

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY MARCH 21, 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 CLOSED

ACTION: **APPROVED 8-0**

NOTE: The public hearing was continued in order to hear from John Lojek, Commissioner of Inspectional Services, and John MacGillivray, Veterans Agent, both of whom could not attend the previous meeting. The committee asked the Commissioner Lojek and Mr. McGillivray's about this reorganization. Commissioner Lojek explained that during discussions between department heads it became clear that the most logical place to absorb the licensing function is the Health Department as that department already manages food licenses and has experience with the process of distributing licenses. ISD is an integral part of the process, in terms of being the first stop for any business to find out what they can and cannot do in the location they are intending to operate on, but should ISD have been the department chosen they would have had to hire additional staff that have experience with it. Mr. MacGillivray agreed that the having the licensing function in the health department does make the most sense; there is a logic to having all licenses together, he stated.

The effect on the role of the Veteran's Agent was discussed. Mr. MacGillivray explained that his case load has gone up significantly over the years. The Mayor, and Mr. MacGillivray himself, would prefer that he focus solely on veterans affairs. It was clarified by Bob Rooney that although health department staff is not involved in assisting the licensing department at this time, that will be the goal long term.

Ald. Merrill expressed his support for the reorganization and his hopes that the veterans department stays in the same office that it has been in. He also expressed that the Veterans Council is happy satisfied with this change.

Pat Sweeney's retirement raised some concerns about the transition of the vast amount of knowledge and experience she acquired over the years to the employees now

responsible for the licensing board's administrative duties. Linda Walsh of the Health Department explained that the employees spent two days a week for 6 months being trained by Ms. Sweeny. However, Committee members still felt more training should be available with Ms. Sweeney and voted a resolution to request that Ms. Sweeney be retained to train the staff taking over her duties once this item is addressed by the full board. When asked about funding for her potential future services, Mr. Rooney explained that there should still be funds available from when her salary was budgeted for this fiscal year.

Ald. Sangiolo closed the public comment portion of the meeting and the committee voted unanimously to approve the 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: **APPROVED 8-0**

NOTE: Items 422-06(2) and 329-05(3) were jointly discussed. Ald. Hess-Mahan presented the item and the most recent revision of the resolution with the amendments requested by the committee. The changes include a reduced membership, making the task force more manageable. The suggested name of the task force was changed from "LEEF" (Landscape Equipment Emissions Forum) to the Leaf Blower Task Force. In addition, a time limit was added – work of the task force to be completed by the end of the 2012 calendar year. The committee opened the meeting up to public comment. Although the public comment portion was originally intended for item # 329-05(3), the majority of the comments were directed more towards public pertained leaf blowers than to construction noise.

Jim Buni, 6 Bonwood Street, shared his concerns about landscapers blowing dust and debris from the properties on which they're working and into the public streets. This is a concern to him as this often occurs during the times of day when he is either walking his children to/from school, which means they are inhaling this debris which is especially concerning since one of his children is asthmatic.

Sheila Sasselov, 59 Maple Street, voiced her concerns over Lasell's landscapers who have machines running 90% of the time and constantly have their trucks parked outside her home idling. These nuisances occur to the extent that she cannot enjoy her own property. She stressed that it is a quality of life and a mental health issue.

Alex Blumenstiel, 40 Collins Road, expressed his concern about leaf blowers. He has background in gardening/landscaping, a degree in horticulture, and experience in environmental project management and operations for the Federal Government. He has spoken to the police department, David Norton, and Aaron Goldman about the decibel level but he knows that this is very difficult to enforce. In addition to the noise he is concerned about the environmental effects of the leaf blowers (1 leaf blower emits as much toxins as 24 automobiles per hour) and the health hazards that are also associated with this in terms of dust, pesticide, and fecal matter. In short, since enforcement is so difficult he proposes that there be a ban on the equipment. He suggests that people are trained to use hand tools because if one knows how to properly use hand tools then equipment such as leaf blowers are not necessary. Powered equipment such as these are environmentally unsound way to move leaves and blow refuse.

Marcia Cooper, Evelyn Road and President of the Green Decade, shared that the membership of the Green Decade cares about noise pollution and about the air that the community is breathing. She believes that the residents of the city are learning that quality of life is more important than immaculate lawns and that the quality of the air we breathe is becoming a greater public concern. The people who are bothered need to be heard and respected.

Les Fiarenzo, 52 Washington Park, voiced his concern over the noise level of leaf blowers especially from the worker's operating them whom he often sees without the proper hearing protection.

Ald. Blazar moved approval of the Leaf Blower Task Force item. The conversation continued on to Ald. Yates' item for which he explained that the impetus of his item was former Senator Lois Pines' experience with construction occurring next to her home which was lengthy and very disruptive. The committee was comfortable with the proposal that Ald. Yates had submitted at the last meeting (attached to this report) generally agreeing with the policy choice of having one maximum decibel level regardless of how many pieces of equipment are running. After a brief discussion on enforcement and whether the enforcing agent should be ISD (though the committee decided against this due to the fact that they haven't yet been consulted and would not be available on weekends), Ald. Baker moved approval of the item.

The committee voted on both items and both were unanimously approved.

#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: **APPROVED 8-0**

NOTE: See note from item #422-06(2).

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: **APPROVED & REFERRED TO FINANCE 5-0-3(Fischman, Baker, Blazar abstaining)**

#130-11(A) PROGRAMS & SERVICES COMMITTEE requesting the Finance Committee review alternate proposed Home Rule Legislation language related to the creation of a Capital Preservation Fund.
APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining)

CHAIRMAN'S NOTE: Attached to the report is an updated draft for Alderman Baker's version of the Home Rule Petition along with Former Alderman Coletti's draft of the

Home Rule Petition. We can recommit if members are so inclined prior to referring it on to Finance.

NOTE: Former Ald. Coletti joined the committee again to discuss the future of this item. The discussion was focused on choosing between the two drafts - the original language proposed by Mr. Coletti, or the revised home rule petition drafted by Ald. Baker. Alderman Baker based his draft on the draft language provided by State Rep. Ruth Balsler which was previously submitted. Ald. Baker tailored the language to become a home rule petition rather than statewide legislation – as may be proposed by Rep. Balsler. The main difference between the Coletti draft and the Baker draft is that Ald. Baker’s draft asks the public to vote to allow the city to tax them a percentage anywhere up to 3% (as is done with the CPA), whereas the original proposal would ask the public to vote on a 1% increase while also allowing the city to increase this percentage to 2.5% with mayoral approval and a ¾ vote of the full Board. The reason for the amended percentage proposal in Ald. Baker’s draft is that Ald. Baker is concerned that the public won’t be comfortable with allowing an increase to 2.5% without their voting on it again. Fmr. Ald. Coletti is not in favor of writing in 3% and prefers the original item as written which he believes will be much more easily accepted by the voters since it is a lesser percentage. He also stressed that this proposal wouldn’t affect proposition 2 ½. He stated that he wasn’t looking for a way to get higher revenue to surpass prop 2 ½, but rather that he was looking for a way to duplicate that funding with this method and use it in place of prop 2 ½ overrides. It was decided by the committee that both items should move on to Finance (Ald. Sangiolo informed the committee that Ald. Gentile would be willing to take this up again) and that the item should be split so that the main item remains Fmr. Ald. Coletti’s item and item 130-11(A) becomes Ald. Baker’s draft as proposed by the Committee.

Bob Rooney was asked whether or not the Mayor would be interested in this proposal or something similar. Mr. Rooney responded all options are under consideration and that the Mayor’s plan for infrastructure improvements will be released in the fall.

