

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 7, 2007

Present: Ald. Johnson (Chairman), Hess-Mahan, Baker, Coletti, Lipof, Merrill, Parker, Sangiolo

Also Present: Ald. Albright, Fischman, Harney

Others Present: Lt. Ed Aucoin, Lt. Ken Dangelo, Captain Matthew Cummings, Officer James Pellegrine (Newton Police Department), Fran Rice (Parks and Recreation Commission), Fran Towle (Commissioner, Parks and Recreation Department), Karyn Dean (Committee Clerk)

Re-appointment by His Honor the Mayor

#348-07 BRUCE HENDERSON, 52 Vaughn Ave., Newton as a member of the Newton Community Education Commission for a term to expire on June 30, 2009 (60 days 1-4-08). [10-15-07 @ 2:54 PM]

ACTION: **APPROVED 7-0**

NOTE: Ald. Sangiolo moved Mr. Henderson's re-appointment. The Committee voted approval.

#242-03 ALD. JOHNSON, SAMUELSON AND SANGIOLO requesting a discussion to determine times and places where dogs may be off leash on public grounds excluding schoolyards.

ACTION: **APPROVED AS AMENDED 4-2-1 "The person in charge of a dog or dogs must at all times carry a leash for each dog under that person's supervision." (Ald. Parker, Sangiolo opposed; Merrill abstaining; Lipof not voting.)**

NOTE:

Introduction

Ald. Johnson said that the Committee has discussed this item several times, including a session in which public comment was heard. There were questions that arose out of the public meeting that they would like to address. Lt. Ed Aucoin, Lt. Ken Dangelo, Captain Matthew Cummings and Officer James Pellegrine from the Newton Police Department were present for the discussion, along with Fran Rice and Fran Towle from Parks and Rec. Ald. Johnson pointed out that this ordinance has been in development for approximately 8 years. Ald. Albright and Fischman were present to represent the Task Force that was appointed to study and make recommendations.

Enforcement

Enforcement and Fences

One of the major areas of concern was around enforcement. Officer Pellegrine said that he felt enforcement was almost impossible. His experience has been that he may move a group of dogs from one park and by the time he comes back to that park, there's just another group there. He said he was not opposed to the dog parks, but he felt that fencing was imperative. His experience has shown him that some dogs, even when owners claimed they were well controlled and "trained", jumped on people and it was especially concerning if it was a child or elderly person. He said that this is a fairly common situation and the police couldn't be around consistently watching it. He has seen dog owners reminding each other to clean up or keep their dogs under control. He wasn't sure if self-policing would work entirely, but he understood that it has worked in other places. He reiterated that he felt fencing was necessary to make this model work. Captain Cummings said he felt it was good to have dog parks so that his officers had a place they could send people they find with dogs off leash. He said he was flexible on the fencing issue. Ald. Lipof felt that fencing was a clear line for the dogs and the owners and helps the police with enforcement. Captain Cummings said dog owners will still take the dogs out of their cars and allow them, before entering the dog park, to be off leash. He felt there would never be a perfect solution but fencing would give it the best chance. He suggested using the orange plastic temporary fences at first as a trial to see how it works.

Ald. Fischman said that the Task Force felt they couldn't just take one or two parks for this purpose as it would attract a larger population and cause a nuisance for the neighborhood. They had hoped to have several locations to spread it out. He said that the fencing issue will limit them to only one or two locations due to the expense. Therefore, he felt it was fine to have some areas that were fenced in, but requiring all areas to be fenced in would not be feasible. Ald. Parker said that there was testimony from a veterinarian at the public meeting. She pointed out the health hazards that would exist without fencing.

Ald. Albright said that nobody likes the current situation with dog owners taking their dogs off leash. So they're trying to see what they can do to make things better. She said that having too few parks would not work as they would become overused and distasteful to the neighborhood. She agreed with Ald. Fischman that requiring fencing on all parks would limit the number that could be brought on line and would undermine the project.

