

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, SEPTEMBER 9, 2015

7:00PM – NOTE EARLY START

ALDERMANIC CHAMBER/ROOM 211

ITEMS SCHEDULED FOR DISCUSSION:

Chairman’s Note: Representatives from Brookline will join the Committee to share their experience in crafting the Town’s leaf blower ordinance.

Please note: There will be no substantive discussion relative to amending the leaf blower ordinance and no vote will be taken at this meeting. The Chairman will announce a date for the next working session on the proposed ordinance.

#31-15 PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20PM]

#31-15(2) 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 @ 12:14PM]

Appointment by His Honor the Mayor

#183-15 DEBORAH YOUNGBLOOD, appointed as the Commissioner of Health and Human Services, effective September 22, 2015 pursuant to Section 3-3 of the City of Newton Charter. [08/03/15 @ 2:15PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#214-15 HIS HONOR THE MAYOR requesting authorization to transfer the sum of fifty-nine thousand two hundred thirty-three dollars (\$59,233) from budget reserve to the following accounts in the City Clerk Department for the purpose of funding the preliminary election:

Seasonal Wages	\$16,840
(0110105-512001)	
Work by Other Departments	\$42,393
(0110105-513004)	

The location of this meeting is handicap accessible and reasonable accommodations will be provided to persons requiring assistance. If you need a special accommodation, *please contact Jini Fairley, at least two days in advance of the meeting: jfairley@newtonma.gov, or 617-796-1253. For Telecommunications Relay Service dial 711.*

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#215-15 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred three thousand eight hundred fifty dollars (\$203,850) from bonded indebtedness for the purpose of purchasing a Library Automated Material Handling Check-in/Sorter Unit. [08/31/15 3:08 PM]

#184-15 ALD. SANGIOLO AND HARNEY, on behalf of Newton Lower Falls resident, Anthony Munchak, requesting a non-binding question be placed on the November 3, 2015 municipal ballot to gauge voter sentiment regarding bans on plastic bags, polystyrene and leaf blowers. [08/03/15 @ 2:15PM]

REFERRED TO ZAP, PROG & SERV AND FINANCE COMMITTEES

#397-13(3) ALD. SANGIOLO AND DANBERG requesting creation of an ordinance to protect trees deemed ~~historie~~ significant by the ~~Historical Commission and the~~ City's Tree Warden with the advice and counsel of the Urban Tree Commission. [05/05/14 @ 4:32 PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:**REFERRED TO PROGRAMS&SERVICES AND PUBLIC FACILITIES COMMITTEES**

- #201-15 ALD. SANGIOLO requesting a discussion with the Commissioner of Public Buildings, the Commissioner of Parks and Recreation, and the Executive Department regarding the condition of the property located at 246 Dudley Road (Kennard Estate) and how much, if any, repairs and upgrades will be needed as the City relocates the Parks and Recreation Department to that location. [09/01/15 @ 4:00 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #141-15(3) PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE requesting a RESOLUTION from the Board of Aldermen to His Honor the Mayor requesting that he, on behalf of the city, complement ongoing discussion with National Grid by preparing and filing litigation to recover damages and appropriate remediation and prevention relating to harm to City trees from gas leaks from National Grid infrastructure. [07/15/15 @ 8:30 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #141-15 ALD. BROUSAL-GLASER, SANGIOLO, HESS-MAHAN, COTE, NORTON AND ALBRIGHT requesting a discussion with *the Director of Urban Forestry*, a representative of the Department of Public Works and a representative of the Law Department about tracking and improving the condition of the gas utility infrastructure in Newton, new state statutes governing infrastructure repairs, coordination of increased repair work with city operations, the status of negotiations with National Grid to compensate for tree deaths resulting from gas leaks, and the possibility of creating a utilities working group to monitor progress on these and related issues. [05/26/15 @ 2:52 PM]
- #126-15 ALD. JOHNSON, ALBRIGHT, NORTON AND SCHOOL COMMITTEE MEMBER ALBRIGHT requesting a discussion with the Newton School Department, Newton North High School principal, and the Newton Police Department regarding ways to address the student smoking issue at Newton North High School. [05/11/15 @ 9:30AM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #140-15 PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES requesting that the School Department and/or the Executive Department provide updates on the progress of the potential purchase of the Aquinas site as well as short and long term plans for uses and operations at the site. [05/20/15 @ 8:53 PM]

REFERRED TO PROG. & SERVICES AND ZONING & PLANNING COMMITTEES

- #127-15 ALD. SANGIOLO requesting discussion with Health Department, Inspectional Services Department and the Economic Development Commission regarding the policy of food truck operations in the City of Newton. [05/11/15 @ 10:22AM]

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

- #46-15 ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of Department of Public Works and the School Department to determine and discuss parking options including use of school properties based on the current municipal parking lot programs including the issuance of permits. [02/11/15 @ 1:35 PM]
- #10-15 ALD. HESS-MAHAN, BAKER, BROUSAL-GLASER, COTE, JOHNSON, SANGIOLO proposing a RESOLUTION requesting the Licensing Commission to adopt a policy requiring all applicants for a license to notify the Aldermen from the respective ward whenever applicants are required to send legal notice to abutters, public or private schools, churches, synagogues, religious institutions of worship and/or hospitals within 500 feet from the proposed licensed premises regarding their application. [12/29/14 @ 12:17 PM]
- #483-14 PROGRAMS & SERVICES COMMITTEE proposing a RESOLUTION to promote a cooperative program with food establishments in the City, the Newton-Needham Chamber of Commerce, the Economic Development Commission, the Director of Economic Development and members of the Board of Aldermen, to find opportunities for these establishments to provide their food services for events in the City. [12/02/14 @ 3:56PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #464-14 ALD. SANGIOLO requesting discussion with the Department of Veteran's Services and the Executive Department regarding updates on programming at the Newton Senior Center and budgeting for new initiatives.[11/24/14 @ 3:41PM]
- #377-14 THE PROGRAMS & SERVICES COMMITTEE requesting a discussion with the Director of Senior Services, the Council on Aging and the Executive Department relative to changes in the use of the Senior Center at 345 Walnut Street. [10/16/14 @ 5:43PM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #375-14 HIS HONOR THE MAYOR submitting the FY16-FY20 Capital Improvement Plan pursuant to section 5-3 of the Newton City Charter. [10/15/14 @ 3:01 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #216-14 ALD. HESS-MAHAN, ALBRIGHT, BAKER, CROSSLEY, NORTON AND SANGIOLO proposing the following amendments to Chapter 12 Health and Human Services of the Revised Ordinances to:

