

CITY OF NEWTON

IN BOARD OF ALDERMEN

PROGRAMS AND SERVICES COMMITTEE REPORT

WEDNESDAY, APRIL 21, 2004

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

Other Aldermen Present: Ald. Vance, Samuelson, Mansfield, Gerst, Stewart

Others Present: Dan Funk (City Solicitor) Fran Towle (Recreation) Bob DeRubeis
(Recreation) Marc Welch (Recreation) Julia Malkie, Shannon Ames, Cathy Salchert
(Law)

#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 6-0 (Fischman not voting)**

Re-appointment by His Honor the Mayor

#173-04 JOHN J. LONG, 56 Nehoiden Road, Waban, re-appointed as a Trustee of
the JACKSON HOMESTEAD for a term of office to expire on February
1, 2007 (60-day Board action date 6-5-04).

ACTION: **APPROVED 6-0 (Fischman not voting)**

NOTE: Carol Ann Shea explained Mr. Long was unable to attend as he was out of
town. He has served on the Finance Committee, the Development
Committee and on the Investment Committee and very active for many
years in the Homestead. The Committee voted 6-0 to approve.

Reappointment by His Honor the Mayor

#174-04 THELMA FLEISHMAN, 80B Seminary Avenue #152, Auburndale for
reappointment as a Trustee of the JACKSON HOMESTEAD for a term of
office expiring February 1, 2007 (60 day Board action date 6-5-04).

ACTION: **APPROVED 7-0**

NOTE: Ms Fleishman was present for this discussion. She told the Committee
that she has volunteered at the Homestead since 1972. She has done a
history of Newton. She feels the Newton History Museum is a well-
functioning museum and has seen wonderful improvements. The
Committee thanked her for all her service.

Reappointment by His Honor the Mayor

#175-04 DUSCHA SCOTT WEISSKOPF, 20 Bartlett Terrace, Newton Centre, for reappointment as a Trustee of the JACKSON HOMESTEAD for a term of office expiring February 1, 2007 (60 day Board action date 6-5-04).

ACTION: **APPROVED 7-0**

NOTE: Ms. Weisskopf was not able to be present. She was the former Director of the Jackson Homestead. The Committee voted 6-0 to approve.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#193-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$30,000 from the Marathon Receipts fund for the purpose of purchasing new Fibar and additional playground equipment to replace worn, defective or unsafe equipment as deemed necessary by the Parks and Recreation Department.

ACTION: **APPROVED 7-0**

NOTE: Fran Towle said recent inspections have shown that this money is needed to replace unsafe equipment. Commissioner Towle noted a major portion would be for Newton Centre, Horace Mann and slides for Auburndale.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#194-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$30,000 from the Marathon Receipts fund for the purpose of purchasing playground apparatus and building a handicapped accessible walkway at the Newton Centre Playground.

ACTION: **APPROVED 7-0**

NOTE: Commissioner Towle explained that the ramp would be located off of Bowen Street. She said sections of the playground that were never accessible would benefit.

There had been a bad experience involving handicapped accessibility on Livingston Cove and Ald. Coletti asked how he would be assured that \$17,000 would do this job. Ms. Towle said Engineering (John Daglian) has sent a letter indicating that \$17,500 would complete this job.

The Committee voted to approve.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#221-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$58,000 from funds paid to the City from cable franchisees for the purpose of supplementing the Law Department legal assistance account (\$48,000) for

the remainder of FY04 and providing the Law Department with funds to hire legal interns and work-study students (\$10,000).

ACTION: **APPROVED 7-0**

NOTE: City Solicitor Dan Funk joined the Committee and explained that all the labor issues, including many by police and fire, are handled by outside counsel. This money is from the administrative cost of negotiating licenses from Cable TV. The \$10,000 will help fund a Law Clerk salary and carry over to the next year.

REFERRED TO PROGRAMS & SERVICES AND FINANCE COMMITTEES

#195-04 **HIS HONOR THE MAYOR** requesting an appropriation in the amount of \$250,000 from Free Cash and \$15,000 from the Capital Stabilization Fund for the purpose of funding the following Capital Improvement projects in the Parks and Recreation Department:

Tennis Court Repairs (Lower Falls).....	\$60,000 (FC)
Field Renov. (Cold Springs Park).....	\$50,000 (FC)
New Pick-up Truck w/plow.....	\$30,000 (FC)
Pellegrini Park well.....	\$15,000 (CS)
Tree Planting.....	\$35,000 (FC)
Tree Pruning.....	\$25,000 (FC)
Turf Control.....	\$50,000 (FC)

ACTION: **APPROVED 7-0**

NOTE: **Tennis Courts** - Commissioner Towle explained that the tennis courts at Lower Falls have been in disrepair for a number of years and the attempt to patch has not worked. Mr. DeRubeis explained the \$60,000 would tear up and redo the two courts. Ald. Hess-Mahan asked what the replacement material would be and it was explained that it would be rubberized type asphalt.

Field Renovations - An irrigation specialist will oversee the field renovation project at Cold Springs Park. Ald. Hess-Mahan has observed that the field had always been too dry and too wet.

Ald. Coletti reported to the Committee that he had been receiving calls re charging fees for athletic groups. Ms. Towle said fees would be charged for anyone using a field permit.

Pick-up truck with plow -The motor burned out on a pick-up truck and a new truck was needed.

Pellegrini Park Well - Mr. DeRubeis noted this site is in deplorable shape. The first step would be to drill and then sink the pump in the well. This expense for this type of project is a variable as they are not sure when they will hit water.