The motion to approve the items and refer them back to Finance Committee was then made. The motions carried 5-0-3 for the main item and 7-0-1 for 130-11(A)

#130-11(A) PROGRAMS & SERVICES COMMITTEE requesting the Finance Committee review alternate proposed Home Rule Legislation language related to the creation of a Capital Preservation Fund.

ACTION: **APPROVED & REFERRED TO FINANCE 7-0-1 (Blazar abstaining)**

NOTE: Please see the note for item #130-11.

#67-12 ALD. ALBRIGHT seeking a discussion with the Executive Department regarding a plan and timeline for funding an archivist/records manager position for the city to oversee the preservation, cataloguing, and organization of the city archives; provide guidance and assistance to city departments that are maintaining their own archives in order to ensure that

records are preserved, accessible, and maintained; and, plan for future storage needs as the collection continues to expand. [03-12-12 @10:28 AM]

ACTION: **HELD 8-0**

NOTE: David Olson, City Clerk and Clerk of the Board, and Ald. Albright joined the Committee to discuss the need for an archivist for the city. Ald. Albright explained that she became aware of the issues while serving as the chair of the Committee on Community Preservation. In addition to that, she had a chance to see the veterans archives in the War Memorial Hall and was concerned about their preservation. When she approached Mr. Olson, she learned that the issue was much bigger than she thought.

Mr. Olson explained to the committee that the city's archives consist of a vault in the basement of City Hall, a vault in the library, and a vault in his office. He had requested, and received some money from the CPA to do a survey of his archives and all the additional archives throughout the city. Mr. Olson explained that there are 25 separate archives in the city; each department is responsible for their storage and preservation of their archives. These archives are the records of the city, dating back as far as 1680. The Clerk's office has all the records that cover the breadth of city government, all vital records, audio, microfiche, reel to reel, and photographs. What is kept by the Clerk's office is required by Massachusetts General Laws and through the survey it was learned that the Clerk's office houses 736 record series in the three vaults (a series could be one volume or a hundred volumes). Mr. Olson explained that maintenance of these records has become overwhelming without the assistance of an archivist. Each year, he has requested one, including this year; however it has not been included in the budget. There is a huge amount of material throughout the city in the 25 different archives that needs to be preserved and is currently not being properly stored and maintained.

The survey that was completed of all 25 archives rated the historical importance of the records, the condition of the records, and the condition of the storage. This information was put into a spreadsheet that gives a rating for each category. The survey determined that records at the most critical risk are the property records in the Assessors department's possession; records in the Election Commissions basement storage; records in the Executive Office's basement storage; Inspectional Services Department's building plans from 1911-2011 in storage in the basement of the War Memorial Hall; and the Veterans Services collections in WWI and WWII. Now that the survey is complete, the CPA can consider providing funding which would allow for the creation of a strategic mitigation plan. However, the city must also include this in the CIP.

In response to Mr. Olson's statement that 95% of his archival storage is full, Ald. Sangiolo suggested that there is also an apparent capital need for the space and that this should be thought about when taking up the CIP.

In addition to CPA funding for a strategic plan, Mr. Olson is hoping that in the next few years a full time archivist can also be obtained to assist with these issues, however, the archivist's salary can't be CPA funded; funds for an archivist would have to come from the City. The hiring an archivist is essential, however, since if CPA money is obtained and a plan is created someone must be available to implement it.

The question of digitization was raised. Digital is great in helping to preserve and allowing easier access, but digital copies are not considered permanent records as they could be lost in a minute; there's no guarantee that digital files are going to be readable or

remain uncorrupted for any length of time. In Massachusetts paper records of most everything are required and there is no indication that this practice will change any time soon.

Mr. Rooney spoke on behalf of the Executive office, stating that historic preservation is important to him, to the Mayor, and to the fabric of Newton. Once something is gone it's gone so preservation is imperative though a bit overwhelming. The city will have to balance funds we have available and prioritize what is important to us and make room for the things that we should keep and clear out non-essential documents that aren't required to be kept, such as the tapes of veterans meetings from the 1970's that are stored in the veteran's department. He also stated that though it may not be in the Clerk's budget, the Board will likely see in the final budget presentation movement towards finding at least a part time person on the payroll or at the very least a consultant.

Ald. Albright stated her concern that too often things to do with culture and history fall towards the bottom of the CIP. They may not be a life safety issues, but they are very important and need attention.

Ald. Merrill moved hold on the item which carried unanimously. This issue will be further discussed during the budget.

#68-12 ALD. YATES, MERRILL asking that the Executive Department develop a detailed plan for the storage of the veterans archives currently housed in the War Memorial that allows for proper access to the records by veterans, their families, and historians, both amateur and professional. [03-05-12 @ 9:40 PM]

ACTION: **HELD 8-0**

NOTE: Ald. Yates and Merrill agreed that it would be best to take this up during the budget discussions. The motion to hold was made and carried unanimously.

SENIOR CENER UPDATE:

In addition to the docketed items, the committee held a discussion relative to the senior center programming. Jayne Colino provided the committee with an update. She informed the committee that over the last 10 years the population of seniors in the city increased by 17% making the total number of seniors 18,636 which ranks Newton as the 6th largest senior population in the Commonwealth. To provide some perspective, Ms. Colino gave the comparison that there are as many seniors in this city as there are school aged children. Ms. Colino updated the committee on the senior center's mission to begin a strategic planning process in order to address the changes in desired services of younger seniors with the influx of that population. A balance has to be struck though to assist younger seniors with their needs while also maintaining the services and resources that older seniors depend on and desire. Ms. Colino reported that many older citizens are about the changes and are wondering where they will they fit. Ms. Colino and the Senior Center staff are sensitive to these concerns and will be mindful not throw out the history with these seniors while creating new paths to address the needs of the newer senior population. The hope is that the strategic planning process will result in a three year plan for the purpose of understanding all of the resources needed. Ms. Colino explained that a major goal is to raise awareness about all opportunities for seniors in the city. She is working to put a community calendar on the Senior Services Department website so that

even if the department is not providing the service they will be known as the conduit to obtain information about services that exist in the community. Additionally, Ms. Colino explained that a transition plan will need to be crafted for the replacement of the program coordinator, Joanne Fisher, who is retiring.

Ms. Colino also touched upon transportation services which will be rebid on July 1st. She hopes that the Senior Services Department will be able to provide transportation services to City Hall, the Library, and other city sponsored functions which fit the Department's vision of providing options to keep people active in their community. Unfortunately, if these options push the Senior Services Department over their budget, they won't be able to extend the transportation services but will keep the services currently offered.

In regard to the congregate meal program, there is an apparent national decline in attendance. Many seniors coming in now are not looking for a noontime meal but for smaller meals throughout the day. The Senior Center is looking into creating a café concept.

Ms. Colino expressed the need for a citywide needs assessment to fully understand what the senior population in the city is looking for. She is looking for an intern to assist with this. In addition, she explained that the Department has a 17% cut to its CDBG funding but she believes the city will cover this loss so that staff positions will not be diminished in any way.

Upon the conclusion of Ms. Colino's presentation she entertained several comments from the committee. Ald. Fischman suggested that the Senior Center can assist people who have been laid off and may be searching for education opportunities. Perhaps there could be a partnership or some type of participation by academic institutions. Ms. Colino appreciated that idea and will consider the possibility.

Ald. Merrill asked Ms. Colino if she has any data explaining why some people who attend the senior center for a short while or just a visit never return. Ms. Colino does not have this data documented but she would suspect that it is because some people have preconceived notions when they come into the senior center; some people's notions are changed, and some people's notions are fulfilled. Ms. Colino explained that one of her major goals is to dispel ageism; the Senior Center is about life circumstances and needs and has very little to do with age.