Education and Ticketing

Captain Cummings had a suggestion that the dog officers go into the parks in plain clothes, as opposed to their uniforms, to start citing people. Along with patrol officers citing offenders, this would get the word out that the rules were going to be enforced. After the initial start up period, the officers felt the police and animal officers would adjust and adapt to the new system. Ald. Albright suggested that the police help in enforcement by giving out pamphlets that would educate the dog owners. Instead of ticketing them in the beginning, she felt educating them would be the way to go for a period of a month or two. Captain Cummings felt that they could give out the pamphlets

with the tickets because he felt that enforcing this from the beginning was the way to get the best results. He said the program should be started with an advertising campaign of some sort to get the rules out there, but when it goes into effect, they want to be able to enforce it.

Fine Structure

The fines are currently \$25, \$30, and then \$50 for 1st, 2nd, 3rd and more offense. Ald. Parker said the Board had the authority to change the fines up to \$300. The officers commented that many people were not deterred by a \$25, \$30 or \$50 ticket and felt the fines should start at \$50, and increase to \$100, and \$150. Ald. Baker said that if they created some opportunity for people to be within the law, that they should consider a higher fine for people who break the law. The fines should be something that were a deterrent and used modify dog owners behavior. The current fines, he felt, were too low and wanted to suggest increasing the fines. The fines are assessed per dog. Ald. Baker said that if it was within the scope of their ability to change the fine system, he felt they should do it regardless of an off leash program or not. Ald. Johnson wanted to have a discussion with Marie Lawlor of the law department to figure out the best way to do that but felt that it should be in the ordinance. She said she would like to keep it separate from this discussion, however, and handle it as a separate item at another time. The fine structure deserved further discussion and she did not want to try to rush it into this ordinance at this time. Ald. Coletti agreed. Ald. Baker asked Officer Pellegrine to send Karyn Dean some suggestions on raising the fines.

Self Policing

Ald. Baker asked if the police and/or animal officers patrol or do they just respond to complaints that come in. The officers said that animal control officers will go out at certain times they know there will be a lot of people out, unless they were tied up with something else like school traffic. They also go out and respond to complaints. Ald. Baker said that unless that had adequate resources behind enforcement, it wouldn't really work well. Ald. Johnson pointed out that other communities have relied on self-policing and while that doesn't work 100%, it has been an effective tool. Captain Cummings said that there were many people who were very invested in this process and he would expect that they would be working very hard to make sure it was a success. He expressed that the police would certainly do what they could.

Ald. Johnson reiterated that having times and places that dogs are off leash let's people know that there will be dogs off leash there, and they can avoid the park if they don't want to be around the dogs. Ald. Lipof pointed out that there's also the problem of dogs running far away from their owners and leaving their waste behind that the owners may not clean up. Ald. Johnson reminded the officers that the Board of Aldermen would not be choosing the sites. She explained the process of a community group petitioning for an area and having it approved with permission of the land owner (Parks & Rec, DPW, etc.) If people complained that the park was not working out for the park or the neighborhood, the park could be "decommissioned" as an off leash dog park.

Parks and Recreation Comment

Problems

Fran Rice, Member of the Parks and Recreation Commission, and a member of the Dogs Off Leash Task Force, said Little League fields were fenced in and people were there with their dogs, socializing with each other and not paying attention to what their dogs were doing. Later when the kids come to play on the fields, they have to deal with the waste that is left behind. He has seen that people do not obey the leash laws. He has seen people over and over again let their dogs run out of their cars and into the fields off leash. He said he would not want Little League areas and tot lots used as areas for dogs. He has also seen dog walker/watchers bringing multiple dogs to parks and letting them run off leash. He was very concerned about protecting children and elderly people who use parks and the areas near the parks.

