

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, OCTOBER 6, 2004

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

Absent: Ald. Fischman

Also Present: David Naparstek (Health Commissioner) Mike Cronin (School Department) Fran Towle (Parks and Recreation) Marc Welch (Tree Warden) Lorraine Kohr (Newton/Needham Chamber of Commerce) Jeanne Levesque (Boston College)

**ITEMS SCHEDULED FOR DISCUSSION:**

#307-04(2) HIS HONOR THE MAYOR re-appointing the following individuals to the NEWTON COMMONWEALTH FOUNDATION (Board action date November 6, 2004).

F. Stephen J. Small  
833 Commonwealth Ave.  
Newton, Ma 02459  
(Term to expire 12/31/06)

**ACTION:** **APPROVED 5-0 (Sangiolo, Coletti not voting)**

**NOTE:** President Baker noted that Mr. Small is probably the national expert on land conservation and taxation. His willingness to serve again is a great asset to the foundation. Mr. Small had provided back-up information and the Committee voted to approve 5-0

H. Alan F. Green  
403F Dedham Street  
Newton, Ma 02459  
(Term to expire 04-01-07)

**ACTION:** **HELD 5-0 (Sangiolo, Coletti not voting)**

#400-04 PRESIDENT BAKER re-appointing Beth Tishler, 129 Valentine Street to the NEWTON COMMUNITY EDUCATION COMMISSION for a term of office expiring on 06-30-06. (60-day Board action date 12-03-04)

**ACTION:** **APPROVED 5-0 (Sangiolo, Coletti not voting)**

**NOTE:** Back-up information was available to Committee members. Ald. Johnson said Ms. Tishler has made a tremendous contribution throughout the City in various capacities.

Re-appointment by His Honor the Mayor

#401-04 HELEN MELTZER, 11 Westminster Road reappointed to the ADVISORY COUNCIL OF HEALTH; term expiring on 02-02-07. (60-day Board action date 12-03-04)

**ACTION:** **APPROVED 5-0 (Sangiolo, Coletti not voting)**

**NOTE:** Commissioner Naparstek told the Committee that Ms. Meltzer has been with the Health Advisory Council for over 25 years. In the past, she was the Executive Director of Massachusetts Public Health Association. Ms. Meltzer is in touch with public health efforts currently going on in Massachusetts and very supportive of public health in Newton.

#137-03(3) PROGRAMS AND SERVICES COMMITTEE requesting revisions to the "Smoke-Free Newton" ordinance to prohibit smoking in private clubs".

**ACTION:** **NAN 5-0**

**NOTE:** The state has recently passed legislation around the No Smoking laws that basically cover all the issues Programs and Services had previously looked at.

Ald. Parker noted that when the waiver provisions were removed for tavern style restaurants and for large restaurants to have a separate smoking area, the concern raised was business might move to private clubs that could provide a venue for them. Item #137-03(3) was docketed to be sure all loopholes would be closed. The statewide ban is stronger and more thorough than anything Newton had contemplated.

Chairman Johnson noted that in conversation with Ms. Smalley, Associate City Solicitor, there was a possibility of removing what we presently have because the state legislation would preempt that. Chairman Johnson said this might be something to think about in the future but right now there is no action necessary.

**REFERRED TO PUB. FACIL & PROGRAMS AND SERVICES COMMITTEE**

#83-03 ALD. GENTILE, BRYSON, COLETTI AND LIPSITT requesting that the Health Commissioner conduct/oversee a testing program to evaluate the air quality at Newton North High School and, if necessary, make recommendations to ensure the safety of all students and staff in the building.

**ACTION:** **NAN 6-0 (Sangiolo not voting)**

**NOTE:** **Background** David Naparstek and Mike Cronin joined the Committee for this discussion. Mr. Cronin explained this is the third set of samplings for the Newton North building. He said that a base line was started and then tried to figure out where indoor air quality was relative to the carbon dioxide component. At the beginning, 56% of the rooms in the building were above 1000 (carbon dioxide component). Mr. Cronin explained that the preferred goal would be at or below 1000. However, the recommended guidelines are 600. There were 66 rooms not able to meet the 1000 threshold and at the last series of efforts, there are still about 15 at or above 1000. The building is operating adequately.