Respectfully Submitted,

Amy Sangiolo, Chairman

CITY OF NEWTON**Job Description**

JOB CODE: VET-201
DEPT: VET SERV/LICENSING
Job Title: **VETERANS SERVICES CONTACT OFFICER**

JOB CLASS: 2591
GRADE: S07

Prepared by: Human Resources Department

Date: October 15, 1999

Performs administrative and clerical activities in the administrative management and coordination of the Veterans Services and Licensing office. Responsible for data processing, files maintenance, accounts payables and receivables, and the departmental annual budget preparation and tracking.

Essential Elements

- In the Veterans Services Office: Assists in administering veteran's benefits. Prepares payrolls and payments, and processes veteran and family member applications. Assists veteran's surviving family members with form completions, application preparation, and the assignment of cemetery plots. Prepares internment, grave marker, and other forms and/or reports. Provides assistance in the disbursement of benefits.
- In the Licensing Office: Receives victualer license applications for the serving of food and alcoholic beverages. Sets up hearings folders, prepares hearing legal notices, and notifies interested parties. Records minutes of meetings and notifies applicants of Board's decision. Where appropriate, receives and records license fees. Maintains license records and prepares materials for license renewals. Prepares ABCC, MA, DOR and other reports.
- Acts as clerical and administrative support to the Department Head. Schedules meetings and appointments. Handles and processes complaints, inquiries, and questions.
- Assists in budget preparation and tracking. Posts and tracks fund expenditures against budget allocations.
- Conducts bookkeeping and general accounts payable and receivable processing. Verifies periodic statements and bill invoices for validation and approval. Processes invoices and purchase orders for payment. Maintains expenditures records, reconciles department accounts, and transfers funds to ensure fund liquidity. Ensures approved bills are paid. Maintains department ledger accounts.
- Assists in budget preparation and expenditure monitoring. Verifies funds available and allocate funds against payments to be made. Tracks and records account expenditures against operating budgets.
- Maintains office supplies, initiates orders for replacement items. Records, inventories, and stores received items.
- Maintains department filing systems and record keeping.
- Opens, sorts, and distributes mail and processes outgoing mail.
- Prepares office correspondence, notes, notices, reports and other documents, and data entry/retrieval.
- Maintains continuing cooperation, liaison, and contact with citizens, veterans and their families, license applicants, other groups, or individuals.

Veterans Services Contact Officer -Page 2

- Assumes delegated responsibilities of the Department Head in his/her absence or unavailability. Attends and participates in department or other meetings. Attends Department Head meetings in the absence of the Veteran's and Licensing Agent.
- Follows and adheres to department, City and other government rules, regulations, policies and procedures.
- Schedule designated department and other meetings, and prepares agenda as required.

Secondary Elements

- Performs other duties as required.

SUPERVISORY RESPONSIBILITY: Coordinating and overseeing the day-to-day operations of the Sealer of Weights and Measures.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE: Associates and three to five years related experience and/or training or equivalent combination of education and experience. Knowledge of specialized/technical field such as licensing requirements, Veteran benefits, basic accounting and bookkeeping practices, and the operation of office equipment, such as personal computers and computer software, data processing and/or word processing.

LANGUAGE SKILLS: Ability to read and interpret documents such as reports and procedures manual. Ability to write reports and correspondence. Ability to present information effectively, which may be controversial in nature, one on one, or in small groups, and responds to questions from outside organizations, citizens, or employees of the City.

MATHEMATICAL SKILLS: Ability to calculate figures and amounts such as discounts, interest, commissions, proportions, percentages. Ability to apply concepts of basic algebra.

REASONING ABILITY: Ability to use judgement in the analysis of facts and circumstances to solve practical problems and deal with problems involving several concrete variables in standardized situations. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

PHYSICAL DEMANDS: The physical demands described here represent those requirements that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

CITY OF NEWTON

RECEIVED

By Clerk's Office at 11:46 am, Mar 28, 2012

Job Description**JOB CODE:** HLH-203
DEPT: HEALTH**JOB CLASS:** 1180
GRADE: S05**Job Title:** HEAD CLERK**Prepared by:** Human Resources Department**Date:** October 15, 1999

Performs a wide variety of administrative, secretarial and other clerical activities involved in assisting in the administrative management and the coordination of the Health Department office. Assists in the oversight of data processing, files maintenance, accounts payables and receivables, payroll processing, personnel data maintenance and budget tracking.

Essential Elements

- Assists in the direction, instruction, training and checking of a group engaged in department clerical support.
- Organizes, coordinates, and assigns work to clerical support staff according to priorities and schedules. Periodically checks or inspects operations for conformance to standards.
- Acts as confidential secretary to Health Commissioner. Schedules meetings, appointments and assists in budget tracking and preparation, correspondence preparation and distribution. Tracks and posts grant funds expenditures against budget allocations.
- Handles and processes complaints, inquiries, and questions.
- Receives, checks, verifies terms and conditions, matches and processes vendor invoices and bills. Schedules approved invoices for payment. Matches purchase orders and invoices. Inputs verified data into computer. Checks extensions for completeness. Investigates and resolves discrepancies. Responds to vendor and other inquiries. Checks vendor and other statements for current status.
- Makes required journal and ledger entries, postings, trial balances, and reconciliations. Conducts department basic bookkeeping and general accounting. Customizes spreadsheet applications for department use.
- Receives and checks time cards. Calculates hours worked against job. Computes sick and vacation times, overtime, shift differentials and incentives. Maintains daily attendance and vacation logs. Ensures payroll data is entered into computer and balanced. Maintains computerized payroll information and sees that changes are recorded, balances recorded, costs are recorded against budget accounts.
- Prepares Personnel Action forms, Job Authorizations, and other forms.
- Maintains department personnel records. Maintains office supplies, initiates orders for items in low supply, records and inventories receipts.
- Maintains liaison with citizen groups, media, and other City agencies.
- Follows and adheres to department, City and other government rules, regulations, policies and procedures.

Head Clerk -- page 2

- Attends and participates in staff, department, or other meetings.

Secondary Elements

- Detects and reports improper operations(s), faulty equipment, defective materials, and unusual condition to supervision.
- Ensures work area(s) and equipment are maintained in a clean, orderly and safe condition, that prescribed safety measures are followed, that established City and department policies, procedures, rules and regulations are adhered to.
- Performs other duties as required.

SUPERVISORY RESPONSIBILITY: Immediate supervision of 2-8 employees, responsible for assigning, reviewing, checking work and eliminating ordinary difficulties.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE: Associates and three to five years of related experience and/or training or equivalent combination of education and experience. Knowledge of general accounting, office management, statistics and general office procedures, and the operation of office equipment such as personal computers and computer software, data processing and/or word processing.

LANGUAGE SKILLS: Ability to read and interpret documents such as reports and procedures manual. Ability to write reports and correspondence. Ability to present information effectively, which may be controversial in nature, to outside organizations, citizens, or employees of the City.

MATHEMATICAL SKILLS: Ability to add, subtract, multiply and divide in all units of measure, using whole numbers, common fractions, decimals. Ability to calculate figures and amounts such as discounts, interest, commissions, proportions and percentages. Ability to apply concepts of basic algebra

REASONING ABILITY: Ability to apply common sense understanding to carry out detailed written or oral instructions. Ability to solve practical problems and deal with a variety of concrete variables in situations where prescribed standard practices exist.

PHYSICAL DEMANDS: The physical demands described here represent those requirements that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

CITY OF NEWTON**Job Description****JOB CODE:****DEPT:** Senior Services**JOB CLASS:****GRADE:****Job Title:** PRINCIPAL CLERK**Prepared by:** Human Resources Department**Date:** October 15, 1999

Performs a variety of clerical activities including data entry, word processing, transcription, typing, and file maintenance. Processes various applications and permits and collects fees.

