



Programs & Services Committee Report

City of Newton In City Council

Wednesday, September 21, 2016

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

Also Present: Councilors Lennon, Lappin, Cote, Harney and Ciccone

City Staff Present: Bob DeRubeis (Commissioner, Parks & Recreation), John Lojek (Commissioner, Inspectional Services), Karyn Dean (Committee Clerk)

#292-16 **Mayor's appointment of Elizabeth Dugan to the Newton Council on Aging**
HIS HONOR THE MAYOR appointing ELIZABETH DUGAN, 62 Woodcliff Road, Newton as a Commissioner of the COUNCIL ON AGING for a term to expire September 15, 2019. (60 days 11/05/16) [08/04/16 @ 11:34 AM]

Action: **Approved 6-0 (Councilors Schwartz and Hess-Mahan not voting)**

Note: Ms. Dugan joined the Committee and explained that she is a Professor of Gerontology at UMass, Boston and has expertise in issues relative to aging. She felt serving on the Council on Aging would be a good way match her talents with community needs. She also has great respect for the work of Jayne Colino, Director of Senior Services and Marion Knapp, the Chair of the Council on Aging.

A Councilor said she has attended several of the Council on Aging meetings and has witnessed how knowledgeable and helpful Ms. Dugan is and is impressed with her professional accomplishments. Several Committee members joined in expressing their appreciation for Ms. Dugan's willingness to serve. She is an excellent addition to the Council and they feel fortunate to have her serve the City in this capacity.

A Committee member asked about any work being done with seniors and transportation/driving issues. Ms. Dugan explained that she has been working with Uber to get a senior ride service established. There are a few pilot studies being conducted by the Metro West Foundation and it would be wonderful to do that in Newton. Comparatively, there are higher rates of internet and smart phone use by seniors in Newton so this is a great population to introduce to this service. The idea is to offer attractive alternatives to driving when seniors have a decline in health which could impair critical driving skills. It makes the transition out of the driver seat smoother if the person is confident they can still get around when and where they want to. Uber is not a van or bus which may seem unattractive to some. The Uber ride would be seen as low stigma, easy to schedule and accessible. Uber drivers, however, would have to learn about transporting senior riders and some riders may not yet be proficient with a smart phone, so there is still work to be done. This is mutually beneficial as this could be a whole new segment of users for Uber.

Ms. Dugan thanked the Committee for the City Council's support and commitment to the issues of aging. She noted that Jayne Colino has been recognized as the best administrator in the state for senior services and even though the physical building they use is not up to par, the staffing is outstanding. There is a large population of people who will be retiring and that is a tremendous amount of social capital that could be captured if the department had a full-time volunteer coordinator. This could help plug in those people who are retiring with skills who want to stay engaged. There is a tremendous amount of talent in the City. Staying involved also helps the health outcomes of those volunteers as well as contributing greatly to the community.

A Councilor noted that there had been such a position but it was removed for budgetary reasons. It would be nice to have that position restored if the opportunity arises.

Councilor Sangiolo moved approval of Ms. Dugan's appointment and the Committee voted in favor, unanimously.

Referred to Programs & Services and Finance Committees

#306-16 **Request to review and possibly adjust the City Clerk/Clerk of the Council's salary**
COUNCILORS LENNON AND LAPPIN requesting a salary review and possible ordinance amendment to adjust the salary of the City Clerk/Clerk of the City Council pursuant to Article XI of the Rules and Orders of the City Council 2016-2017. 08/24/16 @ 2:41 PM]

Action: **Approved 5-0-1 the recommendation of \$128,269 (Councilor Sangiolo abstaining; Councilor Schwartz not voting)**

Note: President and Vice President of the City Council, Scott Lennon and Cheryl Lappin joined the Committee. President Lennon explained that Article XI of the Rules and Orders of the City Council state that the Council is supposed to review the salary of the City Clerk/Clerk of the Council within 90 days of its election. In the last couple of terms, that had not happened. The conversation started within the 90 days of this most recent election and has continued with the President and Vice President, David Olson, City Clerk/Clerk of the Council and the Executive Department. At this point in time, the President and Vice President would like to recommend a salary of \$128,269.

President Lennon provided Mr. Olson's resume, along with comparative data of current City of Newton Department Heads, as well comparative data of other city and town clerks across the Commonwealth. The information relative to other communities was provided by the Association of City and Town Clerks. Those documents are attached to this report.

Mr. Olson's salary is currently \$116,021. If Mr. Olson were in the City's H-grade system, which he is not, and had received the annual increases in the system, his salary would currently be \$126,748. Back in 2012, a two-part increase had been proposed for his salary. It was raised to \$104,000 in 2012 and the second part of the increase would occur in 2013 bringing it to \$116,000. Mr. Olson had an increase in his duties with the addition of the Election Department. There was some miscommunication that his salary was being raised to \$116,000 because of those added duties,

however, that increase was proposed irrespective on those added duties. Since those duties have been added, it was felt a further increase was warranted. The goal is to get the Clerk's salary appropriate, current and in-line with some other department heads that have comparable responsibilities and staff.

