

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JANUARY 9, 2013

Present: Ald. Sangiolo (Chairman), Linsky, Hess-Mahan and Blazar

Absent: Ald. Baker, Merrill, Rice and Fischman

Also Present: Ald. Danberg and Crossley

Others Present: David Turocy (Commissioner, Department of Public Works), Karyn Dean (Committee Clerk)

Re-appointment by His Honor the Mayor

#424-12 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of THE PARKS AND RECREATION COMMISSION for a term to expire November, 29, 2015 (60 days 02/15/13) [12/04/12 @ 9:50 AM]

ACTION: **APPROVED 3-0-1 (Ald. Blazar abstaining)**

NOTE: Mr. Johnson joined the Committee. Ald. Sangiolo explained that Mr. Johnson was invited to the meeting because Ald. Blazar had some questions regarding current issues before the Parks & Recreation Commission. Ald. Blazar said he was very interested in hearing Mr. Johnson's position on the refusal of the Parks & Recreation Commission to hold a public hearing on a "swim at your own risk" policy for Crystal Lake. Ald. Blazar explained that he and Ald. Danberg felt a public hearing should be held as they had heard from the community that there was interest in such a policy.

Mr. Johnson said that the Commission's consensus opinion was that a public hearing would not have been useful since the Commission was not going to approve such a policy. It was not that they did not care what the community's point of view was, it was just that the Commission felt the risks far outweighed the benefit of allowing swimming at one's own risk and could not support the policy. The legal issues of a policy have not been resolved and this was quite concerning. They are still operating under the laws the state put in place when the lake was transferred to the city in the 1920s. They have also tried to get enforcement for those who swim in unauthorized areas at unauthorized times, but he said the police did not want to do that. The maximum fine is \$20 and that hasn't changed in decades. Ald. Blazar said there was a proposal to increase the fine but it has to go through the state legislature. He also looked at the issue of liability and in his opinion after looking at case law, if there are signs that state it is a swim at your own risk situation, there is no liability unless there is reckless and willful conduct by the property owner. He said he thought the City's Solicitor's office held the same opinion.

The Parks & Recreation Commission's other concern was that if they open up the lake to swim at your own risk, perhaps people would not buy permits and it would affect revenue. Ald. Blazar said he spoke to Carol Stapleton in the Parks & Recreation Department about this and told her he thought people would still buy permits even if they were swimming at their own risk. Ms.

Stapleton's concern was that it might open up the lake to people from outside the City and tax the resources even further. Ald. Blazar said he would like the Parks & Recreation Commission to keep an open mind on this issue. Mr. Johnson said he felt this would be revisited.

Ald. Sangiolo explained that the Board can encourage the Parks & Recreation Commission to have a public hearing, and also docket an item that would compel the Commission to hear concerns. She also explained that the Board has control over their revolving account. She told Mr. Johnson that the Commission should expect something to come from the Board.

The Committee voted to approve Mr. Johnson's appointment with thanks for his service. Ald. Blazar abstained from voting.

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

#315-12 **ALD. FULLER, RICE AND GENTILE** of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process.
[10/02/12 @ 3:37PM]

ACTION: **HELD 4-0**

NOTE: Since the Angier School Building Committee was going to be delivering an update to the Board of Aldermen and the School Committee the next evening, the Committee decided to hold this item.

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

#99-11 **ALD. ALBRIGHT, JOHNSON, DANBERG** requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Departments of Public Works, Parks & Recreation, Executive and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program.

PUBLIC FACILITIES COMMITTEE APPROVED 4-0 on 10/5/2011

ACTION: **NO ACTION NECESSARY 4-0**

NOTE: Ald. Linsky said he would like to look at all these snow-related statistics at the end of this season as lessons learned for the next snow season. David Turocy, Commissioner of Public Works, joined the Committee. A memo was attached to the agenda which explained that there were 43 exemption applications submitted with 38 approvals so far this year. Five were denied as they did not meet the eligibility requirements. These numbers are less than the 2011/12 season when 98 were received, 52 approved and 46 denied. Commissioner Turocy said that 34 complaints were investigated: 30 were sidewalks that were not cleared; and 4 were for illegal dumping. One of those dumping complaints ended up with the Police Department as they did not remedy the violation as requested. Twenty-seven of the 34 complaints were residences; 3 businesses; and 4 were city properties. Commissioner Turocy admits that some stretches were missed and the Department will be following up to make sure that does not happen again.

