

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, MARCH 19, 2008

Present: Ald. Johnson (Chair), Freedman, Hess-Mahan, Baker, Merrill, Sangiolo, Parker, Brandel

Also Present: Ald. Albright, Swiston

Others Present: Sandy Pooler (Chief Administrative Officer), Bob DeRubeis (Deputy Commission, Parks & Rec.), Dori Zaleznik (Chairman, School Committee), Reenie Murphy (School Committee), Nancy Perlow (Director, Library), Marie Lawlor (Assistant City Solicitor), Ruthanne Fuller (Blue Ribbon Commission member), Officer David Schaefer (Newton Police Dept.), Karyn Dean (Committee Clerk)

- #242-03(3) PRESIDENT BAKER & ALD. ALBRIGHT recommending the appointment of the following individuals as members of the Dogs Off-leash Advisory Committee pursuant to §3-30(c) of Ordinance Z-11:
- A. Amy Koel, 70 Waverley Avenue Newton
 - B. Sally Rizzo, 52 Playstead Road, Newton Corner
 - C. Richard Tucker, 23 Woodman Road, Chestnut Hill
 - D. Kate Wissel Fitzgibbons, 300 Homer Street, Newton Center

ACTION: **APPROVED 6-0 (Ald. Brandel, Parker not voting)**

NOTE: Dr. Kate Wissel Fitzgibbons introduced herself as a veterinarian who was an emergency and critical care specialist in Woburn, MA. She read about the potential for an off leash program and was very interested in its formation and wanted to help. She said she had knowledge of the potential risks and benefits of this program.

Sally Rizzo said she has been a long supporter of this effort and was looking forward to making it happen. Ms. Koel and Mr. Tucker were not in attendance. Ald. Johnson thanked Alb. Albright for all the work that she put into this project, along with Ald. Fischman. Ald. Johnson felt this was a worthy project and predicted great success.

- #112-08 ALD. BAKER appointing Greer Tan Swiston as Aldermanic Commission member to the Newton Child Care Commission. (5-17-08) [03-11-08 @ 2:49 PM]

ACTION: **APPROVED 8-0**

NOTE: Ald. Johnson explained that Mayor Mann established the Child Care Commission to look at childcare issues. It has members from after school programs and nursery schools and they do a great deal of fundraising and get grants for education for daycare providers. They also get scholarships for day camps and nursery schools and other types of childcare, along with other related work. Ald. Johnson noted that Ald. Swiston would be on the team for Kidz in Jeopardy which was sponsored by the Commission.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#117-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of sixty seven thousand, four hundred eighty two dollars (\$67,482) from Free Cash for the purpose of supplementing the tree budget in the Parks and Recreation Department.[3-11-08 @ 5:10 PM]

ACTION: **APPROVED 6-0 (Ald. Parker, Sangiolo not voting)**

NOTE: Deputy Commissioner DeRubeis presented this item. He said the majority of the money needed was from expenses for the January 14, 2008 snowstorm which caused extensive tree damage throughout the City. They experienced 12 – 15 trees down and 381 limbs and hangers.

REFERRED TO PROGRAMS AND SERVICES AND FINANCE COMMITTEES

#86-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$21,214 from Wage Reserve to the Library salaries account to fund a full-time Web Specialist position (money was set aside in the Wage Reserve fund for funding of this position during FY08 budget review). [02-12-08 @ 6:20 PM]

ACTION: **APPROVED 7-0 (Ald. Sangiolo not voting)**

NOTE: Sandra Butzel, a library Trustee, introduced Nancy Perlow as the new Director of the Library. She noted that Ms. Perlow had been in the Newton Free Library system for some time as a reference librarian, then the Director of Reference, and Assistant Director. A nationwide search was conducted to find a new Director and the in-house person was by far the best.

Ms. Perlow said that the Web Specialist position was created to help them re-design their website and to make it more user-friendly for patrons to take advantage of the libraries resources. They had about 155,000 searches on their system and 144,000 hits on the website each year. They wanted to be sure the public knew about their resources and services and were able to access them. Ald. Hess-Mahan noted that the website was very useful and would be happy to see it made more user-friendly.