Vice President Lappin noted that the data from other cities and towns is relevant and pointed out that none have 24 members of their legislative body. She felt all the data provided supported the recommendation. Mr. Olson felt his duties and responsibilities were more similar with the position of the City Assessor, whose salary is currently \$130,000. The subsequent conversation with the Executive Department determined there could be a compromise between \$126,748 and \$130,000 with the resulting recommendation of \$128,269.

Mr. Olson stated to President Lennon and Vice President Lappin that he would prefer not to enter into the H-grade system and proposed an amendment to the Council Rules to have his salary reviewed every year instead of every two years.

Committee Questions/Comments

A Councilor asked if the budget data for each of the municipalities was provided. President Lennon explained that the information was self-reported to the Association of City and Town Clerks and he was not sure if that information was provided.

Several Committee members felt that the President and Vice President were admirable in agreeing to a compromise, however, the amount of work that Mr. Olson has taken on and the services that he provides to the Council and the entire City is deserving of even more than \$130,000. It is a unique position when looking at the comparable data from other communities. It was noted that some members in other departments received hefty salary increases in the last fiscal year, so they will keep an eye on that going forward. President Lennon said they had to get some agreement from the Executive Department in terms of their salary structure and how this would fit in. Even though the City Clerk and the Comptroller are under the purview of the City Council, they did need that agreement and felt it was fair compared to other department heads. The conversations were meant to find a balance.

A Councilor noted that the Charter states that the Council has the opportunity to engage its own staff. The Council has never gotten into a constitutional crisis with the Executive Department on this, but it raises the point that the Council has the ability to set the salary by ordinance and there is the question as to whether they need the Executive's approval. It is good to have it and is part of the budget so there should not be too much argument but it should be considered carefully for future use if necessary. There was also a concern that if the salary were set higher, the overall budget for the department may not be raised and then there are fewer resources for the department in general which could be problematic. President Lennon said these conversations have been going on for months so all of these issues have been taken into consideration.

It was asked how the H-grade system works. President Lennon explained that H-grade employees get scheduled automatic increases each fiscal year. Being outside the H-grade system provided greater flexibility for increases and adjustments. Mr. Olson would prefer to have that flexibility and to have that discussion each year.

A Committee member felt that the salary review should be tied to the Clerk's appointment each term and not a yearly event. This would have to be a separate docket item, nonetheless.

Councilor Auchincloss moved approval of the salary recommendation and the Committee voted in favor with Councilor Sangiolo abstaining.

Referred to Programs & Services and Finance Committees

#322-16 Request for \$500,000 for removal of 2,500 tree stumps

HIS HONOR THE MAYOR requesting authorization to appropriate five hundred thousand dollars (\$500,000) from Free Cash for the purpose of funding the removal of approximately 2,500 tree stumps located throughout the City, as a result of the city's aggressive tree removal program to remove the most dangerous trees throughout the City. [09/12/16 @ 3:48 PM]

Action: Approved 6-1-0 (Councilor Auchincloss opposed; Councilor Schwartz not voting)

Note: Bob DeRubeis, Commissioner of Parks & Recreation joined the Committee. He explained that there are 2,500 stumps in the City because they have been aggressively taking down high-risk trees over the past three years. This year 847 have been deemed high-risk and taken down because they could fall and cause property damage or physical harm as has been seen in other communities. Last year 449 were taken down and 412 the year before. Much of the Forestry Division's time has been taken up in this effort. These resulting stumps are unsightly and can cause a tripping risk. They would like to remove those stumps on an aggressive time line and are requesting \$500K to do so. This would include \$165K for equipment; \$10K in operational costs of the grinders; and \$155K for contractor costs. The remainder of \$170K would be for contractual tree removal services.

It was asked how long the grinding machines last. The Commissioner noted that they should last up to 15 years, but they need maintenance as the teeth break fairly consistently. That is why they want to purchase three machines to add to the two they already own. One of them is usually down for repairs.

A Councilor asked if overtime costs were included in this budget. The Commissioner they are trying to complete this project on regular time during the day, as much as possible and they will be using other division members if possible. There will be some overtime, most likely, but it will not be significant. They would not do any of this work at night. The timeline for the removal is 83 days so they can get ahead of the numbers. If they can get to the backlog, they will be able to keep up with the numbers in a more real time fashion as trees continue to be taken down as necessary. The

major problems with stumps are they are unsightly and they are a trip risk. The Commissioner felt this was a good use of resources.