**Corrective Actions** Commissioner Naparstek said the staff should be trained to continuously look at what is going on in the building. Non-toxic cleaning materials should be used as well as proper storage of chemicals. The number of plants in a classroom should be limited as they can contribute mold. The chemicals in the automotive shop should be monitored for proper storage. The risks are minimized if standard operating procedures are followed. Commissioner Naparstek explained it was an ongoing education and inspection process.

**Committee Member Questions and Concerns** Ald. Hess-Mahan raised the issue of the possibility that the auto shop might have something to do with the bad air in the building. Mr. Cronin said that the auto shop is now required to use the exhaust tubing that hooks up to the tail pipe and run that material straight outside. In the past it might not have been followed as closely as it should have, but at this point it is being handled appropriately. The system runs at an rpm that was designed 30 years ago and does not move the air as we would like to see it. Ald. Hess-Mahan asked if this were an endemic problem and is this problem that has been fixed since the 1970's. Mr. Cronin said the Newton South design has a different way of carrying fresh air supply into the space versus what they had in the past. The singular roof top units do not have the distribution process that they currently have with new duct work systems.

Chairman Johnson asked what in the system is bothersome to the teachers. Mr. Cronin said one issue is noise and another is temperature control. Commissioner Naparstek said there is a Health and Safety Committee and the Teachers Association are all very involved as well as supportive of these issues. There is an ongoing education process to make sure the human part is understood and hopefully is done prudently. Univents must be relied on as the windows at Newton North are not operable.

Ald. Johnson questioned if the process of making repairs could be shortened. Mr. Cronin indicated a centralized maintenance crew would help and be able to directly respond to problems.

Ald. Coletti noted that it is important to make sure all filters are regularly changed so that fresh air coming back into the building would be maximized. Ald. Coletti pointed out that building would have to be used for another six years and will at least the same maintenance be able to be sustained. Presently Mr. Cronin said School Department Charter Maintenance money is what is being used.

There was a motion to NAN this item and the Committee voted in favor.

**ITEM RECOMMITED TO PROG.& SERVICES BY FULL BOARD ON  
4/6/04**

#336-98

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

**ACTION:** **HELD 5-0 (Sangiolo, Merrill not voting)****NOTE:**

**Since Re-committed to Committee What has Occurred** Chairman Johnson noted a light study was commissioned and commented that credit should be given to Lorraine Kohr of the Newton/Needham Chamber of Commerce and Jean Levesque of Boston College for their great cooperation in coming up with a process to test the lights. A lighting consultant had been hired and there was a report. There had been a meeting with Chairman Johnson, Ald. Sangiolo, Ald. Parker, Ald. Mansfield who met with Lorraine Kohr and Fran Yerardi from the Chamber and Tom Keady of Boston College to talk about the report and areas of compromise. Chairman Johnson felt it would be fair to bring this information that went back to the Chamber to the Committee. If some changes that are being discussed are added into the ordinance, another public hearing might have to be held.

**Compromise** Parker said there had been discussion on what points might be compromised on. The one thing agreed on was that there could be compromise if the Chamber would endorse the ordinance. A list of points was crafted and presented at a meeting and some other points were suggested.

**Signs – Clarify that the pollution section does not apply to internally illuminated box style signs.** For example, the Fleet Bank sign or a sign that is lit on the side but not on the top would not be deemed to be in violation of the pollution section

**No Restriction on illuminating public ways, sidewalks, and alleys.** There would be no restriction on lighting on public ways and alleys. There would be a clear exemption from the trespass section so there would be no restriction on light trespassing onto public ways, sidewalks, alleys, and any other similar public area. President Baker had various concerns on certain categories of lighting. Chairman Johnson noted that lighting in alleyways would be a security problem. For example, if employees come out at a side door in an alleyway, that would be a safety issue for some. Possibly, an option of certain hours could be looked at to provide some security for employees leaving a building. Lorraine Kohr said there was concern from Newton Wellesley Hospital regarding safety lighting for employees. Chairman Johnson felt that after we hear from the Chamber, we can better incorporate issues into the language with a better balance.

**The Ordinance will apply to public buildings and parks** The Chamber did not like the fact that the ordinance applied to businesses but there would be some exemptions for the City. In response Ald. Parker said the ordinance would apply to city buildings and to city parks. It would not apply to street lights. It was noted that if the ordinance passes, city buildings will be brought into compliance.

