance.

As mentioned earlier, an item will also be docketed for a civil fine for dumping leaves and yard waste in the street as no fines currently exist for that offense.

The items will likely be scheduled to return to Committee in April or after budget discussions in early June. After the Committee votes them out, the appropriate items will go to Finance Committee for review.

Meeting adjourned.

Respectfully Submitted,

John B. Rice, Chair

#10-16 Request to Move the Polling Location for Ward 8 Precinct 2

from

Memorial-Spaulding School

to

Temple Beth Avodah

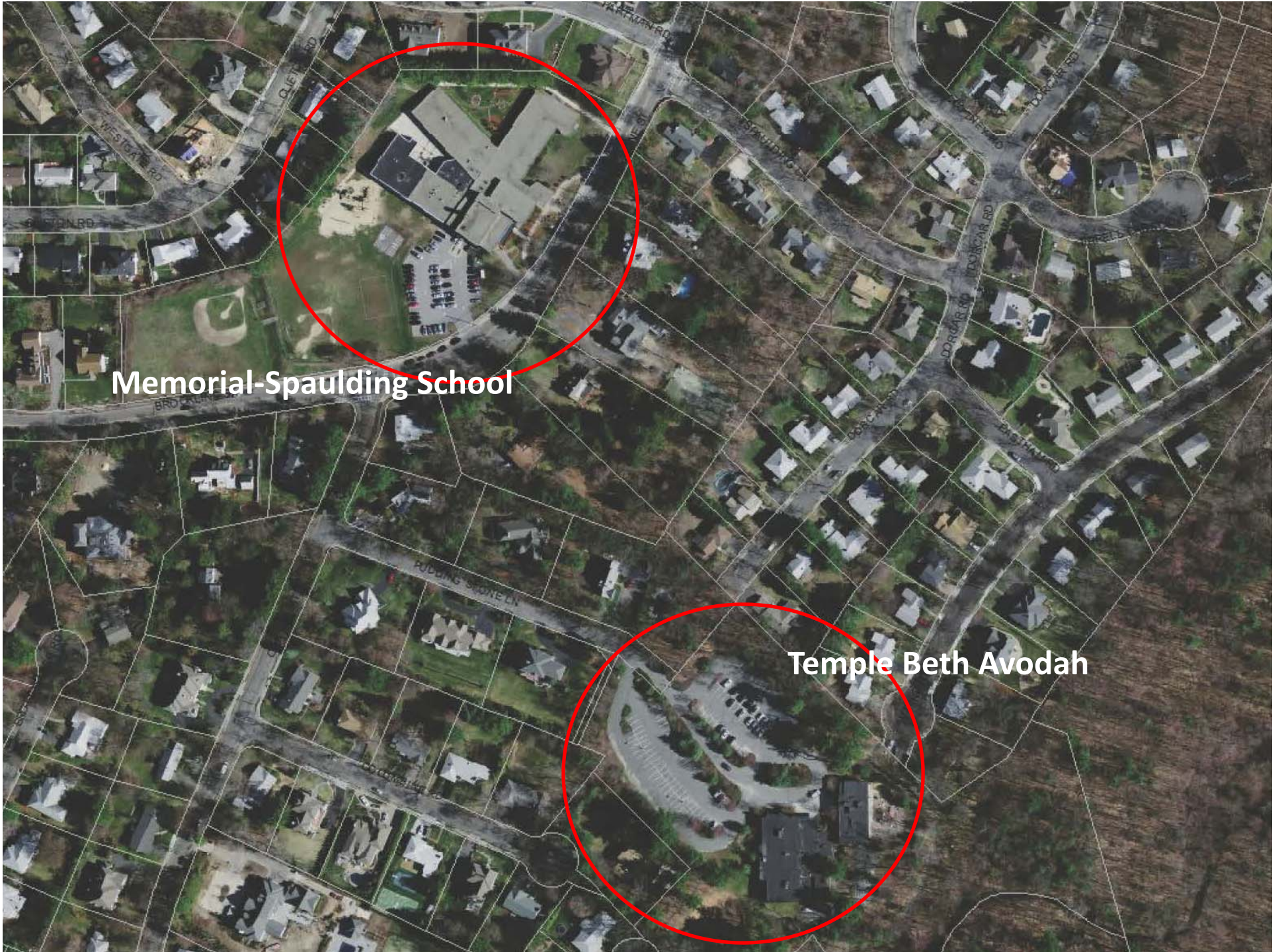
10 Criteria Used to Rank Each Polling Location

