

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 21, 2015

Present: Ald. Sangiolo (Chairman), Hess-Mahan, Blazar, Kalis, Leary, Norton and Baker

Absent: Ald. Rice

Also Present: Ald. Ciccone, Brousal-Glaser, Crossley, Albright, Lennon, Laredo, Danberg, Lappin

City Staff Present: Josh Morse (Commissioner, Public Buildings), Mike Cronin (Chief of Operations, Newton Public Schools), Jim McGonagle (Commissioner, Dept. of Public Works), Bill Paille (Director of Transportation), Shawna Sullivan (Committee Clerk), Karyn Dean (Committee Clerk)

**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]

**PUBLIC FACILITIES HELD 7-0**

**ACTION: HELD 6-0 (Ald. Norton not voting)**

**NOTE:** The Programs & Services and Public Facilities Committees met jointly on this item. Please refer to the October 21<sup>st</sup> Public Facilities Report for details of the discussion. Both Committees voted to hold this item.

#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]

**ACTION: HELD 6-0 (Ald. Norton not voting)**

**NOTE:** Steve Feller, President of the Economic Development Commission (EDC) and owner of Bread and Chocolate Bakery, addressed the Committee. Mr. Feller reported that the EDC discussed this resolution at their last meeting. Because he is in the food industry he was able to bring a good perspective to the discussion. While on the face of it, it seemed logical to invite local food establishments to participate in City events, it really was a different skill set than running a brick and mortar establishment. There would be some interest from event to event, but most occur on weekends when establishments are using their staffs to the maximum extent. There was no consensus in the EDC on a full motion for a Resolution, but some recommendations were developed:

- Centralizing annual events on a published calendar, or including a list of City events open to participation in a mailing, such as the health inspection renewal notice
- Prohibiting food trucks in front of an establishment at events
- Creating an approved outside food truck vendor list with preference to those who have a connection to the City. There have been some vendors who consistently show up to events; have them subject to the same inspections as brick and mortar establishments.
- Giving local businesses first chance at regular events such as farmer's markets

The Committee asked if the EDC could establish that preferred vendor list. Mr. Feller said they could take a look at it and that the Chamber of Commerce but be helpful as well.

Ald. Blazar moved to hold the item and the Committee voted in favor.

**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]

**ACTION:** **NO ACTION NECESSARY 6-0 (Ald. Norton not voting)**

**NOTE:** Ald. Sangiolo explained that the Committee has heard from the brick and mortar businesses in Newton that they were not supportive of allowing food trucks into the City. They felt as business owners, their contribution to the City in terms of taxes and their commitment to the community should be respected. The food truck vendors did not have a stake in the same way and would be taking away business from those who were making daily contributions.

Mr. Feller, President of the EDC, reported that regular daily use of the food trucks would bring no benefit to the City or its established businesses. In fact, there was potential for a significant downside to those brick and mortar establishments through lost sales. Food trucks do not pay real estate taxes and it would be hard to discern whether any food tax would be contributed to the City. Mr. Feller said that there were opportunities for anyone in the City to find food within a reasonable distance at a brick and mortar establishment. There were no underserved areas of the City. The EDC decided not to make any separate motion on this item.

As discussed in the item above, there may be an opportunity for the use of food trucks at special events if local businesses could not meet the needs of the event.

Ald. Sangiolo said food truck programs seem to be successful and popular in other communities, but she did not know the impact on brick and mortar businesses. There seemed to be no real desire to pursue this any further by either the Committee or the EDC. She moved No Action Necessary on this item and the Committee voted in favor.

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

**ACTION:** **HELD 7-0**

**NOTE:** Ald. Sangiolo explained that the Committee had made some decisions on several aspects of the proposed ordinance which have been incorporated into a new draft, attached to the agenda. She asked for comments on the issues that remain undecided.

#### Economic Development Commission

There was a question about whether the EDC was going to do some more work on this with landscapers and other business owners and come back with some recommendations. Ald. Sangiolo explained that at the last meeting, there was discussion of this but the EDC's further participation was unclear. Ald. Rice later asked Mr. Feller, President of the EDC, if a group was going to be formed relative to this issue and more work done and Mr. Feller said there would not be. Ald. Kalis felt the EDC, Joe Caruso and Karen Bray should get together and try to formulate some solutions.