Ald. Sangiolo asked about state properties. Commissioner Turocy said that the City does handle those sidewalks as the state will not do that work. Ald. Sangiolo noted that many commuter paths that are adjacent to the MBTA are not cleared, forcing people to walk in the street. Commissioner Turocy said he would make note of that to be sure those sidewalks were on their list.

Ald. Danberg said she would like to have one more occasion to hear an update in March or April. Ald. Sangiolo suggested moving No Action Necessary since the Public Facilities Committee will be receiving the updates and can relate those to the Board. Having the reports come to Programs & Services as well seems redundant. Ald. Danberg agreed and the Committee voted No Action Necessary.

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

#256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing an ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]

ACTION: **HELD 4-0**

NOTE: Ald. Sangiolo explained that she would like to appoint someone to form a subcommittee and/or possible task force to work on this issue, and have them bring something back to Committee in the next 3 to 4 months. She would like to have some coordination with all interested parties, such as the Economic Development Commission (EDC), the Planning Department as well as the Health Department and the public. Ald. Hess-Mahan said he would be happy to be the point person and connect with Commissioner Dori Zaleznik and the Director of Planning, Candace Havens. Ald. Linsky said he would follow up with the EDC. Ald. Sangiolo asked that they let her know when any meetings take place.

The Committee voted to hold this item.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#254-12 ALD. HESS-MAHAN, SANGIOLO, DANBERG, KALIS, CROSSLEY proposing an ordinance relating to plastic bag reduction that would add a fee to single-use plastic and paper bags that are not at least 40% post-consumer recycled content, at certain retail establishments in Newton. [07/18/12 @4:34 PM]

ACTION: **HELD 4-0**

NOTE: Ald. Sangiolo said she would also like to appoint someone to form a subcommittee on this issue. Ald. Hess-Mahan said that one issue is whether or not a fee is a reasonable option. There are arguments for both a fee and an outright ban. He said he would volunteer to be on this subcommittee as well. Ald. Sangiolo said she would help whenever possible as well. She also noted that she was contacted by a representative of Wegman's grocery store who wants to meet with her on January 29th. She will forward that invitation to the Committee.

Pat Maher, of 81 Winslow Road in Waban, asked to say a few words. He was present at the last discussion of this item. He is against a fee and also against a ban until there is some feasible alternative. He said that he was concerned about the plastic bags from dry cleaners and thought they were a problem as well. The Boston Globe, Wall Street Journal and The Newton Tab are all delivered in plastic bags and are a nuisance. Mr. Maher noted that the ordinances state that all trash must be in bags and mentions plastic bags that can be bought in supermarkets. He felt that was a contradictory message from the City. He would also like the state to work with the supermarkets to work out a more environmentally-friendly solution.

The Committee voted to hold this item.

#333-12 ALD. CROSSLEY AND HESS-MAHAN, on behalf of Green Decade Newton, requesting a discussion and possible Resolution, asking that Newton join the Center for Biological Diversity's Clean Air Campaign by sending a Resolution to the US Administration and Environmental Protection Agency urging them to assert and enforce certain provisions of the nation's Clean Air Act in order to help communities achieve cuts in greenhouse gas pollution. [10/11/12 @ 5:05PM]

ACTION: **APPROVED 4-0 SUBJECT TO SECOND CALL**

NOTE: Ald. Crossley addressed the Committee. She provided an updated draft Resolution and a letter of support from Green Decade Newton and an email with some updated numbers from the Center for Biological Diversity. These documents are attached to this report. Marcia Cooper of Green Decade Newton contacted her to tell her about the nationwide effort to promote exercising the provisions of the Clean Air Act as a way to help control emissions, especially from large polluters. She is presenting this on Green Decade's behalf and she is sorry they did not attend tonight's meeting. A total of 46 communities across the country have passed such Resolutions.

Ald. Linsky asked what this Resolution would "do". Ald. Crossley explained that this advocates using the provisions of The Clean Air Act as an enforcement tool. There are polluters that aren't being held to task that could be by the federal government. Ald. Hess-Mahan noted that greenhouse gases are now considered pollutants. When efforts have been made to specifically target pollutants that are covered under The Clean Air Act, those efforts have been effective. But so far the effort has not been directed toward greenhouse gases and carbon specifically. He noted that President Obama has stated that this is an issue he will focus on. Ald. Sangiolo asked if there was a local enforcement agency. Ald. Crossley said each state has an Environmental Protection Agency that uses federal dollars and she believes the enforcement comes from the state. Ald. Blazar said President Obama has not done much to enforce The Clean Air Act and he is frustrated with that as are climate change professionals. He said he agrees with the concept of the Resolution and he's very supportive, but he's not sure what effect it will have. Ald. Hess-Mahan said he understands but he would still like to put the support of the Board behind this. Ald. Sangiolo said she is meeting with Ken Kimmel, Commissioner of the Massachusetts Department of Environmental Protection, and the Mayor's office and she will ask if there's anything that can be done on the state level.