9 of the 10 Criteria were Rated on a Scale of 1 to 5

Perfect Score is 45

| WARD | PRECINCT | POLLING LOCATION | Handicap Access | Parking | Visibility | Walking Distance | Bathroom Access |
|------|----------|---------------------------|-----------------|---------|------------|------------------|-----------------|
| 8 | 2 | Memorial Spaulding School | 3 | 2 | 5 | 5 | Y |
| 8 | 2 | Temple Beth Avodah | 5 | 5 | 3 | 5 | Y |

| WARD | PRECINCT | POLLING LOCATION | Function of Space | Security | Public Safety | HVAC | Exclusive Use | Overall Rating |
|------|----------|---------------------------|-------------------|----------|---------------|------|---------------|----------------|
| 8 | 2 | Memorial Spaulding School | 2 | 3 | 5 | 3 | 2 | 30 |
| 8 | 2 | Temple Beth Avodah | 5 | 5 | 5 | 5 | 3 | 41 |



Memorial-Spaudling School

Temple Beth Avodah

Handicap Access



Memorial Spaulding School

2 Handicap Parking Spaces also needed by School.

Handicap Access Rating 3

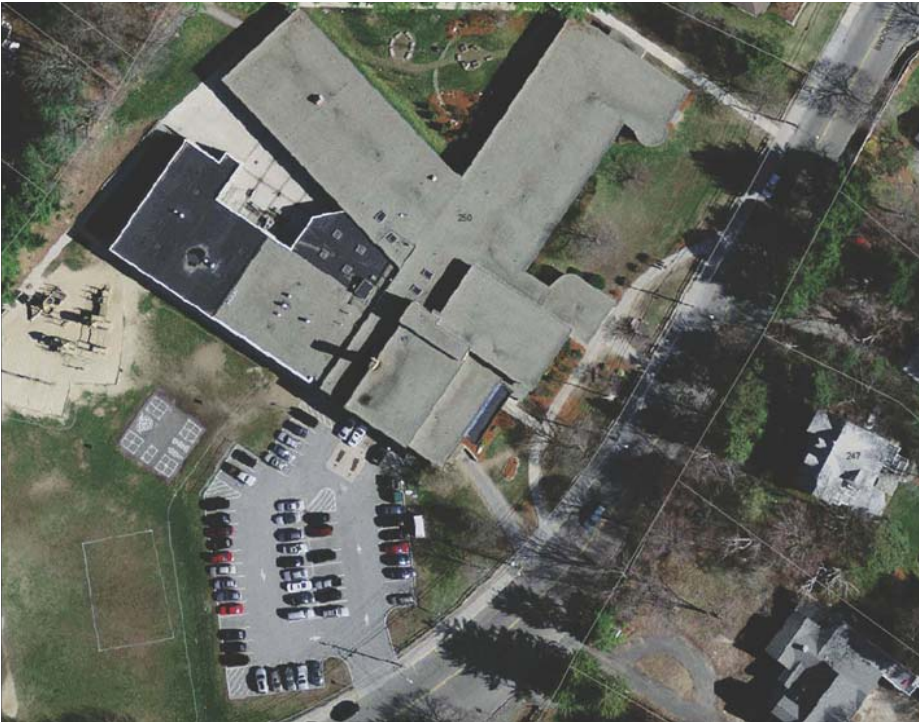


Temple Beth Avodah

9 Handicap Parking Spaces on grade with Entrance.

Handicap Access Rating 5

Parking



Memorial Spaulding School

50 Parking Lot Spaces

(All occupied by School Staff)

