

## **Public Safety & Transportation Committee Agenda**

# City of Newton In City Council

Wednesday, September 7, 2016

7:00 PM Room 205

#### **Items Scheduled for Discussion:**

#302-16

Discussion with MassDOT regarding new toll structure on the Mass Pike in Newton COUNCILOR CICCONE, on behalf of the Public Safety & Transportation Committee requesting a discussion with MassDOT regarding the new toll structure on the Massachusetts Turnpike in Newton. [08/31/16 @ 10:13 AM]

#### Referred to Public Safety & Transportation and Finance Committees

#307-16

Request to bond \$650,000 to purchase a new fire pumper truck

HIS HONOR THE MAYOR requesting authorization to appropriate six hundred fifty thousand dollars (\$650,000) from bonded indebtedness for the purpose of purchasing a new Fire Department Pumper Truck – Engine 3 in accordance with the frontline apparatus replacement schedule. [08/25/16 @ 1:18 PM]

## **CITY COUNCIL RECOMMITTED TO PUBLIC SAFETY ON 06/20/16**

## Referred to Public Safety & Transportation and Finance Committees

#197-15(2) Pilotless Aircraft Operation

<u>COUNCILORS ALBRIGHT, BAKER, AND NORTON</u> proposing an ordinance regulating the operation and registration of pilotless aircraft in the City of Newton. [04/07/16 @ 4:25 PM]

Public Safety & Transportation approved 5-0 on 05/04/16 Finance Approved 5-0-2 (Lappin, Norton abstaining) on 06/13/16

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: <a href="mailto:jfairley@newtonma.gov">jfairley@newtonma.gov</a> or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

#187-16 Discussion on steps taken to train the Police Department on downing drones

COUNCILORS COTE AND HARNEY, requesting a discussion with the Chief of Police on the steps the department has taken, either internally or externally with mutual aid to prepare the city for potential criminal threats by drones including what the department has done to train officers in effective means of downing dangerous drones. [05/04/16 @ 4:13 PM]

#### **Referred to Public Safety & Transportation and Finance Committees**

\$700,000 for replacement of the dispatch consoles at the Police Dispatch Center

HIS HONOR THE MAYOR requesting authorization to appropriate seven hundred thousand dollars (\$700,000) from bonded indebtedness for the purpose of funding the replacement of the dispatch consoles at the Police Dispatch Center. [08/01/16 @ 4:19 PM]

<u>Chair's Note</u>: It is the Chair's intention to entertain a motion for No Action Necessary on the following two (2) items:

- #188-16 Discussion concerning traffic safety measures in West Newton Square

  COUNCILORS HESS-MAHAN, COTE AND BROUSAL-GLASER, requesting a discussion with the Police Department, DPW and Transportation Division concerning safety measures to protect individuals from motor vehicles in West Newton in light of the accident on March 1, 2016, which caused fatalities and serious injuries. [05/06/16 @ 1:02 PM]
- #80-16 Discussion on alternative bus routes impacting the closing of the Elliott Street Bridge

  COUNCILOR YATES, requesting a discussion with the Massachusetts Department of

  Transportation and Massachusetts Bay Transportation Authority to work with the

  City to develop alternative routes for bus route 59 that lessen the impact of closing
  the Elliot Street (Cooks) Bridge. [02/22/16 @ 4:45 PM]

  Held 5-0 on 03/23/16, Councilor Lipof not voting

Items Not Scheduled for Discussion at this meeting:

#### Referred to Public Safety & Transportation and Public Facilities Committees

#208-16 Update on fire prevention at the compost operation at Rumford Avenue Landfill

COUNCILOR LEARY, requesting the Executive Office, the Fire Department, and the Department of Public Works provide an update on fire safety issues at the compost operation at the Rumford Avenue Landfill including details about who is currently managing the site for fires. [05/31/16 @ 4:52 PM]

#### **REFERRED TO PROGRAMS & SERVICES AND PUBLIC SAFETY COMMITTEES**

#312-15 Update from Health Department on opiate overdose epidemic

ALD. COTE, HARNEY AND NORTON, requesting a review and discussion of the opiate overdose epidemic including an update from the Health Department appraising the board on the current situation to include comparative statistics from previous years as to the number of opiate overdoses handled by first responders. In addition, what is being done immediately to take this on and what support can the Board provide. [10/19/15 @ 1:30 PM]