- require owners of dwellings requiring a Certificate of Habitability under Section 12-1 and real estate agents/brokers who receive compensation in connection with the particular real estate transaction to notify the Commissioner of Health and Human Services whenever an apartment, tenement, or room in a lodging house is vacated by the occupant or when an area in an existing building is converted to a condominium prior to being reoccupied by a new tenant, lodger or occupant;
- require educational institutions to disclose addresses of undergraduates living off-campus in Newton;
- require a fee for certification; and
- impose a fine for violation of these provisions. [05/14/14 @ 11:51 AM]

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES

#119-14 ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc., that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

#59-14 ALD. HESS-MAHAN AND BLAZAR requesting discussion with the Executive Department and the Health Care Advisory Committee concerning plans to implement recommendations contained in the First Report of the Health Care Advisory Committee to control the cost of health insurance while improving or maintaining the quality of care. [02/18/14 @ 6:39 PM]

REFERRED TO FINANCE AND PROGRAMS & SERVICES COMMITTEE

#402-13 ALD. FULLER, GENTILE, RICE and LINSKY requesting a Home Rule Petition to amend Article 9 of the Charter to clarify that Neighborhood Area Councils shall maintain and control their own financial accounts and records, independent of City finances; and to further clarify that such independent financial accounts and records shall remain subject to City audit. [10/28/13 @ 10:18 AM]

#398-13 ALD. BAKER & DANBERG requesting a discussion of a possible ordinance, regulations or otherwise, to complement zoning regulation of any licensed Registered Marijuana Dispensaries to respond to any secondary impacts so as to make the operation of such dispensaries as successful as possible. [10/28/13 @ 10:00 AM]

#34-13 ALD. DANBERG, ALBRIGHT, BLAZAR, RICE, LINSKY AND CROSSLEY requesting a prohibition on polystyrene-based disposable food or beverage containers in the City of Newton if that packaging takes place on the premises of food establishments within the City. [01/03/13 @ 11:01 AM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

- #254-12(3) PROGRAMS & SERVICES COMMITTEE proposing an ordinance to require a fee, charged to consumers, for the use of paper bags at certain retail establishments in the City of Newton. [01/10/14 @ 3:36 pm]
- #229-12 RECODIFICATION COMMITTEE recommending a review and possible amendment to the *Board of Aldermen Rules & Orders 2012-2013* relative to review of draft ordinances by the Law Department.
- #199-13 ALD. JOHNSON AND SANGIOLO requesting an update from the School Committee and School Department regarding the request from the Board of Aldermen to reduce the family cap on activity fees. [05/20/13 @ 11:05 PM]

REFERRED TO PROG & SERV, PUB. FACIL. AND FINANCE COMMITTEES

- #312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10/27/10 @ 11:07 AM]

Respectfully Submitted,

Amy Mah Sangiolo

**ARTICLE 8.15
NOISE CONTROL**

SECTION 8.15.1 SHORT TITLE

This By-law may be cited as the "Noise Control By-law of The Town of Brookline".

SECTION 8.15.2 DECLARATION OF FINDINGS,
 POLICY AND SCOPE

(a) Whereas excessive Noise 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 Noise may be substantially abated; and whereas the people have a right to and should be ensured an environment free from excessive Noise that may jeopardize their health or welfare or safety or degrade the quality of life; now, therefore, it is the policy of the Town of Brookline to prevent excessive Noise which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(b) Scope.

This By-law shall apply to the control of all sound originating within the limits of the Town of Brookline.

1. Provisions in this By-law shall not apply to the emission of sound for the purpose of alerting persons to the existence of an emergency or to the emission of sound in the performance of emergency work or in training exercises related to emergency activities, and in the performance of public safety activities.
2. Emergency generators used for power outages or testing are exempt from this By-law. However, generator testing must be done during daylight hours.
3. Noncommercial public speaking and public assembly activities as guaranteed by state and federal constitutions shall be exempt from the operation of this By-law.

SECTION 8.15.3 DEFINITIONS

(a) Ambient or Background Noise Level: Is the term used to describe the Noise measured in the absence of the Noise under investigation. It shall be calculated using the average lowest sound pressure level measured over a period of not less than five minutes using a sound pressure level meter set for slow response on the "A" weighting filter in a specific area of the town under investigation.

(b) Construction and Demolition: Any site preparation, assembly erection, substantial repair, alteration, destruction or similar action for public or private rights-of-way, structures, utilities, or similar property.

(c) Day: 7:01 AM - 10:59 PM and Night: 11:00 PM – 7:00 AM

(d) Electronic Devices: Any radio, tape recorder, television, CD, stereo, public address system, loud speaker, amplified musical instrument including a hand held device, and any other electronic noise producing equipment.

Exemption: two-way communication radios used for emergency, safety and public works requirements.

(e) Emergencies: Any occurrence or set of circumstances necessary to restore, preserve, protect or save lives or property from imminent danger of loss or harm.

(f) Decibels (dB): The decibel is used to measure sound pressure level. The dB is a logarithmic unit used to describe a ratio of sound pressure, loudness, power, voltage and several other things.