She said this position was funded for this fiscal year but since it was a new position it took a while to fill it. It was filled in February, 2008 and they now needed to the money. The money for the position had been set aside in Wage Reserve so there was no line item in the budget, but the money was in the budget for this position. Sandy Pooler also

explained that in the budget the Library was submitting to the Mayor's office for next year, the line item for this position has been approved and the numbers will be carried forward for next year. He noted that this position would be not affected regardless of the outcome of the override. This was a full time position and the salary was approximately \$51,000.

Ald. Johnson noted that although money was put aside in Wage Reserve, this was an unbudgeted position. The employee was hired for this position before coming to the Board for approval. For further details, please see the Finance Committee report on this matter that is attached to this report.

#111-08 ALD. JOHNSON and PARKER offering a RESOLUTION to the Mayor, President of the Board of Aldermen, and Chair of the School Committee that a joint committee be established immediately in order to develop specific and detailed tactics and strategies to improve the City's operational efficiency and effectiveness and such will be reported to the Board of Aldermen, School Committee and the public before any vote is taken by the citizens of Newton for any operational and/or debt exclusion override. [03-05-08 @ 9:50 AM]

ACTION: **APPROVED AS AMENDED 8-0**

Amended as follows:

ALD. JOHNSON and PARKER offering 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.

NOTE: Ald. Johnson said, much like industry, the City needed to look at how it did business to see if there were ways to improve function and eliminate redundancies. She noted that some investment might be necessary to add technology or other initiatives to increase efficiencies in the long run. She said the Board realized that they needed to put an override item on the ballot as the City needed financial assistance. However, she felt they needed to demonstrate to the citizens that they would be taking a serious look at streamlining the function and finances of the City to better use its resources. She would like to have an update of this item at the 2nd meeting of each month to report on any progress that has been made. The process needed to be open for input and ideas.

Human Resources and School Budgets

Ald. Parker said the City needed to show that they were working on efficiencies and the rate of growth in the consumption of resources. The budget documents that will be coming out this spring should reflect that. Particularly with the override, they will need to show they're doing business differently and should not allow the human resources portion of the budget to grow at a non-sustainable rate. He said it was not possible to sustain a 6% increase each year to the School Department to be put primarily into salaries; if the money were needed for capital maintenance that would be different.

Schools Planning

Ald. Parker asked Ms. Zaleznik if the Schools were thinking about these kinds of efficiencies when they put together their budgets and long term goals. Ms. Zaleznik said they wanted to free themselves from the 12 month budget cycle as they needed to work in more broad and long term ways. They were hoping to pick a few areas to pursue and make outstanding and put aside some other things that may have outlived their usefulness. She noted that they were pursuing an academic mission which led them to a different approach. Strategic planning will involve researching best practices from around the world with staff and community working together. She wanted to be mindful about putting too many demands on teachers' time. The mission of the organization was education and she was concerned that at first glance, some cuts may seem like good ideas, but the impact down the road could in fact be very negative. Special Education, for example, had to be paid for one way or another either in the services up front, or out of district placements, or acrimony or lawsuits with parents if needs were not met. Ms. Zaleznik also referenced the Gibson study which looked at the administrative structure in the School Department. The consultants spent 6 months working on this and ultimately recommended the hiring of more administrators. Yet, when they used the results of the study to buttress why they may have hired a new administrator, it was ignored. Because of the distinctive nature of education, she suggested that any committee formed to look at these issues should include an expert in education administration.

