

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, JANUARY 5, 2011

Present: Ald. Sangiolo (Chairman), Merrill, Hess-Mahan, Linsky, Blazar, Baker, Rice
Absent: Ald. Fischman
Also present: Ald. Gentile, Yates, Schnipper, Albright, Crossley, Danberg, Lappin
City Staff: Captain Marzilli (Police Department), Marie Lawlor (Assistant City Solicitor),
Bob Rooney (Chief Operating Officer), Craig Manseau (Executive Secretary for the
Election Commission), Candace Havens (Interim Director of Planning and
Development), Rebecca Smith (Committee Clerk)

**REFERRED TO PROG. AND SERVICES AND PUB. FACILITIES
COMMITTEES**

#372-10 SUPERINTENDENT FLEISCHMAN requesting the vote of the Board of Aldermen to complement the vote of the School Committee to authorize the superintendent of schools to refresh the current statements of interest for 2011 to the Massachusetts School Building Authority by January 26, 2011 for the following schools: Angier, Bigelow, Burr, Cabot, Brown, Countryside, FA Day, Franklin, Horace Mann, Ward, Lincoln-Elliot, Mason-Rice, Pierce, Underwood, and Zervas. [12/09/10 @ 4:26PM]

ACTION: **CREATION OF PARENS 2 APPROVED 7-0**
APPROVED 7-0

NOTE: The Programs and Services Committee met jointly with the Public Facilities Committee to discuss the item. For a detailed account of the discussion please refer to the Public Facilities Committee Report.

Re-appointment by His Honor the Mayor:

#91-10(4) HIS HONOR THE MAYOR requesting an extension of Linda Walsh as the Interim Commissioner of Health and Human Services effective January 1, 2011 pursuant to Section 3-6 of the City Charter. [12/23/2010 @ 4:49PM]

ACTION: **APPROVED 7-0**

NOTE: Bob Rooney, Chief Operating Officer, joined the table for a brief discussion of the item. He informed the Committee that the Mayor's Search Committee

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Kathleen Cahill, 617-796-1125, via email at KCahill@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

is making progress on filling this position and they should know more by next week. The Programs and Services Committee then voted to approve the extension of Ms. Walsh as the Interim Director.

#370-10 EXECUTIVE SECRETARY OF ELECTION COMMISSION requesting Board of Aldermen approval for the Municipal Election Calendar for 2011 which includes preliminary and general election dates and times, nomination paper filing and petition filing deadlines, dates, and times. [12/13/10 @12:29pm]
APPROVED 7-0

NOTE: Craig Manseau, Executive Secretary of the Election Commission, joined the table for the discussion of the item. The only question the Committee had for Mr. Manseau was whether any of these dates would interfere with any holidays; he assured them that they would not. Alderman Baker then moved approval of the item which carried unanimously.

REFERRED TO PROG. AND SERVICES AND FINANCE COMMITTEES

#362-10 HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred forty thousand dollars from the FY 11 Budget Reserve for the purpose of supplementing the unemployment account in the Human Resources Department. [11/29/10 @ 3:23 PM]

ACTION: **REFERRED TO FINANCE 7-0**

NOTE: The Committee voted to refer the item to Finance. Though the item was doubly referred, it was done so in error since the funds pertain to personnel and, therefore, need only be reviewed by the Finance Committee. Ald. Baker moved to refer the item which carried unanimously.

#371-10 HIS HONOR THE MAYOR requesting that the Board of Aldermen accept the Massachusetts General Laws, Chapter 40, section 8J, and establish by ordinance a Commission on Disabilities in the City of Newton. [12/13/2010 @ 5:13PM]

ACTION: **APPROVED 7-0**

NOTE: Candace Havens, Interim Director of Planning and Development joined the Programs and Services Committee to discuss the transition of the Mayor's Committee on Disabilities to a Commission. Making the Committee a Commission will give more permanence to the group and will allow them to collect gifts and manage their funds. There was some discussion about whether it is necessary to create a revolving fund; after speaking with Atty. Lawlor, and subsequently with David Wilkinson, it is decidedly not necessary as this Commission's funds will be managed just as other existing Commission's funds are. Ms. Havens noted that the Mayor plans to meet with the Co-Chairs of the Commission-to-be annually to talk about progress of projects that benefit people with disabilities and plan how to prioritize those within the greater scheme of the City's priorities and resources. The Co-Chairs, Rob Caruso and Girard Plante were present at the meeting. They spoke about how the change

would be beneficial to the community and how Newton is one of the only cities that doesn't already have a Disabilities Commission. Being given the status of Commission will allow them to use the funds in ways that they cannot as a Committee, for example: hiring police detail to ticket for handicapped parking violations. Ald. Hess-Mahan spoke on this topic, stating that we should have stricter enforcement of handicapped parking and higher fines for those violations.

Ald. Baker moved approval of the item which the Committee carried unanimously.

REFERRED TO PROG. AND SERVICES AND FINANCE COMMITTEES

#373-10 ALD. GENTILE, HARNEY, SANGIOLO requesting amendment to §20-13, *Noise Control*, of the City of Newton Revised Ordinances to prohibit outdoor athletic events from starting before 7 AM and increase the maximum fine to \$300. [12-10-10 @ 12:53 PM]

ACTION: **CREATION OF PARENS 2 APPROVED 6-0 (Sangiolo not voting)**
HELD 6-0 (Sangiolo not voting)

NOTE: Ald. Gentile joined the Committee to discuss the item. Ald. Gentile is concerned about the frequency of outdoor athletic events throughout the City that begin before 7:00am, most notably the Lasell lacrosse practices that take place at the field on Aspen Avenue. It is not uncommon for these teams to start practicing at 6:00am, the noise from which causes a disturbance for the abutting neighbors. Ald. Gentile has discussed this issue before with Lasell but he hasn't received much cooperation as the College believes they are within their rights under the current noise ordinance. He believes though that it is good policy that athletic outdoor activities not start before 7:00am for the good of the community and the players involved, and therefore proposes that the Committee vote to prohibited such activities from taking place before 7:00am. Furthermore, Ald. Gentile proposes increasing the fines associated with the noise ordinance to create a greater incentive for compliance. This is brought on due to the golf courses' repeated disregard of the noise ordinance which states that landscaping cannot take place before 7am. The proposed fine increase and change in structure is as follows:

First violation: Issuance of a warning

Second violation: \$100 fine

Third violation: \$200 fine

Fourth violation: \$300 fine.

Present at the meeting was Captain Marzilli, a representative from the Police Department. Captain Marzilli stated that the police have no concerns about enforcing the proposed fines, and assured Ald. Gentile that should there be a complaint they will respond to it. Ald. Gentile would also like to hear from Commissioner Lojek the next time we take up this item to make sure that he too has no concerns about it.

Ald. Baker proposed that we separate the item into two: one item to address the fine increase, and one item to address the outdoor athletic events. Ald. Gentile and the Committee agreed. Alderman Hess-Mahan suggested that before either item is voted on that we hold a public comment session during a Committee meeting to give different institutions within the City the ability to share their opinions on these changes. The majority of the Committee agreed that holding a public comment session is the correct thing to do so that athletic programs are aware of the possible consequences. This will be

scheduled for the Committee's first meeting in February. Ald. Hess-Mahan then moved to hold the item, which the Committee unanimously supported.

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

ACTION: **HELD 7-0**

NOTE: Lois Pines and Ald. Yates joined the table to discuss the item. Ms. Pines explained to the Committee the unpleasant situation she had to endure concerning construction around her property. The noise from the activity rendered her home unusable for nearly one month. She stated that there ought to be some capacity for the city to impose rational controls and requests that the noise ordinance be changed to include a maximum decibel level for noise emitting from more than one piece of equipment. Additionally she requests that the ordinance specify what constitutes an appropriate and effective sound barrier. This will need to be discussed at greater length, as will the determination of the maximum combined decibel level. The Committee agrees that her requests are valid and they intend to take this item up again in the near future to discuss such details as the decibel level and the sound barrier with Commissioner Lojek and Ed Aucoin. Ald. Baker moved to hold the item, which carried unanimously.

Respectfully Submitted,

Amy Sangiolo, Chairman