(g) Decibels “A” weighted scale (dBA): The most widely used sound level filter is the “A” weighted scale. This filter simulates the average human hearing profile. Using the “A” weighted scale, the meter is less sensitive to very low and high frequencies.

(h) Decibels “C” weighted scale (dBC): The “C” filter uses little filtering and has nearly a flat frequency response (equal magnitude of frequencies) throughout the audio range.

(i) Fixed Plant Equipment: Any equipment such as generators, air conditioners, compressors, engines, pumps, refrigeration units, fans, boilers, heat pumps and similar equipment.

(j) Frequency response: Is the measure of any system’s response at the output to a signal of varying frequency but constant amplitude at its input. The theoretical frequency range for humans is 20 - 20,000 cycles/second (Hz).

(k) Hertz (Hz): Cycles per Second (cps).

(l) Loudness: A rise of 10dB in sound pressure level corresponds approximately to doubling of subjective loudness. That is, a sound of 65dB is twice as loud as a sound of 55dB.



(m) Leaf blowers: Any portable machine used to blow leaves, dirt and other debris off lawns, sidewalks, driveways, and other horizontal surfaces.

(n) Noise: Sound which a listener does not wish to hear and is under investigation that may exceed the Noise requirements located in this Noise By-law.

(o) Noise Injury: Any sound that:

- (1) endangers the safety of, or could cause injury to the health of humans; or
- (2) endangers or injures personal or real property.

(p) Noise Level: The Sound Pressure Level measurements shall be made with a Type I or II sound level meter as specified under American National Standard Institute (ANSI) standards.

(q) Noise Pollution: If a Noise source increases Noise levels 10 dBA or more above the Background Noise Level, it shall be judged that a condition of Noise Pollution exists. However, if the Noise source is judged by ear to have a tonal sound, an increase of 5 dBA above Background Noise Level is sufficient to cause Noise Pollution.

(r) Person: Any individual, company, occupant, real property owner, or agent in control of real property.

(t) Sound: A fluctuation of air pressure which is propagated as a wave through air.

(u) Sound Level Meter: An instrument meeting Type I or Type II American National Standard Institute (ANSI) standards, consisting of a microphone, amplifier, filters, and indicating device, and designed to measure sound pressure levels accurately according to acceptable engineering practices.

(v) Sound Pressure Level: The level of Noise, normally expressed in decibels, as measured by a sound level meter.

(w) Tonal Sound: Any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

SECTION 8.15.3A MOTOR VEHICLE DEFINITIONS

(a) 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.

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

(c) Motor Vehicle: 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.

SECTION 8.15.4 SOUND LEVEL EXAMPLES

The following are examples of approximate decibel readings of every day sounds:

0dBA	The faintest sound we can hear
30dBA	A typical library
45dBA	Typical office space
55dBA	Background Noise of a typical urban environment at night
65dBA	Background Noise of a typical urban environment during the day
70dBA	The sound of a car passing on the street
72dBA	The sound of two people speaking 4' apart
80dBA	Loud music played at home
90dBA	The sound of a truck passing on the street
100dBA	The sound of a rock band
115dBA	Limit of sound permitted in industry by OSHA
120dBA	Deafening
130dBA	Threshold of pain
140dBA	Rifle being fired at 3'
150dBA	Jet engine at a distance of 100'
194dBA	Theoretical limit for a sound wave at one atmosphere environmental pressure

SECTION 8.15.5 DUTIES AND RESPONSIBILITIES OF TOWN DEPARTMENTS

(a) Departmental Actions

All town departments and agencies shall, to the fullest extent consistent with other laws, carry out their programs in such a manner as to further the policy of this By-law.

(b) Departmental Compliance with Other Laws

All town departments and agencies shall comply with federal and state laws and regulations and the provisions and intent of this By-law respecting the control and abatement of Noise to the same extent that any person is subject to such laws and regulations.

(c) The Department of Public Works is exempt for Day and Night time operations for routine maintenance including but not limited to snow removal, street cleaning, litter control, and graffiti removal, etc. However, the DPW shall make every effort to reduce Noise in residential areas, particularly at night.

(d) Prior to purchasing new equipment, the Department of Public Works must consider equipment with the lowest Decibel rating for the performance standard required.

(e) Any proposed new or proposed upgrade for a park or recreation facility must incorporate appropriate and feasible Noise abatement measures during the design review process.



SECTION 8.15.6 PROHIBITIONS AND MEASUREMENT OF NOISE EMISSIONS

(a) Use Restrictions

1. The following devices shall not be operated except between the hours of 8 (eight) A.M. to 8(eight) P.M. Monday through Friday, and from 9 (nine) A.M. to 8(eight) P.M. on Saturdays, Sundays and holidays:

All electric motor and internal combustion engine devices employed in yard and garden maintenance and repair.
 Turf maintenance equipment employed in the maintenance of golf courses, snow blowers and snow removal equipment are exempt from this section.

2. The following devices shall not be operated except between the hours of 7(seven) A.M. to 7(seven) P.M. Monday through Friday, and from 8:30(eight-thirty) A.M. to 6(six) P.M. on Saturdays, Sundays and holidays:

All devices employed in construction or demolition, subject to the maximum Noise Levels specified in Section 8.15.6b and 8.15.6c.

- (b) Vehicular Sources: Maximum Noise Levels Measurements shall be made at a distance of 50 (fifty) feet from the closest point of pass-by of a Noise source or 50(fifty) feet from a stationary vehicle.