On-Street Parking

Parking Rating 2



Temple Beth Avodah

100+ Parking Lot Spaces

Parking Rating 5

Visibility



Memorial Spaulding School

On Brookline Street

Visibility Rating 5

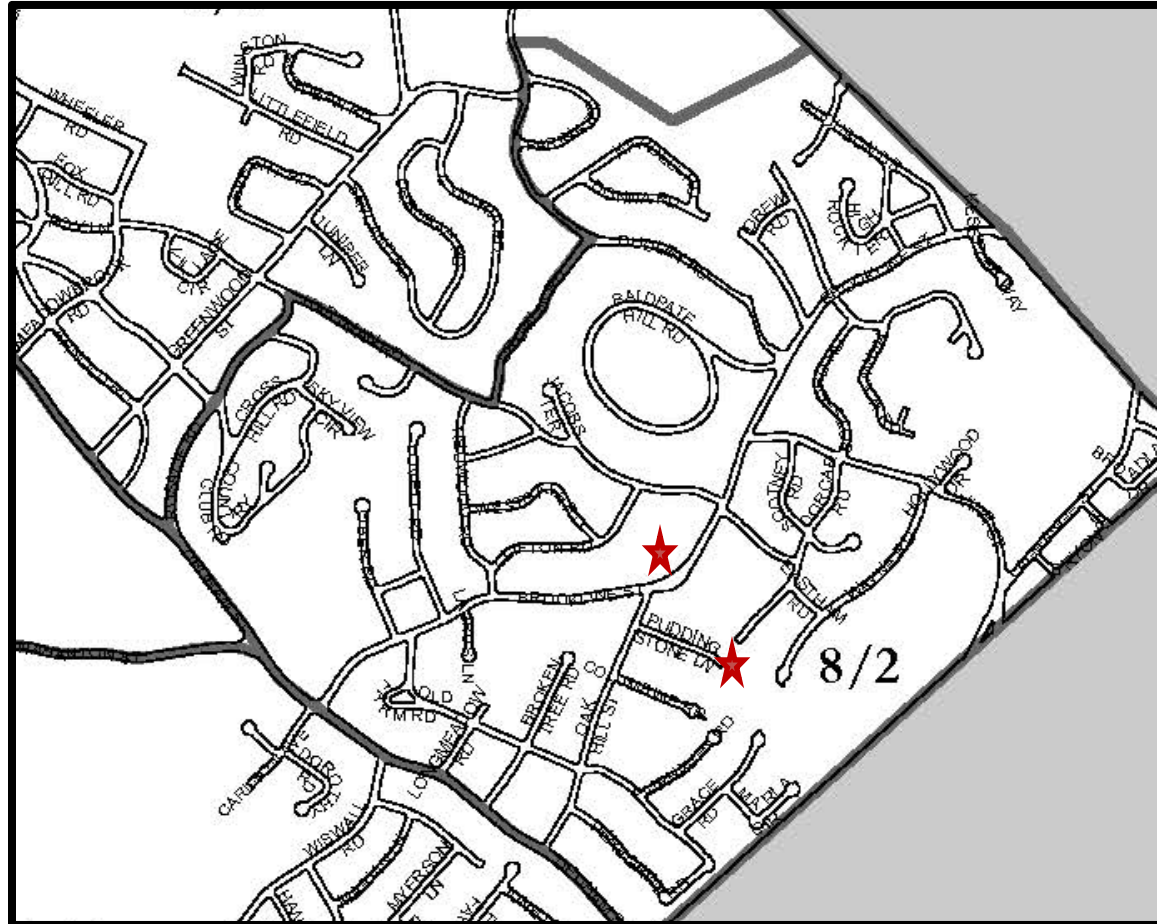


Temple Beth Avodah

Puddingstone Lane

Visibility Rating 3

Walking Distance



Memorial Spaulding School

On Brookline Street

Walking Distance Rating 5

Temple Beth Avodah

Puddingstone Lane

Walking Distance Rating 5

Function of Space



Memorial Spaulding School

Long Narrow School Cafeteria with very tight quarters.

Function Rating 2



Temple Beth Avodah

Large Open Conference Room

Function Rating 5

HVAC



Memorial Spaulding School
Single Door straight to outside
with wind screen.

HVAC Rating 3



Temple Beth Avodah
Double door vestibule with corridor
to voting location.

HVAC Rating 5

#31-15 (LEAF BLOWERS)

DRAFT REDLINE FOR DISCUSSION PURPOSES 03/10/2016

|(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 (~~11/6/2015~~)

§ 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:

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(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

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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

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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 or from December 15 through March 1 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;

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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.

(3) No more than one leaf blower may be used on any lot of 10,000 square feet or smaller. One additional leaf blower may be used for each additional 10,000 square feet or portion thereof comprising one lot.

(4) 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.

(5) 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,

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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.

~~(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.~~

~~(n) 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.