Plan for Success

Fran Towle, Commissioner of the Parks and Recreation Department, said they would like this to be a win-win-win situation for all involved – a win for the people who like to use the parks, a win for the people who have the dogs, and a win for the agencies that have to enforce the ordinance. Enforcement is important and she felt community input was what was really going to make this work. She pointed out that there are only 2 animal officers and if this is a city wide approach, the community would be integral to its success. She felt there needed to be a real grass roots educational process to make this work. There needed to be a change of behavior by the dog owners. The dog owners needed to follow the rules so that people who don't have dogs could also feel good about this project as well. Perhaps the fines that are imposed could be used for improvements to that park so that the general user reaps a benefit as well. Ms. Towle said they could use a revolving account to accomplish this.

Unused Areas as Possible Sites

Ald. Hess-Mahan asked Fran Towle if there were areas around the city that were not being used as parks that might be suitable to turn into dog parks, for example, the Pine St. landfill. She said that over the years, they have taken tours of those areas, but people want the parks that are in their neighborhoods for this purpose.

Ald. Parker's Amendments to the Ordinance

Ald. Parker felt that having the areas fenced in was the most fundamental issue. At the public hearing there was testimony from Dr. Kate Fitzgibbons, a veterinarian, recommending that fencing was necessary for safety and health reasons. Her comments were distributed with the agenda for that meeting. Ald. Parker said he took her memo and integrated many of those suggestions into the ordinance. He said he was not whetted to each and every one of these additions, but wanted to present them for consideration:

- Perimeter fencing
- Each dog should have a leash available for it while within the off-leash area
- Vaccinations for several diseases and a monthly de-wormer
- Any dog involved in an altercation must leave the park for the day whether or not they instigated the altercation.

- Owners should not attempt to break up dog fights with their hands or arms.
- All children under the age of 16 must be accompanied by an adult.
- All children under the age of 5 must be in a stroller or other carrying device.
- No food or smoking is allowed in the off leash area.

All designated off leash areas must meet the following minimum requirements:

- Perimeter fence of not less than 4 feet
- Full accessibility for disabled persons
- Waste bins at various locations provided and emptied by the City
- A small enclosed area for small dogs weighing less than 20 pounds.
- Clearly posted waivers of liability relieving the City of any legal responsibilities for the actions of dogs or their owners inside the park
- No standing water unless it is filtered and chlorinated. Running water is OK

Another thought Ald. Parker had was to give the property owners the ability to set up dog free areas where children can play without any dogs at all. He did not include this in the draft, however. He said he wanted to move this all as an amendment for discussion purposes and was happy to have pieces severed off if there were objections.

Comments on the Amendments

More Appropriate for Guidelines

Ald. Albright said that many of these points would not belong in an ordinance, but in the guidelines set up by the Advisory Committee. Ald. Johnson agreed stating that the vaccinations, dogs leaving the park if involved in an altercation, owners breaking up dog fights, children age restrictions, and the restrictions of food and smoking were all points that did not belong in the ordinance, but instead in guidelines. Ald. Albright said that there were other places that spell out what dogs should be vaccinated for and she felt that requirement did not belong in an off leash ordinance.

Fencing

Ald. Albright said she was not opposed to fencing but felt they should not make it a requirement. Having a mix of fenced and unfenced areas would be more feasible. She felt that places and times designated for dogs off leash would let everyone know when they would want, or not want to be at a particular park. Ald. Parker felt it would be hard enough to enforce a fenced in area. Not having a fence makes it too open and easy to break the rules. Ald. Hess-Mahan relayed a message from a constituent at Wellington Park that she was opposed to a dog park there, or any dog park without fences. Ald. Hess-Mahan said he would rather see the flexibility left in with regard to fences. There were some places where fences could work, and other areas where it would be impossible to fence in. He felt that the self-policing portion of this project was going to be strong, and along with stiffer fines from the City, felt that it would be adequate for enforcement.

Waste Bins/ Waiver of Liability/Small Dog Areas

Ald. Albright agreed that there should be waste bins. As for the waiver of liability, she discussed liability issues with the law department and it was determined that the City

does not have liability. If it needed to be posted on a sign, she had no problem with that, but she didn't feel it belonged in the ordinance. Ald. Johnson felt the waste bins did not need to be in the ordinance. If they included the separate area for small dogs in the ordinance, it would then require that every park have that area. She felt that should be decided on an area by area basis. That is part of the design for a park area.