The Committee voted to approve this item subject to second call as they would like to review of the updated Resolution.

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

#170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

ACTION: **NO ACTION NECESSARY 3-1-0 (Ald. Linsky opposed)**

NOTE. Ald. Sangiolo said she spoke to the Chairman of the School Committee and these are not issues they will be able to deal with any time in the near future. She heard the same opinion from the Mayor's office prior to the override proposal. She checked with the Mayor's office today to confirm that, but did not hear back. Ald. Sangiolo said that Ald. Baker had begun drafting a naming rights ordinance for the Committee and Board for approval but the Committee voted to NAN this item at this time knowing the issue may be revisited in the future. That draft is attached to this report.

The Committee voted No Action Necessary on this item as well as #205-11 and #39-12.

#205-11 ALD. SANGIOLO, GENTILE, HARNEY, LINSKY requesting a discussion with the School Committee regarding a proposal to enter into contractual relationships with the Newton Schools Foundation to sell naming rights on behalf of the Newton Public Schools. [06/22/2011 @ 8:32AM]

ACTION: **NO ACTION NECESSARY 3-1-0 (Ald. Linsky opposed)**

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#39-12 HIS HONOR THE MAYOR requesting authorization to establish a revolving account with an annual expenditure limit of \$2,000,000 for the purpose of receiving funds collected by the Newton Schools Foundation in connection with the sale of naming rights for Newton Public School buildings and facilities and to be distributed for the sole purpose of public school education technology and curriculum purposes. [01/30/12 @ 4:18 PM]

ACTION: **NO ACTION NECESSARY 3-1-0 (Ald. Linsky opposed)**

Respectfully Submitted,

Amy Sangiolo, Chairman

DRAFT RESOLUTION; RESOLUTION NO:

RESOLUTION OF THE CITY OF _____ TO ENVIRONMENTAL PROTECTION AGENCY ADMINISTRATOR LISA P. JACKSON IN SUPPORT OF REDUCING GREENHOUSE GAS POLLUTION UNDER THE CLEAN AIR ACT

WHEREAS, the decade from 2000 to 2010 was the warmest on record¹, 2005 and 2010 tied for the hottest years on record²; and January through September 2012 were the warmest first nine months of any year on record for the contiguous U.S.³; and

WHEREAS, the current level of CO₂ in the atmosphere is approximately 392 parts per million⁴ (ppm); and

WHEREAS, one of the world's leading climate scientists, Dr. James Hansen, stated in 2008: "If humanity wishes to preserve a planet similar to that on which civilization developed and to which life on Earth is adapted, paleoclimate evidence and climate change suggest that CO₂ will need to be reduced from its current 385 ppm to at most 350 ppm⁵; and

WHEREAS, the Environmental Protection Agency determined that current and future greenhouse gas concentrations endanger public health⁶, and according to the Global Humanitarian Forum climate change is already responsible every year for some 300,000 deaths, 325 million people seriously affected, and economic losses worldwide of U.S. \$125 billion⁷; and

WHEREAS, extreme weather events, most notably heat waves and precipitation extremes, are striking with increased frequency⁸, with deadly consequences for people and wildlife; in the United States in 2011 alone, a record 14 weather and climate disasters occurred, including droughts, heat waves, and floods, that cost at least \$1 billion each in damages and loss of human lives⁹; and

WHEREAS, climate change creates conditions that lead to more destructive storms like 2012's Superstorm Sandy¹⁰, by loading storms with more energy and more rainfall¹¹, raising sea levels and causing storm surge to ride on a higher sea surface so that more coastline floods¹², and warming the Arctic and melting sea ice, which causes changes in the jet stream that are bringing more extreme weather to the U.S.¹³; and

WHEREAS, climate change is affecting food security by reducing the growth and yields of important crops¹⁴; droughts, floods and changes in snowpack are altering water supplies¹⁵; as of October 2, 2012, 64.6 percent of the contiguous U.S. was experiencing moderate-to-exceptional drought¹⁶; and in 2012, the U.S. Department of Agriculture designated more than half (50.3 percent) of all U.S. counties disaster areas, mainly due to drought¹⁷; and