It was asked if the City would be liable if someone were to trip and get hurt on a stump? The consensus was that the City would have some exposure if the stumps were seen as a foreseeable risk.

A Committee member asked if this effort would facilitate the planting of new and replacement trees. The Commissioner said it would make that effort easier and this year the plan is plant over 325. Those numbers have increased from 130 and then 283 over the last two years. Several Committee members were pleased with the increased number of plantings and hoped to see those numbers increase even more in the years to come. Residents like to see trees re-planted in areas that diseased or damaged trees have been removed. There are other sites to plant trees as well, however.

A Councilor asked how loud the grinders were and the Commissioner was unsure. The Councilor asked if some sort of management plan could be prepared and that grinder use could wait until at least 8:00AM. The Commissioner said they will work to be as efficient and non-intrusive as possible. They will also coordinate with Public Works on other street work at the time. It was asked if he could send out notification to ward councilors when work will be done. He mentioned he could also do some leafleting and tree tagging to keep residents informed.

Councilor Auchincloss explained that he would vote in opposition to this expenditure as he felt the costs could be amortized over a couple years instead of in this expedited fashion.

Councilor Hess-Mahan moved approval and the Committee voted in favor with Councilor Auchincloss opposed.

#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: Approved as amended 7-0-1 (Councilor Kalis abstaining); Referred to Finance Committee

Note: The Chair, John Rice explained that the Committee was meeting to conduct a final review of the leaf blower ordinance this evening and to hopefully move this item out of Committee. The Committee had asked to hear one more time from Commissioner of Parks & Recreation, Bob DeRubeis primarily to hear of any possible impact to his department's budget.

Parks & Recreation

The Commissioner explained that as far the Maintenance Division is concerned, he spoke with the three leaf removal landscape contractors that work for the City under his department and the contractors felt that the seasonal summer ban of Memorial Day to Labor Day gave them sufficient

time the rest of the year to complete their work and would not have much of an impact on them or their costs. The winter ban, similarly, was not of great concern depending on weather. However, the bigger concern was the change in the hours of the day, particularly the change in the morning start time from 7:00AM to 8:00AM. They were also concerned with limiting the number of leaf blowers per lot; the current recommendation is one blower per 10,000 square feet. Commonwealth Avenue, for example, is 5 miles long but they were not sure how that would be segmented or how the legal number of leaf blowers would be determined.

The Commissioner reported that Marc Welch, Director of Urban Forestry estimates a loss of 7-10% production in the Forestry Division under the proposed ordinance. He cannot get to as many trees as he would like as it will take longer to clean up without blowers.

As reported in previous meetings, the Beautification Division would be the most impacted. The crews are in the village squares for cleaning before 7:00AM year-round. As has also been discussed in previous meetings, the department is looking at alternative machinery such as street sweepers. When this ordinance was first proposed, the department looked at hand-sweeping and the costs were very high. In the end, they decided it just couldn't be done by hand which is why they looked at the sidewalks sweepers, which could work effectively.

Inspectional Services

Commissioner of Inspectional Services, John Lojek addressed the Committee. He explained that enforcement has always been a difficult issue. When a complaint comes into his department and an inspector is sent out, the landscaping crew is usually gone by the time they arrive, or the operator simply turns the leaf blowers off so a noise reading cannot be taken. They cannot compel someone to turn their machine back on. Accurate noise readings by a meter are difficult to get even if they manage to get one while the leaf blower is on. There are issues of back ground noise and interpretation. He said his department only gets about 6 complaints a year and they have only written 2 tickets. He does not deny that they are a problem at times, however.

Commissioner Lojek felt the proposed ordinance had some merit including the seasonal ban and the decibel levels to some extent. He agreed that the manufacturers' label showing the decibel level on the blower would be much easier to enforce than using a sound meter reading. The number of blowers per lot size would be more difficult as the inspectors would need to know the size of each lot. The standards set in the ordinance will determine how successfully it can be enforced.

Committee Questions/Comments

A Councilor asked if electric blowers could be effective in the summer by the Beautification Division. The Commissioner said that the electric blowers would still be blowing particulate matter and that cannot be done when people are in the village centers. The early start times are necessary to get the job done with the most affect and the least disruption, which is why street sweeper use earlier in the morning would be preferable. Another Committee also noted that the whine from electric blowers is annoying and insidious in its own right.

A Councilor reported that the street sweepers, while useful machines, are a significant investment. It was wondered if they were purchased, could they be in other areas of City work. The Commissioner DeRubeis said they could certainly use the sweepers for other uses such as geese droppings, cleaning school walkways and other smaller roadways which don't allow a large vehicle (such as in Oak Hill). He is positive they will find many good uses for the sweepers other than village center cleaning.