MAXIMUM NOISE LEVEL dBA

Vehicle Class	Stationary Run-up or Speed Limit 35 mph or less	Speed Limit 35-45 mph
All vehicles over 10,000 lbs. GVWR or GCWR	83	87
All motorcycles	79	79
Automobiles and light trucks	75	75

(c) Construction and Maintenance Equipment:
 Maximum Noise Levels

Noise measurements shall be made at 50 (fifty) feet from the source. The following Noise Levels shall not be exceeded:

<u>Construction Item</u>	<u>Maximum Noise Level dBA</u>	<u>Maintenance Item</u>	<u>Maximum Noise Level dBA</u>
Backhoe, bulldozer concrete mixer dumptruck, loader, roller, scraper, pneumatic tools,paver	90	Wood Chipper running concrete mixer,leaf vacuum	90
Air compressor	85	Chainsaw, solid waste compactor, tractor (full-size)	85
Generator	80	Home tractor, snow blower	80
		Lawn mower, trimmer,	75
Electric drills, power tools, sanders, saws, etc.	75	Leafblowers	67

(c) Fixed Plant Equipment

Any person shall operate such equipment in a manner not to exceed 10 dBA over the Background Noise and not greater than 5 dBA of Tonal sound over the Background Noise. However, if the fixed equipment is operated during night time hours, the night time Sound Pressure Level of the Fixed Plant Equipment must not exceed the average daytime Background Noise to compensate for night time operations, which is assumed to be 10dBA below daytime Background Noise. See Definitions Section 8.15.3(c).

Noise measurements shall be made at the boundary of the property in which the offending source is located, or at the boundary line of the complainant if the complainant is not a direct abutter.

(e) Electronic Devices and Musical Instruments

No person owning, leasing or controlling the operation of any electronic device shall willfully or negligently permit the establishment or condition of Noise Injury or Noise Pollution.

In public spaces, the existence of Noise Injury or Noise Pollution is to be judged to occur at any location a passerby might reasonably occupy. When the offending Noise source is located on private property, Noise Injury or Noise Pollution judgments shall be made at the property line within which the offending source is located.

Any and all Decibel Levels of sound caused by playing non-electrified musical instruments between 9 A.M. and 9 P.M. shall be exempt with exception of drums.



(f) Leaf Blowers

No person shall operate any portable Leaf Blower(s) which does not bear an affixed manufacturer's label or a label from the town indicating the model number of the Leaf Blower(s) and designating a Noise Level not in excess of sixty-seven(67)dBA when measured from a distance of fifty feet utilizing American National Standard Institute (ANSI) methodology. Any Leaf Blower(s) which bears such a manufacturer's label or town's label shall be presumed to comply with the approved ANSI Noise Level limit under this By-law. However, any Leaf Blowers must be operated as per the operating instructions provided by the manufacturer. Any modifications to the equipment or label are prohibited. However, any portable Leaf Blower(s) that have been modified or damaged, determined visually by anyone who has enforcement authority for this By-law, may be required to have the unit tested by the town as provided for in this section, even if the unit has an affixed manufacturer's ANSI or town label. Any portable Leaf Blower(s) must comply with the labeling provisions of this By-law by January 1, 2010. However, the owner's of any Leaf Blower(s) operating after January 1, 2010 without a manufacturer's ANSI label on the equipment, may obtain a label from the town by bringing the equipment to the town's municipal vehicle service center or such other facility designated by the Town for testing. The testing will be provided by the town's designated person for a nominal fee and by appointment only. Testing will be provided only between the months of May and October. If the equipment passes, a town label will be affixed to the equipment indicating Decibel Level.

Whether the equipment passes or not, the testing fee is non- refundable. Leaf blowers may be operated only during the hours specified in Section 8.15.6(a)(1). In the event that the label has been destroyed, the Town may replace the label after verifying the specifications listed in the owner's manual that it meets the requirements of this By-law.

(g) Animals

No person owning, keeping or controlling any animal shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, permit the existence of Noise Pollution or Noise Injury.

(h) Additional Noise Sources

No person shall emit noise so as to cause a condition of Noise Pollution or Noise Injury.

(i) Alternative Measurement Procedures

If it is not possible to make a good Sound Pressure Level measurement at the distance as defined for specific equipment throughout Article 8.15, measurement may be made at an alternate distance and the level at the specified distance subsequently calculated. Calculations shall be made in accordance with established engineering procedures.

(j) Noise Level Exclusions

Any equipment that is used to satisfy local, state, federal health, welfare, environmental or safety codes shall be exempt from limitations for hours of operation (See Section 8.15.6(a)), except to the extent otherwise determined by the Board of Selectman. The following equipment shall also be exempt from Section 8.15.6(a) if necessary for emergency work performed by the Department of Public Works:

- jack hammers
- pavement breakers
- pile drivers
- rock drills
- or such other equipment as the DPW deems necessary,

providing that effective Noise barriers are used to shield nearby areas from excessive Noise.

(k) Motor Vehicle Alarms

The sounding of any horn or signaling device as a part of a burglar, fire or alarm system (alarm) for any motor vehicle, unless such alarm is automatically terminated within ten minutes of activation and is not sounded again at all within the next sixty minutes, is prohibited. Any motor vehicle located on a public or private way or on public or private property whose alarm has been or continues to sound in excess of ten minutes in any sixty minute cycle is hereby deemed to be a public nuisance subject to immediate abatement. Any police officer who observes that the alarm has or is sounding in excess of ten minutes in any sixty minute cycle, who, after making a reasonable effort, is unable to contact the owner of such motor vehicle or, after contact, such owner fails or refuses to shut-off or silence the alarm or authorize the police officer to have the alarm shut-off or

silenced, may abate the nuisance caused by the alarm by entering the vehicle to shut off or disconnect the power source of the alarm, by authorizing a member of the fire department or a tow company employee to enter such vehicle to shut off or disconnect the power source of the alarm and, if such efforts are unsuccessful, such officer is authorized to abate the nuisance by arranging for a tow company to tow the motor vehicle to an approved storage area or other place of safety. If a motor vehicle's alarm is shut off or disconnected from its power source and a police officer determines that the motor vehicle is not safe in its then location and condition, the police officer may arrange for a tow company to tow the motor vehicle to an approved storage area or other place of safety. The registered owner of the motor vehicle shall be responsible for all reasonable costs, charges and expenses incurred for the shutting-off or silencing of the alarm and all costs of the removal and storage of the motor vehicle. The provisions of Article 10.1 or Section 8.15.10 shall not apply to this paragraph (k).