WHEREAS, scientists have concluded that by 2100 as many as one in 10 species may be on the verge of extinction due to climate change¹⁸; and

WHEREAS, the world's land-based ice is rapidly melting, threatening water supplies in many regions and raising sea levels¹⁹, and Arctic summer sea ice extent has decreased to about half what it was several decades ago²⁰, and reached a record low in 2012²¹, with an accompanying drastic reduction in sea-ice thickness and volume²², which is severely jeopardizing ice-dependent animals²³; and

WHEREAS, global sea level is rising 60 percent faster than projected by the Intergovernmental Panel on Climate Change²⁴; the U.S. East Coast is a hotspot for sea level rise with rates three to four times faster than the global average²⁵; sea level rise is accelerating in pace²⁶; and sea level could rise by one to two meters in this century, threatening millions of Americans with severe flooding²⁷; and

WHEREAS, for four decades, the Clean Air Act has protected the air we breathe through a proven, comprehensive, successful system of pollution control that saves lives and creates economic benefits exceeding its costs by many times²⁸; and

WHEREAS, with the Clean Air Act, air quality in this country has improved significantly since 1970, despite major growth both in our economy and industrial production; and

WHEREAS, between 1970 and 1990, the six main pollutants covered by the Clean Air Act — particulate matter and ground-level ozone (both of which contribute to smog and asthma), carbon monoxide, lead, sulfur and nitrogen oxides (the pollutants that cause acid rain) — were reduced by between 47 percent and 93 percent, and airborne lead was virtually eliminated; and

WHEREAS, the Clean Air Act has produced economic benefits valued at \$2 trillion or 30 times the cost of regulation; and

WHEREAS, the U.S. Supreme Court ruled in *Massachusetts vs. EPA* (2007) that greenhouse gases are “air pollutants” as defined by the Clean Air Act and the Environmental Protection Agency has the authority to regulate them; and

WHEREAS, The city of _____ prides itself on being a leader in the fight against climate change and for clean air [*insert steps your city has already taken such as developing a climate action plan, signing the Mayors' Climate Protection Agreement, reducing carbon emissions by X percent, etc.*]

NOW THEREFORE BE IT RESOLVED, that climate change is not an abstract problem for the future or one that will only affect far-distant places but rather climate change is happening now, we are causing it, and the longer we wait to act, the more we lose and the more difficult the problem will be to solve; and we, the _____ City Council, on behalf of the residents of _____, do hereby urge the administrator of the Environmental Protection Agency, Lisa P. Jackson, and President Barack Obama to move swiftly to fully employ and enforce the Clean Air Act to do our part to reduce carbon in our atmosphere to no more than 350 parts per million.

BE IT FURTHER RESOLVED that the City Clerk shall forward a copy of this resolution to Lisa P. Jackson of the Environmental Protection Agency and President Barack Obama.

ENDNOTES

¹ Press Release, National Aeronautic Space Association, *NASA Research Finds Last Decade was Warmest on Record, 2009 One of the Warmest Years* (Jan. 21, 2010), www.nasa.gov/home/hqnews/2010/jan/HQ_10-017_Warmest_temps.html.

² National Oceanic and Atmospheric Administration, *NOAA: 2010 Tied for Warmest Year on Record*, www.noaanews.noaa.gov/stories2011/20110112_globalstats.html (last visited on 3/30/12).

³ <http://www.ncdc.noaa.gov/sotc/national/2012/9>.