It was asked why the shorter hours would be problematic for the contractors. Commissioner DeRubeis noted that leaf removal doesn't generally start until November, even though the ban will be lifted on Labor Day. This makes for a short leaf removal season particularly if the winter ban goes into effect on December 15th. Shortening the hours allowed makes it all the more difficult, particularly if there is snow. The Commissioner explained that the morning hours are more concerning than the end of the day because it gets dark early which limits work anyway.

A Councilor suggested removing the winter ban and keeping the proposed start time of 8:00AM. That makes the season longer for the contractors, and the early mornings quieter for the residents. Commissioner DeRubeis said that could be beneficial especially when weather plays a role.

A Councilor commended Commissioner DeRubeis and the City for beginning the process of requiring all City contractors to be in compliance with the current noise ordinance by using 65db leaf blowers. This is great leadership and a great example. There has been a noticeable difference in noise and constituents have mentioned this as well. It was asked if the contractors using the lower decibel machines had any complaints. Commissioner DeRubeis said he has not heard any.

A Committee member asked Commissioner Lojek if a registration process would be useful. This would require contractors who work in the City to register with the City and provide information on the leaf blowers they would be using to ensure they are compliant. He felt that process would be helpful because operators can modify their 65db rated machines to be more powerful and thereby more noisy. If they were tested in a registration process and given a sticker that might prevent that. And perhaps a very hefty fine for modifications might also help solve that. He did some merit in limiting the number of blowers to one per lot, under 10,000 square feet. A Councilor said the idea is that more than one leaf blower in close proximity causes a massive increase in the amount of noise. A quick check of the Assessors Database can show an inspector the exact size of any lots in the City with a smartphone or tablet. The Committee chose 10,000 square feet as it is an average size lot in Newton. Commissioner Lojek said the noise can also be exacerbated by multiple companies working on multiple lots on a street at the same time and that cannot be legislated. The Councilor noted that this is not a perfect system, but they are trying to find a balance.

A Councilor felt the manufacturers label should be sufficient for enforcement and instituting a City registration process would add no protections.

Commissioner Lojek noted that the battery power and the way the industry is progressing, this might not be an issue in the next few years. This is what he is seeing in the construction industry. For example, a screw gun now can run 5 times longer on a battery than it did a couple years ago. A Committee member commented that changes are being made due to the demand from consumers, cities and towns across the country for manufacturers to make safer, quieter, less polluting products.

The number of leaf blowers per lot was negotiable for some Committee members. The argument that more sound for a shorter period of time was preferable to a longer period of less noise was put forth and some felt it had merit. Also enforcement could be difficult and time consuming.

A Councilor noted that the Town of Brookline has a suggestion in their current recommendation that a fine go to the homeowner if there is a violation of the leaf blower ordinance. The proposed Newton ordinance has a provision that the homeowner be noticed only. What Newton wants to do is educate the homeowners at this point and this could perhaps be re-visited in the future, but other Committee members did not want to add this provision at this time.

A Committee member said the City is not achieving the goals of the current ordinance. Residents have been complaining about the noise and health issues for a long time now and those complaints are legitimate and should be addressed. There is no blame being assigned and everyone needs to work together to find balance and reasonable accommodation for all involved.

There was some discussion about coordinating the times for use of leaf blower and yard equipment with those for construction equipment. However, it was noted that there has always been a distinction between the two in the ordinance and this ordinance has not created that distinction.

There was some concern from a Committee member that the street sweepers are expensive. It was pointed out that the City is not being required to buy the street sweepers and Parks & Recreation could clean the village centers in ways that are compliant with the noise ordinance by finding other methods. The sweepers were just one suggestion. This is something that could be discussed in Finance Committee.

Amendments

Some Committee members felt the hours of use should be pushed back to 7:00AM from the proposed 8:00AM. Councilor Auchincloss moved to approve that amendment and approval failed to carry 4-4-0 with Councilors Rice, Auchincloss and Sangiolo in favor; and Councilors Leary, Baker, Hess-Mahan and Schwartz opposed.

Overall, the Committee felt that maximizing the ease of enforceability and simplicity of the provisions would be keys to the successful passage of this ordinance as well as to the successful implementation and effectiveness of the ordinance.

Councilor Baker proposed to approve the following amendments:

- Remove winter ban
- Remove restriction of number of leaf blowers per lot
- Add provision that modifications to leaf blowers are prohibited

The Committee voted to approve the ordinance with these amendments 7-0-1 with Councilor Kalis abstaining.

Councilor Rice explained that he had spoken with Finance Committee Chair, Councilor Gentile. Councilor Gentile requested that this item be referred to Finance Committee for review and that he would take it up in a timely manner. If the Chair takes this item up at Finance Committee's October 24th meeting and votes it out, the Committee can expect to see this before the Full Council on November 7th.