Essential Elements

- Receives and processes applications for burials and other permits. Collects and records application and permits, copying and other fees. Issues approved permits.
- Prepares CDBG grant-funded staff and contractual payrolls.
- Answers and screens telephone calls, takes and/or relays messages; receives, sorts and distributes incoming mail and Faxes. May prepare outgoing mail.
- Assists in word processing, typing or preparing office correspondence, notes, notices, reports, and other documents, data entry/retrieval. Assists in maintaining food establishments, massage establishments and other department licensing files. Assists in distributing meeting/hearing notices and preparing agenda and documentation for hearings; notifies members of meeting time and place, agenda.
- Administers massage therapist licensing tests or examinations.
- Assists in answering citizen questions and inquiries on application fees and permit processes, the public or others in form completion and the processing of complaints, inquiries, and questions.
- Attends and participates in staff and other meetings, conferences.
- Follows and adheres to department, City and other government rules, regulations, policies and procedures.

Secondary Elements

- May be required to act as backup to other department clerical functions.
- Performs other duties as required.

QUALIFICATIONS: To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

EDUCATION and/or EXPERIENCE: High school/GED and one to three years of related experience and/or training or equivalent combination of education and experience. Knowledge of posting, data retrieval and office procedures and the operation of office equipment such as personal computers and computer software, data processing and/or word processing.

LANGUAGE SKILLS: Ability to read and comprehend instructions, correspondence and memos. Ability to write correspondence and memos. Ability to present information effectively, which may be controversial in nature, one-on-one or in small groups, to citizens or employees of the City.

MATHEMATICAL SKILLS: Ability to add, subtract, multiply and divide in all units of measure, using whole numbers, common fractions, decimals and percentages. Ability to apply concepts of basic algebra.

REASONING ABILITY: Ability to apply common sense understanding to carry out straightforward written or oral instructions. Ability deal with problems involving clearly prescribes standardized practices.

PHYSICAL DEMANDS: The physical demands described here represent those requirements that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

WORK ENVIRONMENT: The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Memorandum of Agreement
Between
City of Newton and City Hall Associates, Local 3092**

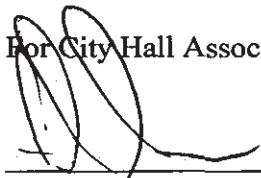
This memorandum incorporates an understanding reached between the parties to the AGREEMENT regarding the work assignment and work location of the two head clerks in the health department:

The understanding is as follows:

1. The City and Union agree that the two head clerks in the Health Department have been assigned, on a temporary part time basis, to the Veterans and Licensing Department under the general supervision of the Veterans Agent and the Commissioner of Health and Human Services.
2. The City and the Union agree that the Union has sole bargaining rights for the two head clerks;
3. The City and the Union agree that the two Head Clerks will be adjusted to a grade S-06 for the remainder of the fiscal year.
4. The City and the Union agree that the additional duties are spelled out below;
 - In the Licensing Office: Receives victualler license applications for the serving of food and alcoholic beverages. Sets up hearings folders, prepares hearing legal notices, and notifies interested parties. Takes notes from recorded meeting tapes and notifies applicants of Board's decision. Where appropriate, receives and records license fees. Maintains license records and prepares materials for license renewals. Prepares ABCC, MA, DOR and other reports.
5. The City and the Union agree to re-evaluate the Licensing process by September 15th.

This agreement only applies to this situation and does not set a precedent for any other position and cannot be used as a precedent in any other matter.

For City Hall Associates, Local 3092



For the City of Newton



CITY OF NEWTON

IN BOARD OF ALDERMEN

_____, 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 adopted and 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 ~~its citizen~~those persons who live and work in it; 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 Task Force 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 concerns of Newton residents and operators, and the financial and operational impacts of various regulatory schemes, including enforcement challenges. The Special Task Force shall consult with Department Heads or their designees from the Department of Public Health, Department of

Public Works, Law Department and the Police Department, in addition to any other City Departments that the members of the Special Task Force deem necessary or advisable.

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 thirteen (13) members comprised of the following:

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 Board, from recommendations by the aldermen from each Ward. To the extent possible, it would be helpful but is not required that, in addition to having experience with or exposure to exhaust emission, fugitive dust and noise resulting from the operation of landscaping equipment, residents may also include interests, experience or expertise in other areas including public health, environmental protection, operating a home business, owning rental property(ies), recreation, conservation or other related fields. ~~To the extent possible, residents should include interest, experience or expertise including health care and environmental policy, operating a home business, owning rental property(ies), recreation, conservation or other related field;~~

~~Two (2) One (1) aldermen/~~ One (1) alderman (one each from Wards 1-4 and 5-8), 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 Board ~~Programs and Services Committee;~~

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

~~Board Programs and Services Committee~~, based on recommendations from ~~members of the Board of aldermen~~ Aldermen;

One (1) representative from one of the public or private golf courses in the City, 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 Board ~~Programs and Services Committee~~, based on recommendations from ~~members of the Board of -aldermen~~ Aldermen;

~~One (1) representative from the City's administration. 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 aldermanic representative of the Special Task Force shall be the Chair and the members of said Special Task Force shall choose the ~~Chair and the~~ Vice Chair of the Special Task Force;
5. This Resolution shall be forwarded to said Special Task Force as its charge from the Board of Aldermen.

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

(SGD) DAVID A. OLSON, City Clerk

ARTICLE II. NOISE

Sec. 20-13. Noise control.

(a) This ordinance may be cited as the "Noise Control Ordinance of the City of Newton."

(b) *Declaration of findings and policy.* Whereas excessive sound is a serious hazard to the public health and welfare, safety, and the quality of life; and whereas a substantial body of science and technology exists by which excessive sound may be substantially abated; and, whereas the people have a right to and should be ensured an environment free from excessive sound that may jeopardize their health or welfare or safety or degrade the quality of life; now therefor it is the policy of the City of Newton to prevent excessive sound which may jeopardize the health and welfare or safety of its citizens or degrade the quality of life.

(c) *Scope.* This ordinance shall apply to the control of all sound originating within the limits of the City of Newton except as follows:

- (1) the emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work or in training exercises related to emergency activities; and
- (2) all snow clearance activities; and
- (3) any program or activity supervised by the parks and recreation department of the city in effect and as it exists on June 1, 1983.

(d) *Definitions.* For the purposes of this ordinance the following words and phrases shall have the meanings respectively ascribed to them by this section:

Construction and demolition: Any excavation, highway construction, land development or land clearing work, or the erection, demolition, alteration, repair, or relocation of any building or structure, which uses powered equipment such as backhoes, trucks, tractors, excavators, earth moving equipment, compressors, motorized, or power hand tools, manual tools, or equipment of a similar nature as well as two-way radios or other communication equipment; or use of any equipment for recycling, screening, separating, or any other processing of soil, rocks, concrete, asphalt or other raw material.

Electronic devices: any radio, tape recorder or player, television, phonograph, public address system, loudspeaker, amplified musical instrument or any other similar device, except two-way communication radios.

Emergency: any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency work: any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

Gross vehicle weight rating (GVWR): the value specified by the manufacturer as the recommended maximum loaded weight of a single motor vehicle. In cases where trailers and tractors are separable, the gross combination weight rating (GCWR), which is the value specified by the manufacturer as the recommended maximum loaded weight of the combination vehicle, shall be used.

Motorcycle: any unenclosed motor vehicle having two or three wheels in contact with the ground,

including, but not limited to, motor scooters, minibikes, and mopeds.

Motor vehicles: any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, go-carts, snowmobiles, dune buggies, or racing vehicles, but not including motorcycles.

Noise pollution: a condition caused by a noise source that increases noise levels 10dB(A) or more above background noise level, except that if the noise source produces a tonal sound, an increase at 5dB(A) or more above background noise level is sufficient to cause noise pollution.