Tree Planting and Tree Pruning - Mr. Welch said the \$30,000 for tree planting will cover about 80 trees. He feels this would just about cover the requests from 2001.

Tree Pruning - Blocks of street have been put out to bid as opposed to paying contractors by the hour and the outcome has proven to be quite successful.

Turf Control - Ms. Towle explained this money helps with irrigation and seeding in order to maintain 85 acres of turf.

Chairman Johnson complemented the appearance of the Russ Halloran Sports Complex. The Committee voted to approve.

#242-03 **A PUBLIC HEARING WAS HELD ON THE FOLLOWING ITEM:**
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: **HELD 7-0**
NOTE: The Committee was joined by Ald. Samuelson, Ald. Vance, and Assistant City Solicitor Cathy Salchert for discussion of this item.

Dog Commission: Chairman Johnson noted that in the past there had been discussion regarding the creation of a Dog Commission that would bring a group together to look at pilot locations. Assistant City Solicitor Salchert created a draft ordinance to discuss such a commission. Ald. Samuelson believes the commission should play more of a role and sees the commission as a fair body that would be able to hear concerns regarding issues such as parks not being clean. Ald. Parker felt the commission sounded like a good idea.

From Ald. Hess-Mahan's viewpoint, those currently going to parks letting their dogs run off leash will not stop. He is in favor of working out the rules to allow the creation of a Dog Commission

Chairman Johnson sees the Dog Commission making recommendations to the Programs and Services Committee along with an integrated group of people (Health Department, Parks and Recreation, Conservation, Citizen

Representatives, Law Department) and come back and make suggestions that would then be brought forward in a Public Hearing process.

Ald. Merrill was not ready to agree to a commission. Ald. Fischman had difficulty dealing with those citizens who would take their dog off leash even if they would be fined. He felt there should be an effort to abide by the law.

Ald. Samuelson observed that there are significant conflicts going on throughout the City. She believes there can be a compromise position that can separate the conflicts.

Potential Off-Leash Options: In terms of the off-leash options, Ald. Parker would be most comfortable with one that had fenced off areas. He would like to see an ordinance that would have a pilot program for identifying locations and perhaps a mechanism where donations could be used to put up a fence and handle necessary improvements.

President Baker said Brookline has a pilot program that automatically expires and must be renewed. Also, conservation areas are completely off-limits. He indicated that he sees value in the type of program.

Ald. Coletti suggested that if a commission is formed, it only offer two locations to start.

Ald. Vance was not opposed to finding limited fenced-in places for dogs. Ald. Hess-Mahan said he has heard from both people who have dogs and others who want to enjoy the parks and do not want dogs running free. He felt with the help of a Dog Commission, a good policy could be developed.

Draft Ordinance: Ald. Johnson explained the reason for a draft ordinance was to open the dialogue around the Dog Commission. In her view, the purpose of the Dog Commission would not be to usurp any responsibility from the Board of Aldermen. She concluded by saying that what she would like to work on is to find locations and times when parks could be enjoyed by all groups of people.

Ald. Parker moved hold and the Committee voted 7-0 in favor.

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

ACTION: **HELD 7-0**

ITEM RECOMMITTED TO PROG.AND SERV. 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 7-0**

NOTE: Ald. Parker shared with those in attendance a Powerpoint presentation. (see fact sheet attached)

Lorraine Core, Newton-Needham Chamber of Commerce - The Chamber requests that a study be conducted to test the ordinance from a professional lighting expert to gauge how this lighting ordinance will affect the business community.

Ald. Parker asked if he could be included and Chairman Johnson was in support of Ald. Parker's request. President Baker also asked that someone from the administration participate in the experiment. Chairman Johnson suggested that homeowners who are experiencing light trespass could also be part of this study and Ms. Core agreed. Ald. Fischman urged the simple approach of just studying five or six businesses and not become involved in a particular problem location.

Tom Keating, Boston College - He was in support of the Newton-Needham Chamber of Commerce's idea of a technical expert to do some data gathering and report back to the Programs and Services Committee. (Boston College is willing to pay cost.) Ald. Mansfield asked if there has been a similar study that could be a model and Mr. Keating responded that he would try to provide that information.

David Lawson - New England Cable News - He supported the idea of more technical data and discussed the safety of cable employees coming and going late at night. President Baker said an issue to be considered is how certain lighting could be made compliant. He noted the intent would not be to burden the business community with unnecessary expense and look into mitigation measures.

Steve Bart, Rochester Road - He feels .2 ft. candles is an appropriate standard.

Helen Robinson, 54 Rochester Road - She would like to see an ordinance in place. In her opinion, most businesses will probably be in compliance and hopes we can move forward on this issue.

Ken Brennan, President of the Village Bank, 307 Auburn Street - He had concern regarding how this light ordinance would affect the bank.

Fran Yerardi, Jewett Street - He wondered if businesses or residents caused the most light pollution. Ald. Parker said studies show the answer to be businesses.

Brad Seamans, 140 Waban Street - Mr. Seamans is an architect and civil engineer. He supports this ordinance and feels it will improve the quality of life in Newton. In his view, there can be improvement in the type of lights used.

Philip Conroy - Mt. Ida College - Mr. Conroy had concerns regarding the time of day lighting can be used.

Ald. Parker suggested a (2) of this item to establish a revolving account so that the City could accept money from the business community for the purposes of funding a Lighting Consultant. There was not any sentiment on the committee for the item and he withdrew his motion.

Respectfully submitted,

Marcia Johnson, Chair