Long and Short Term Solutions

Ald. Baker said it would be difficult to have substantive work done by May 20th as proposed in the docket item. He really wanted to have the time to do more broad ranging and thorough analysis. Ald. Brandel agreed. Ald. Johnson said there was low hanging fruit and shorter term tactical things that could be done. She also wanted to get to the longer term strategic planning and show their progress in doing so. She did not want this done behind closed doors and wanted this process to be open. She felt that the City needed to be looked at as a whole, cooperative entity. Having departments acting independently was not the most efficient way to tackle these issues and she wanted the Mayor to work with the departments but in the context of the City as a whole. This was why she asked the Mayor, the School Committee Chair, and the President of the Board to work on this together

Ald. Brandel felt it was important to let the public know that the City was very serious about finding efficiencies and streamlining the expenses. He thought forming some sort

of commission or authority, with a charter, to track this would represent their determination. Ald. Freedman agreed that this needed to be a long term discipline. He noted the 5 year profiles that the administration had undertaken, and he thought they could and should be expanded and made a formal part of City business.

Ald. Parker thought, in terms of short term goals, it would be useful to have specific ideas for cost control and savings before any vote was taken on an override. This would show the citizens that the City was taking cost control measures seriously. He felt having a group of Newton citizens that were experts in finance and management looking into these issues as a standing body would be most useful.

Brookline Experience

Ruthanne Fuller spoke about Brookline in 1993. They were facing 3 problems: annual budget deficits increasing over time; deferred maintenance on town and school buildings for at least 5 years; and increasing fees to raise revenue. They decided to appoint a committee of 14 Brookline residents. It had 3 tasks: to look at the forecast; to find ways to increase revenue; and find out if there were new ways the town and school should reduce expenses and change procedures to minimize costs and cut taxes. The committee worked hard for 6 months with great support from around the town. Some of their recommendations were: to limit the scope of the health department; reorganize custodial services by privatizing them; negotiate changes in vacation days and overtime; combine some smaller departments; and recommend school buildings maintenance be done by town building department.

Resources

Ald. Hess-Mahan suggested that the Executive Department and the School Department put together an inventory of measures they've already tried. This would assist everyone in finding new things to look at and would also assist in educating the public on steps already taken. He also suggested looking at other communities, like Brookline, to see what their solutions might have been. Ald. Baker and Ald. Hess-Mahan both commented that they wanted to be realistic and discover if there was sufficient staff to help in this process. Ald. Hess-Mahan said that Sal DiMasi commented that the State would be interested in establishing a resource for cities and towns to draw on to do this kind of work. Ald. Sangiolo said there were many aldermen who had ideas about efficiencies and she wanted to be sure everyone's suggestions were listened to in this process.

Sandy Pooler's Response

Mr. Pooler felt there was an education aspect to this process. Letting the public know what has been tried, implemented, or analyzed would be helpful and would let them know that Newton was a well managed City. In terms of moving forward, within the budget process, he wanted to remind everyone that the City has taken advantage of some of the suggestions of the Committee in looking at goals and objectives. That has generated enthusiasm amongst the Department Heads and encouraged them to think about where they wanted their departments to be and figure out the details of how that could be accomplished. He said it was important to let the employees of the City and Schools know that their ideas and efforts were valued.

Process

Mr. Pooler encouraged the Committee members to contact him directly to discuss some of the short term goals so that some realistic analysis could be done within the timeframe of the budget process. He said he would speak with the Mayor and start a dialogue with all involved to get this moving in the right direction. Ms. Zaleznik said that she would like to see this new committee deliver their reports to joint meetings of the School Committee and the Board of Aldermen so that all can feel involved and informed. Ald. Johnson and Ald. Baker agreed.

Public Comment

Tim Sidiropoulos, a resident of Newton, asked for clarification of this item. Ald. Johnson explained that they were trying to find more and better ways to improve the function and efficiencies in Newton. Sandy Pooler responded by saying that he was the President of Massachusetts Government Finance Officers Association. He had a lot of contact with colleagues around the state and they talked about how things are done. He said that Newton did a good job and didn't do a good enough job telling people that. The range of services that was provided throughout the City as compared to some of the "benchmark" cities was excellent. Mr. Pooler noted that every year when the City was rated by Moody's, they got a Triple A rating and one of the things that was looked at was management. Every year it has been noted that Newton has strong fiscal management.