-
- ⁴ Co2now.org, *What the World Needs to Watch*, <http://co2now.org> (last visited on 3/30/12); Earth System Research Laboratory of NOAA, *Trends in Atmospheric Carbon Dioxide*, www.esrl.noaa.gov/gmd/ccgg/trends/ (last visited on 4/2/12).
- ⁵ J. Hansen et al., *Target atmospheric CO₂: Where should humanity aim?*, *Open Atmos. Sci.* 2, 217 (2008), <http://pubs.giss.nasa.gov/abs/ha00410c.html>.
- ⁶ U.S. Environmental Protection Agency, *Endangerment and Cause or Contribute Findings for Greenhouse Gases under Section 202(a) of the Clean Air Act*, 74 Federal Register 66496-66546 (Dec. 15, 2009) (to be codified at 40 C.F.R. ch. 1), <http://epa.gov/climatechange/endangerment.html> (last visited 4/2/12).
- ⁷ Global Humanitarian Forum, *The Anatomy of a Silent Crisis* (2009), www.eird.org/publicaciones/humanimpactreport.pdf, p.1 of pdf.
- ⁸ Intergovernmental Panel on Climate Change (IPCC), *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation (SREX)* (2012), <http://ipcc-wg2.gov/SREX/>; U.S. Global Change Research Program, *Global Climate Change Impacts in the US: Global Climate Change* (2009), <http://www.globalchange.gov/publications/reports/scientific-assessments/us-impacts/full-report/global-climate-change>; D. Coumou and S. Rahmstorf, *A decade of weather extremes*, *Nature Climate Change* (2012), <http://dx.doi.org/10.1038/NCLIMATE1452>.
- ⁹ National Oceanic and Atmospheric Administration, *Extreme Weather 2011*, <http://www.noaa.gov/extreme2011/> (last visited April 2, 2012); Press Release, World Meteorological Organization, *2011: world's 10th warmest year, warmest year with La Niña on record, second-lowest Arctic sea ice extent* (2012), www.wmo.int/pages/mediacentre/press_releases/gcs_2011_en.html.
- ¹⁰ <http://www.marketwatch.com/story/sandy-to-cost-new-york-42-billion-2012-11-26>.
- ¹¹ <http://www.pnas.org/content/early/2012/10/10/1209542109.abstract>.
- ¹² http://www.usgs.gov/newsroom/article.asp?ID=3256&from=rss_home#.UJBC22eHPAU.
- ¹³ <http://www.agu.org/pubs/crossref/2012/2012GL051000.shtml>; <http://www.pnas.org/content/109/11/4074>.
- ¹⁴ D.B. Lobell et al., *Climate Trends and Global Crop Production Since 1980*, *Science* 333, 616 (July 29, 2011), www.sciencemag.org/content/early/2011/05/04/science.1204531.abstract; U.S. Global Change Research Program, *Global Climate Change Impacts in the US: Agriculture* (2009), www.globalchange.gov/publications/reports/scientific-assessments/us-impacts/full-report/climate-change-impacts-by-sector/agriculture.
- ¹⁵ U.S. Global Change Research Program, *Global Climate Change Impacts in the US: Water Resources* (2009), www.globalchange.gov/publications/reports/scientific-assessments/us-impacts/full-report/climate-change-impacts-by-sector/water-resources.
- ¹⁶ October 2, 2012 U.S. Drought Monitor; <http://www.ncdc.noaa.gov/sotc/national/2012/9>.
- ¹⁷ <http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=2012/08/0260.xml>.
- ¹⁸ I.M.D. Maclean and R.J. Wilson, *Recent ecological responses to climate change support predictions of high extinction risk*, *PNAS* 108, 12337 (2011), <http://www.pnas.org/content/108/30/12337>, summary at <http://www.sciencedaily.com/releases/2011/07/110711151457.htm>.
- ¹⁹ Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2007: Synthesis Report* (2007), http://www.ipcc.ch/publications_and_data/publications_ipcc_fourth_assessment_report_synthesis_report.htm, pp. 30, 49 of pdf.
- ²⁰ J. Stroeve et al., *Arctic Sea Ice Extent Plummets in 2007*, *EOS* 89, 2 (January 8, 2008), <http://www.agu.org/pubs/crossref/2008/2008EO020001.shtml>, p. 13 of pdf.
- ²¹ <http://nsidc.org/arcticseaicenews/2012/09/arctic-sea-ice-extent-settles-at-record-seasonal-minimum/>.
- ²² Polar Science Center, *Arctic Sea Ice Volume Anomaly, version 2*, <http://psc.apl.washington.edu/wordpress/research/projects/arctic-sea-ice-volume-anomaly/> (last visited April 3, 2012); R. Kwok and D.A. Rothrock, *Decline in Arctic sea ice thickness from submarine and ICES at records: 1958-2008*, *Geophysical Research Letters* 36, L15501 (2009), <http://www.agu.org/pubs/crossref/2009/2009GL039035.shtml>.
- ²³ Center for Biological Diversity and Care for the Wild International, *Extinction: It's Not Just for Polar Bears* (2010), http://www.biologicaldiversity.org/programs/climate_law_institute/the_arctic_meltdown/arctic_extinction_report.html.
- ²⁴ <http://iopscience.iop.org/1748-9326/7/4/044035/article>.
- ²⁵ http://www.usgs.gov/newsroom/article.asp?ID=3256&from=rss_home#.ULZ_yGeHMmR
- ²⁶ M.A. Merrifield et al., *An Anomalous Recent Acceleration of Global Sea Level Rise*, *Journal of Climate* 22, 5772 (2008), <http://journals.ametsoc.org/doi/abs/10.1175/2009JCLI2985.1>.
- ²⁷ B.H. Strauss, *Tidally adjusted estimates of topographic vulnerability to sea level rise and flooding for the contiguous United States*, *Environmental Research Letters* 7 (2012), <http://iopscience.iop.org/1748-9326/7/1/014033>, summary at <http://www.sciencedaily.com/releases/2012/03/120314111738.htm>; <http://dels.nas.edu/Report/Level-Rise-Coasts/13389>.
- ²⁸ For Clean Air Act facts, see Center for Biological Diversity, *The Clean Air Act Works* (2011), http://www.biologicaldiversity.org/programs/climate_law_institute/global_warming_litigation/clean_air_act/pdfs/CleanAirActWorks_032011.pdf; and U.S. Environmental Protection Agency, *The Benefits and Costs of the Clean Air Act, 1970 to 1990* (1997), <http://www.epa.gov/air/sect812/>; and U.S. Environmental Protection Agency, *The Benefits and Costs of the Clean Air Act, 1990 to 2010* (1999), <http://www.epa.gov/air/sect812/>.

