

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 7, 2012

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

Also Present: Ald. Danberg, Crossley and Fuller

Others Present: Robert DeRubeis (Commissioner, Parks & Recreation), Candace Havens (Director, Planning & Development), Robert Rooney (Chief Operating Officer), Lou Taverna (City Engineer), Robert Waddick (Assistant City Solicitor), Karyn Dean (Committee Clerk)

Re-appointment by His Honor the Mayor

#285-12 PETER JOHNSON, 121 Fairway Drive, West Newton, re-appointed as a member of the PARKS & RECREATION COMMISSION for a term to expire September 11, 2015 (60 days 12/01/12) [09-14-12 @3:04PM

ACTION: **HELD 5-0 (Ald. Merrill and Fischman not voting)**

NOTE: Mr. Johnson was not present at the meeting. The Committee voted to hold this appointment until they can meet with him.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#359-12 HIS HONOR THE MAYOR requesting authorization to transfer the sum of three hundred thousand dollars (\$300,000) from the FY 2013 Budget Reserve to the Parks & Recreation Forestry Vehicle Rentals Account for the purpose of responding to tree damage as a result of Hurricane Sandy. [10/30/12 @ 12:42 PM]

ACTION: **APPROVED AS AMENDED 5-0 to \$500,000 (Ald. Fischman and Blazar not voting)**

NOTE: Bob DeRubeis, Commissioner of Parks & Recreation, addressed the Committee. He explained that there was an amendment to the original request of \$300,000 for an additional \$200,000 which would come from Free Cash. The Urban Forestry Response Summary is attached. This includes an analysis of how this storm compared to damage and loss with Hurricane Irene. This storm was significantly more damaging. There were 945 locations with tree damage, which included 152 whole or partially blocked roads; 50 trees on houses; and 176 locations with trees or limbs on wires. He was very happy with the contractor, Northern Tree, as they were very responsive and Newton had more trucks than most communities had. Also, the city's tree crew was out working under the wonderful supervision of Marc Welsh and his assistant, Butchy Desimone. He thanked Commissioner Turocy from the Department of Public Works, because they were able to dump all the debris at the Rumford and Elliot yard locations which made the entire operation run more smoothly. He also mentioned that he may need to

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come back to the Board for more funds for grinding of the stumps left behind by the downed trees.

Ald. Rice said that NStar's initial response was quite slow. The Commissioner agreed. He said they would normally need NStar to remove any wires or de-energize them before any tree work could be done. There are some city crews that are able to handle issues with wires, but most of the wire problems require NStar's assistance. By the third day, NStar was working very hard with the city, but the Commissioner said he would like to see that response time cut down significantly as this was by far the most frustrating part of the clean-up. There will be a follow up meeting in the near future to determine how to improve the working relationship with NStar for any future storm needs. Ald. Linsky was also concerned, especially considering the lead time information on this storm. Commissioner DeRubeis said that early predictions for the storm indicated significant damage to the Cape. He believes the utility companies dispatched much of their resources to that area as they were not expecting so much damage north. Ald. Linsky also commented that the relative costs of storm damage should be assessed relative to undergrounding utility wiring.

The Committee thanked Commissioner DeRubeis for the exceptional job done by his department and approved the request for funds as amended.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

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

ACTION: **HELD 5-0 (Ald. Blazar and Rice not voting)**

NOTE: Ald. Hess-Mahan presented two draft ordinances to the Committee. One included a fee for use of the bags with funds going to a "clean-up" fund (with the store keeping 1 cent per bag) which is based on a very successful Washington DC model. The stores do incur a cost for the bags and managing a fee program. He also provided a draft that bans the bags completely. This one is modeled on a proposed Brookline ordinance which will be presented to the town on November 17, but geared towards Newton's process and would be enforced by the Inspectional Services Department. Ald. Hess-Mahan sent these drafts out to the Board for comment and based on that, would like to add a graduated fee, which is typical for other communities that are using this sort of program. In DC, because they reduced the number of bags being used, the District received less revenue, but there was less to clean up and consumption was being reduced.