#### REFERRED TO PUB FACIL, PROG & SERV, AND PS&T COMMITTEES

- #46-15 Discussion of parking options and permits at municipal and school parking lots

  ALD. JOHNSON & CICCONE, requesting a discussion with the Commissioner of
  Department of Public Works and the School Department to determine and discuss
  parking options including use of school properties based on the current municipal
  parking lot programs including the issuance of permits. [02/11/15 @ 1:35 PM]
- #72-14 Discussion of installing a possible bike lane on Walnut Street

  ALD. CICCONE & JOHNSON, requesting a discussion of the installation of a possible bike lane on Walnut Street between Otis Street and Commonwealth Avenue.

  [03/03/14 @ 8:17 AM]
- #28-14 Discussion on duplicate street names

ALD. CICCONE AND FULLER, on behalf of the Health Department and the Emergency Medical Services (EMS) requesting a discussion on duplicate street names. [01/09/14 @ 10:57 AM]

Request Chapter 19 Motor Vehicles & Traffic be amended, Sec. 19-224 and 19-226

RECODIFICATION COMMITTEE, requesting that Chapter 19 MOTOR VEHICLES AND

TRAFFIC be amended to determine who has jurisdiction for parking on municipal land, the owning department as described in Sec. 19-224. Parking prohibited on city grounds. or the Traffic Council as described in Sec. 19-26. Authority and role of Traffic Council.

#### REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11 Updates on the renovations to the City's fire stations

ALD. CICCONE, SALVUCCI, GENTILE & LENNON, updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11/17/11 @ 11:07 AM]

Public Safety & Transportation Committee Agenda Wednesday, September 7, 2016 Page 4

#137-11 Possible changes to long-term meter fees to discourage short-term use

ALD. DANBERG AND FULLER, requesting possible changes to City Ordinance 19-191,
Parking Meter Fees, to require a minimum purchase at long-term parking meters in order to discourage short-term use. [04/26/11 @ 9:52 AM]

Respectfully submitted,

Allan Ciccone, Jr. Chair

# CITY COUNCIL CITY OF NEWTON

#### DOCKET REQUEST FORM

	DOCKET REQUEST FORM	
DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council <u>NO</u> LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING.		
То	: Clerk of the City Council  Date: 8 3 1	
Fre	om (Docketer): Councilor Ciccone	
Ad	dress:	
Ph	one:E-mail:	
Ad	ditional sponsors:	
1.	Please docket the following item (it will be edited for length if necessary):	
	Councilor CICCONE, on behalf of the	
	Public Safety + Transportation Committee reguesting a discussion with Mass Dot regarding thew toll structure on the Massachusette Tumpine in Newton,	
2.	The purpose and intended outcome of this item is:	
	Fact-finding & discussion  Appropriation, transfer,  Expenditure, or bond authorization  Special permit, site plan approval,  Zone change (public hearing required)  Ordinance change  Resolution  License or renewal  Appointment confirmation  Other:	
3.	I recommend that this item be assigned to the following committees:	
	☐ Programs & Services       ☐ Finance       ☐ Real Property         ☐ Zoning & Planning       ☐ Public Safety       ☐ Special Committee         ☐ Public Facilities       ☐ Land Use       ☐ No Opinion	
4.	This item should be taken up in committee:	
	Immediately (Emergency only, please). Please state nature of emergency:	
	As soon as possible, preferably within a month	

In due course, at discretion of Committee Chair

Following public hearing

When certain materials are made available, as noted in 7 & 8 on reverse

5.	1 estimate that consideration of this item will require approximately: #302-16
	One half hour or less  More than one hour  More than one meeting  Extended deliberation by subcommittee
6.	The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):
	Citizens (include telephone numbers/email please)
	Mass DOT - Stephanie Pollach, Sec + CEO
7.	The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion:
8.	I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *
	(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Friday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion.)
Ple	ease check the following:
9.	☐ I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.
10.	☐ I would like the Clerk's office to contact me to confirm that this item has been docketed. My daytime phone number is:
11.	☐ I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.
Th	ank you.
	Councilon Cucone
	nature of person docketing the item
PI	ease retain a copy for your own records]