(l) Tonal Sound Corrections

When a Tonal Sound is emitted by a Noise source, the limit on maximum Noise levels shall be 5 dB lower than specified.

SECTION 8.15.7 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW

- (a) The Board of Selectmen, or designee, may give a special permit
 - (i) for any activity otherwise forbidden by the provisions of this By-law,
 - (ii) for an extension of time to comply with the provisions of this By-law and any abatement orders issued pursuant to it, and
 - (iii) when it can be demonstrated that bringing a source of Noise into compliance with the provisions of this By-law would create an undue hardship on a person or the community. A person seeking such a permit should make a written application to the Board of Selectmen, or designee. The Town will make all reasonable efforts to notify all direct abutters prior to the date of the Selectmen's meeting at which the issuance of a permit will be heard.

(b) The applications required by (a) shall be on appropriate forms available at the office of the Selectman. The Board of Selectmen, or designee, may issue guidelines defining the procedures to be followed in applying for a special permit. The following criteria and conditions shall be considered:

- (1) the cost of compliance will not cause the applicant excessive financial hardship;
- (2) additional Noise will not have an excessive impact on neighboring citizens.

(3) the permit may require portable acoustic barriers during Night.

(4) the guidelines shall include reasonable deadlines for compliance or extension of non-compliance.

(5) the number of days a person seeking a special permit shall have to make written application after receiving notification from the Town that (s)he is in violation of the provisions of this By-law.

(b) If the Board of Selectmen, or designee, finds that sufficient controversy exists regarding the application, a public hearing may be held. A person who claims that any special permit granted under (a) would have adverse effects may file a statement with the Board of Selectmen, or designee, to support this claim.

SECTION 8.15.8 HEARINGS ON APPLICATION FOR PERMITS FOR EXEMPTIONS

Resolution of controversy shall be based upon the information supplied by both sides in support of their individual claims and shall be in accordance with the procedures defined in the appropriate guidelines issued by the Board of Selectmen, or designee.

SECTION 8.15.9 APPEALS

[Disapproved and deleted by the Attorney General on May 14, 2009.]

SECTION 8.15.10 PENALTIES

(a) Any person who violates any provision of this By-law shall be subject to a fine pursuant to Article 10.3 (Non-Criminal Disposition) in accordance with GL c.40. Section 21d or they may be guilty of a misdemeanor in accordance with Article 10.1 of the Town By-law and each violation shall be subject to fines according to the following schedule:

- (1) \$50.00 for first offense;
 - (2) \$100.00 for the second offense;
 - (3) \$200.00 for the third offense;
 - (4) \$200.00 for successive violations;
- plus (5) court costs for any enforcement action.

Each day of a continuing violation shall be considered a separate violation. Fines that remain unpaid after 30 days shall accrue interest at the statutory rate of interest.

(b) If a person in violation of the Noise Control By-law at a real property is an occupant but not the record owner of the real property, the Police, Health, or Building Departments

may notify the owner of record of the real property of the violation. If a fine is issued in connection with excessive Noise at real property to someone other than the record owner of the property then the record owner of that property shall be notified. If there are any successive violations at least 14 days after the notification of the record owner but within a one-year period, then the record owner of the property shall also be subject to the fine schedule delineated in Section (a).

(c) **[Disapproved and deleted by the Attorney General on May 14, 2009.]**

(d) The Health, Building, Police and Public Works Departments shall have enforcement authority for the By-law. To report a violation, contact the appropriate department.

SECTION 8.15.11 SEVERABILITY

If any provisions of this article or the application of such provision to any person or circumstances shall be held invalid, the validity of the remainder of this article and the applicability of such provision to other persons or circumstances shall not be affected thereby.

#31-15 (LEAF BLOWERS)

DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

(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 (4/28/2015)

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

Leaf blower: any portable hand-held or backpack style motorized device, 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 (4/28/2015)

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

(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 (4/28/2015)

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

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

All Motorcycles 82

Automobiles and light trucks..... 75

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

(2) *Construction and demolition.*

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

Maximum noise level dB(A) permitted:

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

Air compressor 85

Generator 90

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

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

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

Maximum noise level dB(A) permitted:

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

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

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

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

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

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

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

The following language of section (h) shall be effective until June 1, 2018:

(h) Transitional Restriction on use of leaf blowers. Until June 1, 2018, no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton except between March 15 through May 1 and October 15 through December 1 in each year, subject to the following provisions:

(1) Permitted hours of use. Notwithstanding the provisions of sections 20-13 (f) (1) and (f) (2), 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.

Operation of leaf blowers is prohibited on Sundays and legal holidays.

(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

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

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

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.

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

The following language of section (h) shall be effective after June 1, 2018:

(h) Use of leaf blowers prohibited.

(1) After June 1, 2018, no person, including any City employee or contractor, shall use or operate a leaf blower within the City of Newton.

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

(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.

#31-15 DRAFT REDLINE FOR DISCUSSION PURPOSES (4/28/2015)

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

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

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

(~~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~~) *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.

ARTICLE III. CIVIL FINES/NON-CRIMINAL DISPOSITION

Sec. 20-20. Certain ordinance violations subject to civil fine.

(a) As an alternative to initiating criminal proceedings, the sections of these revised ordinances which are listed in section 20-21 may be enforced in the manner provided in General Laws c. 40, section 21D.

(b) Any such enforcing person, as listed in section 20-21, who takes cognizance of a violation of such an ordinance may give to the offender a written notice to appear before the clerk of the district court for Newton at any time during the court's office hours, not later than twenty-one (21) days after the date of such notice.