There would be an exemption for a park light that is on the edge of a park that also lights the street would be counted as a street light. Ald. Parker quoted from David Tannozzini's memo, "Parks were mentioned in the context of the concern the ordinance should apply to City parks. Instances of light trespassing from City fields onto residences were cited. Recommendation: City parks should be included, with the understanding that the City has the same right to apply for waivers in cases where 100% compliance cannot be achieved as other entities. All future City of Newton park lighting projects and improvements should be designed to comply with the standards of the ordinance. Also, lights located in City parks that serve the dual purpose of lighting public ways should be considered street lighting." Ald. Parker explained that there are cases where it is difficult to comply and the same standards should apply to the City in terms of applying for waivers that would be available to other entities. Chairman Johnson suggested that Fran Towle talk to her department about this.

**The ordinance will apply to all residences** Another concern by the Chamber was the exemption of 1 through 4 family homes. The city compromise was that residences would be included and there may need to be an increased phase-in so that homeowners would have more time to bring their equipment up to spec if there was a violation.

**There would be a waiver process for sports lighting** There was also a question of any type of special treatment for sports lighting. The point is that there is an existing waiver provision in the ordinance and that it could be clarified, but if someone is not able to comply with the ordinance, there would have to be application with a plan that allows close compliance. Sports lighting was not an exemption, but there would be clarification of the waiver process to say there would be a point by point plan

**An increase in the allowable foot candles to .3/.35.** The Chamber objected to the .2 ft. candle as they thought the number was too strict and the other suggestion was that there be different standards in different districts. On this point, the City came in to the meeting with the proposal that there would be compromise to .3 but there would be no compromise on a complicated system of trespass standards in different neighborhoods. Ald. Parker said a potential compromise was worked out. Ald. Johnson noted that .35 would probably get rid of the most egregious offenders and would be a reasonable level. The recommendations can be found in Mr. Tannozzini's attached memo.

President Baker said he agreed that there might be some value in a uniform standard but is not comfortable with going to .35.

Chairman Johnson said we are trying hard to compromise. Community support is a goal. President Baker is willing to compromise, but has not heard a reason yet to move to another standard. President Baker had concern regarding residential

lighting. Going to a .35 standard, in President Baker's opinion might not solve the problem that would occur to residents. He wondered if there could be a less inclusive alternative.

Chairman Johnson noted that if you look at the report from Mr. Lemmons, the areas where it would be bothersome to people, .35 standard would make those illegal. In her view the difference between a .2 and a .35 is not earth shattering. President Baker felt the issue will be more acute because the number of businesses is more of a narrow class than the number of residences that shine into other people residences. Ald. Baker wondered about the feasibility of going to a .2 as a perfectly reasonable standard city-wide. He is reluctant to adopt a general city-wide standard that would be higher.

**Citizen input** Steve Bart of 26 Rochester Road said that ultimately many problems that residences will have will be with other residences and not with businesses. He agrees with including residences and also with President Baker that in the vast majority of cases, people do not need an extended grandfather clause to deal with these situations. In conclusion, he said .2 is a good standard and the application of time is a slippery slope but if it is included it should be earlier than 9:30 and has to have a back stop provision.

The Committee voted to hold and the Committee voted 5-0 (Sangiolo, Merrill not voting)

**REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES**

#407-04

HIS HONOR THE MAYOR requesting acceptance of and authorization to expend the sum of \$9,100, received as grant funds from the Massachusetts Department of Conservation and Recreation AND appropriation of the sum of \$10,000 from Budget Reserve, to be used along with the grant funds, for funding the purchase and implementation of a system to inventory and track the City's trees (in the Forestry Division of the Parks and Recreation Department).

**ACTION:**  
**NOTE:**

**APPROVED 4-0 (Baker, Sangiolo, Merrill not voting)**

Fran Towle, and Marc Welch were present for this discussion. Ms. Towle said when this system is in place, there will be better management and it will also help with storm analysis. Mr. Welch said management of city trees currently has no method of tracking and retrieval. Overall, having a system in place will allow a foundation to have city-wide inventory and then be able to base decisions on a larger picture.

There was a motion by Ald. Parker to approve and the Committee voted 4-0.  
(Baker, Sangiolo, Merrill not voting)

The meeting adjourned at 10:05 p.m.

Respectfully submitted,

Marcia Johnson, Chair