# City of Newton, Massachusetts Office of the Mayor

#307-16

Telephone (617) 796-1100

Facsimile (617) 796-1113 TDD/TTY (617) 796-1089

E-mail swarren@newtonma.gov

August 25, 2016

Honorable City Council Newton City Hall 1000 Commonwealth Avenue Newton Centre, MA 02459

Ladies and Gentlemen:

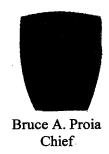
I write to request that your Honorable Council docket for consideration a request to authorize the appropriation of the sum of \$650,000 and authorize a general obligation borrowing of an equal amount for the purpose of purchasing a new Fire Department Pumper Truck - Engine 3 in accordance with the City's front line fire apparatus replacement schedule.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren

Mayor



# CITY OF NEWTON, MASSACHUSETTS FIRE DEPARTMENT HEADQUARTERS



Setti D. Warren Mayor

1164 Centre Street, Newton Center, MA 02459-1584 Chief: (617) 796-2210 Fire Prevention: (617) 796-2230 FAX: (617) 796-2211 EMERGENCY: 911

August 25, 2016

Maureen Lemieux Chief Financial Officer City of Newton 1000 Commonwealth Ave Newton, MA 02459

Maureen,

I respectfully request to docket funding of \$650,000.00 for the purchase of a new Fire Department Pumper Truck Engine 3 and equipment for the truck. This will replace the existing Engine 3 truck which is a 2004 apparatus. The 2004 truck will now serve as a spare for the Department. The equipment funding is to replace the equipment on truck with is approx. 20 years old.

Thank you for your consideration to this request.

Respectfully,

Bruce Proia Chief of Department

#### ITEM # 197-15(2): DRAFT ORDINANCE FOR DISCUSSION PURPOSES

Add the following new section:

#### Sec. 20-64. Pilotless Aircraft Operation.

Purpose: The use of pilotless aircraft is an increasingly popular pastime as well as learning tool. It is important to allow beneficial uses of these devices while also protecting has become increasingly prevalent and has a significant impact on the safety and security of the people of the City of Newton. In order to protect the privacy of residents throughout the City, and to prevent nuisances and other disturbances of the enjoyment of both public and private space, regulation of pilotless aircraft is required. The following section is intended to promote the public safety and welfare of the City and its residents. In furtherance of its stated purpose, this section is intended to be read and interpreted in harmony with all relevant rules and regulations of the Federal Aviation Administration, and any other federal, state and local laws and regulations.

#### (1) Definitions:

Pilotless Aircraft – an unmanned, powered aerial vehicle, weighing less than 55 pounds, that is operated without direct human contact from within or on the aircraft.

- (2) <u>Registration</u>: The owner of a pilotless aircraft shall register each pilotless aircraft with the City Clerk's office, prior to operation. The cost of <u>registering a pilotless aircraftregistration</u> shall be \$\frac{\text{TBD}}{\text{10}}\frac{00}{\text{per}} \text{ owner and such cost of registration shall include all pilotless aircraft owned by the Owner. Owners must have proof of registration in their possession when operating a pilotless aircraft. Owners shall be required to renew registration every three (3) years. Registration shall include the following:
  - (a) The owner's name, address, email address and phone number;
  - (b) The make, model, and serial <u>number</u> of each pilotless aircraft to be registered;
  - (c) A copy of the Owner's Federal Aviation Administration Certificate of Registration for pilotless aircraft;
  - (d) A photograph of each pilotless aircraft, clearly indicating that each pilotless aircraft is marked with the Federal Aviation Administration registration number:
  - (e) For those pilotless aircraft for which identifying information such as a make, model, serial number and/or Federal Aviation Administration registration number is unavailable, the Owner shall provide a photograph of the pilotless aircraft.
- (3) <u>Operating Prohibitions</u>. The use and operation of all pilotless aircraft within the City shall be subject to the following prohibitions.
  - (a) No pilotless aircraft shall be operated:

