

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY MARCH 7, 2012

Present: Ald. Sangiolo (Chairman), Ald. Linsky (Vice-Chairman), Baker, Merrill, Hess-Mahan, Blazar, Fischman

Absent: Ald. Rice

Also present: Ald. Johnson, Ald. Lappin, Fmr. Ald. Coletti

State Delegation: Representative Ruth Balser

Licensing Commission: Martina Jackson

Urban Tree Commission: Katherine Howard, Barbara Darnell, Julia Malakie, Penny

Caponigro

City Staff: Marc Welch (Director of Urban Forestry), Rebecca Smith (Committee Clerk)

Public Hearing Assigned for 3-07-2012

The following item was denied by the Board of Aldermen on December 5, 2011. A resolution, #297-11(2), was approved requesting the Mayor consider locating the function in the Inspectional Services Department. In accordance with Article I section 3D of the Rules & Orders of the Board, "No petition addressed to the Board, the subject matter of which has been disposed of during the preceding 12-month period, shall be referred to any committee except by majority vote of the Board. Refusal to refer it shall constitute a denial of the petition on the ground that no further action by the Board is deemed necessary

#297-11(3) HIS HONOR THE MAYOR re-submitting a reorganization request pursuant to City Charter §6-2 to change the assignment of responsibility of the Licensing Board of Commissioners Administrative Director/Agent from the Veterans' Services Department to the Department of Health and Human Services (60 days 03/06/12). [01/30/2012 @ 4:18PM]

PUBLIC HEARING HELD OPEN UNTIL 3/21/2012

ACTION: **HELD 7-0**

NOTE: The Chair opened the public hearing. Bob Rooney, Chief Operating Officer, and Dori Zaleznik, Commissioner of Health and Human Services presented the item. Mr. Rooney and Commissioner Zaleznik explained that with the retirement of Pat Sweeney, the Executive office is looking to reorganize the Licensing Department so that it falls under the umbrella of the Health Department. They enumerated several reasons. First, they believe a higher volume of staff support is essential to alleviate some availability issues that arise when there are only 2 people in a department. Second, they'd like to take the opportunity to create databases and computerize information and train multiple people to support Commissioner Zaleznik as the Licensing Agent so that the city doesn't again have a situation where only one person knows how to do an important job. Finally, they suggest it is more cost effective for the city to train 2 current health department employees to do this job and increase their pay grade rather than to hire 1 new person. Lengthy discussions were held about this proposal, some of which included Ald. Lappin as the Board representative. Ald. Lappin explained that she had no vote in

these meetings and was there to learn about the proposal which she believed seemed logical. Additionally, there were extensive discussions between the Executive office, Inspectional Services Department, and the Health Department. It was decided that the most appropriate department would be the Health Department since they already manage certain licenses and therefore have experience issuing licenses. The Health Department also moved the burial permitting function to the Clerk's office which frees up time for their staff to take on this additional responsibility. They suggest that this would be an efficient option that would be cost effective and would be beneficial for the public coming in looking for assistance.

Martina Jackson, Chair of the Licensing Board shared her thoughts with the committee. She stated that the department that this function is assigned to is far less important than the individuals whom will be doing the work. She shared that Pat Sweeney had a vast and encyclopedic knowledge of the chapters in the general laws pertaining to licensing and the licensing board depended on her to assist them. It is important that whoever takes over this function is very well trained, and it is a concern of hers that these members of the health department weren't adequately or extensively trained by Ms. Sweeney. It was stated by Mr. Rooney that as soon as there is a determination about what to do with this item and we know where the licensing board will end up then there is a possibility to hire Ms. Sweeney to train the individuals assuming her former duties.

Former Ald. Coletti attended the meeting and stated that he believes it is a good idea to bring Ms. Sweeney back to train these people as this is such an important function. He also believes that whoever takes over the responsibilities should obtain some form of certification or fulfill some level of requirements; this position is one that requires expertise. Mr. Rooney stated that he is unaware of any certification for this position but will look into it.

Ald. Johnson was also present and requested that there be job descriptions provided at the next discussion of this item which show the change in duties for the members of the Health Department Staff. She suggested a copy of the current job description, and then a copy of the new job description with these additional duties included. The Executive will bring this to the meeting on the 21st of March.

The committee continued to discuss how this reorganization would affect John MacGillivray's job since half his title is licensing agent. It was explained by Ald. Merrill that Mr. MacGillivray could spend his entire day doing just Veteran's Department work. He carries a large case load and provides much service and support to the Veterans. Additionally, on top of his own work, he is helping to assist Veterans in Watertown at the present time since their Veterans Agent has recently resigned. Mr. MacGillivray is very dedicated and is becoming an example for the rest of the state. Furthermore, Mr. Rooney shared that the Mayor has an exciting agenda for the Veteran's office coming up. Newton is becoming a cutting edge model for transition assistance for veterans, assisting them in integrating back into society, which is a challenging time. Members at the Kennedy school of Government are working on a program which would act as a portal from the federal, to the state, to the city level showing opportunities in the job force that will be available when they leave the service up to 6 months into the future. This is a pro-active, not reactive method which will provide solutions to veterans' challenges.