The Committee voted unanimously to refer the item to Finance Committee.

#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: The Committee held this item with no discussion.

#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]

Action : Held 8-0

Note: The Committee held this item with no discussion.

Meeting adjourned.

Respectfully Submitted,

John B. Rice, Chair

Department Head Compensation Comparisons

#306-16

Information taken from the FY16 Budget

Arranged by Compensation

Position	Budgeted Compensation			# of Employees	General Fund FY17 Budget
	FY17	Grade	Step		
Chief of Staff	164,007	XXX			
Fire Chief	162,076	XXX		191	21,054,869
Comptroller	147,209	H13	ZZ	8	39,719,836
Public Works Commissioner	141,865	H15	19	130	81,334,318
City Solicitor	140,027	H15	20	13	1,666,765
Police Chief	138,484	H17	14	209	20,779,630
Public Buildings Commissioner	137,958	H14	16	33	4,549,691
Chief Administrative Officer	133,188	H16	14	9	1,024,119
Chairman, Board of Assessors	130,474	H13	24	13	1,261,887
Recreation Commissioner	128,269	H14	18	44	6,311,399
Retirement Director	125,132	XXX		2	
Collector/Treasurer	122,984	H13	20	10	29,184,645
Inspectional Services Commissioner	121,167	H13	19	16	1,585,909
Director of Planning	120,891	H14	14	19	1,689,101
Director of Human Resources	120,000	H13	16	10	1,131,122
Chief Information Officer - IT	119,113	H14	13	13	1,582,471
Manager FIS Information Systems	118,339	H12	21	3	516,847
Health and Human Services Commissioner	117,363	H14	12	42	3,552,938
City Clerk/Clerk of the Board	116,913	XXX		15	1,815,649
City Librarian	115,893	H13	16	71	5,726,495
Senior Center Director	103,949	H10	21	5	649,493
Chief Procurement Officer	103,505	H12	12	5	484,021
Museum Director	93,720	H10	14	4	283,519
Veterans Agent	70,718	H08	4	1	380,177

Department Head Compensation Comparisons

#306-16

Information taken from the FY17 Budget

Arranged by Department Budget

Position	Budgeted Compensation			# of Employees	General Fund FY17 Budget
	FY17	Grade	Step		
Public Works Commissioner	141,865	H15	19	130	81,334,318
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Manager FIS Information Systems	118,339	H12	21	3	516,847
Chief Procurement Officer	103,505	H12	12	5	484,021
Veterans Agent	70,718	H08	4	1	380,177
Museum Director	93,720	H10	14	4	283,519
Chief of Staff	164,007	XXX			
Retirement Director	125,132	XXX		2	