Tonal sound: any sound that is judged by a listener to have the characteristics of a pure tone, whine, hum or buzz.

(e) *Noise Pollution prohibited.*

- (1) No person shall willfully, negligently, or through failure to provide necessary equipment or facilities or to take necessary precautions permit the establishment or continuation of a condition of noise pollution caused by a noise source (other than a dog or bird) owned, leased, kept, or controlled by such person, or caused by any activity of such person.
- (2) When the offending noise source is located in public spaces, noise measurements shall be made at, and noise pollution determinations made in relation to, any location a passerby might reasonably occupy. When the offending noise source is located on private property, noise measurements shall be made at, and noise pollution determinations made in relation to, the boundary line of the property within which the offending source is located, or as close thereto as feasible.
- (3) All noise level measurements made pursuant to subsection (e) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.

(f) *Time Restrictions.*

- (1) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from all electric motors and/or internal combustion engines employed in yard, garden, or grounds maintenance is prohibited except during the following time periods:
 - (A) Between 7:00 a.m. and 8:00 p.m. on weekdays; or
 - (B) Between 9:30 a.m. and 8:00 p.m. on Saturdays, Sundays and legal holidays as established in section 2-26 of these revised ordinances.
- (2) Notwithstanding the provisions of subsection (e) and subject to the maximum noise levels listed in subsection (g), the generation of any noise from construction and demolition activity is prohibited except during the following time periods:
 - (A) Between 7:00 a.m. and 7:00 p.m. on weekdays; or
 - (B) Between: 8:00 a.m. and 7:00 p.m. on Saturdays;
 - (C) Generation of any noise from construction and demolition activity is prohibited at any hour on

Sundays and legal holidays as established in section 2-26 of these revised ordinances, except by permit issued in accordance with subsection (h)(1).

- (3) All public address loudspeakers, either mobile or stationary, shall be prohibited from operating every evening from 9:00 p.m. until 7:00 a.m. the following morning.
- (4) No automobile, motorcycle, truck or vehicle-mounted refrigeration equipment or other motorized vehicle shall be left running when not in traffic, within three hundred (300) feet of any dwelling, hotel or residence, for a period of greater than five (5) minutes.
- (5) Between the hours of midnight and 6:00 a.m. deliveries and pick-ups for commercial or business purposes are prohibited within 300 feet of any dwelling within a residential zone excepting deliveries to such dwellings, deliveries of gasoline to gasoline stations, deliveries or pick-ups at state or federal governmental offices and any other commercial or business delivery or pick-up operation that does not increase noise levels 5dB(A) or more above background noise level. For purposes of this subsection, "deliveries" and "pick-ups" shall include the loading and unloading of a vehicle.
- (6) Between the hours of 7:00 p.m. and 7:00 a.m. trash collection shall be prohibited within five hundred (500) feet of any dwelling.
- (7) Between the hours of 11:00 p.m. and 7:00 a.m. no person or persons shall disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including but not limited to such noise resulting from the operation of any electronic device, or from the playing of any band or orchestra, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group of persons, provided however, that any performance, concert, establishment, band group or person who has received and maintains a valid license or permit from any department, board, or commission of the City of Newton authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise for the purposes of this section shall be defined as 5dB(A) or more above background level when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit.

(g) *Maximum Noise Levels.* Notwithstanding the provisions of subsections (e)(1) and (e)(2), the following are the maximum noise levels that are permitted for the specified [purposes and](#) noise sources:

Maximum noise level dB(A) permitted:

(1) *Vehicles*

Vehicle Class	Stationary or Moving
All vehicles over 10,000 lbs. GVW or GCWR.....	86
All Motorcycles	82
Automobiles and light trucks	75

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

(2) *Construction ~~and demolition equipment.~~*

Maximum noise level dB(A) permitted:

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

Backhoe, bulldozer, concrete mixer, dump truck, loader, paver, pneumatic tools, roller, scraper	90
Air compressor.....	85
Generator	90
Electric drills, sanders, saws (except chainsaws) or other power tools of all types, whether hand held or otherwise	75

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

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

(i) Maximum noise level dB(A) permitted:

Commercial Chipper, 3 1/2 inch or greater limb capacity (running at full speed but not chipping)	90
Commercial truck-mounted leaf vacuum.....	90
All other equipment, including home tractor, leaf blower, lawn mower or trimmer.....	65

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

~~(ii) *Transition period.* Notwithstanding the maximum maintenance equipment noise levels listed in subsection (3)(i), maximum noise levels dB(A) for all yard, garden, or grounds maintenance equipment, excluding commercial chippers and vacuums shall be as follows:~~

~~1. Maximum noise level dB(A) permitted up to two (2) years after effective date of this Section:~~

a) Home tractor, leaf blower	80
b) Lawn mower or trimmer.....	75

~~2. Maximum noise level dB(A) permitted from two (2) years to four (4) years after effective date of this section, all equipment.....70~~

~~(4) *Maximum Noise Level Exclusions.* The following devices shall be exempt from the maximum noise limitations set forth in subsection (g)(2): jack hammers, pavement breakers; pile drivers, rock drills, provided that effective noise barriers are used to shield nearby areas from a condition of noise pollution. The time limitations contained in subsection (f)(2) shall still apply.~~

~~(54) *Tonal Sound Corrections.* When a tonal sound is emitted by a noise source specified in subsections (g)(1), (g)(2) and (g)(3) herein, the limit on maximum noise levels shall be 5dB(A) lower than as specified in subsections (g)(1), (g)(2) and (g)(3).~~

~~(65) *Maximum Noise Levels for HVAC systems.* No person shall operate any air conditioning, refrigeration or heating equipment for any residence or other structure or operate any pumping, filtering or heating equipment for any pool or reservoir in such manner as to create any noise which would cause the noise level on the premises of any other occupied property or if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the background noise level by more than 5 dB(A). This provision shall not apply, however, to periodic or emergency maintenance or testing of such equipment reasonably necessary to maintain such equipment in good working order. Noise measurements and noise pollution determinations shall be taken in accordance with subsections (e)(2) and (e)(3).~~

~~(76) *Alternative Measurement Procedures.* If it is not possible to make a good noise level measurement at the distance specified in subsections (g)(1), (g)(2) and (g)(3), measurement may be made at an alternate distance and the noise level subsequently calculated for the specified distance. Calculations shall be made in accordance with established engineering procedures.~~

~~(87) All noise-level measurements made pursuant to subsection (g) shall be made with a Type I or II A-weighted sound level meter as specified under the American National Standards Institute (ANSI) standards.~~

~~(h) *Permits for exemptions from this ordinance and for extensions of time to comply with this ordinance.*~~

~~(1) The mayor or his designee may grant a permit for any activity otherwise forbidden by the provisions of this ordinance upon a determination by the mayor or his designee that compliance in the conduct of such activity would cause undue hardship on the person or persons conducting such activity or on the community, taking into account: (i) the extent of noise pollution caused by not requiring such compliance; and (ii) whether reasonable efforts have been made to abate the noise. The mayor or his designee shall establish appropriate procedures for the processing of requests for such permits, including such hearings as the mayor or his designee deems appropriate. In granting any such permit, the mayor or his designee may impose such appropriate conditions as he deems necessary pursuant to this section. Copies of all such permits shall be filed with the clerk of the board of aldermen promptly after issuance. Promptly after issuance, copies of all such permits shall be filed with the clerk of the board of aldermen and to each ward alderman for the affected ward.~~

~~(2) The mayor or his designee may extend to a specified date the time for compliance with this ordinance in the case of any particular activity with respect to which a determination is made that such extension is necessary to provide a reasonable opportunity for such activity to be brought into compliance. No such extension shall be granted which has the effect of exempting such activity from compliance with this ordinance. The mayor or his designee shall establish appropriate~~

procedures for the processing of requests for such extensions of time, including such hearings as the mayor or his designee deems appropriate.