September 28, 2012

Dear Alderman,

I'm am writing to urge the City of Newton to join the Center for Biological Diversity's **Clean Air Cities Campaign** by passing a resolution in support of the Clean Air Act to curb climate change. The Clean Air Act is our current best hope for clean air and a healthy climate. However the Act and the Environmental Protection Agency are being attacked by the fossil fuel industry and its allies in Congress. By passing this resolution, Newton will join over 30 other U.S. cities in calling on and supporting the Obama administration and the EPA to use the Clean Air Act to make meaningful, rapid cuts in greenhouse gas pollution.

Attached is a sample resolution, which you can edit as needed. Cities that have already passed a Clean Air Cities resolution include Los Angeles, Chicago, Cincinnati, Milwaukee, Seattle, Pittsburgh, Philadelphia, Miami, Salt Lake City, Kansas City, MO, Santa Fe, and smaller cities like Boone, N.C., Oxnard, CA, Teton County, WY and many more.

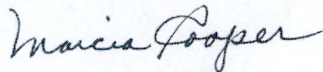
It's clear that climate change is here now and is already having a profound effect on the places we live, the natural resources we depend on and the species that provide richness and variety to our country and planet.

The Center for Biodiversity webpage provides more information on this campaign. Rose Braz, the Center's climate campaign director, is coordinating Clean Air Cities and can be reached by email at rbraz@biologicaldiversity.org or by phone at (415) 436-9682 x 319.

Please let me know if you will consider moving a **Clean Air Cities** resolution in Newton.

Thank you for considering this request,

Sincerely,



Marcia Cooper
President, Green Decade Newton
marciacooper@greendecade.org
617-964-8567
617-416-1969 (c)

RECEIVED
Newton City Clerk
2013 JAN 14 AM 8:55
David A. Olson, CMC
Newton, MA 02459

Karyn Dean

From: DEBORAH CROSSLEY <djcrossley26@verizon.net>
To: Amy Sangiolo <aldermansangiolo@gmail.com>, Karyn Dean <kdean@newtonma.gov>
Subject: Fwd: Clean Air Resolution update
Date sent: Sat, 12 Jan 2013 00:46:19 -0500

Begin forwarded message:

From: "Marcia Cooper" <marciacooper@greendecade.org>
Date: January 8, 2013 4:32:55 PM EST
To: "Deb Crossley" <djcrossley26@verizon.net>
Subject: FW: Clean Air Resolution update

Hi Deb,

Here's an update from the Center for Bio Diversity. I still have a cough, but I'll do my best to come to the meeting. Does it start at 7:45 P.M.?

Marcia

Marcia Cooper

President, Green Decade Newton

marciacooper@greendecade.org

617-964-8567

617-416-1969 (c)

RECEIVED
 Newton City Clerk
 2013 JAN 14 AM 8:55
 David A. Oison, Clerk
 Newton, MA 02459

From: Andrea Weber [<mailto:aweber@biologicaldiversity.org>]
Sent: Tuesday, January 08, 2013 3:38 PM
To: 'Marcia Cooper'
Cc: srussell@endangeredearth.org
Subject: RE: Clean Air Resolution update

Hello Marcia.

Thank you for following up with me, and I'm sorry I wasn't able to get back with you yesterday.

Ten cities have passed a Clean Air Act resolution since the beginning of October. That brings the total number of cities in the Clean Air Cities campaign to 46! There are two additional cities (one in Florida and one in Colorado) that have the resolution on their calendars for consideration in the next couple of weeks. I have attached our most recent sample resolution and have listed the cities who have passed a Clean Air Act resolution since October 1, 2012 below.