LEAF BLOWERS AND BEST PRACTICES

SOPRADORES DE FOLHAS (LEAF BLOWERS) E A MELHOR MANEIRA DE TRABALHAR COM ELES

SOPLADORES DE LA HOJA Y MEJORES PRÁCTICAS

CURRENT BROOKLINE LEAFBLOWER REGULATIONS

- Gas Powered leaf blower operation is only permitted during two periods during the year: from March 15 - May 15 and Sept 15 - December 15.
- Leaf blowers machines must operate at 67 decibels or less. Electric leaf blowers operating at 67 DB or less may be used any time of the year.
- Hours of operation Monday-Friday 8AM-8PM Saturday, Sundays, Holidays 9AM-8PM

CURRENT NEWTON LEAFBLOWER REGULATIONS

- Gas powered leaf blowers are allowed but must be 65 DB level machines throughout the year.
- Hours of operation Monday-Friday 7AM-8PM Sat, Sun and holiday 9:30AM-8PM

NORMAS ATUAIS EM BROOKLINE PARA SOPRADORES DE FOLHAS (LEAF BLOWERS)

- É permitido utilizar sopradores de folhas, movidos a gasolina, apenas durante dois períodos do ano: do dia 15 de março a 15 de maio do dia 15 de setembro a 15 de dezembro
- Sopradores de folhas devem ser operados a 67 decibéis ou menos.

NORMAS ATUAIS EM NEWTON PARA SOPRADORES DE FOLHAS (LEAF BLOWERS)

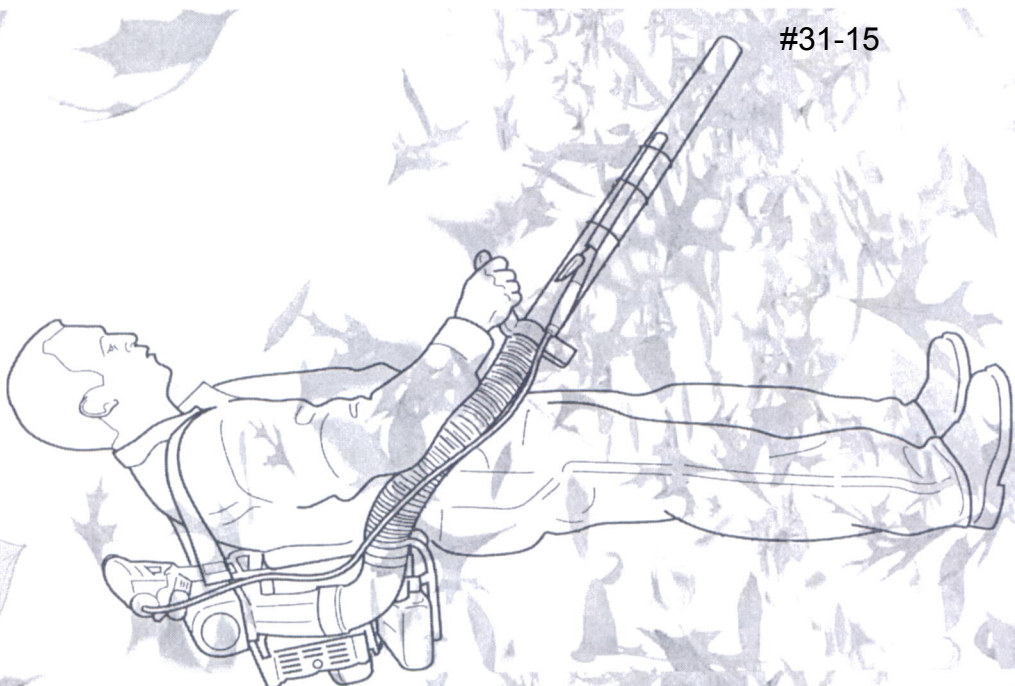
- Sopradores elétricos de folhas que operam a 67 decibéis ou menos podem ser utilizados a qualquer época do ano.
- Horário permitido de segunda-feira a sexta-feira, das 8h às 20h
- Sábado, domingo e feriados 9h a 20h

REGLAMENTO BROOKLINE LEAFBLOWER ACTUALES

- Gas operación soplador de hojas accionado sólo se permite durante dos períodos en el año: Del 15 de Marzo - 15 de Mayo y 15 de Sept - 15 de Diciembre.
- Sopladores de hojas máquinas deben funcionar a 67 decibelios o menos. Sopladores de hojas eléctricos que funcionan a 67 dB o menos se pueden usar en cualquier momento del año.
- El horario de atención de lunes a viernes de 8 AM-8PM Sábado, domingo, días de fiesta 9AM -8PM.