Ald. Baker pointed out that the Committee and Board will have to make choices between some difficult and competing interests and policies. The conversation about that now has to be around the Committee table. They have received quite a bit of information and it is now up to the Committee to determine what should be in the draft. They can certainly entertain any amendments with an explanation behind it, but it has to be moved forward to a definitive conclusion.

#### Leaf blower Demonstration

Ald. Sangiolo noted that there was discussion at the last meeting about a leaf blower demonstration so the Committee can understand the differences in power and noise of various pieces of equipment used by professional landscapers. Mr. Caruso was going to be involved in organizing that and a date needs to be set for that demonstration.

Ald. Harney sent word through Ald. Sangiolo that he would like the Committee to explore the Arlington by-law which allowed one blower per 6,000 square feet. He would be in favor of keeping the 65dB level and limited time on each property during the summer.

#### Ordinance Provisions

##### **Definition**

Ald. Baker noted that there was a communication he received about emerging technology that involved vacuums that are much quieter than leaf blowers. If there is such equipment it might be best to revisit the definition as currently drafted and remove the reference to vacuum devices.

##### Conclusion:

*Leave definition as is for now. Ald. Sangiolo asked Ald. Baker if he could get the vacuum equipment information and they could perhaps be involved in the demonstration.*

#### **Adjacent Properties**

Some members felt that there needed to be a conversation about the disposal of leaves and debris onto adjacent properties. He has heard complaints from residents about leaves, debris and dirt being blown into vents, by open windows and generally onto their property by leaf blowers on their neighbor's property. In addition, people believe that the City collects large piles of leaves that are pushed into the street – the City does not pick up those leaves and it should not be

permitted. There have been plenty of complaints by residents that leaves and debris are also being blown onto the streets and other municipal and conservation land.

Conclusion:

*Similar to water drainage from one property to another, a clear rule needs to be instituted to keep leaves and debris off other's property as well.*

**Total Ban**

Members wondered if the total ban provision should be left in the proposed ordinance. From letters the Board has received from the community, a compromise solution should be explored before a total ban is considered. Two drafts of the ordinance were attached to the agenda; one with the total ban; and one without. Both were included as this was not discussed at the last meeting.

Some Committee members felt the total ban provision could be left in. The City will have a chance to evaluate the seasonal ban over the next 3 years and changes could be made to eliminate the provision, extend the transitional period, or keep it as is. Others felt it should stay in with no amendment to it.

Conclusion:

*The total ban provision will be left in the draft ordinance.*

**Exemptions**

Some Committee members felt that if a seasonal ban is put in place, there should be no exemption for the City or its contractors. A Committee member wanted to see some very narrowly defined exemption for use on large parcels, such as a golf course, but not a blanket exemption. Others expressed that the golf courses would not be able to compete with area courses if they cannot keep the greens clean and free of leaves and other debris in the summer months. It is important to balance the needs of neighbors as well, however. The executive department could issue exemptions for emergencies or other situations. This will also be helpful with variations in weather from year to year. For instance, last winter was extraordinary and the dates wherein landscaping work could be undertaken were shifted significantly. In those types of circumstances, exemptions could be issued. If golf courses or other property owners abuse the exemptions, the neighbors will complain to the Mayor's Office or the Aldermen and steps can be taken.

Ald. Ciccone noted that while the golf courses are trying to stay competitive, the landscape professionals are as well. He wants an equal, level playing field and everyone should have the same opportunities without special exemptions for some and not others. Ald. Sangiolo noted that there is an emergency exemption provision in the draft. Perhaps more criteria need to be added to guide the Mayor's Office in their exemptions.

Conclusion:

*Similar to a temporary permit of exemption from the noise ordinance, a case-by-case exemption request could be made by anyone to the Executive Department instead of a blanket exemption for*

*any particular class of land or business. This may already be covered under the emergency exemption clause in the current draft.*

### **Enforcement**

There had been discussion about sending a notice to the homeowner if a contractor violates the ordinance and is warned or ticketed by the Police or Inspectional Services staff. Some Committee members felt the homeowners should be notified and perhaps even ticketed.

