

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 9, 2005

Present: Ald. Hess-Mahan (Acting Chair), Baker, Parker, Fischman, Johnson

Other Aldermen Present: Ald. Mansfield, Harney, Linsky

Absent: Ald. Merrill, Coletti, Sangiolo

Also Present: Ellie Goldberg (Green Decade Coalition), Gayle Smalley (Law Dept.)

Re-appointment by His Honor the Mayor

#20-05 DONALD FERRERI, 19 Shute Path, Newton Centre, reappointed as a member of the NEWTON HOUSING AUTHORITY for a term of office to expire on February 16, 2010 (60-day Board action date March 19, 2005).

**ACTION:** APPROVED 4-0

**NOTE:** Ald. Fischman has known Mr. Ferreri as a long-term resident of Oak Hill and noted that he has served on the Housing Authority for many years. Ald. Parker moved Mr. Ferreri's appointment.

#172-04 PRESIDENT BAKER recommending George Corey, 65 Harding Street be re-appointed to the BIOSAFETY COMMITTEE for a term of office to expire January 13, 2007. (60-day Board action date 6-5-04).

**ACTION:** HELD 3-0

Reappointment by His Honor the Mayor

#13-05 HARMON WHITE, 50 Valley Springs Road, Newton reappointed as a member of the Newton Commonwealth Golf Foundation for a term of office expiring on July 30, 2007. (60-day Board action date March 4, 2005)

**ACTION:** APPROVED 3-0-1 (Parker not voting)

**NOTE:** Mr. White has been a Newton resident for 50 years and has been a member of the Newton Commonwealth Golf Foundation since its inception. He hopes to see the Course continue to grow and that many more people take advantage of this facility.

#34-05 ALD. JOHNSON on behalf of the Green Decade Coalition requesting the designation of March 2005 as ALTERNATIVE TO PESTICIDE MONTH.

**ACTION:** APPROVED 4-0

**NOTE:** Ellie Goldberg told the Committee that she has been a member since 1994 of the Green Decade Coalition. She also has worked on the Committee for the Alternative to Pesticides for over ten years. Newton has been part of an educational month called “Alternative to Pesticides Month” and enjoyed the support of the Aldermen and the Mayor. “The Newton Tab” will be publishing articles promoting these alternatives to pesticides. Ms. Goldberg would like to see the City post the Green Decade Coalition on the website.

Ald. Hess-Mahan indicated that there would soon be a Farm Commission for Angino Farm and questioned if Green Decade would be interested in having an environmental protection representative on the commission and Ms. Goldberg responded “most definitely.”

The Committee approved this item 4-0.

#215-04 ALD. JOHNSON requesting that the City Charter be amended to allow more flexibility when filling a vacancy for Mayor, Board of Aldermen, and School Committee.

**ACTION:** HELD 5-0

**NOTE:** Associate City Solicitor Gayle Smalley joined the Committee for this discussion. President Baker said that he had not found any of the alternative proposals workable from his perspective and presented some proposed language. Ms. Smalley said under President Baker’s model, the board would make its decision forthwith but not necessarily hold the election within 4 months.

Ald. Fischman pointed out that under President Baker’s proposed language, if the vacancy occurred after March, you couldn’t have an election until September. He also felt that not having a special election during July and August was a good idea and felt piggybacking could be a positive result.

President Baker is in favor of filling any vacancy as soon as practicable. Chairman Johnson was in favor of the following wording: “the Board of Aldermen without unreasonable delay, and no later than six months of the date of vacancy, shall call a special election to fill such vacancy.” She also noted that it would be possible to add a provision that a special election could not be held during July and August. President Baker said he would like to leave the “forthwith” alone but perhaps add that the special election must occur within seven months of the vacancy. It was suggested that Ms. Smalley work on both a six and nine month scenario. Ms. Smalley was not clear on whether the Committee is of one mind regarding putting the emphasis on the date of the election as opposed to the date of the call. Ald. Johnson would prefer not to use

“forthwith” and liked “the Board of Aldermen, without unreasonable delay, and no later than six months of the date of the vacancy, shall call a special election to fill such vacancy. That would allow the nine months. Ald. Baker said the advantage of the model he proposed is that the focus can be on when the election is being held and does not see the “forthwith” piece as a problem.