The Attorney General's office reviews every ordinance that involves fees and taxes to be sure they comply with constitutional and statutory case law. There are 3 published advisory opinions that were attached to the agenda. The Law Dept. has a question whether or not this will be a valid fee. Often communities go with the straight ban as it is easier to manage and Ald. Hess-Mahan agreed. In Massachusetts, the state has to approve of what local governments due with regard to fees and taxes. A fee structure program could be challenged legally.

The plastic bags cannot go into the recycling system in Newton and should not go in the green recycling bins. They need to be returned to the store or put in the blue trash bins. Ald. Hess-Mahan said he checked with Elaine Gentile, Director of Environmental Affairs, and she said that they tend to get ensnared in the conveyor system used to sort the recycling materials, so they cannot put them through the city's recycling system.

Public Comment:

Alison Leary, 192 Chapel St. Ms. Leary submitted written comments to the committee that are attached to this report. In support of Ms. Leary's comment, Ald. Danberg said that there really is no such thing as a truly bio-degradable plastic bag. She explained that they just break down more quickly and into much smaller particles that enter the water supply and ultimately are entering the food chain. She said this causes a bigger problem than the bags that last for a thousand years.

Pat Maher, 81 Winslow St. Mr. Maher has been a long time resident and homeowner in Newton. He said that his property taxes are being raised and he feels he is being "nickel and dimed" into more economic pressure with a fee on grocery bags. He said he takes care of his own trash and picks up other people's trash that he finds on streets. If the bags are the problem he thinks the city should go after the bag makers and the stores that use them. There are alternatives to current plastic bags. The bags being used now are extremely inexpensive to make and purchase and that is why they are being used. He said he doesn't really care about paper or plastic bags, he just doesn't want to be charged another fee. He also feels this does not solve the problem, but instead puts another onus on the consumer. He said there was a bigger problem in the waste stream with plastic water bottles, cigarette butts, soda cans and nip bottles in the parks and by the river.

Marcia Cooper, 170 Evelyn Rd. Marcia Cooper represents Green Decade Newton. She said that people would not have to pay any additional fee if they just brought their own bags to the stores. She compared this to the bottle bill. As soon as the bottle is returned, your money is returned. Green Decade has a chart that shows people what percentage of their garbage goes into different categories. Plastic that could be recycled is at 14%. A large portion of this is plastic bags and not enough places are collecting these bags for recycling. Green Decade supports efforts to make Newton a better, more sustainable community.

Chris Steele, 702 Chestnut St. Mr. Steele asked if any of the merchants were invited to the meeting. Ald. Sangiolo informed him that they were. Representatives from Whole Foods, Shaws, Trader Joe's and Baza were invited but they apparently chose not to attend. Mr. Steele felt more outreach needed to be done along with education. Ald. Hess-Mahan said that he heard from Greg Reibman, President of the Chamber of Commerce, and he did have concerns about this issue. He felt it might hurt Newton in terms of competition. Ald. Hess-Mahan referred to a study done in California which showed that that was not the case. The draft ordinance also provides for a ramp up timeframe in which stores could use up their inventory and not completely lose the cost of what had already been purchased. Ald. Linsky asked Mr. Steele if anyone from the Economic Development Commission had any experience in terms of the cost to stores. He said he would find out.

Follow-up

Ald. Sangiolo said she would like to take this up again in a few weeks. In the meantime, she would like some comment from the Law Department on the fee vs. ban models. Ald. Fischman asked about reaching out to local stores and Ald. Sangiolo re-iterated that they had been invited. Christ Steele said he would like to attempt to engage the local merchants.

Ald. Hess-Mahan moved to hold this item and the Committee voted to hold.

#336-12 HIS HONOR THE MAYOR, ALD. BAKER, FULLER AND LAREDO,
requesting a discussion to include possible uses, process, timeline, opportunity for community input and funding sources, with the affected neighborhood community and with members of the Board of Aldermen, on the potential acquisition for passive or active recreational uses of the five acre parcel in Ward 7 on Manet Road currently held by the MWRA as an obsolete open water reservoir.
[10-3-12 @ 6:57PM]

ACTION: **HELD 4-0 (Ald. Fischman, Blazar and Rice not voting)**

NOTE: Ald. Fuller said this was an exciting opportunity for the city. The Waban Hill Reservoir is about 5 acres that the MWRA will be declaring surplus. There are many legal issues to contend with including how it might be acquired and at what price, restrictions on usage, etc. Ald. Fuller said this is the very beginning of the scoping process.