Summary

Ald. Baker and Ald. Johnson decided to work on amending the language of this item to make the short and long term goals clearer. The amended version is referenced at the beginning of this item. Ald. Johnson also wanted to form a parens(2) which would allow for ongoing updates of this effort. At the time of this report, the parens(2) has been docketed.

Ald. Parker moved approval of this item and the Committee voted in favor 8-0.

A draft of the Resolution is attached to this report.

#422-06 ALD. HESS-MAHAN requesting creation of an ordinance prohibiting the use of portable gasoline-powered leaf blowers within the City limits.

ACTION: **APPROVED AS AMENDED 4-2-2 (Ald. Brandel, Sangiolo opposed; Ald. Baker, Merrill abstaining)**

NOTE: Ald. Hess-Mahan explained that the original proposal was for an outright ban on leaf blowers and it has since been changed to a seasonal ban. (A copy of the ordinance as proposed was attached to the agenda.) The proposed dates were April 15 to October 15. He spoke to the Parks and Rec. Dept. as they had expressed concerns about the cost impact of this ban in their role of taking care of large parcels of city owned land. Ald. Hess-Mahan noted that many of the revisions incorporated into this last draft came from

comments and concerns heard at the public meetings. This included prohibiting blowing debris into and around open doors and windows, vents, etc., and prohibiting blowing grass clippings and leaves into the street (unless they were to be picked up immediately).

Safety

Ald. Hess-Mahan was concerned that neither Parks and Rec. nor DPW required their employees to wear, or provided their employees with, protective safety equipment for use with leaf blowers. He noted that some of the leaf blowers could go up to 400 mph and could cause injury should some piece of debris get blown into someone's face. There was also a great concern about hearing damage. Respiratory problems were also noted in users of leaf blowers and those exposed to the particulate matter dispersed. He noted that OSHA kept statistics on injuries in the landscaping business and injuries were going up due to the ever increasing power of the machines. In many areas of the country, the EPA has asked communities to reduce their sources of particulate matter.

City Exemption

Ald. Hess-Mahan passed out an amended version whose major change was exempting the City from the ban. Ald. Swiston and Ald. Parker felt the City should be held to the same standard as the citizens. Ald. Hess-Mahan noted that he included this provision only because he was informed by Parks and Rec. and DPW that it would add \$40,000 - \$60,000 to the budget each year. Ald. Freedman was not opposed to the City exemption. Ald. Hess-Mahan said that the Town of Cohasset was looking at a ban as well and they had contacted all California cities and towns who had enacted a ban to find out if the costs had gone up and if any landscapers had gone out of business. The answer was that prices had gone up but they were going up when they were using leaf blowers anyway, and that no landscapers had gone out of business.

Seasonal Ban

Ald. Hess-Mahan noted that having the ban during the warmer parts of the year made sense because that was when people would have their windows open, be outside, and the particulate matter was more noxious when heated up by the environment. If leaf blowers were used solely to blow leaves then there would be much less of a problem. He noted that landscapers and homeowners were using leaf blowers year round to move around dirt, debris and snow as well. The proliferation of use has caused the problems. Ald. Swiston suggested a longer grace period to make the transition easier. Ald. Baker said he had heard concerns that people would like to be able to use leaf blowers to clean out their gutters. He also suggested extending the dates on both sides to allow more time for spring/fall clean-ups. Ald. Hess-Mahan said he was thinking about changing it to May 1 to September 30 and accepted this as a friendly amendment.

Enforcement

Ald. Swiston said she would rather see some parameters around the machines rather than a ban. Ald. Hess-Mahan said putting too many regulations on this makes enforcement virtually impossible. Officer Schaefer from the Newton Police Dept noted that responding to a complaint call would be difficult. They would have to bring a noise

meter to check dB levels (there was only one in the City), check out the specifications of each machine which would probably be impossible, and actually catch the operator using it when they arrived. With an outright ban of all leaf blowers during a certain period of time, the enforcement would be much easier and infractions much clearer.

Specific Concerns

Ald. Baker was concerned about the Newton Commonwealth golf course's ability to do their grounds work without the leaf blowers. Ald. Hess-Mahan noted that there could be a provision for land over 10 acres or so. Ald. Baker wondered if there was support in Committee for this but the Committee wasn't sure what the right acreage would be.

