

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY JANUARY 18, 2012

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#16-12 HIS HONOR THE MAYOR requesting an appropriation in the amount of seventy-five thousand dollars (\$75,000) from Free Cash for the purpose of supplementing the Veterans' Benefits Account. [01/09/12 @ 5:21 PM]

ACTION: **APPROVED 8-0**

NOTE: John MacGuillivray, Veterans Agent, joined the committee for the discussion on this item. Mr. MacGuillivray explained that this money is needed to provide assistance to veterans and reminded the committee that 75% of this money will be reimbursed to us by the state. The motion to approve was made by Ald. Baker which carried unanimously.

#371-10(2) CLERK OF THE BOARD requesting acceptance of Chapter 40, Section 8J of the Massachusetts General Laws regarding the establishment of the Commission on Disabilities.

ACTION: **APPROVED 8-0**

NOTE: This item has been docketed with the Board so that they may accept the state law which allows for the city to have a Commission on Disabilities. Ald. Baker moved approval of the acceptance which carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#422-06(2) ALD. HESS-MAHAN requesting that a task force be established to meet and prepare a report and recommendations regarding the regulation of noise, air pollution and best practices with respect to the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers. [01/27/09 @ 3:47 PM]

ACTION: **HELD 8-0**

NOTE: Ald. Hess-Mahan introduced this item, explaining that the genesis of this was the concern over the decibel level reached by the use of landscaping equipment and the hours and duration at which such equipment is used. The level of noise and the duration impedes the peaceful enjoyment of people's homes and property, especially those who have home offices. Ald. Hess-Mahan's intent is to create a task force to address the issue by investigating the range of options to resolve it. He inquired as to whether the committee thought this was a charge worth pursuing. Via a straw vote, the committee voted in favor of the effort. Ald. Hess-Mahan will be bringing this issue back to committee on February 8th with a more detailed proposal for how to go about creating

a task force and thoughts for whom to appoint and who should be the appointing authority. The Committee voted unanimously in favor of the motion to hold.

#329-05(3) ALD. YATES requesting a discussion relative to amending the noise control ordinance to (A) prohibit the cumulative noise level from multiple pieces of equipment operating simultaneously on the same site to exceed the maximum noise levels allowed when measured at the nearest lot line and (B) to eliminate various exemptions in residential districts.

ACTION: **HELD 8-0**

NOTE: Ald. Yates joined the committee to present and discuss this item. He explained that this item arose out of former Senator Pine's experience with the construction of their neighbor's house, where the use of multiple pieces of equipment caused a constant and intolerable disturbance. She requested that the Board amend the ordinance by looking at exclusions as well as the definition of "effective sound barrier" and the maximum decibel level emitted from more than one machine. It was noted by Ald. Hess-Mahan that the use of multiple instruments doesn't necessarily increase the decibel level at the numerical rate that one would think. Ald. Hess-Mahan additionally stated that construction noise level is a different type of noise concern than leaf blowers since some construction machinery is exempt from noise levels and it is therefore more of a challenge to regulate. Right now in the noise ordinance we have a maximum level allowed for individual pieces of equipment, but not for the cumulative noise level. Ald. Hess-Mahan proposed that one direction to take could be to regulate this through the noise pollution provisions, which stipulate the amount of noise allowed above the ambient noise, which can be very difficult to measure as you must take a reading on the ambient noise and then also of the noise that is allegedly violating the provision. Ald. Sangiolo offered her support for the possibility of adding a time restrictions for such noise into the ordinance.

Ald. Baker suggested that John Lojek, Commissioner of ISD, and Ouida Young, Associate City Solicitor, should be present for the discussion of this topic. He also suggested that the Committee take a look at construction management language developed for site plan and special permits to develop ideas for how to address this.

Ald. Hess-Mahan suggested that this could be a permitting or zoning issue and therefore a possible solution could be to require contractors to follow certain specific protocols. The committee was interested in this suggestion of increasing the role of the Inspectional Services Department to address construction noise but decided to hold the item in this committee to have a discussion with Attorney Young and Commissioner Lojek before any decision is made to refer it to the Zoning and Planning Committee. Ald. Yates would like to hold the item until February 8th. The motion to hold carried unanimously.

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.

ACTION: **PUBLIC FACILITIES COMMITTEE APPROVED 4-0 on 10/5/2011 HELD-7-1 (Sangiolo opposed)**

NOTE: David Turocy (Commissioner of Public Works Department) joined the committee to discuss the plan to write monthly reports pertaining to sidewalk snow removal and the exemption program. Commissioner Turocy explained that thus far there have been 94 requests for exemption from the snow program. Of those 94, 52 were approved and 42 were not. Those that were not were mostly turned down due to their not meeting the income requirement or that the paperwork was not properly completed. Ald. Danberg explained that the guidelines for qualifying are similar to fuel assistance guidelines. Commissioner Turocy explained that for those who did not qualify, there is a list available online, and at customer service, of volunteers willing to shovel for people in need.