The motion to hold open the public hearing was made until John Lojek and John MacGillivray can attend; the motion carried unanimously. The hearing and discussion will continue on Wednesday March 21st at 7:45pm.

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

#130-11

PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON

requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]

FINANCE VOTED NO ACTION NECESSARY ON 10/12/11

PUBLIC FACILITIES VOTED NO ACTION NECESSARY ON 10/19/11

ACTION: HELD 5-2 (Ald. Sangiolo and Linsky Opposed)

NOTE: Former Ald. Coletti presented the Committee with revised bulleted language for his proposal to fund work on the City's infrastructure. He added these bullets because he wanted to make sure that the language is clear so that if the Capital Preservation Fund is approved then it can be used to fund the principle or the interest. He doesn't want the language of the proposal to prohibit paying for interest. Mr. Coletti explained that the city needs to have about \$14 million available for capital projects when it gets into the process of working on multiple locations. He proposes that to start, there be a 1% surcharge with the ability to increase it to a maximum 2.5% with mayoral approval and a vote of $\frac{3}{4}$ of the full board. This would add up to \$9 million in addition to the \$6- \$7 million in the budget to total approximately \$16 million dollars a year and \$160 in 10 years. This 2.5% could be used instead of a debt override. Ald. Sangiolo noted that though that's true, it wouldn't prohibit a debt service override; they could be used in conjunction for the larger projects.

State Representative Ruth Balser and one of her constituents, Tom Sheff, joined the Committee to discuss a similar item they are working on at the state level. It is generally the same idea, however at the state level Mr. Sheff stated that he hoped there could be a state match, as there is with the Community Preservation Act (CPA), which both of these ideas are based on. At the state level there would be legislation passed which creates the option for municipalities throughout the Commonwealth to accept the program, as they've done with the CPA. Rep. Balser explained that she presented the idea to house counsel and they drafted something for her. Though there was debate on which direction to take, home-rule or state legislation, it was determined that right now home-rule legislation from the city should be presented to the legislature; come January when bill filing will take place again, Rep. Balser will file something at the state level. Up until January Rep Balser is welcoming any feedback or ideas on the matter that she will consider when crafting the bill. She stated that the current draft doesn't have the state match requirement in it, but it can be added.

A number of members (Fischman, Blazer, Baker, Hess-Mahan) were wary to approve this item without hearing from the Executive Office about where the Mayor stands on this. The Chair reminded the Committee members that the Executive Department had come in when the item was first discussed and Maureen Lemieux had suggested that this item could be discussed in conjunction with the CIP. However, those members who expressed reservation see it unnecessary to pursue this should the Mayor not support it. Ald. Baker moved to hold the item. That motion carried 5-2 with Ald.

Sangiolo and Linsky opposed to the delayed vote of approval. Bob Rooney, Chief Operating Officer has been invited to the meeting on the 21st of March to represent the Executive Office in the continued discussion of this item.

#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 7-0**

NOTE: Ald. Hess-Mahan presented the draft resolution for his item to the Committee with Ald. Baker's suggested edits (attached to this report). Ald. Hess-Mahan touched upon the topic of the appointing authority which he listed as the Programs and Services Committee, though he is not married to that idea. He suggested that the Committee could advertise the openings to make sure that there is widespread knowledge of the opportunity.

The majority of the discussion centered on item #3 in the resolution pertaining to committee membership. Ald. Hess-Mahan was trying to include a number of different parties to provide valuable opinions, however the committee agreed that in doing so the scale of the committee seemed too large to manage. It was decided that Ald. Hess-Mahan will revise that section and reduce the required membership to the core people that seem the most necessary such as residents and people in the landscaping community. Other individuals whose opinions may be desired can always be invited to comment. Ald. Hess-Mahan will provide a revised resolution at the meeting on March 21st. A motion to hold was made, which carried unanimously.

A Note on the Urban Tree Commission: In addition to the docket items, the Committee scheduled a brief discussion with Marc Welch, Director of Urban Forestry, and members of the Urban Tree Commission. The discussion was very productive. The Chair, who is also a member of the Urban Tree Commission, will supply a more detailed report of this discussion separately.

Respectfully Submitted,

Amy Sangiolo, Chairman

130-11
Received at Atty 3-7-12

Proposed Home Rule Petition

ORDERED:

That the Board of Aldermen hereby requests and authorizes His Honor the Mayor to submit a home rule petition to the General Court for Special Legislation as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the City of Newton requests authority to establish a Capital Preservation Fund. The City of Newton requests authority to impose a 1% surcharge on real estate to be deposited into a Capital Preservation Fund. Such Fund would be used exclusively to proceed with capital improvement projects identified in the Capital Improvement Plan submitted by the Mayor and adopted by the Board of Aldermen. The Board of Aldermen together with the Mayor, will have the authority to identify projects and approve expenditures on an annual basis.

- Funds raised under the Capital Preservation Act shall not be restricted from paying interest and or principal for Bonds sold to finance projects approved by the Mayor and Board of Aldermen.
- This Special Legislation shall allow for a maximum surcharge percentage of 2.5% with approval of the Mayor and 3/4 vote of the full Board of Aldermen.