Robert Rooney, Chief Operating Officer, addressed the Committee. He said the location of the reservoir is off of Commonwealth Avenue near Boston College. Despite its name, it is not in Waban. He said it was initially built and owned by the city in 1877. It was purchased in 1900 by the water authority of that time and used as an active reservoir. The MWRA now has water with the MetroWest tunnel and other resources. It was used for a while as a back-up system but is no longer needed so they are releasing it as obsolete. The MWRA will be declaring it surplus in the months to come and contacted the city of this decision. A similar acquisition happened successfully in the Town of Brookline a couple of years ago with the Fisher Hill Reservoir.

Mr. Rooney said this is a 5 acre site with about 3 acres covered in water. It has a 20 foot high earthen berm that has to be inspected annually by the state for safety. It creates a very unique situation for the city and would likely take a couple of years to get through the process of acquiring the property. A meeting has been scheduled on November 14 to hear what the public might think of this purchase, with about 300 notices mailed households in that area. Ald. Fuller said the neighbors are used to having an unused, quiet parcel of land in their backyards, so their input is very important.

Mr. Rooney noted that there are many options from housing to open space, recreation, or a combination of many things. Housing development might price the city out of buying the property as it would raise its value significantly. The property has to be valued based on its potential use. Bob Waddick, Assistant City Solicitor, said that in Brookline, when the Fisher Hill Reservoir property was zoned for single family home construction, the property was valued at almost \$8M. As a result of the legislation and the restriction that the property could only be

used for open space, passive recreation or active recreation, the appraisal went down to \$800K instead.

Mr. Waddick, said that if the property is restricted to an Article 97 use (open space and recreation restrictions), and these types of properties are generally viewed in that way, that will affect the appraised value of the property. The Division of Capital Asset Management will make the final determination regarding Article 97, but Mr. Rooney was fairly certain that DCAM would declare this as an Article 97 property. Ald. Hess-Mahan said they had to be careful regarding state and federal laws as well about changing use. They ran into this with the dog parks at Cold Spring Park and converting it to a different use. Ald. Sangiolo said she thought that had to do with donated land only.

Mr. Rooney said that they looked at what could be done with the Article 97 restrictions and the possibilities are many: soccer field, amphitheatre, dog parks, senior activities, tot areas, etc. Ald. Hess-Mahan asked if it would be drained. Ald. Fuller said it would depend on what the vision is and what the financing is. Ald. Merrill thought this land should be used for housing development of single family homes. Ald. Fuller said because of the Article 97 restrictions, that may not be possible, but all options will be considered within the legal, economic and physical constraints.

Candace Havens, Director of Planning and Development, said that they could hone in on what the consensus is of preferred use. But it was in the city's interest to do a fair amount of conceptual work on this to be able to cost it out. She said CPA funds could come into play here as well depending on how things proceed.

The Committee voted to hold this item until more information becomes available.

Respectfully Submitted,

Amy Sangiolo, Chairman

STORM INFORMATION

Duration: Monday October 29th 6am -
 Tuesday October 30th 7am
Rain: 3 to 4 inches
 45-50 mph Sustained winds, 62
Wind: mph gusts

Compared to Irene

similar duration
 similar rain
60% stronger than Irene

DAMAGE INFORMATION

First Down Tree: 9:00am Monday October 29th

945 locations through November

Number of damage reports: 5th

similar number

Number of whole or partially blocked roads: 152 reports

160% more than Irene

Significant trees on houses: 50 reports

500% more than Irene

Trees/ limbs on wires: 176 reported locations

13% more than Irene

EQUIPMENT AND PERSONNEL

Number of Log Loaders: 14

8% more than Irene

Number of Bucket Trucks: 12

34% more than Irene

Number of Cranes: 1

same as Irene

Pickup Trucks: 5

400% more than Irene

Chaser Vehicles: 9

34% more than Irene

TOTAL: 41

70% more than Irene

Contractual Personnel: 56

25% more than Irene

City Personnel: 16

60% more than Irene

Contractual crew hours: 1715

30% more than Irene

Parks and Rec. Staff Hours: 700

65% more than Irene

OTHER INFORMATION

Debris Dump Sites: Rumford Ave. Recycle Center,
 Elliot Street DPW Yard
 **Debris will require chipping and disposal.

