

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 4, 2009

Present: Ald. Johnson (Chairman), Freedman, Baker, Hess-Mahan, Merrill and Sangiolo  
Absent: Ald. Brandel and Parker; Also Present: Ald. Linsky

#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]

**ACTION:**    **HELD 6-0**

**NOTE:** See note below.

**REFERRED TO PROGRAMS & 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]

**ACTION:**    **HELD 6-0**

**NOTE:** Ald. Yates was unable to attend this meeting. The state representatives who were invited for the discussion were also unable to attend, therefore, the Committee voted to hold both these items.

#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]

**ACTION:**    **HELD 6-0**

**NOTE:** Ald. Parker was unable to attend this meeting, therefore, the Committee voted to hold this item until further information could be provided.

**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]

**ACTION:** **HELD 6-0**

**NOTE:** Ald. Johnson explained that when this item was last discussed jointly with the Public Facilities Committee, it was decided that some language would be crafted to address this. To facilitate negotiations with the Mayor, Ald. Johnson, Linksy and Albright shared their thoughts with him prior to discussing it in Committee. The Mayor said he was not in favor of passing this as an ordinance change. He said he would rather consider policies, procedures or practices as a way to dealing with this issue. A draft resolution of that nature is attached to this report.

Ald. Johnson said the notification and exemption process regarding noise generated by public projects has been extremely problematic for the community. Mayor Cohen said he would ask Dimeo Construction if there were any activities going forward in the Newton North High School project that would be in conflict with the current noise ordinance. Ald. Johnson explained that the aldermen, and the community, are being informed of the noise exemptions after the fact instead of before the fact. At the beginning of this project, they were not being informed at all. Since discussions with the Mayor, the notices have been coming about 24 hours after the fact. Dimeo has claimed that their need for exemptions is due to emergencies. Ald. Johnson contends that they are in fact due to poor planning and not emergencies. She noted that this process is not only applicable to Newton North but will be prudent for all future building projects in the city. Having a process in place provides protections for the neighborhood by involving the ward alderman, requiring some accountability and having notice in advance. Having better communication with the community around the nuisance of noise is required.

Ald. Hess-Mahan was concerned that maintenance work would be affected by this policy. Ald. Linsky said this was primarily a concern for ongoing, planned projects. He said that going forward, he would hope that construction plans would incorporate ways to deal with, and limit, needed exemptions. An online source might also be a way to keep people informed of any possible exemptions from the noise ordinance.

Since this is no longer a request for an ordinance change, a parens(2) will need to be docketed with the new request. Ald. Johnson would then like to have a discussion with the Public Facilities Committee and then have the item go to the Land Use Committee. The Committee voted to hold this item pending the docketing and discussion of the parens(2) and the response from the Mayor.

Motion to adjourn.

Respectfully Submitted,  
Marcia Johnson, Chairman

RESOLUTION

WHEREAS, the Board of Aldermen would like to ensure that reasonable efforts are made to abate noise resulting from public buildings projects; and

WHEREAS, the current Noise Ordinance provides that exemptions from the Noise Ordinance are determined only by the His Honor the Mayor;

NOW THEREFORE, BE IT RESOLVED that the Board of Aldermen hereby request His Honor the Mayor to implement policies and procedures that engage the Ward Alderman, as appropriate, in the determination of exemptions from the noise ordinance;

AND FURTHER, that the policies and procedures should include, but not be limited to: a high-level timeline of construction activities that might need exemptions from the Noise Ordinance; recommended remediation efforts; and language expressing that exceptions would be allowed for emergencies, defined as any instance when imminent risk of harm to the welfare of persons or property would result due to the failure to undertake corrective action within a twenty-four hour period or more.