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

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

(k) *Non-criminal disposition.* In addition to the penalties set forth in subsection (j), where non-criminal disposition of specified sections of this ordinance by civil fine has been provided for in sections 20-20 and 20-21 of the Revised Ordinances, as amended, pursuant to the authority granted by G.L. c. 40, sec. 21D, said violations may be enforced in the manner provided in such statute. The civil penalty for each such violation is set out in Sections 20-21(c) and 20-21(d).

(l) *Severability.* If any provision(s) of this ordinance or the application of such provision(s) to any person or circumstances shall be held invalid, the validity of the remainder of this ordinance and the applicability of such provision to other persons or circumstances shall not be affected thereby. (Ord. No. R-331, 6-20-83; Ord. No. T-62, 12-4-89; Ord. No. T-200, 12-16-91; Ord. No. V-286, 3-6-00; Ord. Z-32, 7-14-08; Ord. No. Z-78, 02-22-11)

Cross reference—Sounding warning devices on motor vehicles, § 19-72; noise by hawkers and peddlers, § 17-26.

[LB draft dated 03-17-12 of a possible Capital improvement Plan Home Rule Petition incorporating language from Rep. Balser's draft and former Ald. Coletti's draft, with policy choices still to be made by discussion in committee.]

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:

~~[The General Laws are hereby amended by inserting after chapter 44B the following chapter:-]~~

~~[CHAPTER 44C~~

~~THE INFRASTRUCTURE IMPROVEMENT ACT]~~

Section 1. This **Act** ~~[chapter]~~ shall be known and may be cited as the **Newton Capital Improvement Act** ~~[Massachusetts Infrastructure Improvement Act]~~. The purpose of this Act is to provide a stable and sustainable source of revenue to assure the ability of the City of Newton to fund the projects set forth in the annual Capital Improvement Plan proposed by the Mayor and adopted by the Newton Board of Aldermen ("the Board").

Section 2. As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:-

~~["Acquire", obtain by gift, purchase, devise, grant, rental, rental purchase, lease or otherwise. "Acquire" shall not include a taking by eminent domain, except as provided in this chapter.]¹~~

"Annual income", a family's or person's gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.²

~~["Infrastructure improvement committee", the municipal committee established under section 7.]³~~

~~["Legislative body", the agency of municipal government which is empowered to enact ordinances or by laws, adopt an annual budget and other spending authorizations, loan order, bond authorizations and other financial matters and whether styled as a city council, board of aldermen, town council, town meeting or by any other title.]~~

"Property", all city-owned buildings, streets and sidewalks.

¹¹¹¹¹ This and other definition sections should be evaluated to determine if they are in fact necessary. Ones which appear unnecessary are bracketed.

²²²² This section and other sections relating to the exemption for purposes of this act should be omitted if there is not a special exemption anticipated independent of those regularly available for property tax purposes.

³ Note that this reference and others related to the committee and its purposes should be omitted.

"Real property", land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

"Real property interest", a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

Section 3. (a) Sections 3 to 7⁴, inclusive, shall take effect [~~in any city or town~~] upon the approval by the **Board of Aldermen** [~~legislative body~~] and their acceptance by the voters of a ballot question as set forth in this section.

(b) Notwithstanding chapter 59 or any other general or special law to the contrary, the **Board** [~~legislative body~~] may vote to accept sections 3 to 7, inclusive, by approving a

⁴⁴⁴ **The sections should be appropriately renumbered after editing.**

surcharge on real property of not more than 3⁵ per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59. **The proceeds of such surcharge shall be available for expenditure from a capital improvement fund provided for in Section 7, below.**

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

⁵⁵⁵ **The amount of the surcharge is itself a subsequent legislative decision; this is the upset amount retained from the CPA model. At the moment, the amount of Ald. Baker, what's the rest of this thought?**

(e) The Board [~~legislative body~~] may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates; or

(3) for \$100,000 of the value of each taxable parcel of residential real property.⁶

(f) Upon approval by the **Board** [~~legislative body~~], the actions of the **Board** [~~body~~] shall be submitted for acceptance to the voters of Newton [a city or town] at the next regular municipal or state election⁷. The city or town clerk or the state secretary shall place it on the ballot in the form of the following question: "Shall Newton [~~this (city or town)~~] accept sections 3 to 7, inclusive of Chapter _____ of the Acts of _____ [chapter 44B of the General Laws], as approved by its Board of Aldermen [~~legislative body~~], a summary of which appears below"

⁶ If no exemption is selected, these provisions can be deleted.

⁷ Should state elections be included?

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the city solicitor [or town counsel], including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city of Newton [or town], but not otherwise.

(g) The final date for notifying or filing a petition with the city [~~or town~~] clerk or the state secretary to place such a question on the ballot shall be 35 days before the city [~~or town~~] election or 60 days before the state election.

[(h) If the **Board** [~~legislative body~~] does not vote to accept sections 3 to 7, inclusive, at least 90 days before a regular city [or town] election or 120 days before a state election, then a question seeking said acceptance through approval of a particular surcharge rate with exemption or exemptions, may be so placed on the ballot when a petition signed by at least 5 per cent of the registered voters of the city **of** Newton [~~or town~~] requesting such action is filed with the registrars, who shall have seven days after receipt of such petition to certify its signatures. Upon certification of the signatures, the city [~~or town~~] clerk or the state secretary

shall cause the question to be placed on the ballot at the next regular city [or town] election held more than 35 days after such certification or at the next regular state election held more than 60 days after such certification.]⁸

(i) With respect to real property owned by a cooperative corporation, as defined in section 4 of chapter 157B, that portion which is occupied by a member under a proprietary lease as the member's domicile shall be considered real property owned by that member for the purposes of exemptions provided under this section. The member's portion of the real estate shall be represented by the member's share or shares of stock in the cooperative corporation, and the percentage of that portion to the whole shall be determined by the percentage of the member's shares to the total outstanding stock of the corporation, including shares owned by the corporation. This portion of the real property shall be eligible for any exemption provided in this section if the member meets all requirements for the exemption. Any exemption so provided shall reduce the taxable valuation of the real property owned by the cooperative corporation, and the reduction in taxes realized by this

⁸ **Should this initiative provision be included? Ald. Baker, I agree with your question of whether this initiative provision makes sense for a capital improvement fund. There's hardly a strong citizen lobby looking for this additional tax, in contrast to the CPC proponents.**

exemption shall be credited by the cooperative corporation against the amount of the taxes otherwise payable by or chargeable to the member. Nothing in this subsection shall be construed to affect the tax status of any manufactured home or mobile home under this chapter, but this subsection shall apply to the land on which the manufactured home or mobile home is located if all other requirements of this paragraph are met. This subsection shall take effect in a city [or town] upon its acceptance by the city or town.⁹

Section 4. (a) Upon acceptance of sections 3 to 7¹⁰, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's [or town's] treasurer. The tax collector shall cause appropriate books and accounts to be kept with

⁹⁹⁹ This provision appears to focus on the special situation of cooperative ownership. It is included because similar language was apparently used in the Community Preservation Act.