Remaining Amendments for Guidelines

After discussion, Ald. Parker asked that other items he proposed be considered as going into the guidelines and be so noted in this report. Those items include:

- Vaccinations for several diseases and a monthly de-wormer
- Any dog involved in an altercation must leave the park for the day whether or not they instigated the altercation.
- Owners should not attempt to break up dog fights with their hands or arms.
- All children under the age of 16 must be accompanied by an adult.
- All children under the age of 5 must be in a stroller or other carrying device.
- No food or smoking is allowed in the off leash area.
- Perimeter fence – site specific decisions

All designated off leash areas must meet the following minimum requirements:

- Waste bins at various locations provided and emptied by the City
- A small enclosed area for small dogs weighing less than 20 pounds.
- Clearly posted waivers of liability relieving the City of any legal responsibilities for the actions of dogs or their owners inside the park

No standing water unless it is filtered and chlorinated. Running water is OK.

Waste Pick Up

Ald. Baker noted that dog owners are carrying bags to pick up after their dogs much more than in the past. He wondered if they should add that requirement in the ordinance. If there is a requirement for a leash, perhaps there should be a requirement for pick up. Officer Dangelo pointed out that it's already in the dog ordinance that owners need to have an implement to pick up after the dog at all times. This will be referenced in the new ordinance.

Carrying Leashes

Ald. Johnson said that one amendment she liked was "the dog owner or person in charge of dog must carry a leash for each dog supervised at all times." She felt that was a very good addition as sometimes dog walkers with multiple dogs don't carry a leash for each dog. She felt the other items, as listed above, were rules that should be included in the guidelines.

Ald. Parker said he would like to break out the non controversial pieces and vote them separately, and then have a separate vote on the fence issue. He suggested that the money that would be needed to fence a park should be raised by the advocates of the park.

Two Amendments Votes

- The Dog owners and/or person in charge of a dog must carry a leash for each dog supervised at all times.
Ald. Sangiolo, Johnson, Hess-Mahan, Parker, Baker and Coletti voted in favor;
Ald. Merrill abstained from the vote.
(6-0-1) APPROVED

- A perimeter fence to be no less than 4 feet in height.
Ald. Sangiolo and Ald. Parker voted in favor; Ald. Johnson, Hess-Mahan, Baker and Coletti were opposed; Ald. Merrill abstained.
(2-4-1) DENIED

One Amendment Under Advisement

Ald. Johnson suggested they vote on the accessibility for disabled persons, and the requirement that dog owners have leashes with them for each dog in the park at all times. Ald. Baker pointed out that there may be places that were appropriate for dogs to run that were not handicapped accessible. He wondered if that would limit the places the parks could be. Ald. Hess-Mahan was concerned about the definition of handicapped accessible under federal law. Ald. Johnson suggested they leave this part out for now and not vote on it until they get clarity from the law department.

Full Ordinance Vote

The Committee voted on the ordinance with the one amendment “The Dog owners and/or person in charge of a dog must carry a leash for each dog supervised at all times.” The Committee approved the amended ordinance by a vote of 4-2-1.

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

ACTION: **HELD 4-0 (Ald. Hess-Mahan, Lipof, Coletti, Parker not voting.)**

NOTE: Ald. Sangiolo requested vote hold on this item pending the outcome of the other dog off leash ordinance. The Committee voted 4-0 to hold.

#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: **HELD 6-0 (Ald. Coletti, Lipof not voting.)**

NOTE: Ald. Johnson introduced the item and reminded the Committee that a public meeting was held. Ald. Baker said he was getting a sense that some of the sound technology was improving and wondered if that was being incorporated into the ordinance. He wanted to be sure that decibel levels in the ordinance reflected the fact the certain machines are being made with lower decibel levels. Ald. Johnson said there was much research and she received an email from a yard work industry group that indicated

the direction they were going in with the noise ordinance was one in which they could work and meet those standards (65 decibels).