Damage Assessment: Each stump and down tree location must be inspected.

ESTIMATED EXPENDITURES

	Quant.	Hours	Cost	Total Cost
Sunday, October 28, 2012				
Bucket Trucks	1	8	\$ 290.00	\$ 2,320.00
Log Loaders	0	0	\$ 290.00	\$ -
Cutter Crew	0	0	\$ 225.00	\$ -
Chaser	0	0	\$ 105.00	\$ -
Crane	0	0	\$ 255.00	\$ -
Monday, October 29, 2012				
Bucket Trucks	4	18	\$ 290.00	\$ 20,880.00
Log Loaders	6	18	\$ 290.00	\$ 31,320.00
Cutter Crew	3	18	\$ 225.00	\$ 12,150.00
Chaser	2	18	\$ 105.00	\$ 3,780.00
Crane	0	0	\$ 255.00	\$ -
Tuesday, October 30, 2012				
Bucket Trucks	11	15	\$ 290.00	\$ 47,850.00
Log Loaders	12	15	\$ 290.00	\$ 52,200.00
Cutter Crew	3	15	\$ 225.00	\$ 10,125.00
Chaser	3	15	\$ 105.00	\$ 4,725.00
Crane	1	11	\$ 255.00	\$ 2,805.00
Wednesday, October 31, 2012				
Bucket Trucks	11	11	\$ 290.00	\$ 35,090.00
Log Loaders	12	11	\$ 290.00	\$ 38,280.00
Cutter Crew	3	11	\$ 225.00	\$ 7,425.00
Chaser	2	11	\$ 105.00	\$ 2,310.00
Crane	1	11	\$ 255.00	\$ 2,805.00
Thursday, November 01, 2012				
Bucket Trucks	10	12	\$ 290.00	\$ 34,800.00
Log Loaders	10	12	\$ 290.00	\$ 34,800.00
Cutter Crew	3	12	\$ 225.00	\$ 8,100.00
Chaser	2	12	\$ 105.00	\$ 2,520.00
Crane	1	12	\$ 255.00	\$ 3,060.00
Friday, November 02, 2012				
Bucket Trucks	9	10	\$ 290.00	\$ 26,100.00
Log Loaders	4	10	\$ 290.00	\$ 11,600.00
Cutter Crew	3	10	\$ 225.00	\$ 6,750.00
Chaser	2	10	\$ 105.00	\$ 2,100.00
Crane	0	0	\$ 255.00	\$ -
Saturday, November 03, 2012				
Bucket Trucks	2	10	\$ 290.00	\$ 5,800.00
Log Loaders	1	10	\$ 290.00	\$ 2,900.00
Cutter Crew	0	0	\$ 225.00	\$ -
Chaser	1	6	\$ 105.00	\$ 630.00
Crane	0	0	\$ 255.00	\$ -

Urban Forestry Response Summary to Sandy

#359-12

	Quant.	Hours	Cost	Total Cost
11/5/2012 - 11/9/2012				
Bucket Trucks	2	40	\$ 290.00	\$ 23,200.00
11/13/2012 - 11/16/2012				
Bucket Trucks	2	32	\$ 290.00	\$ 18,560.00

Estimated Contractual Cost \$ 454,985.00

Debris Grinding (Estimate)

	Days	Cost	Total Cost
Elliot Street			
Grinder	3	\$ 6,300.00	\$ 18,900.00
Loader	3	\$ 2,000.00	\$ 6,000.00
Rumford			
Grinder	3	\$ 6,300.00	\$ 18,900.00
Loader	3	\$ 2,000.00	\$ 6,000.00

Estimated Debris Disposal Cost \$ 49,800.00

Employee Costs (OT)

Storm Response, 11 Employees	\$ 15,000.00
Post Storm Hazard Inspections	\$ 4,000.00