Department Head Compensation Comparisons

Information taken from the FY17 Budget

Arranged by Grade

Position	Budgeted Compensation			# of Employees	General Fund FY17 Budget
	FY17	Grade	Step		
Chief of Staff	164,007	XXX			
Fire Chief	162,076	XXX		191	21,054,869
Retirement Director	125,132	XXX		2	
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Police Chief	138,484	H17	14	209	20,779,630
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Public Works Commissioner	141,865	H15	19	130	81,334,318
Recreation Commissioner	128,269	H14	18	44	6,311,399
Public Buildings Commissioner	137,958	H14	16	33	4,549,691
Director of Planning - Vacant	120,891	H14	14	19	1,689,101
Chief Information Officer - IT	119,113	H14	13	13	1,582,471
Health and Human Services Commissioner	117,363	H14	12	42	3,552,938
Comptroller	147,209	H13	ZZ	8	39,719,836
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Population	City/Town	City or Town	Last	First	Email	Phone	FY16 Salary	Registrar of Vital Records	Birthing Hospital	Burial Agent	Chief Elections Official	Serve as Clerk to the Council/ Selectman	Number of Councilors/ Selectmen	Other Boards/ Commissions which you staff	# Staff (not including Clerk)
185,000	Worcester	C	Rushford	David	clerk@ci.worcester.ma.us	508-799-1121	\$ 151,314	Yes	Yes	Yes	Yes	Yes	11		14 FT
107,300	Cambridge	C	Lopez	Donna	dlopez@cambridgema.gov	617-349-4260	\$ 136,700	Yes	Yes	No	Yes	Yes	9		16 FT
59,352	Waltham	C	Malone	Russ	rmalone@city.waltham.ma.us	781-314-3000	\$ 123,238	Yes	No	No	Yes	Yes	15	Sit on Traffic Council	7 FT; 3 PT
153,060	Springfield	C	Lee	Wayman	wlee@springfieldcityhall.com	413-787-6589	\$ 116,328	Yes	Yes	No	No	Yes	13		11 FT
590,763	Boston	C	Feeney	Maureen	Maureen.E.Feeney@cityofboston.gov	617-635-4600	\$ 99,000	No	--	No	No	Yes	13		8 FT; 5 FT
58,732	Brookline	T	Ward	Patrick	pward@brooklinema.gov	617-730-2200	\$ 109,024	Yes	No	No	Yes	No	5	Town Meeting	4 FT; 1PT
92,413	Quincy	C	Shea	Joseph	jshea@quincyma.gov	617-376-1131	\$ 119,000	Yes	Yes	No	Yes	Yes	9	Licensing Board & Shellfish Warden	8 FT
90,329	Lynn	C	Audley	Mary	maudley@ci.lynn.ma.us	781-598-4000	\$ 126,369	Yes	No	No	Yes	Yes	11	Licensing	7 FT
56,854	Malden	C	Anderson	Karen	kanderson@cityofmalden.org	781-397-7116	\$ 102,734	Yes	No	No	Yes	Yes	11		3 FT; 1 PT
88,857	Fall River	C	Bouchard	Alison	city_clerks@fallriverma.org	508-324-2220	\$ 100,959	Yes	Yes	No	No	Yes	9		4 FT
85,300	Newton	C	Olson	David	dolson@newtonma.gov	617-796-1210	\$ 116,000	Yes	Yes	Yes	Yes	Yes	24	Election Commission	12 FT; 1 PT
31,445	Needham	T	Eaton	Theodora	Teaton@needhamma.gov	781-455-7510	\$ 96,967	Yes	No	No	Yes	No	5	Town Meeting	3 FT; 3 PT
32,165	Watertown	C	Flynn	John	jflynn@watertown-ma.gov	617-972-6486	\$ 90,723	Yes	No	Yes	Yes	No	9	Licensing Board	3 FT
27,982	Wellesley	T	Nagle	Kathleen	knagle@wellesleyma.gov	781-431-1019	\$ 87,534	Yes	No	Yes	Yes	No	5	Town Meeting	2 FT; 1 PT
75,754	Somerville	C	Long	John	jlong@somervillema.gov	617-625-6600	\$ 103,556	Yes	No	No	No	Yes	11		6 FT; 2 PT
11,391	Weston	T	Davenport	Debbie	davenport.d@westonmass.org	781-786-5015	\$ 83,907	Yes	No	No	Yes	No	3	Town Meeting	1 FT; 1PT
95,078	New Bedford	C	Farias	Dennis	dennis-arruda@newbedford-ma.gov	508-979-1450	\$ 84,888	No	--	No	No	Yes	11		10 FT
33,000	Natick	T	Packer	Diane	dpacker@natickma.org	508-647-6432	\$ 82,380	Yes	No	No	Yes	No	5	Town Meeting	3 FT

DAVID ANDREW OLSON

25 Baldwin Street
North Easton, MA 02356

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PROFESSIONAL EXPERIENCE:

THE CITY OF NEWTON, MA

Newton, MA

City Clerk/Clerk of the City Council/Chief Election Official

2006 – present

As City Clerk and Clerk of the City Council I serve as the chief staff officer for Newton's City Council. I am assisted by a staff of thirteen and am responsible for all non-policy aspects of the Council's operations, the daily operations of the City Clerk's Office, the administration and running of Elections in Newton, and the oversight of the City's Municipal Archives Collections. I am responsible for making sure the work of the Council and its committees is carried out at the most effective possible level.

- Review all docket items submitted for consideration by the Council to ensure that the intent of each item is clear and in proper form, and for assisting the President in assigning docket items to appropriate Council Committees;
- Staff all meetings of the full City Council and provide guidance to the President and Vice President, with respect to parliamentary procedure and other matters arising at such meetings based on a solid knowledge of city ordinances and the Rules and Orders of the Council;
- Work with the President, Vice President and the committee chairs to determine what forms of support are required for each committee and its chair;
- Set challenging but realistic standards and expectations for committee clerks in their support of committees and their chairs and provide appropriate orientation, training, and oversight, to ensure that all committee clerks provide such support at a superior level;
- Facilitate contacts for Councilors with city officials and departments and outside agencies, including arranging for preparation of written communications to such persons and agencies requesting information or other assistance and following up, as necessary, on such requests;
- Manage, execute, and administer all legislative business between the City Council and city departments and other agencies and the residents of Newton;
- Work with Councilors to determine what research and archival retrieval is necessary or useful for consideration of docket items, assigns as appropriate to members of the Council Clerk's staff the conduct of such research and retrieval, and oversees the satisfactory completion of such research and retrieval;
- Ensure full compliance with all legal requirements with respect to public notice and other matters pertaining to any meeting of the full Council and of any of its committees;
- Appoint and manage the staff of the Council Clerk, including planning, training, oversight, and evaluation;
- Develop and manage an annual budget within the guidelines provided by the Mayor and the President of the Council;
- Maintain and process all vital statistics for the City of Newton as required by state law;
- Create all statistical reports for the City of Newton required by state law, including but not limited to reports of births, deaths, marriages, and adoptions;
- Maintain all official city records for the legislative branch of government and the various city departments, boards, and commissions;
- Issue all licenses and permits issued by or under the authority of the City of Newton and for maintaining a complete, accurate, and up-to-date file of all such licenses and permits;
- Ensure that all citizen requests for documents and information contained in the files maintained by the office of the City Clerk are answered promptly, courteously, and effectively.