- (i) over private property at an altitude below 400 feet without the express permission of the owner of said private property;
- (ii) at a distance beyond the visual line of sight of the Operator;
- (iii) in a manner that interferes with any manned aircraft;
- (iv) in a reckless, careless or negligent manner;
- (v) over any school, school grounds, or other City property or sporting event without prior permission from the City, unless a permit is required as in Section 4, below;
- (vi) for the purpose of conducting surveillance unless expressly permitted by law or court order;
- (vii) for the purpose of capturing a person's visual image, audio recording or other physical impression in any place where that person would have a reasonable expectation of privacy;
- (viii) over any emergency response efforts;
- (ix) with the intent to harass, annoy, or assault a person, or to create or cause a public nuisance;
- (x) in violation of federal or state law, or any Ordinance of the City of Newton.
- (b) The Chief of Police, or designee, may prohibit the use or operation of pilotless aircraft where it is allowed, or allow the operation of pilotless aircraft where it is prohibited, during an impending or existing emergency, or when such use or operation would pose a threat to public safety.

#### (4) Permit May be Required:

- (a) <u>Individual Permits:</u> A permit may be required to use land maintained by the Parks and Recreation Department or the Conservation Commission to launch or land a pilotless aircraft. Such permits may be issued by the Parks and Recreation Department Head or the Conservation Commission, or designee.-<u>Individual operators shall adhere to the registration requirements of Section 2 above.</u>
- (b) Event Permits: The Parks and Recreation Department or the Conservation

  Commission may issue Permits for groups and special events. Such Event Permits will be issued to a responsible person who will insure that all operators participating in the event adhere to the

requirements of this ordinance, except that individual participants in an event under this subsection are not required to register in accordance with Section 2.

- (5) <u>Noise Ordinance</u>: All Operators shall comply with the Noise Ordinance at Section 20-13, as amended, at all times while operating pilotless aircraft within the City.
- (6) <u>Penalties</u>: A violation of any section of this Ordinance shall result in a warning for the first offense and shall be punishable by a fine of \$50.00 for each offense thereafter.
- (7) <u>Separate Violations</u>: Action taken pursuant to this section shall not bar any separate action by any other City Department for any other violations.
- (8) <u>Severability</u>: If any provision of this section is held to be invalid by a court of competent jurisdiction then such provision shall be considered severable from the remaining provisions, which shall remain in full force and effect.
- (9) <u>Regulations</u>: The City and its Departments may promulgate rules, regulations and policies for the implementation of this Ordinance.

#### **DRONE FAQs**

#### I already registered my drone with the FAA, why do I have to register again?

- The Newton registration process includes a significant educational component that will help owners and operators better understand how and where to fly drones in a safe and careful manner.
- Newton has created and will maintain a local database for enforcement of its Ordinance
- The registration process in Newton includes some information that the FAA does not require, in order to assist law enforcement with tracking drones to their operators.

#### Does the FAA also regulate drones?

- Yes they do!
- The FAA regulates any aircraft that operates in navigable airspace, which can include drones.
- In general, the FAA is concerned with protecting public safety, and focuses its regulations on aircraft that operate above 400 feet and that share the airspace with airplanes and helicopters.
- The City of Newton ordinance only regulates drones that fly under 400 feet, in the airspace that the FAA permits cities and towns to oversee.

#### Do all drones need to be registered?

- The FAA requires you to register your drone if it weighs more than 0.55 pounds and less than 55 pounds. Currently, the City of Newton will require registration of all drones under 55 pounds.
- In Newton, all drones, including small drones under 0.55 pounds must be registered with the City Clerk's office.
- If you have a drone that is not registered with the FAA because it weighs less than 0.55 pounds, you will need to submit a picture of the drone to the Clerk's office as part of your registration.
- After you are registered, don't forget to update the Clerk's office with information about your new drones.

#### What if I don't live in Newton – will I still have to register my drone?

- Yes. If you are going to fly your drone within the City of Newton you will be required to register your drone with the Clerk's office, unless you are participating in an event with a special event or group permit.
- For special events, like races or group demonstrations, a responsible person may be given a permit from the Parks and Recreation Department or Conservation Commission that would allow unregistered owners to operate drones within the City for the event.