Please let me know if you have any other questions or if we can facilitate the process for Newton in any way.

Thank you again!

Cities who've passed a Clean Air Act resolution since 10.01.12

Woodbridge Township, NJ 10-9-12

San Francisco, CA 10-16-12

Culver, CA 10-2-12

Keene, NH 11-1-12

Ithaca, NY 11-7-12

Nashville, TN 11-13-12

Kauai, HI 11-14-12

New Hope, PA 11-20-12

Portland, ME 12-17-12

Ann Arbor, MI 12-17-12

Best Regards,

Andrea Weber

Center for Biological Diversity
Climate Law Institute Paralegal
351 California Street, Suite 600
San Francisco, CA 94104
Phone (415) 436-9682 x311
Fax (415) 436-9683
aweber@biologicaldiversity.org

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies

Memorandum

To: Alderman Amy Sangiolo, Alderman Richard Blazar, members of the Programs and Services Naming Ordinance Subcommittee

From: Alderman Baker

Subject: #170-12 ALD. SANGIOLO, BAKER, BLAZAR, JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best-interests of the City and to insure a worthy and enduring legacy for the City's physical facilities and spaces, appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

Date: August 15, 2012

Cc: Board of Aldermen, Mayor Warren, Newton School Committee, Newton Law Department

This memorandum further updates one which was provided to the Programs and Services Committee dated July 7, and attempts to respond to the Committee discussion and the subsequent discussion of the Naming Ordinance Subcommittee on July 19.

Several members of the Newton School Committee, as well as a representative of the Newton School Foundation ("NSF") have argued to the Subcommittee that because the sale of naming rights has now been put on hold, having the Board of Aldermen continuing to consider a naming ordinance will revive the controversy over selling naming rights, and therefore be counterproductive. At the same time, some others who are involved with fund-raising for the Schools have expressed a desire to have some early guidance as to what can and cannot be done to aid the Schools, so that they do not pursue ways in the coming months that have to be reconsidered, or even withdrawn, after they are underway.

On balance, the combination of these factors has led, with some guidance from Ouida Young of the Law Department on matters of form, to reshaping the draft naming ordinance so that our Subcommittee can decide how best to proceed in responding to the Programs and Services Committee in September.

One option is to continue to refine this draft, including seeking further input as we have tried to do, and provide that final draft to the Programs and Services Committee. A second option is to develop the draft as far as we can, and then report to our colleagues on the Programs and Services Committee that it may be appropriate to hold the item for the time being, with the understanding that it may be easier to revisit if and when donor naming were to return as a possible means of public fund-raising. Or there may be other options to consider.

Because as of this writing it is unclear whether all three of us will be able to attend the Subcommittee meeting tomorrow morning at 9:30 in Room 202 at City Hall, we may need to hold at least one more meeting of our Subcommittee before making a decision about what to do next. In the meantime, let me explain some of the background for the revisions which have been made in the most recent draft of this ordinance, set out below.

The purpose of this ordinance is to offer guidance to those citizens and officials who from time to time wish to use the ability to name public assets for public recognition. At the same time, it is also designed to provide guidance to naming in response to, or to induce, acts of donor generosity, since those assets have almost always been paid for in the first instance with public funds and the implication should be avoided that a donor is instead responsible. Also, naming of public assets should be done with an understanding of the implicit lessons imparted, meaning that civic or public service should be paramount, and personal self-promotion or business commercialism should be avoided.

While it would therefore be the case that naming decisions should be made independent of fund-raising, an appropriate exception might be where alumni of a Newton school donate funds in honor of an exemplary teacher to recognize his or her accomplishments as an educator. Another would be to memorialize an event or people involved in it, like the tragedy of 9-11, by allowing the name of a donor to be inscribed on a brick in a walk or within a brick wall where many such bricks are so inscribed.

Also, small plaques acknowledging a gift, such as on a park bench, would not be deemed a naming event, as Newton ordinance 2-10(d) currently allows for gifts of \$1,000 or more, and if more than one donor is involved, it would be important to cluster them in a specific location on a facility, as apparently occurs at Newton Wellesley Hospital, so as to avoid cluttering the facility with such plaques. The use of such means for acknowledgement does not mean that the specific means chosen must be durable, however, if the needs of those using the facility later require their removal or relocation, since acknowledgement in this way is intended to serve the public interests of the City more than the interests of those named.