THE TOWN OF EASTON, MA
Elections Warden

Easton, MA
 2008-2013

As an elections Warden for Precinct Two of the Town of Easton, MA I was responsible for scheduling and supervising poll workers for Town and State elections, leading the workers in poll set up and closing and ensuring the smooth operation of the polls during the course of elections. Was responsible for knowing and communicating all relevant election laws and dates and for maintaining order during the election.

THE NEWTON HISTORY MUSEUM AT THE JACKSON HOMESTEAD
Executive Director

Newton, MA
 2001 - 2006

As Executive Director, I was responsible for the general operations of the museum and the oversight of a staff of nine part time employees. The Newton History Museum is owned by the City of Newton and presents exhibits and programs that use Newton as a lens to explore New England History. As Director of the museum I am a department head within the city of Newton and have the city's municipal resources to call on to support the operations of the museum. I am also the director of the Newton Historical Society, a 501-(c)-3 that supports the operations of the museum through fundraising efforts and program development.

- Provided leadership for the Newton History Museum as the institution undertook the American Association of Museums reaccreditation process. Prepared for reaccreditation by undertaking team planning that included staff members, board members and members of the community;
- Supervised museum staff members including the assignment of staff to programs;
- Developed, researched, created and built changing exhibits for the Museum's Gallery spaces;
- Encouraged excellence in programs including their adherence to the museum's mission, initiatives, and current projects;
- Develop and administer the annual budget of the museum in conjunction with the Mayor, Trustees, staff and Board members.

THE HOUSE OF THE SEVEN GABLES HISTORIC SITES
Museum Director

Salem, MA
 1997 - 2001

As Museum Director, I oversee the departments of Interpretation, Research, Exhibits, Visitor Services, Public Programs, and Educational Programs. I am responsible for assisting with Development initiatives and in creating the yearly budgets and long range plans for both The House of the Seven Gables Historic Sites and the living history museum; Salem 1630: Pioneer Village. I am responsible for communicating the progress of both current initiatives and plans for the future to the board of Trustees and chair several advisory committees. I oversee a staff of 12 fulltime and 40 seasonal individuals.

- Supervise museum staff members including the assignment of staff to programs;
- Develop, research, create and build changing exhibits for the museum;
- Undertake fund raising activities, grant writing, and the administration of grants;
- Encourage excellence in programs including their adherence to the institution's mission, initiatives, and current projects;
- Develop and administer the annual budget of the museum in conjunction with staff and Board members.

MISSOURI HISTORICAL SOCIETY
Assistant Director of Community Programs/Education

St. Louis, MO
 1995 - 1997

As Assistant Director, I was responsible for creating educational programs for adults, families, and students that supported the institution's exhibits, and furthered the mission and objectives of the Society. A staff of 4 reported directly to me with 4 additional staff in the division. I was responsible for developing and overseeing the yearly planning and budget of the division (\$750,000 in 1997).

- Provided leadership for the Missouri Historical Society's (MHS) Education and Community Programs Division, which was responsible for developing educational programs. Program development was undertaken through team planning in conjunction with Community Programs staff members, staff from other MHS divisions, volunteers, and members of the community;
- Supervised Education and Community Programs Division staff members including the assignment of staff to programs. For major initiatives this involved the creation of program teams that included staff from other divisions;
- Served as educational coordinator and audience advocate on exhibit development teams;

- Coordinated MHS education and community programs;
- Assisted with fund-raising activities, grant writing, and the administration of grants;
- Ensured the excellence of MHS programs including their adherence to the Society's mission, initiatives, and current projects;
- Developed and administered the annual budget of the Education and Community Programs Division;
- Monitored progress of all Community Programs projects;
- Served as team leader for selected MHS program development projects;
- Developed appropriate evaluation strategies for MHS community and educational programs, analyzed results, and reported them to the Director of Education and Community Programs;
- Developed promotional materials for programs following established institutional procedures for editing, design, etc.;
- Completed monthly reports and other assigned reports.

BUSINESS RESEARCH DIVISION (BRD), UNIVERSITY OF COLORADO

Boulder, CO

Professional Research Assistant, Faculty Position

1994 - 1995

As a faculty member of the Research Division team, I worked with division members to provide support to college faculty as well as conduct research for, and disseminate information to, the Colorado business, nonprofit, and government communities.