¹⁰ Again, renumbering may be needed.

respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

~~[Section 5. (a) A city [or town] that accepts sections 3 to 7, inclusive, shall establish by ordinance [or by law] a infrastructure improvement community committee. The committee shall consist of not less than 5 nor more than nine members. The ordinance or by law shall determine the composition of the committee, the length of its term and the method of selecting its members, whether by election or appointment or by a combination thereof. The committee shall include, but not be limited to, 1 member of the conservation commission established under section 8C of chapter 40 as designated by the commission, 1 member of the historical commission established under section 8D of said chapter 40 as designated by the commission, one member of the planning board established under section 81A of chapter 41 as designated by the board, 1 member of the board of park commissioners established under section 2 of chapter 45 as designated by the board and 1 member of the housing authority established under section 3 of chapter 121B as designated by the authority, or persons, as determined by the ordinance or by law,~~

~~acting in the capacity of or performing like duties of the commissions, board or authority if they have not been established in the city or town. If there are no persons acting in the capacity of or performing like duties of any such commission, board or authority, the ordinance or by-law shall designate those persons.]¹¹~~

~~[(b) (1) The infrastructure improvement committee shall study the needs, possibilities and resources of the city or town regarding community preservation. The committee shall consult with existing municipal boards, including the conservation commission, the historical commission, the planning board, the board of park commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the city or town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the city or town.]~~

¹¹¹¹¹¹ This section and subsequent sections relating to the infrastructure improvement committee and its purposes should be omitted if the purposes for which the funds may be used are not restricted to those for the community preservation committee.

~~[(2) The infrastructure improvement committee shall make recommendations to the legislative body for infrastructure improvements projects.]~~

~~[(3) The infrastructure improvement committee may include in its recommendation to the legislative body a recommendation to set aside for later spending funds for specific purposes.]~~

~~[(c) The infrastructure improvement committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the infrastructure improvement committee shall constitute a quorum. The infrastructure improvement committee shall approve its actions by majority vote. Recommendations to the legislative body shall include their anticipated costs.]~~

~~[(d) After receiving such recommendations from the infrastructure improvement committee, the legislative body shall then take such action and approve such appropriations from the Community Preservation Fund as set forth herein, and such additional appropriations as it deems appropriate to carry out the recommendations of the infrastructure improvement committee.]~~

~~[(e) For the purposes of community preservation¹² and upon the recommendation of the community preservation committee, a city or town may take by eminent domain under chapter 79, the fee or any lesser interest in real property or waters located in such city or town if such taking has first been approved by a two thirds vote of the legislative body. Upon a like recommendation and vote, a city or town may expend monies in the Community Preservation Fund, if any, for the purpose of paying, in whole or in part, any damages for which a city or town may be liable by reason of a taking for the purposes of community preservation.]~~

~~[(f) Section 16 of chapter 30B shall not apply to the acquisition by a city or town, of real property or an interest therein, as authorized by this chapter for the purposes of community preservation and upon recommendation of the community preservation committee and, notwithstanding section 14 of chapter 40, for purposes of this chapter, no such real property, or interest therein, shall be acquired by any city or town for a price exceeding the value of the property as determined by such city or town through procedures customarily accepted by the appraising profession as valid.]~~

¹² The prior reference to the Community Preservation Committee was retained in error in the draft upon which this edited version was based.

~~[A city or town may appropriate money in any year from the Community Preservation Fund¹³ to an affordable housing trust fund.]~~

~~[Section 6. In every fiscal year and upon the recommendation of the infrastructure improvement committee, the legislative body shall spend, or set aside for later spending, not less than 10 per cent of the annual revenues in the Community Preservation Fund for open space, but not including land for recreational use, not less than 10 per cent of the annual revenues for historic resources and not less than 10 per cent of the annual revenues for community housing. In each fiscal year, the legislative body shall make such appropriations from the infrastructure improvement committee as it deems necessary for the administrative and operating expenses of the infrastructure improvement committee, but the appropriations shall not exceed 5 per cent of the annual revenues in the infrastructure improvements committee. Funds that are set aside shall be held in the infrastructure improvement committee and spent in that year or later years, but funds set aside for a specific purpose shall be spent only for the specific purpose. Any funds set aside may be expended in any city or town in the~~

¹³ CPA reference in error.

~~commonwealth. The community preservation funds shall not replace existing operating funds, only augment them.]~~

[Section 7. Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, a city [or town] that accepts sections 3 to 7¹⁴, inclusive, shall establish a separate account to be known as the **Capital Improvement Fund** [~~infrastructure improvement committee~~¹⁵] of which the municipal treasurer shall be the custodian. **The authority to approve expenditures from the fund shall be limited to the Board** [~~legislative body~~]*Ald. Baker, I would suggest that the Mayor really needs a role in terms of appropriations from the Capital Improvement Fund, unlike the recommendations the Board receives from the CPC, which does not involve any appropriation request by the Mayor. The authority to expend should start with an appropriation request from the Mayor, and then action by the Board.* and the municipal treasurer shall pay such expenses in accordance with chapter 41.

The following monies shall be deposited in the fund: (a) all funds collected from the real property surcharge or bond proceeds in anticipation of revenue pursuant to section 4¹⁶; and

¹⁴ Numeration to be corrected if necessary.

¹⁵ The word "fund" was probably intended here, but the section

¹⁶ Again, renumbering may be needed.

(b) all funds received from the commonwealth or any other source for such purposes; The treasurer may deposit or invest the proceeds of the fund in savings banks, trust companies incorporated under the laws of the commonwealth, banking companies incorporated under the laws of the commonwealth which are members of the Federal Deposit Insurance Corporation or national banks, or may invest the proceeds in paid up shares and accounts of and in co-operative banks or in shares of savings and loan associations or in shares of federal savings and loan associations doing business in the commonwealth or in the manner authorized by section 54 of chapter 44, and any income therefrom shall be credited to the fund. The expenditure of revenues from the fund shall be limited to implementing the **provisions of the Capital Improvement Plan adopted by the Board upon the recommendation of the Mayor**. [~~recommendations of the community preservation committee and providing administrative and operating expenses to the committee~~].¹⁷

~~[SECTION 2. This act shall take effect by the acceptance by a city, town or municipality. In a city such acceptance shall be by vote of the city council and approval of the mayor, in a town, by vote of a special or annual town meeting and in~~

¹⁷ This section should be omitted or further amended depending on whether the funds so raised should be limited in purpose.

~~any other municipality by vote of the legislative body.]~~¹⁸

¹⁸ This section should be omitted in the case of a Home Rule Petition.

[Draft dated 03-30-12 of a Capital improvement Plan Home Rule Petition incorporating language based on the model of the Community Preservation Act with modifications made by discussion in the Programs and Services Committee. **Note:** some technical corrections have been made to put the draft in proper form and character and to more closely track the relevant sections of the community preservation act; these included those provisions of the CPA relating to later modification.]

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. This Act shall be known and may be cited as the Newton Capital Improvement Act. The purpose of this Act is to provide a stable and sustainable source of revenue to assure the ability of the City of Newton to fund the projects set forth in the annual Capital Improvement Plan proposed by the Mayor of Newton (“Mayor”) and adopted by the Newton Board of Aldermen (“Board”).

Section 2. As used in this chapter, the following words shall, unless the context clearly indicates a different meaning, have the following meanings:—

“Annual income”, a family’s or person’s gross annual income less such reasonable allowances for dependents, other than a spouse, and for medical expenses as the housing authority or, in the event that there is no housing authority, the department of housing and community development, determines.

“Capital Improvement Act Fund”, the fund established under section 5.

“Real property”, land, buildings, appurtenant structures and fixtures attached to buildings or land, including, where applicable, real property interests.

“Real property interest”, a present or future legal or equitable interest in or to real property, including easements and restrictions, and any beneficial interest therein, including the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but shall not include an interest which is limited to the following: an estate at will or at sufferance and any estate for years having a term of less than 30 years; the reversionary right, condition or right of entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or security agreement.

Section 3. (a) Sections 3 to 5, inclusive, shall take effect upon the approval by the Board and their acceptance by the Newton voters of a ballot question as set forth in this section.