Noise Level Transition Period

Ald. Johnson pointed out that there was a transition period as well. Up to 2 years, for example, the home tractor leaf blower level would remain at 80 decibels, after 2 years and up to 4 years, it could not be over 70 decibels, and after 4 years it must meet the 65 decibels standard. Therefore, it is a 3-stage transition period. Ald. Baker felt this was confusing language. Ald. Johnson explained that they wanted to give the landscaping companies the time to buy new equipment so that the impact wouldn't be harmful to their business. Ald. Baker thought that 4 years was too long to bring the level down. Ald. Johnson agreed that it made sense to bring the transition period down to 2 years.

Standard Decibel Levels

Ald. Parker suggested keeping it as simple as possible. He thought everything should be at the same level. The current level exists for 2 years and then there should be a standard that all equipment must meet. He said there should be one level for all types of equipment. Ald. Johnson pointed out that a bulldozer could not possible have the same decibel level as a lawnmower. Ald. Parker said that there could be exemptions for big construction projects but for general purposes there should be a certain amount of noise one should be allowed to get onto their neighbors property. The source should not matter. He said the noise should be measured 5 feet onto an abutting property, not 50 feet from the noise source because sometimes the noise never reaches someone else's property, and therefore, it wouldn't matter. Ultimately, he wants the ordinance to state that after the two year transition period, no matter what the equipment or source of noise, the level of noise on a person's property can not exceed 65 decibels as generated on someone else's private property.

Ald. Johnson said that there was an enormous amount of research done and although making one decibel level simpler, she didn't feel it would be possible. She also felt that it would cause unintended consequences and people would be up in arms as some machinery simply cannot meet the 65 decibel standard. Ald. Parker said that he has seen research that decibel levels over 65 or so have deleterious health effects. He said he would do appropriate research to find out if 65 decibels was the most effective level.

As far as the decibel levels, Lt. Aucoin said it would make it easier to enforce one standard level. Now, they have to determine what kind of equipment was being used and figure out which decibel level was allowed for that particular machine. However, he felt it would be unreasonable as there are some pieces of equipment that could never meet the 65 decibel standard because they are big machines built to do heavy work. Ald. Baker and Ald. Sangiolo felt that 65 decibels as a uniform standard would just not work.

Location of Noise Measurement/Moving Noise Sources

Ald. Baker said that with the light ordinance, people are dealing with a persistent problem – light shining continuously. With noise however, the noise comes and goes, is much more sporadic, and it moves around. He felt under those circumstances, it would make more sense to measure the noise 50 feet from the source. Ald. Hess-Mahan said that the

50 feet measurement portion of this was helpful for time when the noise source is moving. Lt. Aucoin said that the suggestion that the noise be measured at the point of the closest abutter made sense to him, as suggested by Ald. Parker.

Noise Pollution Section

Lt. Aucoin pointed out that in the Noise Pollution section of the ordinance it states that noise measurements can be taken at the boundary line, and that 10 decibels above background noise would be considered noise pollution. Ald. Parker stated that would make leaf blowers, and all other construction or yard equipment illegal.

The Committee decided that the law department needs to advise them whether or not the decibel levels stated for vehicles, construction equipment, etc. are exceptions to the noise pollution section. Ald. Baker said that since there were particular pieces of equipment that were spelled out with different levels, it was reasonable to think they were exempt from the noise pollution standard.

Noise Complaints

Lt. Aucoin said that most complaints come from noise and work starting too early, or going too late. They also get calls complaining about noise but they don't get those as often. If they measure the noise and it is above the allowed level, they tell the person they have to stop. They don't usually write tickets. By the time they get an officer that has been trained in using the meter gets to the location, the noise source has usually gone.

Noise from Mass Pike and MBTA

Lt. Aucoin pointed out that Newton can't enforce an ordinance on a state agency such as the Mass Pike or the MBTA. So any calls that come in regarding noise from those sources, is out of Newton's enforcement jurisdiction.