(c) Non-criminal disposition upon payment of notice of violation. *Any person notified to appear before the clerk of a district court as hereinbefore provided may so appear and confess the offense charged, either personally or through a duly authorized agent or by mailing to the city clerk together with the notice such specific sum of money as established under section 20-21 as penalty for violation of the ordinance. Upon receipt of such notice and payment, the city clerk shall forthwith notify the district court clerk of such payment and the receipt by the district court clerk of such notification shall operate as a final disposition of the case. An appearance under this subsection shall not be deemed to be a criminal proceeding. No person so notified to appear before the clerk of a*

To The Program and Services Committee:

I was asked to find out information pertaining to how many Newton Clients are using landscapers. After many phone call interviews with my colleagues I came up with the following information.

The 56 Landscapers that work and live in Newton have about 5000 clients in total in Newton and its Villages. This number does NOT include ALL the Landscapers who work in Newton.

The overwhelming majority of Landscapers that I spoke with agree that the labor time to rake/sweep as opposed to using the Leaf Blowers is 3 to 4 times more which will affect the cost in the same ratios for the spring and the Fall Cleanups.

We also agree that if a house has multiple ground cover flower beds that the time ratio will increase by 10 Times to clean without a leaf blower since rakes cannot be used in those types of flower beds and hand work would have to be used to achieve the desired results that our customers want.

I have enclosed some examples of different size houses with costs from Spring and Fall Cleanups with and without Leaf Blowers.

RECEIVED
Newton City Clerk
2015 SEP-14 AM 11:09
David J. Gerson, Clerk
Newton, MA 02459

Joe Caruso Landscaping

- 1. Seminary Ave, Auburndale MA (15,027 square feet)**
 - a. Spring Cleanup with Blowers - \$360.00
 - b. Spring Cleanup with Rakes- \$1,080.00
 - c. Fall Cleanup with Blowers- \$825.00
 - d. Fall Cleanup with Rakes-\$2500.00
- 2. Day Street, Auburndale, MA (7,864 square feet)**
 - a. Spring Cleanup with Blowers - \$190.00
 - b. Spring Cleanup with Rakes- \$570.00
 - c. Fall Cleanup with Blowers- \$390.00
 - d. Fall Cleanup with Rakes-\$1560.00
- 3. Brookline Street, Newton Center, MA (31,093 square feet)**
 - a. Spring Cleanup with Blowers - \$785.00
 - b. Spring Cleanup with Rakes- \$2355.00
 - c. Fall Cleanup with Blowers- \$1010.00
 - d. Fall Cleanup with Rakes-\$3140.00

Caruso Brothers Inc

144 Webster Street

Auburndale, MA

Property "A" Auburndale 33,000 sq ft

Many mature trees and many shrub beds large grass area.

Spring 2015 spring clean up cost. 21 man hrs @\$45 \$945

Estimated clean up cost without the use of leaf blower 42 man hrs @\$45 \$1890

Fall 2014 October and November Actual costs

October \$250 Leaf Disposal \$125

November \$250 Leaf Disposal \$125 Total fall 2014 cost on this property was \$800

Estimated costs for this same property for a fall season without the use of a leafblower will be as follows

6 Man hrs per week October total 24 Man hrs

6 Man hrs per week November total 24 Man hrs

Total 48 Man hrs @ \$45 Total cost 2160 Plus \$250 leaf disposal \$2410

Property "B" West Newton 9500 sq ft

Many mature trees and many shrub beds medium size grass area.

Spring 2015 spring clean up cost. 8 man hrs @\$45 \$360

Estimated clean up cost without the use of leaf blower 15 man hrs @\$45 \$675

Fall 2014 October and November Actual costs

October \$240 Leaf Disposal \$125

November \$240 Leaf Disposal \$125 Total fall 2014 cost on this property was \$605

Estimated costs for this same property for a fall season without the use of a leafblower will be as follows

6 Man hrs per week October total 24 Man hrs

6 Man hrs per week November total 24 Man hrs

Total 48 Man hrs @ \$45 Total cost 2160 Plus \$250 leaf disposal \$2410

Property "C" West Newton Hill 11,000 sq ft

Many mature trees and many shrub beds Small size grass area.

Spring 2015 spring clean up cost. 10 man hrs @\$45 \$450

Estimated clean up cost without the use of leaf blower 18 man hrs @\$45 \$810

Fall 2014 October and November Actual costs

October \$240 Leaf Disposal \$125

November \$240 Leaf Disposal \$125 Total fall 2014 cost on this property was \$730

Estimated costs for this same property for a fall season without the use of a leafblower will be as follows

4.5 Man hrs per week October total 18 Man hrs

4.5 Man hrs per week November total 18 Man hrs

Total 36 Man hrs @ \$45 Total cost \$1620 Plus \$250 leaf disposal \$1870

Philip Jepsen & Sons
43 Anthony Rd
Newtonville, MA 02460

Below please find comparison estimates of properties that blowers are used vs. rake and broom

Prices based upon 1576 sq. ft. property located in Newton Centre:

<u>Home #1</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 250.00	\$ 750.00	\$ 500.00	N/A	N/A
Weekly Service	\$ 37.50	\$ 100.00	\$ 62.50 per visit	\$ 250.00 per month	\$1,625.00
Fall Clean Up	\$ 350.00	\$1,500.00	\$1,150.00	N/A	N/A

Additional cost to customer for the season: \$3,275.00

Prices based upon 3224 sq. ft. property located in Newton Centre:

<u>Home #2</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 400.00	\$1,400.00	\$1,000.00	N/A	N/A
Weekly Service	\$ 40.00	\$ 200.00	\$ 160.00 per visit	\$ 640.00 per month	\$4,160.00
Fall Clean Up	\$ 600.00	\$2,600.00	\$2,000.00	N/A	N/A

Additional cost to customer for the season: \$7,160.00

Prices based upon 6123 sq. ft. property in West Newton:

<u>Home #3</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$1,500.00	\$9,000.00	\$7,500.00	N/A	N/A
Weekly Service	\$ 250.00	\$1,225.00	\$ 975.00 per visit	\$3,900.00	\$25,350.00
Fall Clean Up	\$2,400.00	Not possible on a property this size	N/A	N/A	

Additional cost to customer for the season: Unable to determine given the impossibility of performing a Fall clean up on a property of this size.