(b) Notwithstanding chapter 59 or any other general or special law to the contrary, the Board may vote to accept sections 3 to 5, inclusive, by approving a surcharge on real property of not more than 3 per cent of the real estate tax levy against real property, as determined annually by the board of assessors. The amount of the surcharge shall not be included in a calculation of total taxes assessed for purposes of section 21C of said chapter 59. The proceeds of such surcharge shall be available for expenditure from the Capital Improvement fund provided for in Section 5, below.

(c) All exemptions and abatements of real property authorized by said chapter 59 or any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. A taxpayer receiving an exemption of real property authorized by said chapter 59 or any other law

shall be exempt from any surcharge on real property established under this section. The surcharge to be paid by a taxpayer receiving an abatement of real property authorized by said chapter 59 or any other law shall be reduced in proportion to the amount of such abatement.

(d) Any amount of the surcharge not paid by the due date shall bear interest at the rate per annum provided in section 57 of said chapter 59.

(e) The Board may also vote to accept one or more of the following exemptions:

(1) for property owned and occupied as a domicile by a person who would qualify for low income housing or low or moderate income senior housing in the city or town;

(2) for class three, commercial, and class four, industrial, properties as defined in section 2A of said chapter 59, in cities or towns with classified tax rates; or

(3) for \$100,000 of the value of each taxable parcel of residential real property.

(f) Upon approval by the Board, the actions of the Board shall be submitted for acceptance to the voters of Newton at the next regular municipal or state election. The city clerk or the state secretary shall place it on the ballot in the form of the following question: "Shall Newton accept sections 3 to 5, inclusive of Chapter _____ of the Acts of _____, as approved by its Board of Aldermen, a summary of which appears below"

(Set forth here a fair, concise summary and purpose of the law to be acted upon, as determined by the Newton City Solicitor including in said summary the percentage of the surcharge to be imposed.)

If a majority of the voters voting on said question vote in the affirmative, then its provisions shall take effect in the city of Newton, but not otherwise.

(g) The final date for notifying or filing a petition with the city clerk or the state secretary to place such a question on the ballot shall be 35 days before the city election or 60 days before the state election.

Section 4. (a) Upon acceptance of sections 3 to 5, inclusive, and upon the assessors' warrant to the tax collector, the accepted surcharge shall be imposed.

(b) After receipt of the warrant, the tax collector shall collect the surcharge in the amount and according to the computation specified in the warrant and shall pay the amounts so collected, quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on real property, to the city's treasurer. The tax collector shall cause appropriate books and accounts to be kept with respect to such surcharge, which shall be subject to public examination upon reasonable request from time to time.

(c) The remedies provided by chapter 60 for the collection of taxes upon real estate shall apply to the surcharge on real property pursuant to this chapter.

Section 5. Notwithstanding the provisions of section 53 of chapter 44 or any other general or special law to the contrary, if the city accepts sections 3 to 5, inclusive, the city shall establish a separate account to be known as the Capital Improvement Act Fund. All monies received in connection with the surcharge, along with any matching state and/ or federal grant funds, and all interest earned on temporarily idle cash balances of the fund, shall be deposited to

said fund, which shall be maintained by the City treasurer. No monies paid into the funds shall be used without an appropriation recommended by the Mayor and approved by a majority vote of the Board of Aldermen, and no appropriation shall be made from the fund for a purpose not provided for in the City's approved Capital Improvement Plan without a 2/3 vote of the Board of Aldermen.

The treasurer may deposit or invest temporarily idle cash balances of the fund in any investment vehicle which the municipal finance laws of the Commonwealth permit for municipalities, subject to such additional restrictions that the City may determine to be in the best interest of the City. The Comptroller of the City shall provide the Mayor and Board of Aldermen with a report on the financial position of the fund; changes in financial results; and budget to actual reporting for each appropriation voted from fund resources at least quarterly, and shall report the fund as a "major fund" in the City's audited Comprehensive Annual Financial Report.

Section 6. If the City accepts sections 3 to 5, inclusive, it may issue, from time to time, general obligation bonds, or notes in anticipation of revenues to be raised pursuant to section 3, the proceeds of which shall be deposited in the Capital Improvement Act Fund, and interest and principal associated with such debt funded from resources of the Capital Improvement Act Fund

Bonds or notes so issued shall be sold competitively, at such rates of interest as shall be necessary and shall be repaid over a period of time that matches the projected useful life of the capital improvement being financed. . Except as otherwise provided in this chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of chapter 44.

Section 7:

Funds in the Capital Improvement Act Fund may be made available and used by the city or town as the local share of state or federal grants upon recommendation of the Mayor and the Board, as provided for in section 5, if such grants and such local share are used in a manner consistent with the recommendations of the purposes of this chapter.

Section 8. (a) At any time after imposition of the surcharge, the legislative body may approve and the voters may accept an amendment to the amount and computation of the surcharge, or to the amount of exemption or exemptions, in the same manner and within the limitations set forth in this chapter. (b) At any time after the expiration of five years after the date on which sections 3 to 5, inclusive, have been accepted in the City of Newton, said sections may be revoked in the same manner as they were accepted by the City, but the surcharge imposed under section 3 shall remain in effect in Newton, with respect to unpaid taxes on past transactions and with respect to taxes due on future transactions, until all contractual obligations incurred by the city prior to such termination shall have been fully discharged.

DEPARTMENT: 503. VETERANS' SERVICES**OVERALL RATINGS:**

HISTORICAL IMPORTANCE: 3

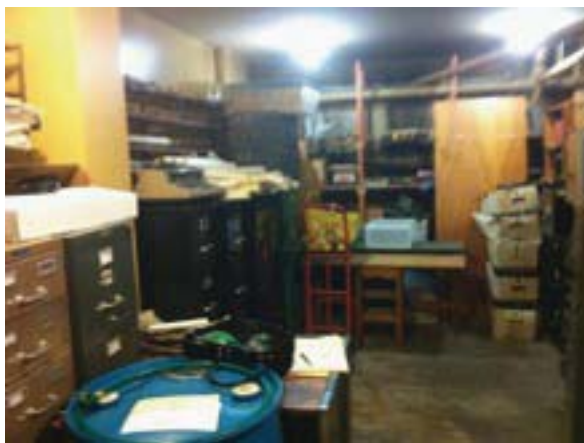
CONDITION OF RECORDS: 1

CONDITION OF STORAGE: 1

Types of Records: Massachusetts Municipal Retention Schedules 01, 25**Contact Person:** John MacGilvray and Pat Sweeney**Where Stored?** Three rooms, 1st floor of City Hall**Dates:** @1870--present**Estimated Cubic Feet:** @140**Information entered onto inventory database?** Yes

Notes: As mentioned above, conditions are not good in these rooms, particularly the one that says "American Legion" on the door, where water damage has caused plaster to fall onto a desk and records. In the room located between the ladies and men's room at the end of this corridor, obvious water damage was not apparent but there are pipes running through the top of the ceiling. Records that have been left out, uncovered, are in poor condition. Some of the oldest show evidence of past water damage and are extremely dirty. Although there are empty file cabinets in some of these rooms, records have been left out, on desks, in shopping bags, and in other inadequate storage containers. In addition, there are paintings and framed photographs and awards stacked on the floors. It is unclear if all the Veterans Case files must be kept; the Retention Schedules allow them to be destroyed 20 years after the last assistance was granted, "provided no indications of dependent claims in the future" but department staff do not know how this decision could be made and thus keep the files.

Recommendations: The Veteran's Case files should be examined to see if they need to be kept; it appears they might be eligible for destruction. There are many other materials in these rooms that are historically important and these should be cleaned and transferred to the City Archives.



Historical photographs are stacked on the floor in one storage room (left); in another room there are many photographs on open shelves.