

CITY OF NEWTON

BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE AGENDA

WEDNESDAY, OCTOBER 22, 2008

7:45PM – ROOM 222

**Chairman's Note: The Programs & Services Committee will be meeting jointly with the Public Facilities Committee to discuss item #357-08.**

**ITEMS SCHEDULED FOR DISCUSSION:**

#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 PUB FAC, PROG. & SERV. AND FINANCE COMMITTEES**

#357-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend twenty-five thousand dollars (\$25,000) from Budget Reserve for additional design options for the City properties at Crystal Lake. [09-30-08 @ 4:16 PM]

**ITEMS NOT YET SCHEDULED FOR DISCUSSION:**

**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]

#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]

- #305-08 HIS HONOR THE MAYOR requesting that Sections 27-22 and 27-23 of the Senior Citizen Volunteer Program of the City of Newton Revised Ordinances, 2007, be amended by replacing the “commissioner of health and human services” with the “director of senior services.” [08-26-08 @ 3:45 PM]

**REFERRED TO PROG. & SERV. AND PUBLIC FACILITIES COMMITTEES**

- #294-08 SUPERINTENDENT YOUNG requesting a vote of the Board of Aldermen to complement the vote of the School Committee to instruct him to submit a statement to the Massachusetts School Building Authority confirming the City’s top three priority elementary schools: Angier, Cabot and Zervas, with Angier being the first priority, by September 15, 2008. [07-24-08 @ 2:21 PM]

- #292-08 ALD. YATES requesting that His Honor the Mayor appoint a Branch Library Preservation Task Force to develop a model plan of operations to enable any branch library to remain as a public-private partnership with a neighborhood-based organization and the Newton Free Library to provide uses of the branches with access to the Newton Free Library Collection and to the services of the Minuteman Library System. (07-14-08 @ 11:32 PM]

**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**

- #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]

- #224-08 HIS HONOR THE MAYOR requesting to submit Home Rule Legislation to establish a permanent fund for the maintenance of artificial turf fields at Newton South High School. [06-10-08 @ 5:12 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]

**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]  
**HELD 1/23/08**

- #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]

**REFERRED TO LAND USE & PROGRAMS AND SERVICES COMMITTEES**

- #274-07 ALD. SANGIOLO proposing that Article X of the Rules & Orders of the Board relative to Special Permit and Site Plan Approval Petitions be amended to require the applicant to post on the subject property a notice that would include but not be limited to identifying the subject matter and the date and time of the public hearing.  
**LAND USE APPROVED 7-0 on 2-12-08**

- #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 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 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 4/23/08**

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

Respectfully Submitted,

Marcia Johnson, Chairman



## City of Newton, Massachusetts

**Board of Aldermen**  
**1000 Commonwealth Ave.**  
**Newton, MA 02459**

**TO:** Programs & Services Colleagues  
**FROM:** Ald. Ken Parker  
**RE:** Noise Ordinance Amendments -- Docket Item # 329-05(2)  
**DATE:** October 17, 2008

Ald. Johnson has scheduled our item to further amend the noise ordinance for discussion before the Programs & Services Committee on Wednesday, October 22. In preparation for that discussion, I wanted to offer some detail on the three objectives being pursued and draft language to achieve one of these objectives. I hope to have draft language for the other two available soon. Please see the attached memo from Assistant City Solicitor Marie Lawlor that addresses Item #2.

Here are the objectives of the docket item:

- 1) Enforceability & Effectiveness -- the current ordinance uses a confusing standard for measurement of noise sources that measures output at 50 feet from the source, not at the property line and measures noise levels based on individual pieces of equipment, not total noise output. This creates many unintended consequences. For example, a single leaf blower, lawn mower, or trimmer being used in the middle of a large property rated at 70 dB at 50 feet might have a negligible auditory impact on abutting properties, but would be prohibited (after the transition period) by the proposed ordinance. By a similar token, multiple such pieces of lawn care equipment (leaf blowers, lawn mowers, and/or trimmers) that are rated at 65 dB at 50 feet could be used near a property line with a cumulative impact of over 100 dB on the neighboring property, but would be legal under the proposed ordinance. This is not a theoretical example, as many lawn care companies use multiple pieces of noisy equipment simultaneously. Police Department testimony before the Programs & Services Committee indicated that the proposed draft is virtually impossible to enforce, since the police cannot go onto private property to measure the required 50 feet from the equipment source and cannot calculate the effect of multiple pieces of equipment being used simultaneously. A simple solution measure total noise above background at the property line of an affected property.
- 2) Source Discrimination -- the proposed draft discriminates based on noise source, exempting birds from the noise pollution section. There is no policy justification for this exemption. This deficiency could easily be corrected by eliminated the words "or birds" from Paragraph (e)(1) of the noise pollution section of the ordinance.



3) Weekend Construction Noise -- there was a great deal of discussion on the floor of the Board when this issue was last discussed regarding the different treatment of Saturdays and Sundays with respect to construction noise restrictions. Several colleagues suggested a compromise that allows homeowners and affected abutters to opt for Sunday construction noise waivers instead of Saturday in cases where Saturday noise would pose a problem. In other words, the total number of hours of construction noise allowed by the ordinance would not be increased, but Newton residents from whom Saturday is a day of rest could request that construction management plans of abutting properties not include Saturday construction. Similarly, property owners who do not work on Saturdays could opt to do construction on their homes on Sunday instead, as part of a construction management plan worked out with affected abutters.

#329.05(2)

**INTEROFFICE MEMO**

**To:** Alderman Kenneth Parker  
**From:** Marie Lawlor  
Assistant City Solicitor  
**Date:** 5/5/08  
**Re:** Noise ordinance – exemption for birds

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At your request I have drafted the following language which would remove the current exemption for birds from the noise ordinance:

Item #329-05

Delete, in paragraph (1) of Section 20-13(g) the words: “or bird” contained in the parenthetical phrase “(other than a dog or bird)” such that the parenthetical phrase reads as follows: “(other than a dog)”.