REGLAMENTO NEWTON LEAFBLOWER ACTUALES

- Impulsados por gas sopladores de hojas son permitidos, pero deben estar 65 máquinas de nivel de base de datos.
- El horario de atención de lunes a viernes 7AM-8PM S, D y vacaciones 9:30 - 8PM





LEAF BLOWERS AND BEST PRACTICES.

-What does "Best Practice" mean? It means using the leaf blower in a safe, courteous, responsible and effective manner.

- Follow local rules and ordinances about when to use leaf blowers. Do not use very early in the morning or very late in the day.
- Avoid using more than one blower at a time, especially in neighborhoods or around buildings where sound can be intensified.
- Don't blow leaves out onto the street or onto neighboring properties.
- Use the blower only when necessary and use the lowest possible throttle speed to do the job. Low throttle speeds significantly reduce noise, and they also provide the operator with maximum control. Full throttle is seldom necessary.
- Pay attention when using a leaf blower. Don't point an operating blower in the direction of people, pets or open doors and windows.
- Make sure bystanders, including other operators, are at least 30 feet away. Stop blowing if you are approached.
- Wear hearing protection.
- Use equipment that meets current (2006) EPA emissions standards for leaf blowers.
- Think about the neighbors and neighborhood you are working in. How can you improve their impression of your company and crew?



SOPRADORES DE FOLHAS (LEAF BLOWERS) E A MELHOR MANEIRA DE TRABALHAR COM ELES

-Qual é a melhor maneira? Trata-se de usar o soprador de forma segura, educada, responsável, fazendo uma limpeza bem-feita.

- Siga as regras e normas locais sobre quando se pode usar sopradores de folhas. Não é para utilizá-los de manhã cedo nem muito tarde, quando as pessoas já estão em casa e buscam tranquilidade.
- Evite utilizar mais de um soprador ao mesmo tempo, sobretudo em bairros ou perto de prédios onde o barulho pode ecoar muito.
- Não sopre as folhas para a rua nem para terrenos de vizinhos.
- Utilize o soprador apenas quando necessário e, para fazer a limpeza, ligue na velocidade mais baixa. A velocidade baixa reduz o barulho de forma significativa. Além disso, permite maior controle, para o operador. É desnecessária a velocidade máxima.
- Preste atenção, ao guiar um soprador de folhas. Não o aponte na direção de pessoas, animais de estimação ou portas e janelas abertas.
- Certifique-se de que esteja no mínimo a nove metros de distância de qualquer transeunte, inclusive de outros operadores de soprador. Se alguém se aproximar a você, desligue a máquina.
- Utilize protetores de ouvidos.
- Utilize equipamento que cumpre com os limites atuais (de 2006) da EPA, para emissões de sopradores de folhas.
- Tenha consciência dos moradores e do bairro onde você estiver trabalhando. Como pode contribuir para formar uma boa impressão de sua empresa e a equipe?



SOPRADORES DE LA HOJA Y MEJORES PRÁCTICAS

-¿Qué significa "Best Practice"? Significa utilizar el soplador de hojas de una manera segura, amable, responsable y eficaz.

- Seguir las reglas y ordenanzas locales respecto al uso de sopladores de hojas. No los utilice muy temprano en la mañana o muy tarde en el día.
 - Evitar el uso de más de un ventilador a la vez, especialmente en los barrios o alrededor de los edificios donde el sonido se puede intensificar.
 - No sople las hojas hacia la calle o hacia las fincas de los vecinos.
 - Utilizar el ventilador sólo cuando sea necesario, y utilizar la menor velocidad posible para hacer el trabajo. Las velocidades bajas del acelerador reducen significativamente el ruido, y también proporcionan al operador un control máximo. El nivel máximo de aceleración no siempre es necesario.
 - Prestar atención cuando se utiliza un soplador de hojas. No apunte con el soplador hacia las personas, mascotas, puertas o ventanas abiertas.
 - Asegúrese de que los transeúntes, incluyendo otros operadores, estén por lo menos a 30 pies de distancia y pare el soplador si se están aproximando.
 - Utilizar protección para los oídos.
 - Utilice un equipo que cumpla con los estándares actuales de la EPA (2006) sobre emisiones para sopladores de hojas.
- En general, piense en los vecinos y en el barrio donde está trabajando. ¿Cómo conseguir mejorar la impresión que los vecinos puedan tener de su empresa y de sus colaboradores?