Below please find comparison estimates of properties that blowers are used vs. rake and broom

Prices based upon 1576 sq. ft. property located in Newton Centre:

<u>Home #1</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 250.00	\$ 750.00	\$ 500.00	N/A	N/A
Weekly Service	\$ 37.50	\$ 100.00	\$ 62.50 per visit	\$ 250.00 per month	\$1,625.00
Fall Clean Up	\$ 350.00	\$1,500.00	\$1,150.00	N/A	N/A

Additional cost to customer for the season: \$3,275.00

Prices based upon 3224 sq. ft. property located in Newton Centre:

<u>Home #2</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$ 400.00	\$1,400.00	\$1,000.00	N/A	N/A
Weekly Service	\$ 40.00	\$ 200.00	\$ 160.00 per visit	\$ 640.00 per month	\$4,160.00
Fall Clean Up	\$ 600.00	\$2,600.00	\$2,000.00	N/A	N/A

Additional cost to customer for the season: \$7,160.00

Prices based upon 6123 sq. ft. property in West Newton:

<u>Home #3</u>	<u>Use of Blower</u>	<u>Rake and Broom</u>	<u>Difference</u>	<u>Per Month Cost</u>	<u>Additional Cost for Season</u>
Spring Clean Up	\$1,500.00	\$9,000.00	\$7,500.00	N/A	N/A
Weekly Service	\$ 250.00	\$1,225.00	\$ 975.00 per visit	\$3,900.00	\$25,350.00
Fall Clean Up	\$2,400.00	Not possible on a property this size	N/A	N/A	

Additional cost to customer for the season: Unable to determine given the impossibility of performing a Fall clean up on a property of this size.

From: Aimee Mason <aimee@pmclandscape.com>

To: ggcmcg <ggcmcg@aol.com>

Subject: Leaf Blowing

Date: Thu, Sep 3, 2015 10:07 am

Attachments: FallCleanupInvoice.pdf (250K)

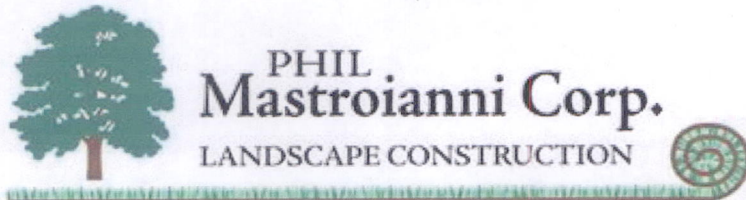
Good morning, Mr. Caruso,

I am writing on behalf of Phil Mastroianni, Jr. on the subject of the leaf blowing ordinance. Attached are 3 invoices reflecting the cost of our leaf blowing services from 2015 spring cleanups at 3 homes in West Newton using back pack leaf blowers. Understandably, the price would rise dramatically if restrictions are placed on blowing leaves. Phil hopes this helps visualize the affect such a ban would have on our clients.

Should you have any questions or comments, please call Phil or the office at (617)527-8445.

Many thanks,

Aimée Mason
Administrator



Phone: 617-527-8445

Fax: 617-527-2872

www.philmastroiannicorp.com



This email has been checked for viruses by Avast antivirus software.

www.avast.com



Phil Mastroianni Corp.
LANDSCAPE CONSTRUCTION

17 FOUNTAIN STREET, WALTHAM, MA 02453-4138
TEL: (617) 527-8445 FAX: (617) 527-2872
www.philmastroiannicorp.com
EST. 1976



Invoice Number:
26868

Invoice Date:
4/27/15

Page
1

Sold To:

Work Site:

West Newton Property

Quantity	Item	Description	Unit Price	Extension
18.00	SC	Spring Cleanup consists of raking lawn & bed areas; thatching; edging the beds & removal of all debris, using a 5 man crew on 4/17/15.	53.00	954.00
1.00	DUMP	Dump Fee	45.00	45.00
			Total Invoice Amount	\$999.00

Check No: vc 5/5/15

Payment Received
TOTAL

We accept VISA and MASTERCARD (up to \$3K)

(A 4% surcharge will be added to unpaid balances over 30 days)



Phil Mastroianni Corp.
LANDSCAPE CONSTRUCTION

17 FOUNTAIN STREET, WALTHAM, MA 02453-4138
TEL: (617) 527-8445 FAX: (617) 527 2872
www.philmastroiannicorp.com
EST. 1976



Invoice Number:
26863

Invoice Date:
4/27/15

Page:
1

Sold To:

Work Site:

West Newton Property

Customer ID	Customer PO	Payment Terms	
	Acct # 109	Net Due	
Sales Person		Due Date	
MASTROIANNI		4/27/15	
Quantity	Description	Unit Price	Extension
21.00	SC Spring Cleanup consists of raking lawn & bed areas; thatching; edging the beds & removal of all debris, using a 5 man crew.	53.00	1,113.00
1.00	DUMP Dump Fee	40.00	40.00
	Thank you!		
		Total Invoice Amount	\$1,153.00

Check No. 9177

Payment Received
TOTAL

We accept VISA and MASTERCARD (up to \$3K)

(Late charges) will be added to unpaid balance over 30 days



Phil Mastroianni Corp.
 LANDSCAPE CONSTRUCTION
 SCA

17 FOUNTAIN STREET, WALTHAM, MA 02453-4138
 TEL. (617) 527-8445 FAX (617) 527-2872
 www.philmastroiannicorp.com
 EST. 1976

invoice

Invoice Number :
 26932
 Invoice Date :
 5/4/15
 Page :
 1

Sold To :