In the case of shared assets, the intent is not to disturb longstanding practices, such as in City Hall, where the Board of Aldermen traditionally has control over the Chamber and the adjacent committee rooms, while the Executive Department has control over the remainder of City Hall.

Finally, with the understanding that some further policy guidance may be helpful after passage of such an ordinance, the ordinance provides for the creation of a policy committee to assist that effort.

With these ideas in mind, what follows is a revised draft of a naming ordinance.

Article [x] Naming of Public Assets [*Draft for discussion only 08-15-12*].

1. Purposes. It is the purpose of this ordinance to reserve the naming or renaming of public assets within the City of Newton for circumstances that will serve the best interests of the City, and ensure a worthy and enduring legacy for the City's physical spaces. This ordinance is also designed to offer guidance to those citizens and officials who from time to time wish to use the ability to name public assets in response to, or to induce, acts of donor generosity so as to preserve the naming of public assets for deserved public recognition and to avoid donor or corporate self-promotion.
2. Prohibition. Unless otherwise permitted by paramount state law, no city assets may be named or renamed except in accordance with the provisions of this ordinance.
3. Sale or conditional gifts of naming rights restricted. The sale of a right to name a public asset of the City of Newton shall not be permitted. Nor shall any gift be accepted conditioned upon the naming of a public asset of the City, except for certain tangible personal property pursuant to Section 2-10(d) of these ordinances.
4. Categories of names. In the case of naming public assets whenever it occurs, the following categories of names are permissible:
 - a. Historic events, people and places. The City may preserve and honor the history of the City of Newton, the Commonwealth of Massachusetts, or the United States; prominent historical figures no longer living; and local landmarks, neighborhoods, or prominent geographical locations.
 - b. Outstanding individuals. The City may acknowledge individuals who have contributed of their time, talent, and energy to the public life and well-being of the students or citizens of the City of Newton, the Commonwealth of Massachusetts, or the United States, including those veterans who put themselves in harm's way to serve their country. The contribution of money or property to the City, or to one of its agencies, shall not by itself qualify a donor to be the subject of naming of a public asset, as the purpose of naming is to recognize exemplary public service by individuals or nonprofit organizations, and to avoid personal self-promotion or commercialization of public assets.
5. Donor acknowledgement. So long as it does not involve naming of a public asset in honor of the donor, donors may be acknowledged by the donee agency of the City with a plaque or inscription on or within a public asset within the donee agency's control, and multiple acknowledgements shall be clustered together. Such an acknowledgement, however, may be removed by the donee agency if the donee agency later determines that the space is needed for other purposes.

6. Major Assets. Assets that are considered to major physical assets of the City of Newton, such as school and other buildings, recreational facilities, parks, school playing fields and theaters, water bodies, and conservation land, streets and squares, shall be named only after the Executive Department, School Committee, or City agency with operational jurisdiction of such an asset shall approve the name, and, if not initially named by the Board of Aldermen itself, the Board of Aldermen, by a majority vote of the full Board concurs in that naming, with the Mayor's approval of the measure under Section 3-8 of the Charter.
7. Non-major assets. All other City assets which are part of a larger major asset, such as the interior spaces of buildings; features within parks, conservation land, recreational areas; driveways or parking lots; or furnishings and fixtures of any description shall be named by the Executive Department, School Committee, or City agency or board having operational jurisdiction over the asset, pursuant to a policy which is consistent with this ordinance.
8. Policies for naming:
 - (a) Naming policy required. No board or agency otherwise authorized to name a public asset shall do so without having a written naming policy, adopted after a public hearing, which policy shall include an opportunity for public comment before a naming decision is reached, and which policy shall be otherwise consistent with the provisions of this ordinance. All such policies shall be available from the Newton City Clerk and also posted on the Newton City web site.
 - (b) Change of names. Names given to public assets in the City shall not be hanged without following the same procedures as for naming an asset under this ordinance.
 - (c) Naming Policy Advisory Committee. On behalf of the Board of Aldermen, the Chairman of the Programs and Services Committee of the Board, with the consent of the President of the Board, shall appoint a Naming Review Committee to which questions of the application of this ordinance can be referred for guidance. The Naming Policy Advisory Committee shall include three representatives of the Programs and Services Committee of the Board of Aldermen, complemented from time to time by ex officio nonvoting advisory members to be designated by the agency involved, such as Newton Schools Foundation, the Newton School Committee, the Council of Newton Parent Teacher Organizations, the Recreation Commission, the Board of Library Trustees, or others, when specific naming policy issues arise that may affect the facilities within their control.