Changes to Consider

- Adding language for moving sources of noise and how/where they should be measured.
- Simplifying the transition period to 2 years.
- Location of the measurement of the noise. Ald. Hess-Mahan suggested measuring from the edge of the property or 50 feet, whichever is less.
- Having a uniform standard for all equipment, or equipment specific levels.

The overall sense was that one standard level would not work. Ald. Johnson said she would work with Marie Lawlor to figure out the best language for these items and to clarify any questions of interpretation.

Saturday and Sunday

Ald. Parker said he felt there should be a uniform standard for Saturdays and Sundays. Each is a holy day for different groups of people and there should be equal treatment. He suggested some reasonable time periods that people can do construction work on both days equally. Ald. Baker said this had nothing to do with religious holidays because yard

work was allowed on Sundays. The prohibition is for construction and demolition work that generates noise on Sundays and legal holidays. It was generally agreed upon that restricting construction work on Saturday's would be terrible for the construction industry. Therefore, Ald. Parker said that construction and demolition noise and work should be allowed on Sundays as well. Ald. Baker said that adding more noise to people's lives was not the goal of changing this ordinance and that it would bring about many, many complaints. Ald. Hess-Mahan said that it probably wouldn't make that much difference because the Blue Laws are in effect for commercial companies on Sunday's. Therefore, the construction work that might happen on Sunday's would likely only be homeowners doing work on their own homes and they would still be constrained by the limits of the noise ordinance.

Ald. Johnson said that this issue was not a point of contention at the public meeting. No one brought this issue up as a problem they were looking to have changed. She would be willing to look at some hours that might work. Ald. Baker said that they were trying to respond to the complaint citizens had that their lives in this city were too noisy. Adding another difficulty did not make sense to him. Ald. Sangiolo said she would support the change and make a motion to change the hours. She thinks it should be something like 10:00am to 5:00pm. And for Sundays, she felt it wasn't fair to have it on one day and not the other. The problem with noise is not just the noise but the time the noise is being made. Maybe having noon to 5:00 pm on Sundays may be a good compromise but would not address Ald. Parker's point of equality.

Suggestions were:

- Construction on Saturdays would be allowed perhaps from 9:00 to 5:00
- Construction on Sunday's would be allowed perhaps from noon to 5:00.
- Both days to be treated equally in terms of time, or restrict work on both days.

Ald. Parker said he understood they were trying to come to a compromise, but treating the days differently was not sending a positive message. He reiterated having both days treated equally. In that case, Ald. Sangiolo said she would suggest starting later on Saturday.

Ald. Johnson moved to hold this item. She asked that the Committee reach out to their neighbors, colleagues, friends, and constituents to get some ideas on how to handle this. She respects Ald. Parker's concerns even though there have only been very few people who have raised this issue. She wanted to dispel any notion of this being anti-Semitic by having different rules for Saturday and Sunday. The point that Ald. Baker and Ald. Merrill were making was that there should be one day of solitude. She respects that some people may want that on a Saturday and so she really wanted to find out what people think and see if this needs to be addressed.

Ald. Baker thought that perhaps this issue should be brought in as another docket item after some discussion with the community. If there was some sentiment that people were being disenfranchised by this particular piece, he would certainly like to address that, but felt it should be handled in a separate manner. Ald. Parker felt that this is a process that

has been going on for years and felt this would be the time to fix all the sections they could. If this was going to hold it up, he felt there should be a compromise and it should not be ignored. He felt that this current ordinance was not respectful to the group of people for whom Saturday is the day of rest, not Sunday.

Ald. Harney said that Land Use has issued lots of special permits for construction and there are construction management plans in which hours of construction are laid out. They have always included Saturday construction. The argument has always been that if construction does not occur on Saturdays, the project is going to last much, much longer.

Garden/Yard Maintenance/Loudspeakers

Ald. Sangiolo said she would like to propose changing the times for garden maintenance. Ald. Hess-Mahan proposed 8:00 am to 6:00 pm. Right now the times are 7:00 am to 8:00 pm. She also said she would like to change the times when loudspeakers could be used. Ald. Johnson asked her to write those items up for clarification.