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_____, 2012

BE IT RESOLVED:

WHEREAS, various studies have identified potential adverse health impacts for those exposed to the exhaust emissions, particulate matter, dust, and noise resulting from the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers, affecting both the operators of such equipment and the public at large; and

WHEREAS, many residents have expressed concerns that the City of Newton's Ordinances do not adequately and effectively protect **both operators and** its residents from exhaust emissions, particulate matter, dust, and noise resulting from the operation of such equipment; and

WHEREAS, many municipalities in the Commonwealth of Massachusetts, including neighboring communities such as Brookline and Cambridge, and in other states across the Country have **passed implemented** ordinances or by-laws that restrict the operation of such equipment, to protect the health and welfare of their residents as well as their environment; and

WHEREAS, the reduction of exhaust emissions, particulate matter, dust, and noise resulting from the operation of such equipment is a public purpose that would serve to protect the public health, welfare and environment of the City of Newton and **those who live and work in it its citizens**; and

WHEREAS, a comprehensive review of the health and environmental impacts from exhaust emissions, fugitive dust, and noise caused by the use of such equipment, various approaches to regulating the use thereof, including ordinances and by-laws adopted by other municipalities, complaints and concerns of Newton residents, and the financial and operational impacts of various regulatory schemes, including enforcement challenges, would aid the Board of Aldermen in responding to these concerns;

NOW THEREFORE BE IT RESOLVED by the Newton Board of Aldermen, that

1. The Board of Alderman establish a Special **Landscape Equipment Emissions Forum** ~~Task Force~~ ("**LEEF**")¹ to meet to review and evaluate research provided by various sources on the health and environmental impacts from exhaust emissions, particulate matter, dust, and noise caused by the use of leaf blowers and other landscaping equipment, various approaches to regulating the use thereof including ordinances and by-laws adopted by other municipalities, complaints and

¹ If this is preferred, then the references to Task Force elsewhere should be globally changed.

concerns of Newton residents **and operators (?)**, and the financial and operational impacts of various regulatory schemes, including enforcement challenges.

2. Based on the results of its review and evaluation, said Special Task Force shall prepare a report and make recommendations to the Board of Aldermen for amendments to the City of Newton's Ordinance for the purpose of reducing exhaust emissions, particulate matter, dust, and noise resulting from the operation of power equipment used in landscaping, property and yard maintenance, including, without limitation, leaf blowers, in order to protect the public health, welfare and environment of the City of Newton and its citizens, for consideration by the Board of Aldermen.

3. The membership of said Special Task Force shall consist of:

Eight (8) citizens, one from each Ward, to be appointed by the **President of the Board and the Chair of the Programs and Services Committee, to be approved by the Programs and Services Committee on behalf of the Board²**, from recommendations by the aldermen from each Ward. To the extent possible, **it would be helpful, but not required, that in addition to experience of being exposed to the emissions of landscape equipment**, residents should also include interest, experience or expertise including health care and environmental policy, operating a home business, owning rental property(ies), recreation, conservation or other related fields;

Two (2) aldermen (one each from Wards 1-4 and 5-8), to be appointed by the Programs and Services Committee;³

One (1) representative from a landscaping firm in the City, appointed by the Programs and Services Committee, based on recommendations from **members of the Board of Aldermen**;

One (1) representative from a major institution (e.g., Boston College, Lasell College, Mount Ida College), which owns substantial land and uses leaf blowers and other landscaping equipment to maintain its property, appointed by the Programs and Services Committee, based on recommendations from aldermen;

One (1) representative from one **the Newton Commonwealth Golf Course, and (1) representative of one of the** ~~of the public or private~~ golf courses in the City⁴, appointed by the Programs and Services Committee, based on recommendations from aldermen;

² To the extent the appointing authority is different, it should be made a global change throughout.

³ I think you could have one alderman (TH-M for example) to keep the number consistent.

⁴ The two may not have coincident needs.

One (1) representative of the Police Department, appointed by the Mayor;

One (1) representative of the Parks and Recreation Department, appointed by the Mayor;

One (1) representative of the Department of Public Works, appointed by the Mayor;

One (1) representative of the Department of Health, appointed by the Mayor; and

One (1) representative of the Law Department, appointed by the Mayor.

4. The members of said Special Task Force shall choose the Chair and the Vice Chair of the Special Task Force⁵;
5. This Resolution shall be forwarded to said Special Task Force as its charge from the Board of Aldermen.
6. **The Task Force shall report its conclusions and recommendations to changes in Newton's ordinances or policies to the Board of Aldermen and the Mayor by?**

This Resolution adopted by a ___ - ___ (_____ opposed; _____ absent) vote of the Newton Board of Aldermen this _____ day of _____, 2012.

(SGD) DAVID A. OLSON, City Clerk

⁵ How about considering the Chair to be appointed from the Citizens or to be the Alderman? Chairing meetings is an art in itself. If so, the vice-chair might come from among the users. It is preferable to have those appointed at the outset, in my experience, with other commissions, rather than leave it to the group to decide.