Ald. Johnson inquired as to whether there is an automatic penalty for snow plows contracted by the city should the job not be done properly. Commissioner Turocy explained that they do have the ability to fine the companies but it is not done automatically. He stated that his first concern is getting the job done properly so they would probably first request that they come back and finish the job, or work later to complete it. The companies don't want to lose the contract with the City so the chances that they wouldn't accommodate the city's requests are slim.

Ald. Danberg questioned whether there is any pushback from the contracted snow plowers about this change to the snow ordinance. Commissioner Turocy stated that they are all accepting of it, some more so than others, but all are agreeable.

Ald. Sangiolo asked whether Commissioner Turocy will be able to provide these reports as requested, to which he answered in the affirmative. Ald. Johnson opined, and the committee agreed, that should there be no snow then no report would be necessary.

Ald. Merrill moved to hold the item until April should the committee want to follow up with a discussion of the snow season with Commissioner Turocy. The Committee voted in favor of that motion 7-1. Ald. Sangiolo opposed the motion as she doesn't see it necessary to hold the item and have Mr. Turocy back in to committee if we are going to have reports from him. Following this discussion the committee was adjourned.

Respectfully Submitted,

Amy Sangiolo, Chairman



SETTI D. WARREN
MAYOR

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Office of the Mayor

#16-12

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January 9, 2012

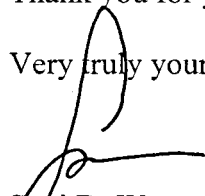
Honorable Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to appropriate \$75,000 from Free Cash to Veterans Benefits Acct # 0150301-5709. We continue to see an increase in the needs of our veterans and their dependents throughout our community. Please note 75% of these funds will be reimbursed to the City of Newton by the Commonwealth.

Thank you for your consideration of this matter.

Very truly yours,



Setti D. Warren
Mayor

RECEIVED
Newton City Clerk
2012 JAN -9 PM 5: 21
David A. Olson, CMC
Newton, MA 02459

1000 Commonwealth Avenue Newton, Massachusetts 02459

www.newtonma.gov



DEDICATED TO COMMUNITY EXCELLENCE

City of Newton

DEPARTMENT OF VETERANS' SERVICES



John MacGillivray, VSO
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Newton Centre, MA 02459-1449

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617- 796-1090
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Setti D. Warren
Mayor

January 4, 2012

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

RECEIVED
Newton City Clerk
2012 JAN 12 PM 2:16
David A. Olson, CMAA
Newton, MA 02459

Dear Mayor Warren,

I respectfully request that a Supplemental Increase in the amount of \$75,000 be approved and allocated to the Department of Veterans Services for Veterans Benefits which is line item 0150301-5709. This increase is needed so that we can continue to assist our needy veterans and their dependents through the remainder of Fiscal Year 2012. Please note that 75% of these funds will be reimbursed to the City of Newton by the Commonwealth of Massachusetts.

I would appreciate it if you would docket this request with the Board of Aldermen at your earliest convenience.

If you have any questions or require more information, please do not hesitate to contact me.

Thank you for your consideration and cooperation.

Very truly yours,

John M. MacGillivray
Veterans Service Officer

Cc: Robert Rooney, Chief Operating Officer
Maureen Lemieux, Chief Financial Officer
David Wilkinson, Comptroller

M.G.L. Chapter 40 Section 8J

Section 8J. A city which accepts the provisions of this section by vote of its city council, subject to the provisions of its charter, or a town which accepts the provisions of this section at an annual or special town meeting, may establish a commission on disability, hereinafter called the commission, to cause the full integration and participation of people with disabilities in such city or town. Such commission shall (1) research local problems of people with disabilities; (2) advise and assist municipal officials and employees in ensuring compliance with state and federal laws and regulations that affect people with disabilities; (3) coordinate or carry out programs designed to meet the problems of people with disabilities in coordination with programs of the Massachusetts office on disability; (4) review and make recommendations about policies, procedures, services, activities and facilities of departments, boards and agencies of said city or town as they affect people with disabilities; (5) provide information, referrals, guidance and technical assistance to individuals, public agencies, businesses and organizations in all matters pertaining to disability; (6) coordinate activities of other local groups organized for similar purposes.

Said commission shall keep records of its meetings and actions and shall file an annual report which shall be printed in the city or town annual report and shall have at least ten meetings annually.

Said commission shall consist of not less than five nor more than nine members. In cities, the members shall be appointed by the mayor, subject to the provisions of the city charter except that in cities having a Plan D or Plan E form of government said appointments shall be by the city manager, subject to the provisions of the charter, and in towns they shall be appointed by the selectmen, except towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen and except towns having a town council form of government, the town manager. A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of that city or town. The terms of the first members of said commission shall be for one, two or three years, and so arranged that the term of one-third of the members expires each year, and their successor shall be appointed for terms of three years each. Any member of said commission may, after a public hearing, if so requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment. The chairperson and other officers shall be chosen by a majority vote of said commission members.

Said commission may receive gifts of property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by said commission for the purposes of this section.