Estimated Overtime Cost \$ 19,000.00

Uprooted Stumps

Extent of damage and repair to be determined.
Currently assessing the damage will have report by November 15, 2012

Total Storm Cost Estimate \$ 523,785.00

#254.12

Karyn Dean

Date sent: Wed, 7 Nov 2012 19:07:25 -0500
Subject: Proposal to Add Fee to Single Use Plastic Shopping Bags
From: Alison Leary Mooradian <alisonlearymooradian@gmail.com>
To: Amy Sangiolo <aldermansangiolo@gmail.com>, Ted Hess-Mahan <tedhessmahan@gmail.com>, DEBORAH CROSSLEY <djcrossley26@verizon.net>, Ruthanne Fuller <ruthannefuller@gmail.com>, Victoria Danberg <vdanberg@gmail.com>, Susan Albright <susansophia.albright@gmail.com>, David Kalis <dkalis@rcn.com>, cmerrill@newtonma.gov, jrice@newtonma.gov, kdean@newtonma.gov, lbaker@newtonma.gov, mfischman@newtonma.gov, rblazar@newtonma.gov, slennon@newtonma.gov, slinsky@newtonma.gov, swarren@newtonma.gov

Public Hearing -Proposal to add a fee to Single Use Plastic Bags

November 7, 2012

Dear Newton Board of Aldermen,

Thank you for considering this measure to reduce the use of single use, non-compostable plastic bags, and put Newton on the path to a more sustainable future.

Many communities around the country and around the globe have already instituted bans or fees to reduce plastic bag use. This includes 36 communities in California, including San Francisco, Santa Monica, and parts of Los Angeles County, and the entire state of Hawaii. Communities in Washington State, Alaska, Oregon, New York, Rhode Island, Connecticut, Texas, and Nantucket, MA all have bans or fees on plastic bags.

Washington D.C. enacted a 5 cents fee last January that has proven to have a phenomenal impact: the number of plastic bags handed out by supermarkets and other establishments dropped from the 2009 monthly average of 22.5 million to just 3 million in January. While significantly reducing plastic waste, the tax simultaneously generated \$150,000 in revenue, which will be used to clean up the Anacostia River.

The Los Angeles County Board of Supervisors and the City of San Jose adopted ordinances banning plastic bags and imposing a 10-cent charges on paper bags, at large retail establishments in unincorporated LA County on July 1, 2011. One year later, reports show that overall single-use bag use was reduced by 95%, which includes a 30% reduction in single-use paper bags. These reduction statistics show that single use bag fees on both plastic and paper are incredibly effective at achieving overall single-use bag reduction.

Taking such a step here in Newton would similarly benefit the City and the environment and particularly The Charles River, while causing minimum inconvenience for consumers.

The City currently does not recycle plastic bags. Consumers must bring them back to the store for recycling. Unfortunately, this leaves hundreds of millions of bags that end up in the waste stream as trash, or as litter in the environment. The recycling rates for plastic bags remain very low, though exact figures are hard to come. Estimates vary from less than 1 percent to as high as 13 percent, though the higher figure represents plastic film, as well as bags.

We are leaving future generations a legacy of toxic plastic. "microplastic"-pieces of plastic smaller than 5 mm in diameter-have increased by more than 100 times since the early 1970s. Plastics are a particular problem in marine environments. Marine life often mistakes plastics for food. Last year, scientists discovered that that nearly 10 percent of fish examined in one area had eaten plastic. The scary part is how fast it has happened. Forty years ago there was no plastic in the ocean.

Even the southern ocean and Antarctica, once considered pristine, has been recently discovered to be awash with microscopic plastic fragments, invisible until accumulated in trawling nets, from plastic bags and bottles, degraded over years or decades by UV light and sea water.

The only way to mitigate future pollution is to push for the use of biodegradable technologies, while emphasizing a shift in consumer practices. Eliminating our use of single use plastic bags is an easy step in that direction.

Please find attached some photos that I took of plastic bag trash along the Charles River near my house .

Kind Regards,

Alison Leary
192 Chapel Street
Newton, MA 02458

617-821-5619