The Committee voted to hold the item by a vote of 6-0.

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

ACTION: **HELD 6-0 (Ald. Coletti, Lipof not voting.)**

NOTE: Ald. Hess-Mahan said he spoke to Fran Towle about the changes in this ordinance. Because it would have such a big impact on Parks and Recreation, he said he would come to the next meeting on the 19th to present to the Parks and Recreation Commission to get their input on it. He said he basically threw out the original idea of a total ban.

Because of the feedback he has received from the public, he decided to compromise with a seasonal ban/restriction/exception. Basically, he said, all leaf blowers would be banned during a certain period of the year. April 15 through October 15 is what he proposed. These dates came from surveys of other seasonal bans and they fall somewhere in the middle. The City of Yonkers, for example, excludes use from May 1 through October 1. Cambridge is proposing an exclusion from April 1 through November 1 and allowing nothing in the winter. Parks and Recreation in Newton has indicated that a ban throughout the winter would not work for them.

Briefly, the other components of this new proposed ordinance would include the following:

- Leaf blowers would still be subject to the noise control ordinance.
- Any mufflers that came standard with the machines would be required to be used.
- There would be a prohibition against blowing debris near doors and windows of homes.
- Debris could not be blown onto someone else's property or into the street.

- There would be an exception that leaves may be put out on the berm for collection.
- There would also be an exception for debris blown into the street for immediate pick up that would be allowed as well.
- The City would be responsible for having their employees and contractors comply with these rules and that they adhere to all OSHA requirements.
- Employers who direct their employees to break the rules will be fined, not the employee.
- First offense will not be fined, but they will get a copy of the policy and a warning. Subsequent offenses will face fines. (warning, \$75, \$150, \$300)
- Instead of restarting the clock each year with violations, they will roll on continually.
- Ald. Hess-Mahan said that for any storm, people can seek a declaration of an emergency to clean up from a storm.

Ald. Johnson asked that the Committee look at this and be prepared with any concerns they might have in a timely manner.

The Committee voted to hold this item by a vote of 6-0.

#227-07(3) PRESIDENT BAKER, ALD. SANGIOLO, JOHNSON AND COLETTI requesting consideration of an appropriate compensation schedule for the Clerk of the Board/City Clerk in light of any changed conditions since the compensation was last set in 2006. [08-06-07 @3:04PM]

ACTION: **APPROVED 6-0 (Ald. Coletti, Lipof not voting.)**

NOTE: Ald. Baker said they worked with Dolores Hamilton from the Human Resources department to determine a fair compensation for the City Clerk/Clerk of the Board. The researched brought them to a recommendation to bring the salary to \$92,500 effective January 1, 2008. The nature of this compensation represents the nature of the responsibility as graded by HAY but also by some other communities, but they also wanted to recognize the quality of performance that they felt was important to acknowledge. Ald. Baker said the Mr. Olson was comfortable with this amount.

Ald. Sangiolo said that the numbers that were presented at the last meeting comparing this job to similar jobs in the City would have brought the salary to \$96,000. Ald. Baker said they carefully went through the job description for this job and this was what they felt was fair. Ald. Sangiolo expressed that there might be an issue with some of the other jobs that were receiving a higher salary. Ald. Johnson said they looked at the scope of the job, the impact, and the sphere of influence for this position. The job was benchmarked based on these things and compared the data with other communities. Mr. Olson's salary was lower compared to some of those, but some of those also had elections under their supervision. Ald. Parker pointed out that those other communities did not have 24 Aldermen, however. Ald. Johnson also pointed out that Mr. Olson has only been in this position for less than 2 years. When one is new in a job, getting paid at the higher end of the range was not usually appropriate. Ald. Parker felt that even though

this was not the amount he proposed, he felt it was in the range or appropriate compensation and he was pleased.

The Committee voted to approve this item by a vote of 6-0.

Meeting adjourned.

Respectfully Submitted,

Marcia Johnson, Chairman