Ald. Hess-Mahan was concerned over any delay in calling a special election and the impact it would have on the Election Commission if it does not have an officially called election and therefore cannot release nomination papers.

Ald. Johnson moved that the item be held. The Committee voted 5-0 in favor of hold.

### **PUBLIC HEARING**

#336-98 ALD. PARKER, MANSFIELD, SANGIOLO proposing an ordinance to limit light trespass across property lines.

**ACTION:** HELD 5-0

**NOTE:** A public hearing was held on this item followed by a discussion in committee.

### **PUBLIC HEARING**

Ald. Parker distributed a draft reflecting a proposed compromise reached by a committee that included certain aldermen, and citizen, institutional and business representatives. (see attached) Ald. Parker outlined that the changes would include the residential and city buildings, the change from .2 to .5 footcandles and after the third year of the ordinance it will be .35 footcandles as well as the inclusion of the provision of enforcement at 9:30 p.m. to 6:00 a.m. Those would be the major substantive changes. The current draft includes all city lights except those that light public ways.

Tom Keating of Boston College wanted to go on record as supporting the changes. Ald. Fischman asked if the residential inclusion would have an effect on Mr. Keating’s position and the response was that it would.

Lorraine Kohr of the Newton/Needham Chamber of Commerce presented a letter (attached) that reflects support of the revised amendments and revisions to the ordinance. She also thanked Ald. Johnson and Ald. Parker for all their hard work as well as dedication and commitment to this ordinance.

Ald. Johnson questioned asked if it would be a hardship if the times were changed to an earlier hour. The response was that it would as there are businesses open to 11:00 pm. that need that lighting. Ms. Kohr explained that some businesses like Dunkin Donuts open at 5:00 am that need that lighting to illuminate signs.

Jean Levesque of Boston College noted that a consultant had been hired to do some testing to determine values at various sites. Institutional properties as well as properties owned by the City of Newton and various residential properties were looked at. Ald. Parker, Steve Bart, Fran Yerardi, and Ms. Levesque visited the sites. It was felt that as a reasonable compromise would start at .5 and stepping down to .35. (.2 was felt to be too restrictive)

Steve Bart of Rochester Road commended the Committee for all their work. In his opinion the draft does have good things as well as issues and problems with the time and the standard. Mr. Bart was involved in some of the measurements that went on and as a consequence became quite comfortable that .2 ft. candles was a reasonable standard. He believes that residential citizens can be reasonably protected with the .35ft. candle standard. It would not be as good as a .2 standard but is reasonable. The second issue is the time of enforcement and , in his opinion, the 9:30 time frame is arbitrary.

### **DISCUSSION**

Ald. Johnson noted the brightest lights looked at were at the Boston College Athletic Field. She observed that businesses are presently required to have very bright lights. There is presently an item docketed by Ald. Sangiolo to lower that standard. Ald. Fischman asked about the potential enforcement if .35 were adopted. Mr. Bart said from his experience it would be problems that would be almost exclusively as a result of poor installation of relatively generic floodlighting.

Ald. Baker said the complaints he has been hearing are a result of new security lighting installed in homes.

Ald. Parker said two light meters were used and found the bottom line on really offensive lights are very much beyond .35. Ald. Johnson noted that there are a lot more choices available.

Ald. Mansfield said his goal would be to have the correct fixtures that put the lights where they would be effective and not a nuisance. Different levels of light at different times of the day as well as different levels at acceptable times of the day is often complex. He had concern for how the times would effect enforcement. An ordinance that has a 9:30 standard would be very hard for the City to enforce. In response, Ald. Johnson mentioned that since at 9:30 p.m. the lights had to be dimmed to .5 then .35, that most likely home and business owners will set their lights at the more restrictive level rather than having dimmers etc.

Ald. Parker said he would provide comparison documents; one that was before the Committee and this new version. Ald. Johnson said this would be available on March 9. Ald. Parker suggested that the new draft be substituted as the official draft before the Committee. The Committee agreed to hold 5-0.

Respectfully submitted,

Ald.Hess-Mahan, Vice Chair