- Conducted contract research with nonprofits, government agencies, and businesses in Colorado. Research included: market surveys, economic impact studies, organizational diagnosis, etc.;
- Provided support to faculty and staff with federal, state and local grant writing, and disseminated information on grant opportunities through the production, design and layout of the publication *College of Business, Contracts and Grants Newsletter*;
- Organized and maintained the Division's Colorado Collection Research Library. This reference center contains current information on the Colorado economy, its businesses, and relevant statistical information for Colorado business decision-makers;
- Supervised and coordinated the work of up to five Graduate Assistants in the Business Research Division;
- Organized and gathered information for the yearly Colorado Business Economic Outlook Forum including production of an outlook booklet and slide presentation;
- Coordinator of, and staff writer for, the publication *The Colorado Business Review*.

EDUCATION:

NEW ENGLAND MUNICIPAL CLERKS INSTITUTE

Burlington, VT

Certified Municipal Clerk, President of the Class of 2009

2007-2009

UNIVERSITY OF COLORADO AT BOULDER

Boulder, CO

Masters in Business Administration, Major: Organizational Management

1992 - 1994

MASSACHUSETTS COLLEGE OF ART

Boston, MA

Bachelor of Fine Arts: Three Dimensional Design

1979 - 1983

UNIVERSITY OF COLORADO AT BOULDER

Boulder, CO

Coursework in Algebra and Calculus

1992

MASSASOIT COMMUNITY COLLEGE

Brockton, MA

Coursework in Accounting and French Language

1982

PROFESSIONAL ORGANIZATIONS:

- New England Association of City and Town Clerks
- Massachusetts Association of Town Clerks
- Massachusetts Association of City Clerks- Treasurer
- International Institute of Municipal Clerks
- American Association of Museums (AAM)

MA STATE APPOINTMENTS:

- Notaries Public
- Justice of the Peace
- Commissioner to Qualify

#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).

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(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.

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

§ 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.

**Proposed Leaf Blower Ordinance Amendment (Docket #31-15)
Comparison with Current Ordinance**

CURRENT NOISE ORDINANCE §20-13	PROPOSED AMENDMENT to §20-13 (effective date 1/1/2017)
1. No definition of leaf blower	1. Adds new definition of leaf blower
2. Year round use allowed	2. Bans summer use from Memorial Day to Labor Day, including City employees & contractors.
3. Allowed Hours of Operation: M-F: 7am-8pm Sat. Sun. Legal Holidays: 9:30 am-8 pm	3. Allowed Hours of Operation: M-F: 8 am-5:30 pm Sat: 9:30 am-5:30 pm Sun. & legal holidays: operation by resident of premises 9:30 am-5:30 pm
4. 65 dB(A) maximum limit, measured by dB(A) meter.	4. 65 dB(A) maximum limit (no change) – but leaf blower must bear manufacturer’s label with model number and decibel rating of 65 dB(A) or less.
5. no other restriction	5. Other restrictions: operator must use all mufflers, etc. supplied by manufacturer; no non-factory modifications allowed; must be manufactured after 2005 or 2008 depending on listed engine type.
6. General noise ordinance waiver process applies - Mayor may grant exemption on case by case basis due to hardship	6. No change – general noise ordinance waver process applies - Mayor may grant exemption on case by case basis due to hardship.
7. n/a	7. Mayor may suspend rules during time of emergency due to storm or other special circumstance.
8. n/a	8. If violator is a contractor, property owner will be notified of the violation and of any warning or other enforcement issued to the contractor.
9. Graduated fines: warning, \$100, \$200, \$300	9. No change - same fines apply
10. Current ordinance applies to all landscaping equipment, including leaf blowers	10. New restrictions apply to leaf blowers <u>only</u> . Current ordinance hours, year round use, dB(A) limits, etc. will still apply for all other landscaping equipment

CITY OF NEWTON

IN CITY COUNCIL

ORDINANCE NO.

September , 2016

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to **Article II** of **Chapter 20** follows:

1. **Insert**, in Sec. 20-13 (d) the following new definition:

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.

2. **Delete**, in Sec. 20-13 (g) (3), the words “leaf blower” where they occur in the paragraph beginning “All other equipment ...” .
3. **Insert**, after Sec. 20-13 (g) the following new sub-section (h) and re-letter the following subsections accordingly.

(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:

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

(B) Saturday: 9:30 a.m. – 5:30 p.m.

(C) 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).

4. **Insert** after newly re-lettered Sec. 20-13 (l) the following new subsection (m) and re-letter the remaining subsection accordingly.

(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.

Approved as to legal form and character:

DONNALYN LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor