CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, JANUARY 7, 2009

7:45PM – ROOM 222

ITEMS SCHEDULED FOR DISCUSSION:

#476-08 ALD. BAKER re-appointing Greer Tan Swiston as Aldermanic Commission member to the NEWTON CHILD CARE COMMISSION for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

#477-08 ALD. BAKER re-appointing Katey Grossman as Childcare Provider Member to the NEWTON CHILD CARE COMMISSION for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

#478-08 ALD. BAKER re-appointing Melissa Hanenberger as Parent Representative Member to the NEWTON CHILD CARE COMMISSION for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

#479-08 ALD. BAKER appointing Emily Shumsky as the At-Large Member to the NEWTON CHILD CARE COMMISSION for a term to end January 1, 2011. (60 days: 2-13-09) [12-09-08 @ 7:26 PM]

Chairman's Note: The Programs & Services Committee will be meeting jointly with the Public Facilities Committee on item #7-09.

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

#7-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing a Resolution to His Honor the Mayor to ensure that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12-30-08 @9:55 AM]

#306-08 ALD. BAKER, DANBERG, MANSFIELD & PARKER requesting discussion of how swimming at Crystal Lake might be lawfully and safely extended beyond mid-August. [08-26-08 @ 5:03 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#258-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding reorganization of senior transportation services and establishment of intra-village transportation systems. [07-08-08 @ 1:29 PM]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#397-07 ALD. JOHNSON AND COLETTI requesting to increase the fee for dogs being off-leash except where dogs are legally able to be off-leash. [12-04-07 @ 12:22 AM]

#346-99 ALD. SANGIOLO requesting creation of an ordinance that would prohibit dogs (leashed or unleashed) from all elementary school playgrounds.

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

#2-09 BOARD OF ELECTION COMMISSIONERS recommending that the Board of Aldermen establish September 15, 2009 as the date of the Preliminary Election and November 3, 2009 as the date of the Municipal Election pursuant to Article 8 of the City Charter. [12-22-08 @3:36PM]

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

#8-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12-30-08 @9:55 AM]

REFERRED TO PROGRAM & SERVICES AND FINANCE COMMITTEES

#465-08 ALDERMEN HARNEY, GENTILE AND SANGIOLO requesting the Newton Retirement Board seeking aldermanic adoption and mayoral approval of special legislation that would authorize it to award to Frank Albano a superannuation retirement allowance in accordance with GL. c.32, Sec. 5 notwithstanding the provisions of G.L. c.32, Sec. 3(6)(e) requiring a former member who re-enters active service to remain in active service for at least two consecutive years before becoming eligible to receive a retirement allowance. [11-17-08 @ 10:26 PM]

REFERRED TO PS&T AND PROGRAMS & SERVICES COMMITTEES

#391-08 HIS HONOR THE MAYOR requesting Board of Aldermen approval to
(#122-92(3)) petition the General Court for an amendment to the legislation that governs the appointment of a Police Chief in the City of Newton in order to add two members to the committee: an additional representative of the Newton Superior Officers Association and an additional citizen member. [11-4-08 @12:31 PM]

REFERRED TO PROG. & SERV., PUB. FAC., AND LAND USE COMMITTEES

#329-08 ALD. JOHNSON, ALBRIGHT & LINSKY requesting amendment to §20-13, *Noise Ordinance*, of the City of Newton Ordinances to prohibit the City from exceeding the parameters of time and decibel restrictions unless it receives approval from the Land Use Committee of the Board of Aldermen. [09-02-08 @ 12:00 PM]

#292-08(2) PROGRAMS AND SERVICES COMMITTEE requesting that His Honor the Mayor develop a written policy of standards and processes that could be uniformly followed by community groups for the use of the branch library buildings. [11-07-08 @ 11:11 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#274-08 ALD. JOHNSON AND SANGIOLO proposing a RESOLUTION to His Honor the Mayor requesting that he create a plan to move the Child Care Commission to a self-sustaining model for FY2010. [07-17-08 @ 9:53 AM]

REFERRED TO PROG. & SERV., ZONING & PLANNING, PUB. FACIL., PUB. SAFETY AND FINANCE COMMITTEES

#273-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that the Executive and Human Resources Departments develop a comprehensive human capital strategy for the city to include: performance management, talent development, succession planning, and compensation. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#272-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Human Resources Departments. [07-17-08 @ 9:53 AM]

REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES

#271-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, the Parks and Recreation Department, and the Department of Public Works in order to determine the most effective and efficient way to organize the work of managing our public resources. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#270-08 ALD. JOHNSON proposing a RESOLUTION to His Honor the Mayor requesting that he work with the Board of Aldermen, School Department, and School Committee in order to determine the most effective and efficient way to organize the Information Technology Departments. [07-17-08 @ 9:53 AM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#261-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the Director of Arts in the Parks' salary to the Arts in the Parks revolving account. [07-08-08 @ 1:29 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#259-08 ALD. SANGIOLO requesting discussion with the Executive Department regarding moving the salaries of the Parks & Recreation Commissioner and the Recreation Programs Director to the revolving accounts for various programs.
[07-08-08 @ 1:28 PM]

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#207-08 ALD. BRANDEL AND SANGIOLO proposing that the following question be put before the Newton voters:
"Shall the City of Newton be allowed to exempt from the provisions of Proposition 2 ½ the amounts required to pay for the bond issuance in order to fund Newton North High School?" [05-21-08 @ 12:58 PM]

#154-08 ALD. JOHNSON requesting to establish a definition and appropriate usage of the Committee of the Whole of the Board of Aldermen as are all committees of the Board. [4-10-08 @9:09 AM]

#153-08 ALD. JOHNSON requesting to establish a definition and appropriate usage of the Long Range Planning Committee of the Board of Aldermen as are all committees of the Board. [4-10-08 @9:09AM]

#130-08 ALD JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen requiring that referral of any and all new business, communications, petitions and orders docketed before the Board of Aldermen be restricted to one or more of the standing committees of the Board of Aldermen: Land Use, Programs and Services, Public Safety and Transportation, Zoning and Planning, Finance, Real Property Reuse, Post Audit and Oversight, Public Facilities and Committee on Community Preservation. [03-24-08 @ 9:11 AM]

#129-08 ALD. JOHNSON, SANGIOLO AND BRANDEL requesting establishment of a new Rule of Board of Aldermen stating that any new item submitted but not yet approved or accepted by the Full Board of Aldermen is prohibited from any formal or informal discussion by any formal, informal or special committee of the Board. [03-24-08 @ 9:11 AM]

#111-08(2) ALD. JOHNSON and PARKER requesting regularly scheduled updates and discussion each month in regard to the offering of a RESOLUTION to the Mayor, President of the Board of Aldermen, and Chair of the School Committee that they, during the budget development and review process, identify short term tactics to improve the City's operational efficiency and effectiveness. In addition, they establish a citizen advisory group to assist in planning for additional tactics and strategies to improve the City's operational efficiency and effectiveness in future fiscal years, and report progress to the Board of Aldermen, School Committee and the public before any vote is taken by the citizens of Newton for any operational override. [04-01-08 @ 11:22 AM]

REFERRED TO PROG. & SERV., PUB.FAC. AND FINANCE COMMITTEES

#89-08 ALD. PARKER requesting the following:

A) review of the maintenance practices for buildings, parks and other properties owned by the City (including School Department facilities and grounds)
B) development of a comprehensive maintenance plan that includes regular schedules for preventive maintenance for each specific site or facility
C) a RESOLUTION requesting that implementation of said maintenance plan be funded using operating budget funds.

[02-13-08 @ 12:07 PM]

#287-07(2) ALD. PARKER requesting a discussion with Parks and Recreation Department in regards to an appropriate marker or plaque to honor and recognize Olympic figure skater and Newton resident Tenley Albright and her skating exhibition at the Crystal Lake upon her return from the 1956 Olympic Games where she won a gold medal. [09-20-07 @ 1:22 PM]

#262-07 ALD. VANCE AND HESS-MAHAN seeking approval by the Board of Aldermen of a home rule petition to the General Court that would authorize an amendment to the charter of the City of Newton that would change the length of terms of the members of the Board of Aldermen to three years and would provide for electing one-third of the aldermen, one from each ward, every year. [08-22-07 @ 3:53 PM]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#83-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to adopt the proportion of Governors Municipal Partnership that would allow the City to reduce employee health insurance costs by joining the Group Insurance Commission. [02-27-07 @ 10:21 PM]

#82-07 ALD. YATES requesting that the City of Newton take all possible steps to persuade the General Court to allow the cities and towns to tax all telecommunications facilities in the City (which would yield at least $1.6 million per year for Newton). [02-27-07 @ 10:21 PM]

#52-07 ALD. PARKER, SANGIOLO, MANSFIELD, HARNEY, DANBERG, VANCE, LINSKY, HESS-MAHAN, BURG, ALBRIGHT & JOHNSON requesting an ordinance amendment to create a health care advisory committee whose function would be to recommend measures to control the rate of increase of health insurance costs, as recommended by the Newton Finance & Management Working Group in 2005 and the Blue Ribbon Commission on the Municipal Budget in 2007. [02-09-07 @ 12:36 PM]

#422-06 ALD. HESS-MAHAN requesting creation of an ordinance prohibiting the use of portable gasoline-powered leaf blowers within the City limits.
PROGRAMS & SERVICES APPROVED AS AMENDED 4-2-2 (Brandel, Sangiolo opposed; Baker, Merrill abstaining) on 3/19/08
RECOMMITTED TO PROGRAMS & SERVICES ON 4-22-08
HELD 07-09-08

#370-06 ALD. SANGIOLO, PARKER, MANSFIELD requesting home rule legislation to allow advisory questions to be asked in a Newton special election.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#267-06(3) ALD. PARKER, BURG, LINSKY, FISCHMAN, HESS-MAHAN, VANCE, HARNEY, JOHNSON, & DANBERG proposing Home Rule Legislation authorizing the City of Newton to apply the ordinance proposed in item #267-06(2) to assets held by the City's retirement system.

REFERRED TO FINANCE AND PROGRAMS AND SERVICES COMMITTEES

#245-06 ALD. JOHNSON AND HESS-MAHAN requesting an amendment to the City Charter to require the Mayor annually to prepare and submit to the Board of Aldermen a long-term financial forecast of anticipated revenue, expenditures and the general financial condition of the City, including, but not limited to identification of any factors which will affect the financial

condition of the City; projected revenue and expenditure trends; potential sources of new or expanded revenues; anticipated municipal needs likely to require major expenditures; and a strategic plan for meeting anticipated municipal needs, to include, but not be limited to, any long or short-term actions that may be taken to enhance the financial condition of the City. **HELD 5/7/08**

#329-05(2) ALD. PARKER & JOHNSON requesting further amendment to the noise ordinance to: improve enforceability and effectiveness of the ordinance; remove the source-based exemption for noise generated by birds, and; address the differential treatment of construction noise on weekends. [08-26-08 @ 3:15 PM]

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

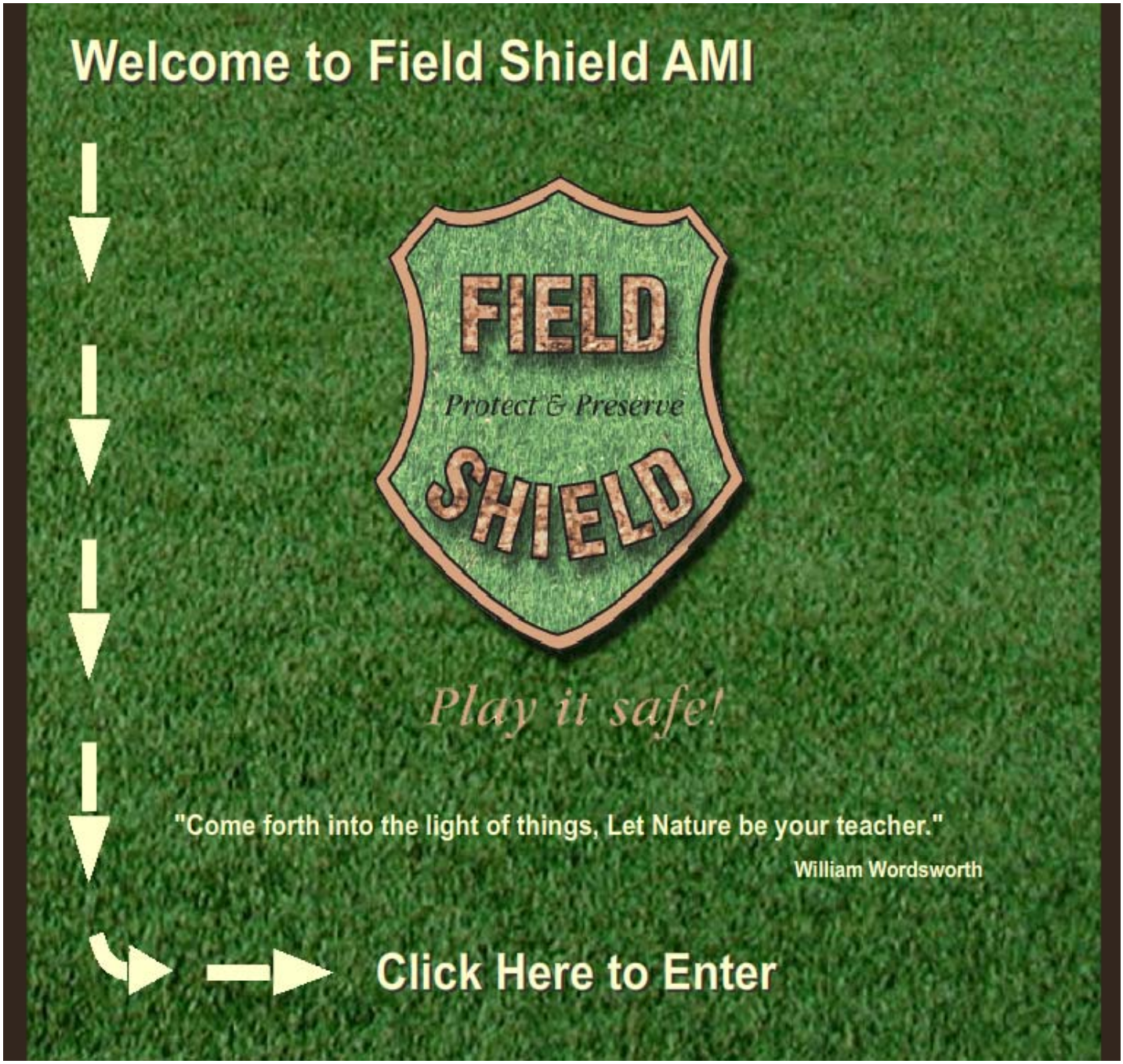
#264-03(3) ALD. JOHNSON AND BAKER requesting update on the work of the Taxation Aid Committee established by the Board of Aldermen in March 2004 in administering aid to the elderly taxation fund.

REFERRED TO PROGRAMS & SERVICES, PUBLIC FACILITIES AND FINANCE COMMITTEES

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

Respectfully Submitted,

Marcia Johnson, Chairman



A 'Green Book' of environmentally-friendly, ecologically-safe artificial turf products, designs and professional services. FieldShield's mission is to address the safety of artificial turf and artificial turf fields; artificial turf hazards; the health-hazards of artificial turf and the health-hazards of synthetic turf, artificial grass, field turf and synthetic grass. We provide professional services, professional design services and athletic field design services and artificial turf consulting with expertise in the hazards of artificial turf and the hazards of synthetic turf. We are familiar with all major turf products, including: FieldTurf®; Sportexe®; SprinTurf®; AstroTurf®; ProGrass®; General Sports Turf®; Tiger Turf; and A-Turf®;

Some of these concerns involve lead in artificial turf; risks of artificial turf, bacteria in artificial turf as well as fungi and mold in artificial turf.
Services and products also address synthetic running tracks, including urethane running tracks and other running track surfaces including latex running track surfaces. Other products and professional consulting services concern playground safety surfaces.

We boast significant knowledge concerning the dangers of artificial turf and the hazards of artificial turf. This knowledge allows us to provide artificial turf professional design services for athletic field construction, including; soccer fields; soccer pitches; football fields; lacrosse fields; multipurpose athletic fields; baseball fields; field hockey fields; rugby fields or pitches and running track surfaces using safe artificial turf. We concentrate on providing stable turf infill with no fly-out and also providing, Organite, an anti-microbial infill alternative to recycled-tire rubber and silica sand, used in sand/rubber infilled artificial turf and synthetic grass. The end-result is products and designs, which are compliant with California Prop 65, because we have virtually eliminated all environmental and ecological risks associated with artificial turf and synthetic grass.

FieldShield was founded with the goal of developing environmentally-friendly, ecologically-safe artificial turf products and systems and to promote the proper application of material science and civil engineering to turf design and construction.

The principals at FieldShield are uniquely suited to achieve this goal, in that our number includes the inventors of “sandless” all-rubber infilled turf (Patent #5,976,645) and the vertical-to-horizontal-drainage base construction methodology (Patent #7,128,497). Furthermore, they introduced the concept of infill stability (No Fly-Out) through minimization of infill and maximizing of grass weight and blade density.

We believe that a proper evaluation, or any viable comparison, of artificial turf products or concepts must be rooted in recognized material science and commonly accepted engineering principles – not in unsupported marketing claims, fantasy physics, layman endorsements or pretty pictures. Unfortunately, a studied scientific approach is usually overwhelmed by marketing, when it comes to the emotion-fueled decisions affecting an athletic venue.

Our, CEO, Philip Christiansen, is a professional engineer, with 40 years of professional engineering experience and holds an MS in Environmental Engineering. His approach - our approach – has been to identify deficiencies or problems and then develop solutions, by the application of the Scientific Method: Observation >> Hypothesis >> Prediction >> Testing >> Conclusion.

In addition to giving birth to a slew of innovative, eco-safe products embodied in our EcoSistem™ concept, this considered scientific approach has resulted in a timely, cost-effective, solution to current environmental, health and safety concerns surrounding artificial turf “infill” – that is: a safe, environmentally-friendly, heat-reducing, anti-microbial infill alternative we call, Organite ™.

Phil was also first to recognize the failure of the industry to set proper drainage criteria in design specifications or to deal in a cost-efficient manner with water management issues. FieldShield can offer professional engineering consulting directly to the purchaser or to the purchaser’s professional design team, in order to facilitate the incorporation of appropriate products or eco-friendly construction concepts in the most economical manner. We call this service ECOnomic DeZine. However, our primary goal remains the promulgation of environmentally-friendly and eco-safe replicated grass products and construction design that protect both the users and their environment. In the past few years there has been a veritable avalanche of articles and studies extolling the dangers inherent in artificial turf. These reports have focused on five areas of concern:

(1) carcinogenic and toxic exposure to humans from components of the rubber and/or sand of the infill material,
(2) carcinogenic or toxic exposure from heavy metals and other chemicals in the synthetic turf yarn polymer and/or pigment systems,
(3) Exposure to bacteria, fungi or mold, which has propagated in the infill matrix,
(4) environmental contamination, especially of the aquifer, from run-off through the infill and turf backing, and
(5) excessive synthetic surface temperatures during high ambient temperature and severe solar energy exposure.

Each of these areas of risk is coming under greater study but no definitive conclusions can presently be drawn. Yet, many public officials and self-described “experts” are calling for moratoriums on the installation of synthetic turf. Unless, these officials and experts have unstated agendas, such an approach indicates acute unfamiliarity with advanced replicated grass technology, which can virtually eliminate the enumerated risks and concerns. No need to throwaway the artificial turf baby -- just keep it out of the eco-toxic bathwater! Let’s examine how FieldShield™ technology cleans-up that dirty bathwater and virtually eliminates all risks –

Problem#1: Recycled-tire rubber contains carcinogenic and toxic chemicals and “documented chemical exposures to a variety of volatile organic compounds, semi-volatile hydrocarbons, and other contaminants exist”— Another study by Dr. William Crane of CCNY and Dr. Junfeng Zhang of Rutgers Univ. raised serious questions and highlighted the risks – On May 20th, Attorney General Richard Blumenthal urged that the Connecticut Agricultural Experiment Station be assigned to conduct a new study to determine the potential hazards posed by crumb rubber used in artificial turf and gardening mulch. Blumenthal sent a letter to Gina McCarthy, commissioner of the state Department of Environmental Protection. It is clear from these and many other studies that rubber and sand (silica) contain hazardous chemicals; that humans are exposed to these chemicals through contact; through out-gassing above a threshold temperature; through run-off into the aquifer; and through ingestion. What remains to be determined is: do these exposures have the potential to exceed safe levels. Such determination will take some time.

Solution#1: Eliminate the recycled-tire rubber and silica sand hazards as a risk factor. Organite is an eco-safe alternative infill, which does not contain any of the potentially harmful chemicals of rubber or the respiratory irritants of silica sand- No harmful chemicals to be inhaled, ingested, outgassed or leached into run-off.

Problem#2: Most synthetic grass filaments or their pigment recipes contain trace amounts of heavy metals. The source of these chemicals is more the pigments used rather than the filament polymer, especially if the base polymer is a polyethylene. As with toys, the country of origin can affect the heavy metal content. Also, some colors, e.g., canary yellow, tend to contain more heavy metals than other colors. The question is: does the synthetic turf expose users to harmful levels of such chemicals through contact, inhalation or run-off.

Solution#2: Eliminate the possibility of any type of harmful exposure, by choosing a filament yarn and color with extremely low trace amounts of heavy metals. They are available. This requires a certification or “heavy metal statement” from the yarn manufacturer (not the turf purveyor) pertaining to the specific lots of yarn used on a site. A certification or statement is necessary for each color and lot of the filament polymer delivered to the job site and must be provided by the original manufacturer. FieldShield can provide such a certification, as can any bone fide turf company supplied by yarn manufacturers with eco-safe yarns.

Problem#3: The infill matrix (1/2” depth in EcoGreen66™ – 1.75” for most standard turf designs) can be a Petri dish for the propagation of bacteria, fungi and mold. This growth is more likely to occur in the lower depth of the infill where temperatures are moderated by the insulative effect of the upper level rubber and where moisture collects on the backing and in lower level infill. In sand/rubber filled systems, where the higher specific gravity of the sand causes it to stratify at the bottom, the moisture and nutrients held by the sand tend to promote mold growth at the backing. See typical bacteria report.

Solution#3: Organite is an anti-microbial infill (AMI), which virtually eliminates the growth of bacteria, fungi and mold in the infill depth. Every granule of Organite is factory-coated with Aegis Microbe Shield to provide full,durable, anti-microbial protection throughout the full depth of the infill matrix.

Problem #4: Infill rubber contains lead, arsenic, benzene, toluene, cadmium, copper, oil and carbon, as well as zinc and aromatic hydrocarbons. The extent to which water can leach these chemicals from the infill and contaminate soils and the aquifer is unknown, but anecdotal tests (Alison Draper, Bucknell U.) suggest harmful effects on aquatic communities from rubber infill. Significant controlled study, under actual use conditions, is needed to establish a valid level of risk. In addition, most artificial turf is coated with polyurethane, which can leave significant quantities of free un-polymerized urethane in the coating depending on the mixing, application and cure process. Urethane is known to cause reproductive toxicity and is listed on the State of CA Prop 65 list of harmful chemicals. Study is also necessary to determine if urethane leaches from these coatings and polyurethane backings need to be tested for free urethane, after each production run. This will take time.

Solution#4: Organite™ AMI (Anti-Microbial Infill) does not contain any harmful chemicals which can contaminate aquifers or soils, so no harmful run-off is possible. EcoGreen66™ replicated grass incorporates an eco-friendly polyolefin coating (GreenBack™), containing no urethane or other harmful chemicals, to eliminate concerns of urethane leaching.

Problem #5: Artificial turf produces a higher ambient temperature above the playing surface due to absorption of solar energy (electromagnetic radiation). The reflectivity or albedo of an artificial turf system, including the infill, is generally lower than natural grass (darker colors absorb more electromagnetic radiation) due to the exposure of dark infill. Also, artificial turf and rubber infill do not naturally contain and hold moisture, to provide evaporative cooling, as natural grass and soils do. Given a specific material (in this case, PE fiber or recycled tire rubber), the darker the color of the material, the more electromagnetic radiation will be absorbed and subsequently re-radiated to the ambient above the playing surface. Obviously, the darker the area of the playing surface; the more elevated are the temperatures to which the athletes are exposed during play. Also, because artificial turfs tend to ‘lay-over’ and expose more surface area directly to the sun’s radiation, insolation (solar radiation energy received) can increase, dramatically. In hot, dry (less clouds/low humidity) climates, and especially in southern latitudes, the preponderance of exposed black (rubber) material

is likely to create an unhealthy, excessively hot, playing condition (the 2002 “synthetic surface heat study” of C. Frank Williams and Gilbert Pulley, at Brigham Young University, recorded surface temperatures of 200 F, on a 98 degree day, on a leading competitor’s surface, with ambient temps recorded above 150 F). Not only is the air temperature above the surface excessive, but the surface temperature of the black rubber is actually dangerous to touch. In addition, as has been previously noted, surface temperatures exceeding 140F facilitate the outgassing of toxic chemicals in recycled-tire rubber.

Solution#5: Organite™ is an eco-safe infill alternative, which reduces artificial turf heat because it has a low albedo due to its very light brown color, and because it naturally contains and retains moisture. In fact, its natural inorganic component (which can be increase in high-heat climates) is capable of holding more than double its weight in moisture. This renders the infill unusually effective in providing and extending evaporative cooling, when water is introduced for the purpose of cooling the surface. Additional heat reduction can be realized by the use of replicated grass surfaces like EcoGreen66™, which boasts a high micron monofilament grass blade that resists “lay-over”. This keeps the angle of the filaments with the sun much more acute, which greatly reduces insolation. So there it is. Baby saved! Simply by taking advantage of currently available, advanced synthetic turf technology, all of the potential risks can be addressed and eliminated. No need to delay your artificial turf installation waiting for the results of studies, which ignore current technology. No need to wait for studies which only address obsolescence. The publication of numerous scientific studies over the past few years, has raised concerns regarding environmental, health and safety liabilities associated with recycled tire rubber and/or sand, when used as an ‘infill’ in today’s artificial turfs. In response to these concerns, FieldShield, Inc has developed the first Anti-Microbial Infill (AMI™) alternative. The AMI product, we call Organite™, is a polyorganic all-natural, environmentally friendly, compound which contains no synthetics and, therefore, contains no polycyclic aromatic hydrocarbons (PAHs); butylated hydroxyanisole or any other known carcinogens. Neither does it contain any of the chemicals of recycled tire rubber which are suspected to cause reproductive or developmental toxicity. Also, since Organite contains none of the carcinogens or chemicals which cause reproductive harm, annually listed by the State of California, it is compliant with that State’s Prop 65 and, therefore, does not require warning signage, in CA. Obviously, concerns about respiratory exposure to particulate from rubber dust or silica sand; ingestion by children of known carcinogens; as well as run-off contamination of the aquifer by the infill, are eliminated with Organite.

AMI

This is where the story usually ends for the products currently marketed as ‘safe’ alternatives to recycled tire rubber in artificial turf. But this ignores the significant problem - often exacerbated by inclusion of sand in the infill - of bacteria, fungi and mold growth within the infill depth. FieldShield™ addresses this problem of microbial contaminant growth, not just on the surface but rather through the full depth of the infill matrix. This is accomplished by integrating a unique antimicrobial product, SportAide 1000® , through factory-coating of every Organite infill particle.

This highly effective anti-microbial is both extremely durable and environmentally-friendly and will continuously inhibit growth of bacteria, mold and fungi, year after year. Powered by ÆGIS Microbe Shield® this antimicrobial technology has been used safely in medical and consumer goods for more than 30 years. It is non-toxic, hypoallergenic, non-sensitizing and nonirritating to human skin; it will not wash-off nor is it consumed or dissipated in executing its anti-microbial protection. This is because the microbe killing mechanism is not chemical. The water-based antimicrobial technology of SportAide 1000 will not leach heavy chemicals into the environment or facilitate the growth of adaptive organisms. The brilliance of this approach; is that FieldShield does not reintroduce chemicals into the infill - after we have anaged to make it so safe and environmentally-friendly - in order to provide anti-microbial protection… and SportAide 1000® is EPA registered. The innovative FieldShield AMI™ process results is full-depth, near-permanent protection, of the coated infill materials, against all common bacteria, including staff; as well as protection against fungi and mold, which tends to be prevalent in the lower depths of the infill or on the backing of the turf, where sand is used in the infill mix. Until Organite, the only way to reduce elevated temperatures of artificial turf surfaces was to lighten the color of the exposed infill material (Organite is a very light brown) to reduce electromagnetic absorption and to elevate the moisture content of the infill matrix to provide evaporative cooling, for a short period of time. Because Organite is an AMI, retention of moisture is not a microbial problem as it is with sand, and because it naturally retains more moisture than synthetic rubber, evaporative cooling is generated to a much greater degree than with rubber. It is also important to note that retained moisture can also be used to extend evaporative cooling over a much longer period of time. FieldShield didn’t stop there, however. Organite also contains a naturally occurring inorganic constituent, which can absorb and retain up to 240% of its weight in moisture. Where elevated surface temperatures of the artificial turf are a concern, FieldShield can increase the content of this water-retaining inorganic component (Organite HR) to provide even more effective evaporative cooling over a longer duration. Any meaningful test of surface performance, with Organite as the infill, must be performed in the exact turf design and structure you are intending to use it in. Most performance results (wear; shoe traction; rotational resistance; abrasion; ball-roll) are much more a function of the yarn properties and the turf design particulars, such as: face weight, pile height, tuft density, infill depth, yarn relief, tuft gauge, etc.

In general, we can tell you that G-max results with a given depth of Organite will be slightly higher than rubber (10 to 15 points on typical ASTM F-355 test) and much lower than sand; understanding that the G-max results with sand are highly variable depending on moisture content and/or compaction. For projects where extremely low G-max results are required, FieldShield offers Organite G-Min, incorporating 20% EPDM (ethylene propylene diene monomer), which is an environmentally safe rubber that does not contain any chemicals known to be hazardous or a health risk in normal use. Now, that’s the whole story. Not just a safer alternative to rubber or sand, but an infill alternative with comprehensive anti-microbial protection over the life of your artificial turf, with the maximum available heat reduction capability!

The EcoSistemsm is an integrated group of environmentally-friendly and biologicallysafe products, for use in the construction and installation of artificial turf athletic fields, running tracks and playground areas. The key components of the system are: Organite: is an all-natural proprietary composite of organic and inorganic materials, which provides an environmentally-friendly, biologically-safe alternative to recycled-tire rubber and/or sand, as an infill in artificial turf. This infill alternative eliminates possible exposure to carcinogens; respiratory exposure to toxic or irritant particulate from rubber dust or silica-sand; ingestion of toxic chemicals by children; as well as run-off contamination of the aquifer by the infill materials. In addition, every granule of Organite is encapsulated with an effective, durable, non-chemical, EPA registered anti-microbial agent*, which protects against and prevents the growth of; bacteria, fungi and mold.

EcoGreen66: is a dimensionally stable Replicated Grass consisting of a multilayer, woven primary backing, with a unitary polyolefin hot-melt secondary backing, laminating a stabilizing tertiary backing, which is heat-activated to permanently lock fiber tufts in place. This results in a coated backing that is permeable, without perforations, allowing the tertiary backing to act as a particulate filtering membrane. Also, the backing contains NO urethane, rendering it CA Prop 65 compliant, and, therefore, does not require mandated warning signage. EcoGreen66 is tufted with a 100% polyethylene, monofilament yarn, containing virtually no heavy metals (see heavy metal statement) or ecologically harmful chemicals. EcoGreen66 is in-filled with Organite™

EcoTrax™: is an environmentally-friendly and ecologically-safe running track surface which contains no urethane and virtually no heavy metals (see heavy metal statement). It also provides effective run-off particulate filtration, when installed in accordance with the FieldShield design specifications. In addition, the EcoTrax™ filament running track surface is engineered to allow “tuning” of the surface response-time in order to customize surface performance to its primary intended use.

EcoFlo™: is a high compressive-strength, moisture conducting, nonabsorbent geo-composite drainage and shock attenuation blanket, made from recycled materials, for use with vertically-draining artificial turf systems. The use of EcoFlo greatly reduces risk factors associated with poor subsurface soils. Installation provides an uninterrupted vertical-tohorizontal flow path for superior rainfall evacuation and enhanced G-max and P-max performance without changing the ball-action or feel under-foot. LiquidLiner™: is an environmentally-friendly and safe polymer emulsion soilbonding agent which, when properly applied to the aggregate base of an artificial turf, creates a virtually impermeable moisture-barrier and an extremely stable working platform. The LiquidLiner soil treatment replaces synthetic geomembrane liners, thus eliminating concerns of punctures, wrinkling, and slip associated with geomembrane use under artificial turf.

EcoSeam™: Is an environmentally-friendly and ecologically-safe seaming system which utilizes ultrasonic technology to activate factory-applied thermoplastic adhesives, which are free of urethanes and any other toxic or harmful chemicals. As such, the system is compliant with CA Prop 65 and, therefore, does not require warning signage.

EcoPlay™: is a technologically advanced safety-surface system intended for use in playground and pool areas where head- impact and environmental-safety are of paramount concern. The system is designed to provide mandated HIC (Head Injury Criterion) characteristics, as required for up to an 8 ft. fall height. A unique layered design also provides for calculable drainage over any properly prepared existing substrate, with minimal excavation or

material import/export. The system surface features a non-abrasive, ADA compliant replicated grass, which encapsulates and separates users from infill materials; contains no urethanes or heavy metals; making it environmentally safe and recyclable. The system is in-filled with Organite™.

ECOnomicDeZine™: Professional Engineering consulting and design, which provides knowledgeable guidance to affect integration of eco-friendly, safe artificial turf products and construction methodologies, with local storm-water management requirements at an economical, value-engineered cost. Artificial turf produces a higher temperature ambient above the playing surface due to absorption of solar energy (electromagnetic radiation). The reflectivity or albedo of an artificial turf system, including the infill, is generally lower than natural grass (darker colors absorb more electromagnetic radiation) due to the exposure of dark infill. Also, artificial turf and rubber infill do not naturally contain and hold moisture, to provide evaporative cooling, as natural grass and soils do. Given a specific material (in this case, PE fiber or recycled tire rubber), the darker the color of the material, the more electromagnetic radiation will be absorbed and subsequently reradiated to the ambient above the playing surface. Obviously, the darker the area of the playing surface; the more elevated are the temperatures to which the athletes are exposed during play. Also, because artificial turfs tend to 'lay-over' and expose more surface area directly to the sun's radiation, insolation (solar radiation energy received) can increase,dramatically. In hot, dry (less clouds/low humidity) climates, and especially in southern latitudes, the preponderance of exposed black (rubber) material is likely to create an unhealthy, excessively hot, playing condition (the 2002 "synthetic surface heat study" of C. Frank Williams and Gilbert Pulley, at Brigham Young University, recorded surface temperatures of 200 F, on a 98 degree day, on the previous iteration of this leading competitor's surface, with ambient temperatures above 150 degrees F). Not only is the air temperature above the surface excessive, but the surface temperature of the black rubber is actually dangerous to touch. This manufacturer's new monofilament surface exposes considerably more black rubber to the sun than their fibrillated surface studied in 2002, which would seem to render the new monofilament surface a considerable health and safety risk in the noted climates. Of course, since EcoGreen66™ boasts minimal exposed infill, it is the coolest in-filled artificial turf possible (for any chosen color of grass fiber) and the albedo of Organite is much higher because of its light tan color. Plus, Organite™ can contain and hold water to extend evaporative cooling. In addition, the superior memory of the 240 micron monofilament decreases insolation, by significantly reducing "lay-over".

Every artificial turf field will eventually require replacement in 10 to 20 years. Each one of these full-sized fields contains approximately 225,000 lbs of recycled-tire rubber; 25,000 lbs of synthetic grass filament fibers, which contain undetermined levels of heavy metals; and 15,000 lbs of urethane coating. In addition, a majority of the fields contain more than 500,000 lbs of sand containing silica, which may also contain fungi and mold and, unfortunately, cannot be separated from the rubber.

Many states define these products (or are likely to in the near future) as 'special waste' or as hazardous waste, which requires special handling. For example, Connecticut no longer permits the landfilling of waste tire rubber. Brad Park, of the Rutgers University School of Environmental and Biological Sciences, warns that "towns need to be aware that the fields are not permanent and disposing of them could potentially be a financial and environmental headache in the future".

However, the potential size of the financial part of this headache has not been emphasized. When a removed turf requires special handling and disposal sites, as almost all turf of conventional design will require, the cost, including OSHA and EPA compliant removal, transportation and special hazards disposal fees, will likely exceed six figures, in today's dollars. In many cases the disposal costs and fees, alone, will exceed that amount, by a significant margin.

This makes a consideration of the ecological effects, which affect the eventual disposal costs of all the components of a proposed artificial turf installation, an important determination of the financial viability of a project. Obviously, the recyclability and environmentally-friendly nature of the turf components must be factored into the total project cost, in order to avoid burdening the next generation of users with the failure to consider the cost or of ignoring the problem. Ignorance results when learning is ignored.

Environmentally-friendly, ecologically-safe, recyclable infill, filament yarn and coating materials are available now. These FieldShield products perform, in all respects, as well or better than the ecologically-challenged products traditionally considered -- and, if designed properly, their inclusion can be accomplished with no additional present cost. More importantly, their inclusion assures significant reduction in future cost, while eliminating environmental, ecological and health risks, entirely.

Proposition 65 (the CA Safe Drinking Water and Toxic Enforcement Act of 1986) is a "notice" law, which mandates warning signs or labels on any products sold in CA that contain chemicals annually listed by the State of California as causing cancer or reproductive harm.

This is a concern for purveyors and purchasers of artificial turf because neither can tolerate signs, prominently displayed on their new turf, which announce: "WARNING: This Area Contains Chemicals Known To The State of California To Cause Cancer And Birth Defects or Other Reproductive Harm". Unfortunately, most turf products contain chemicals on the List, such as silica (sand), urethane (coating), aromatic hydrocarbons (recycled-tire rubber) and toxic metals (grass filaments and infill). Compounding the problem, no "safe harbor levels" have been established for most of these chemicals, so proving that levels of exposure are safe may be difficult and costly in the extreme.

This places the turf purveyor and/or purchaser at great risk for significant fines and legal costs, since the enforcement mechanism is by litigation, which the law allows to be brought by "citizen enforcers", often referred to as "bounty hunters".

This chapter provides more information concerning Prop 65 - but keep in mind that FieldShield products and designs effectively circumvent the problem, by eliminating any of the listed chemicals.

FieldShield offers professional consulting and engineering services, which uniquely blend a significant knowledge of ecologically-safe products and procedures with an unparalleled familiarity of artificial turf and running track designs and construction. We then apply this knowledge and experience to help develop the most cost-efficient construction specifications.

It is our ability to minimize short and long-term project costs, while still meeting extremely high standards of environmental, safety and athletic performance requirements that is unusual. When it comes to marketing claims made by purveyors of artificial turf or track surfacing products, we can cut through the fog and definitively separate the wheat from the synthetic chaff. More importantly, we provide clear, science-based reasoning for our recommendations.

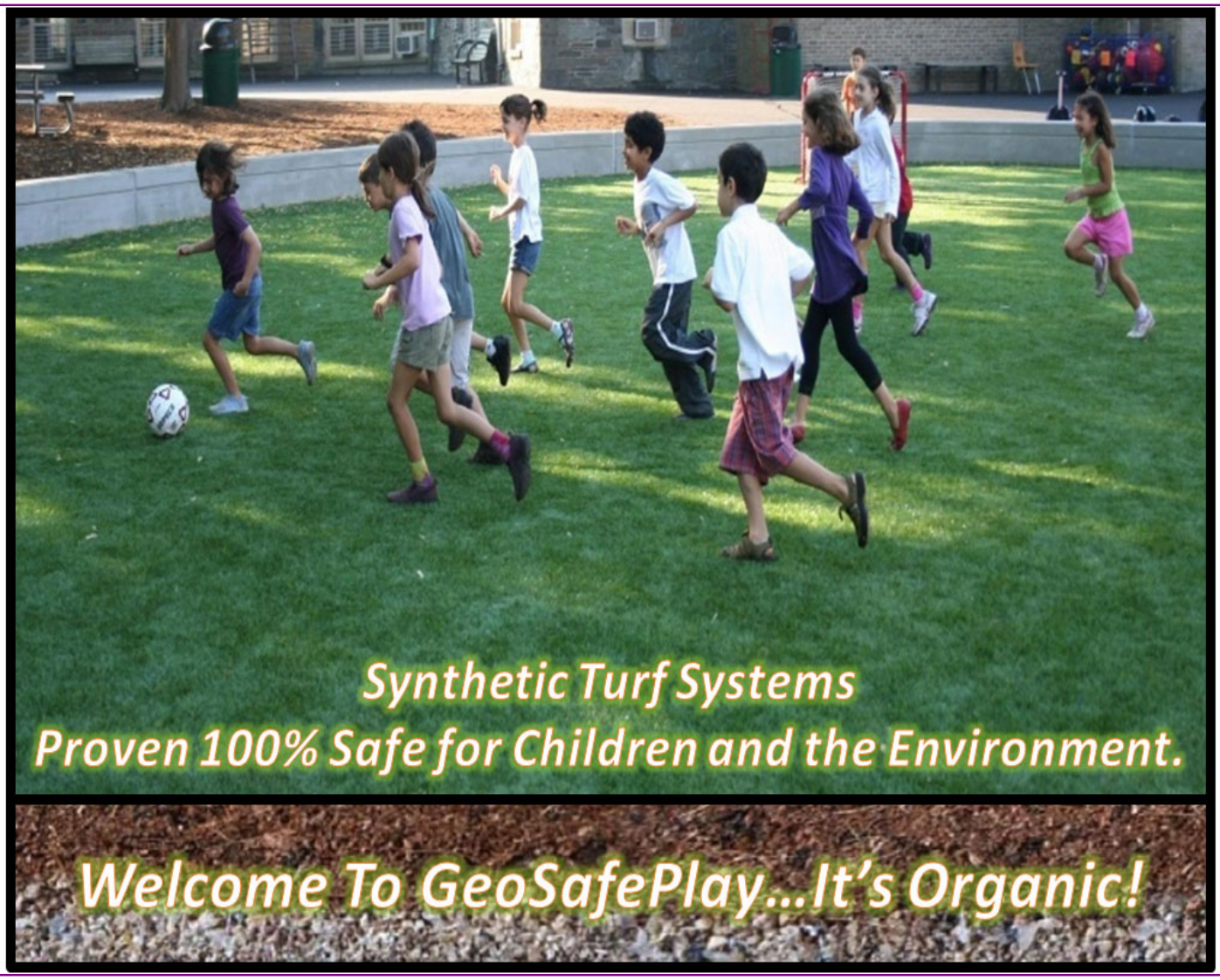
Our CEO, Philip Christiansen is a, registered professional engineer with 40 years of engineering experience and holds an MS in Environmental Engineering. He integrates unusual understanding of storm-water management and soil-mechanics with synthetic surface considerations; and was also first to recognize the failure of the synthetic turf industry to set proper drainage criteria in artificial turf design specifications or to deal in a cost-efficient manner with water management issues. He is complimented by staff with unequalled experience in the design, manufacture and marketing of artificial turf and running track surfaces. Some of his FieldShield colleagues founded a number of currently viable turf companies and are responsible for significant developments in artificial turf design, including "sandless" infilled turf and "vertical-to-horizontal" drainage.

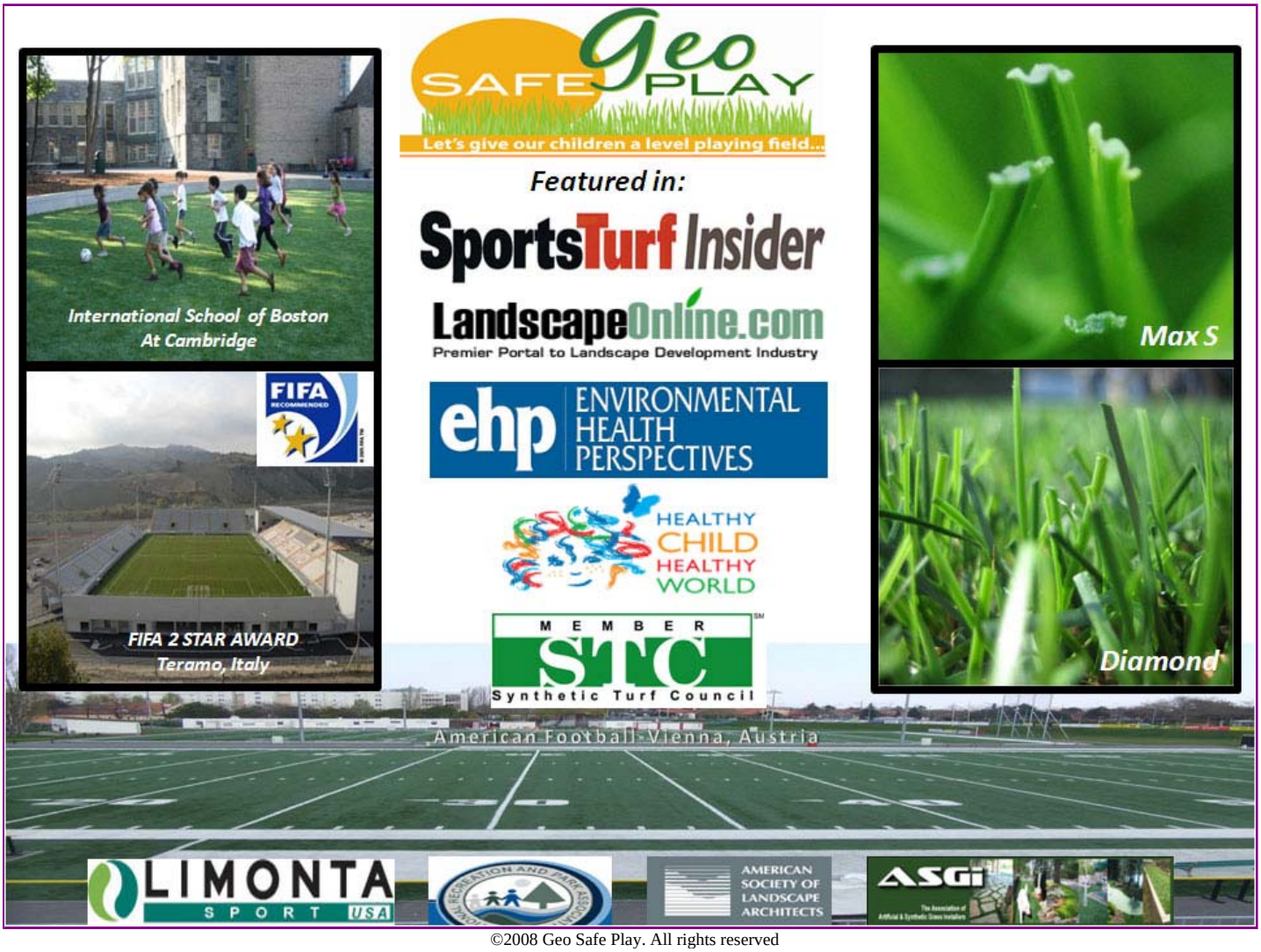
The extraordinary breadth and depth of our combined experience and knowledge allows FieldShield to offer valuable enlightenment to a prospective purchaser of a synthetic grass or running track, in whatever degree they wish – from limited consultancy support of the purchaser (or their professional representative) - to comprehensive, licensed construction specifications and project management.

Any synthetic turf project begins with proper evaluation - and any viable comparison, of artificial turf products or concepts must be rooted in recognized material science and commonly accepted engineering principles – not in unsupported marketing claims, fantasy physics, layman endorsements or pretty pictures. Unfortunately, if not filtered by the kind of inside knowledge FieldShield offers, a studied scientific approach is usually overwhelmed by marketing and sales, when it comes to the emotion-fueled decisions affecting the typical athletic venue.

FieldShield can offer professional engineering consulting directly to the purchaser or to the purchaser's professional design team, in order to facilitate the incorporation of appropriate products or eco-friendly construction concepts in the most economical manner. We call this service ECOnomicDeZine.

If you are too early in the process or simply have a fear of commitment – FieldShield offers Conference Call Consultancy (CCC) to help get you started and pointed in the right direction, within your budget limits.


Synthetic Turf Systems
Proven 100% Safe for Children and the Environment.
Welcome To GeoSafePlay...It's Organic!



Geo SAFE PLAY

Let's give our children a level playing field...

Proven 100% Safe for Children and the Environment.

newgrass Landscape Turf

LIMONTA SPORT USA

Introducing Geo Safe Play

Geo Safe Play is the "natural" solution for synthetic turf infill. The combination of natural plant fibers and cork assures the highest level of sports performance.

A soccer field, infilled with Geo Safe Play is similar to the highest quality natural grass fields, and it guarantees the possibility to use the field intensively, even under bad weather conditions.

Geo Safe Play by Limonta Sport in Italy is the proven and patented solution for infilling synthetic turf with materials that are 100% environmentally safe.

The Product is produced with carefully selected, specially-treated organic and blended fibers, and retains moisture for perfect drainage and low temperatures compatible with natural soil.

- 100% Environmentally Friendly & Non-Toxic
- Does Not Release Unpleasant Odors
- Drains Perfectly
- Eliminates the Risk of Abrasion for Players
- Resistant to Wear, Aging, and UV Radition
- Homologated by LND
- Maintains a Constant Degree All Year Long
- Does Not Rot and Does Not Allow Mold Growth
- Assures a Perfect Foot Stability Under All Playing Actions

Geo SAFE PLAY

Let's give our children a level playing field...

Proven 100% Safe for Children and the Environment.

LIMONTA SPORT USA

Why Geo Safe Play?

Organic and Non-Toxic

Geo Safe Play is now the only solution for infilling synthetic turf with materials that are 100% environmentally friendly.

"In comparison with the crumb rubber infill samples we have tested The Eco Safe Play product was primarily different in that it contained ***no detectable levels of PAHs*** *(polycyclic aromatic hydrocarbons). The crumb rubber samples we have tested typically contain multiple PAHs, with Pyrene being the highest concentration, at 15,000-20,000 ug/kg (ppb).* ***The only organic compounds we observed in the Geo Safe Play sample were several natural plant extracts."***

- Bruce Hoogesteger, Technical Director, Paradigm Environmental Services, Inc.

Less Abrasive

"50%...

reduction in the number of students that now visit the nurse's office on a daily basis due to abrasion and cuts on the new playground. That's a lot less bumps and brusies!"

John F. Larner, D.A., Head of School/Chef d'établissement, Ecole Internationale de Boston/ International School of Boston

Lead Free

refer to our "**Technical Data Page**" for details

Cooler

designed to retain moisture not "**Heat**", similar to soil

Proven

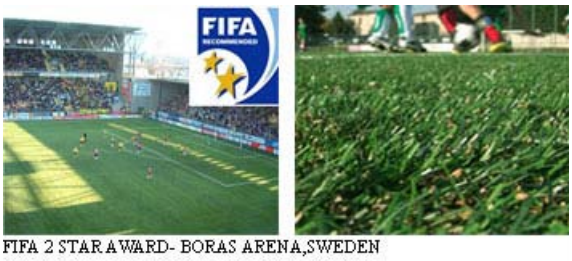
developed and patented by **Limonta Sport** in Italy and tested for almost a decade.

ALL OF OUR INFILL AND TURF PRODUCTS ARE GUARANTEED FOR 8 YEARS

Used by many professional soccer clubs and schools around the world.
ViewInstallations

We have also qualified for FIFA 2 STAR rating on multiple installations.

Inquire about our independent Biomechanical testing.



FIFA 2 STAR AWARD- BORAS ARENA,SWEDEN

SOCCERPRO MF DIAMOND

NEW GENERATION OF 100% POLYETHYLENE EXTRUDED MONOFILAMENT YARN

SoccerPro Diamond is the third generation synthetic turf for soccer, football, lacrosse, and baseball fields which guarantees a playing performance comparable with that of the best natural turf fields, especially when used with our organic ***InfillPro Geo***, regardless of season or climate.

Its secret lies in its fibers, which are lead free, abrasion-free, uv-ray resistant, and have a 50 to 60 mm pile height.

The product combines yarns of two different green colors for an appearance similar to natural grass fields. The original "Diamond" Shape and the 220 Micron thickness of the yarn upgrades all its characteristics.

This system puts ***SoccerPro*** at the top of the league.

SOCCERPRO MAX S

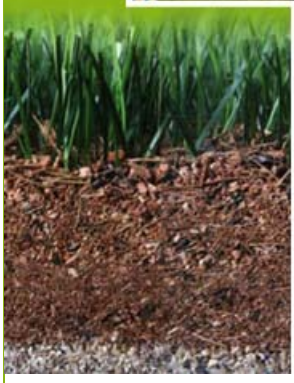
A STEP INTO THE FUTURE

SoccerPro Max S is the absolute state-of-the-art synthesis of our customers' preferences and the technology and design achievements of our research and development team.

The ***Max S*** system is designed to meet the most stringent performance requirements. Optimized grass blade field coverage and highly resilient fibers allow for excellent ball results and foot traction over time.

This unique product is constructed using a double s-shape with a reinforced central core, simulating the structure of natural grass plants. The core is what's at the heart of its performance.

Proven 100% Safe for Children and the Environment.



LIMONTA SPORT USA

Products

INFILLPRO Geo

A soccer field infilled with InfillPro Geo is similar to the highest quality natural grass fields and it guarantees the possibility to use the field intensively, even under bad weather conditions.

InfillPro Geo by Limonta Sport,Italy remains only solution for infilling synthetic turf with materials that are 100% environmentally-friendly and atoxic. InfillPro Geo is produced with carefully selected, specially-treated organic and blended fibers.

Some of the main advantages are:

- Elimination of unpleasant odors typical of traditional rubber granules infills;
- Maintenance of a constant degree of humidity that prevents the playing surface from overheating.
- Identical in appearance to the highest quality natural grass fields.
- Perfect foot stability, even under extreme playing actions:
- Total compatibility with synthetic fibers.

>>DOWNLOAD BROCHURE

INFILLPROTP

InfillPro TP granules are made from special thermoplastic elastomers and produced by the extrusion of virgin raw materials. The composition of the materials and the special "patented" shape were specifically studied to guarantee elevated shock absorption and minor vertical deformities.

In addition, the special shape provides the system with elevated stability, resolving the typical problems associated with sliding spherical granules.

InfillPro TP granules are obtained from virgin raw materials selected for this scope, and are therefore free of all products that may cause environmental risks.

InfillPro TP is non-toxic

>>DOWNLOAD BROCHURE

International School of Boston

FOR IMMEDIATE RELEASE

Contact: David Ball
Ball Consulting Group, LLC
(O) 617-243-9950
(M) 617-548-7809
david@ballcg.com

CAMBRIDGE SCHOOL FIRST IN NATION TO INSTALL "GREEN" SYNTHETIC TURF

Natural Infill Product Provides Benefits of Synthetic Turf without Heat, Health Risks, and Runoff

Cambridge (October 3, 2008) – While synthetic turf has become popular as a low-maintenance recreational surface across the U.S., its rubber infill is increasingly seen as a health hazard because of the high temperatures that it generates and the potentially hazardous materials it contains, including lead and other carcinogens. The International School of Boston (www.isbos.org) is the first site in the United States to feature synthetic turf with an all-natural infill material, and school officials believe their new field will be a model for schools, sports leagues, and public recreation departments across the country.

The new surface, supplied by New York-based Geo Safe Play (www.geosafeplay.com) and developed in Italy where it is used on professional soccer fields, produces far less rainwater runoff because it is natural and absorbs water. Because it contains no rubber, surface temperatures approximate those of grass and produce far fewer injuries.

The infill, which goes underneath and inside the blades of synthetic grass, is derived from coconut fiber and cork.

"The International School of Boston, in designing its new play area, made it clear they did not want to settle for a typical surface," said Jonathan Austin, Principal of Austin Architects, which developed the school's master plan and designed the new play area in collaboration with Ray Dunetz Landscape Architecture. "The parents, board, and administration, through its Green Committee,

pushed to find a natural infill material that would provide improved safety, including reduced incidence of burns, heat exhaustion, and injuries, and would comply with an environmental resolution passed by the school's board. We quickly concluded there was nothing currently being used in the U.S. that would meet that mandate."

Austin's team identified the new product and then conducted a rigorous review with the school's Green Committee to ensure the product was the right fit for the school's needs.

"When it comes to designing and constructing new spaces for our school, or for that matter any project, doing it the 'easy way' is seldom the same as doing it the 'right way,'" said John Larner, Head of School. "Concerned parents working through our committee structure said, 'we want our kids to have the best field possible, with the fewest injuries, and the project must be environmentally sustainable.'"

"We are proud to be able to introduce these advanced systems, developed and manufactured by Limonta Sport and used in Italy for almost a decade, to the American market," said Domenic Carapella, Managing Director for Geo Safe Play, the exclusive North American distributor of the natural infill material. "This is a natural looking, lead-free synthetic turf that looks and feels great in the summer and winter, under snow or shade, with a totally natural infill material that retains humidity, contains no harmful metals or chemicals and adds no heat to the system. This is a win-win for our children and for the synthetic turf industry."

While the natural infill product costs approximately 10 percent more than a field made with rubber infill, the school sees the safe and "green" field as a major selling point for prospective students and their parents.

"Parents and students want exceptional academics, but they also want the best – and in this case, the safest – facilities for their children," added Larner. "We have transformed a dirt field that was never capable of growing grass into a lush play area for students of all ages. Our community is incredibly impressed"

In addition to Austin Architects and Ray Dunetz Landscape Architecture, which are both members of the United States Green Building Council, the project team includes landscape construction firm Emanouil Brothers, Inc. and civil engineers Samiotes Consultants, Inc.

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#397-07 Draft

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

January , 2009

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Section 3-26 *Restraint of Dogs* as follows:

1. Delete, in subsection (b) Penalties, all language occurring after the word "punished" and insert in its place the following language

"by a fine of fifty dollars ($50.00) for each offense."

Approved as to legal form and character:

DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

Item #397-07 Redlined Ordinance:

Formatted: Indent: Left: 216 pt, First line: 36 pt

Sec. 3-26. Restraint of dogs.

(a) Prohibitions:

(1) No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the city. No person owning or harboring a dog shall allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of the premises. No dog shall be permitted in any street or public place within the city unless it is effectively restrained by a chain or leash not exceeding ten (10) feet in length.

(2) Tot Lots: No person owning or harboring a dog shall suffer or allow a dog, leashed or unleashed, to enter a tot lot as hereinafter defined. For the purposes of this section, the term "tot lot" shall mean an outdoor play area located on land owned or controlled by the city intended for use by young children, the boundaries of which may be designated by a fence and/or sand, ground cover, grass or otherwise, and which may contain play equipment. Without limiting the foregoing, tot lot shall include currently designated tot lots which are listed below. Tot lots are fenced unless otherwise noted.
Albemarle Park
*Angier School (approximately 155' x 30')
*Burr Park (approximately 95' x 75')
Burr School
Carleton Street area
Cabot Park. East Side Parkway
*Crescent Street Playground (approximately 90' x 70')

Davis School Playground
Emerson Playground
Franklin School
Hawthorn Park
** Lower Falls Community Center (approximately 80' x 80')
*Memorial-Spaulding School (approximately 90' x 90')
** Newton Centre Playground, (approximately 115' x 105')
Newton Highlands Playground
Winchester Street (Centre and Needham Streets)
Newton North High School
Newton South High School
*Richardson Playground, Allen Avenue (approximately 150' x 62')
River Street Playground
Sterns Playground
Upper Falls Playground
*Ware's Cove (approximately 200' x 60')
West Newton Common, Elm and Webster Streets
*Williams School (approximately 50' x 60')
* Tot lots which are not surrounded by a fence. Area measurements of non-fenced sites are in excess of ground cover.
** Tot lots which are partially surrounded by a fence.

(b) Penalties: Any owner or keeper of a dog who shall fail to comply with the foregoing provisions of subparagraph (a) shall be punished by a fine of fifty dollars ($50.00) for each offense.

Deleted: as follows:

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¶
(1) for the first offense in a calendar Year . $25.00¶
¶
(2) for the second offense in a calendar year . $35.00¶
¶
(3) for each subsequent offense in a calendar year . $50.00

#346-99 Draft

DRAFT FOR DISCUSSION PURPOSES:

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

January , 2009

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Section 3-126 *Restraint of Dogs* as follows:

1. Add a new paragraph (3) to the provisions of subsection (a) *Prohibitions:*

> (3) No person owning or harboring a dog shall suffer or allow the dog, leashed or unleashed, to enter any elementary school playground.

Approved as to legal form and character:

DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

EXECUTIVE DEPARTMENT
Approved:

(SGD) DAVID A. OLSON
City Clerk

(SGD) DAVID B. COHEN
Mayor

#346-99

Docket Item 346-99 Redlined : Adds new paragraph (3) – depicted in bold underscore

Sec. 3-26. Restraint of dogs.

(a) Prohibitions:

(1) No person owning or harboring a dog shall suffer or allow it to run at large in any of the streets or public places in the city. No person owning or harboring a dog shall allow it upon the premises of anyone other than the owner or keeper of such dog without the permission of the owner or occupant of the premises. No dog shall be permitted in any street or public place within the city unless it is effectively restrained by a chain or leash not exceeding ten (10) feet in length.

(2) Tot Lots: No person owning or harboring a dog shall suffer or allow a dog, leashed or unleashed, to enter a tot lot as hereinafter defined. For the purposes of this section, the term "tot lot" shall mean an outdoor play area located on land owned or controlled by the city intended for use by young children, the boundaries of which may be designated by a fence and/or sand, ground cover, grass or otherwise, and which may contain play equipment. Without limiting the foregoing, tot lot shall include currently designated tot lots which are listed below. Tot lots are fenced unless otherwise noted.

Albemarle Park
*Angier School (approximately 155' x 30')
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Emerson Playground
Franklin School
Hawthorn Park
** Lower Falls Community Center (approximately 80' x 80')
*Memorial-Spaulding School (approximately 90' x 90')
** Newton Centre Playground, (approximately 115' x 105')
Newton Highlands Playground
Winchester Street (Centre and Needham Streets)
Newton North High School
Newton South High School
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Sterns Playground
Upper Falls Playground
*Ware's Cove (approximately 200' x 60')
West Newton Common, Elm and Webster Streets
*Williams School (approximately 50' x 60')

***** Tot lots which are not surrounded by a fence. Area measurements of non-fenced sites are in excess of ground cover.

** Tot lots which are partially surrounded by a fence.

(3) No person owning or harboring a dog shall suffer or allow the dog, leashed or unleashed, to enter any elementary school playground.