Ald. Parker moved to remove the City exemption from the revised draft Ald. Hess-Mahan handed out at the meeting. The Committee voted 4-2-1 (Ald. Sangiolo, Baker opposed; Ald. Brandel, Merrill abstaining) to approve this motion. Ald. Hess-Mahan noted that would bring them back to the draft that was attached to the agenda.

Ald. Baker suggested separating out the dates of exclusion into its own paragraph. Ald. Hess-Mahan said he didn't mind changing the structure.

Ald. Johnson said they needed to move this forward and she commended Ald. Hess-Mahan for his endurance and hard work on this item. Ald. Parker said he would be back supporting an amendment in a year should it prove to be a burden to the City or private citizens.

Amendment and Vote

Ald. Freedman moved approval of this item. The Committee voted in favor with the friendly amendment of changing the dates to May 1 through September 30.

A draft of the leaf blower ordinance is attached to this report.

#329-05 ALD. JOHNSON & ALD. ALBRIGHT requesting that the **Noise Ordinance** be revised and updated to better reflect the noise problem being faced by the City.

ACTION: **APPROVED AS AMENDED 4-1-3 (Ald. Merrill opposed; Baker, Brandel, Sangiolo abstaining)**

NOTE: Ald. Johnson explained that the Saturday/Sunday restriction on construction equipment noise was at issue during their last discussion of this item. She looked back upon her research and noted that in Watertown and Lexington there were no weekend restrictions on construction; Concord, NH allowed construction 9am to 7pm on Saturdays and Sundays; Boston had no weekend restrictions nor did Phoenix, AZ. She felt that the two days needed to be equal if there were going to be restrictions in Newton. Given that banning construction on Saturdays would be detrimental to the construction industry, she felt they could not do that.

Proposed Time Restrictions

Ald. Parker's suggestions of having equal restrictions on both days seemed to make the most sense. The Committee suggested various times, including 11am to 7pm on both Saturday and Sunday. Marie Lawlor said a waiver restriction would have to be in place that could be approved by the Mayor. Ald. Baker noted that the City may do roadwork on Saturdays and Ald. Hess-Mahan noted that could be provided for under the waiver provision.

Ald. Baker suggested that the ordinance has been in place for a long time. Adding another day where construction noise would be allowed could create difficulty where there hadn't been difficulty before. He wanted to keep it the way it was. Ald. Merrill agreed and asked to vote to have it accepted "as is" without changing the Saturday/Sunday portion at all. The Committee voted and did not approve this motion by a vote of 3-4-1. Ald. Brandel agreed that it did not need to change, but said that if they did allow construction noise on yet another weekend day, he requested that it be with a reasonable time restraint. He said that construction in neighborhoods has become a huge burden to all neighbors. Projects were lengthy causing distress for a year or more at a time for every person in that neighborhood. People needed a break from noise. Ald. Parker reiterated that some citizens recognized Saturday as their day of rest and some recognized Sunday and he would like to keep the restrictions fair and equal.

Blue Laws

Ald. Hess-Mahan noted that the Massachusetts Blue Laws prohibited non-retail businesses from operating on Sundays without a permit. The permit may only be issued for "necessary work or labor which could not be performed on any other day without serious suffering, loss, damage or public inconvenience or which could not be performed on any other day without delay to military defense work." This provision would mean there would not be much construction on Sundays. It may not be fair that it's only on Sundays, but he felt that at least Newton could address these two days equally and allow homeowners to do work on their own properties.

Amendment and Vote

Ald. Hess-Mahan moved to amend the ordinance to include changing the times that construction noise was allowed to include Sunday as well as Saturday to 11am until 7pm. The Committee voted to approve the item with this amendment by a vote of 4-2-2.

A redlined version and a draft of the noise ordinance is attached to this report as well as a summary of the proposed changes

The meeting adjourned at approximately 11:00 pm.

Respectfully Submitted,

Marcia Johnson, Chairman