Conclusion: *A contractor violating the ordinance will be warned or ticketed by Police or Inspectional Services. The homeowner should be notified of the violation.*

### **Limit Number of Leaf Blowers by Property Size**

Committee members felt this should be as simple as possible. More than one leaf blower in use gets extremely loud and measuring the dB levels is too difficult to interpret and enforce. The noise meter readings are subjective dependent on who is operating them. The number of machines operating at one time should be the standard and that should perhaps be one per property. This most easily limits the amount of noise coming from any particular lot. Others felt that one per 10,000 square feet would be adequate.

Other members felt that if the number per property was limited, many exemption requests will be coming into the Mayor's office for larger lots. Others felt that having more than one blower shortens the amount of time the noise would be generated as only one blower would take more time to clear a property.

### Conclusion:

*One leaf blower per 10,000 square feet would be allowed for use during the permitted season.*

### **Seasons of Operation**

The Committee discussed changing the start of the summer ban from June 1 to May 15. The majority of the Committee agreed with that change. As mentioned earlier, any unusual weather circumstances can be handled through exemptions if necessary.

Some Committee members felt that in addition to a ban in the summer months there should also be a ban in the winter months. This should not interfere with landscaping contractors in a significant way. There are residents, however, who annoy their neighbors by using leaf blowers in the winter to blow snow and debris day after day from their sidewalks, driveways and cars. Others felt a winter ban was not an urgent need and did not want to over-regulate, but were persuaded that enough time would be left to get spring work done and also provide relief for residents bothered by the daily use in the winter by some neighbors.

### Conclusion:

*The summer ban dates will be changed to May 15- September 15; and a winter ban will be added of December 15 –March 1*

Ald. Sangiolo will have the Committee take these items up again at the November 4 meeting and will work on determining a date for the leaf blower demonstration. The Committee would like to

collect any other necessary information as soon as possible with the hope of voting this out of Committee sooner rather than later.

The Committee voted to hold this item.

#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]

**ACTION:** **HELD 7-0**

**NOTE:** See note above. The Committee voted to hold this item.

**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]

**ACTION:** **NO ACTION NECESSARY 7-0**

**NOTE:** Ald. Leary explained that she would like to do some more research on this issue. She has discussed this with Greg Reibman of the Newton-Needham Chamber of Commerce and they can do some comparisons of paper bag use between the two Cities to collect more data. Ald. Hess-Mahan said it would be a good idea to see how the current plastic bag ban is working in terms of encouraging more or less use of paper bags. At some appropriate time, they could re-docket the item with more specifics. Ald. Leary moved No Action Necessary and the Committee voted in favor.

#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]

**ACTION:** **NO ACTION NECESSARY 7-0**

**NOTE:** Ald. Sangiolo explained that she and Ald. Johnson both agreed that they were satisfied with the outcome of the item at this point. They can look at the next budget and bring fees back up if necessary. Ald. Sangiolo moved No Action Necessary and the Committee voted in favor.

#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]

**ACTION:** **NO ACTION NECESSARY 7-0**

**NOTE:** Ald. Hess-Mahan explained that every time the Committee tried to discuss this with the Executive Department either collective bargaining was ongoing or a new agreement was in effect and it could not be discussed. He did not think any information would be forthcoming from the administration. Ald. Norton was very frustrated that they could not get a better understanding of

this and make some progress. Ald. Blazar agreed with both opinions. He was involved with the Health Care Advisory Committee and they did great work and came out with good recommendations. The Executive Department has not moved any action on this, much to his frustration. Ald. Sangiolo suggested docketing a Resolution to ask that some of the recommendations be acted upon. The Committee voted to docket a parens item and Ald. Sangiolo and Blazar will draft the language.

Ald. Hess-Mahan moved No Action Necessary and the Committee voted in favor.

#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.

**ACTION:**      **HELD 7-0**

**NOTE:** Ald. Baker served on the recodification committee but wanted to do a little research on this recommendation. He moved hold and the Committee voted in favor.

Respectfully Submitted,

Amy Mah Sangiolo