Work Site:

West Newton Property

Customer ID		Customer PO		Payment Terms	
		Acct # 211		Net Due	
Sales Person				Due Date	
MASTROIANNI				5/4/15	
Quantity	ITEM	Description	Unit Price	Extension	
12.00	SC	Spring Cleanup consists of raking lawn & bed areas; thatching; edging the beds & removal of all debris, using a 5 man crew on 4/27/15.	53.00	636.00	
1.00	DUMP	Dump Fee	45.00	45.00	
		Thank you!			
			Total Invoice Amount	\$681.00	

Check No : EFT
 6/29/15

Payment Received
TOTAL

We accept VISA and MASTERCARD (up to \$3K)

(Late charges) will be added to unpaid balance over 30 days



City of Newton, Massachusetts

Office of the Mayor

RECEIVED
Newton City Clerk

2015 AUG -3 PM 2: 15

David A. Olson, CMC
Newton, MA 02459

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

SETTI D. WARREN
MAYOR

August 3, 2015

David Olson
Clerk of the Board of Aldermen
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Dear Mr. Olson:

Pursuant to Section 3-3 of the City Charter, I am pleased to notify you that I have appointed Deborah Youngblood as the Commissioner of Health & Human Services. Ms. Youngblood's duties will include the administration of the Department of Health & Human Services and all duties and functions of the position as governed by the City of Newton Ordinances and Massachusetts General Laws.

Ms. Youngblood is an accomplished leader with special expertise in human services. A graduate of UMass Amherst, she received a doctorate degree from the University of California Santa Cruz. She is currently the Vice President of Research and Innovation for the Crittendon Women's Union (CWU), a position she has occupied for the past eight years. CWU is a nationally recognized organization serving vulnerable populations with research-proven approaches. Prior to joining CWU, Ms. Youngblood worked in human services organizations in San Francisco and Portland, OR. Ms. Youngblood resides in Newton.

I understand with the summer schedule that the Programs & Services Committee will not be able to take up this appointment until September although the Chair of the committee, Amy Sangiolo, attempted to call a special meeting before then. Ms. Youngblood would be expected to start her position with the City no sooner than 30 days after the next Board of Aldermen meeting on August 10. Thank you.

Very truly yours,

Setti D. Warren
Mayor

cc: Maureen Lemieux, Chief of Staff/CFO
Jeffrey Honig, Interim Director of Human Resources

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



City of Newton, Massachusetts
Office of the Mayor

SETTI D. WARREN
MAYOR

#214-15

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

August 31, 2015

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

RECEIVED
Newton City Clerk
2015 AUG 31 PM 3:08
DAVID A. OLSON, CMC
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to transfer the sum of \$59,233 from Acct # 0110498-5790 FY2016 Budget Reserve as follows:

\$16,840	Acct # 0110105-512001	Seasonal Wages
\$42,393	Acct # 0110105-513004	Work by Other Departments

Based on the number of candidates who have been successfully certified to run for office, it is now clear that the City will need to hold a preliminary municipal election in September. The need for this funding had not yet been determined prior to the passage of the FY2016 Budget.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



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

August 13, 2015

Mayor Warren,

I write to request additional funding for Elections for FY2016. The FY2016 Budget that was submitted and approved this past spring included funding for two elections: the November Municipal Election and the March Presidential Primary. The budget did not include funding for a Preliminary Municipal Election as it was unknown at the time of budget preparation if a Preliminary Election would be necessary.

With the certification of signatures for five candidates for the Alderman-at-Large, Ward 2 seats, it will be necessary to hold a Preliminary Election in September. To cover the costs of holding this election, an additional \$59,233 will be need to be added to the City Clerk's budget as allocated to the following accounts:

01-101-05-512001	Seasonal Wages	\$16,840
01-101-05-513004	Work by Other Departments	\$42,393

Thank you for your attention to this request.

Sincerely,

David A. Olson
Newton City Clerk

Cc: Election Commissioners
Scott Lennon, President of the Board of Aldermen



SETTI D. WARREN
MAYOR

City of Newton, Massachusetts
Office of the Mayor

#215-15

Telephone
(617) 796-1100

Facsimile
(617) 796-1113

TDD/TTY
(617) 796-1089

E-mail
swarren@newtonma.gov

August 31, 2015

Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to authorize the appropriation of \$203,850 and authorize a general obligation borrowing of an equal amount for the purpose of purchasing a Library Automated Material Handling Check-in/Sorter unit listed as priority #14 in the FY16-FY20 Supplemental CIP. The sorter will allow for faster processing of returned library materials, and enhance the organizational capacity to implement programs or services.

Thank you for your consideration of this matter.

Very truly yours,

Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2015 AUG 31 PM 3:08
David A. Oison, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE



Newton Free Library

The door to your imagination

Library Director
Philip E. McNulty

#215-15



Mayor
Setti D. Warren

Maureen Lemieux
Chief of Staff/CFO
City of Newton

August 24, 2015

Maureen,

Please bring a docket item forward for the full amount of \$203,850 for priority #14 of the CIP plan revised this spring for the Library Automated Materials Handling Checkin/sorter unit.

I do anticipate using this full amount, and probably asking the Library Trustees to add a little bit more from their state aid funds to acquire the most appropriate unit and make the adjustments to built-in furnishings in the circulation office area to place it to best advantage.

We have done a Request for Information this spring to assess the state of the market for these units, and with that information we are prepared to develop and release a RFP, likely in October.

This initiative fits into the Mayor's planning cycle 'Accountability Questions' under item 5 - enhancing our organizational capacity to implement our program of service.

Sincerely,

Philip E. McNulty
Library Director
Newton Free Library