#### Where can I fly my drone?

- On your own property
- On private land with permission from the landowner if the drone is flown below 400 feet.
- On public land with permission. Sometimes a permit may be required from the Parks and Recreation Department In order to obtain a permit to fly your drone on public land, please contact the Parks and Recreation Department. The Department will allow the flying of drones where there is sufficient space. Locations will vary depending on the time of year to allow for various types of recreation activities for the public.
- You are not allowed to fly your drone over any school, City property, or sporting event without prior permission from the City. You also may not fly the drone over any emergency response situation.

#### How do I get a permit to launch or land my drone from public property in Newton?

- Contact the Parks and Recreation Department at via telephone at 617-796-1500 or via email at <a href="mailto:parks@newtonma.gov">parks@newtonma.gov</a>. You can also visit their website at <a href="http://www.newtonma.gov/gov/parks/default.asp">http://www.newtonma.gov/gov/parks/default.asp</a>.

#### What is a Federal No Fly Zone?

- According to the FAA regulations, there are no-fly zones where you may not fly your drone. These federal no-fly zones include restricted or special use airspace, stadiums and sporting events including MLB, NFL, and NCAA Division One Football, wildfires, airports, and emergency response efforts.

- If you are within 5 miles of an airport, the FAA requires you to notify the airport operator and control tower. For exact locations on where you are not allowed to fly your drone, there are several mobile phone applications that you may download that will help you decide where to fly.

#### Are there any Federal No Fly Zones in Newton?

- No Fly Zones include: national parks, military bases, and within 5 miles of any medium or large sized airport.
- Currently there are no existing Federal No Fly Zones in Newton, but the Newton Ordinance imposes its own restrictions on where drones may be flown.

#### May I fly my drone at night?

- No. FAA Regulations limit flying to daylight only operations or civil twilight (30 minutes before sunrise and 30 minutes after sunset).
- All model aircraft must be flown within visual line of sight of the person operating the aircraft. This means that the operator must be able to use his/her natural vision to see the aircraft at all times. The operator may not use vision-enhancing devices such as binoculars or night vision goggles to satisfy this requirement.

#### Will the FAA issue fines for operation of drones?

- The FAA can issue fines and have done so in cases where people have carelessly and recklessly operated drones in an unsafe manner in the airspace in the jurisdiction of the FAA. The FAA may assess civil penalties up to \$27,500 for not registering your drone and criminal penalties of up to \$250,000 in fines and/or three year imprisonment. However, there are no set standards for administering fines. The FAA will consider the nature of the violation.
- The City of Newton will give an offender a warning for the first offense and then a \$50.00 fine for each subsequent offense that violates the Drone Ordinance.

#### Am I able to audio record with my drone?

- According to the Massachusetts wiretap statute (M.G.L c. 272 §99), a person may not secretly record any oral communications or conversations with the use of a device. The

statute does not distinguish between public and private oral communications so even speech in public can be considered private and not available to record, without permission.

#### What is the price of registration?

- Registration with Newton is \$10 per owner, and registration with the FAA is \$5.

#### Am I required to renew my registration with the City of Newton?

- Yes. Registration with the FAA and with the City of Newton will require renewal every three years.

#### Is there a limit on the number of drones I can register with Newton?

- No, as long as every drone you own is registered with the City, there is no limit on the number that one person is allowed to register.

#### What do I do if I see a drone in my backyard?

- Please take a picture of the drone and contact the City of Newton Police Department. We are asking the citizens of Newton not take the matter into their own hands.

#### Are there any useful Drone applications for my mobile phone?

- There are many useful apps on the market. Check out your smart phone's app store!

#### How do I register my drone if it doesn't have a serial number because it is home-made?

- If this is the only drone you own and it is too small for the FAA to require registration, please provide a picture of the drone to the Clerk's Office.
- If you have other drones that do in fact have a serial number and have an FAA registration number please provide a picture of the home-made drone, the FAA number of the other qualifying drone you own

#### **CITY COUNCIL**



#### **CITY OF NEWTON**

#### DOCKET REQUEST FORM

2016 MAY -4 PM 4: 13

DEADLINE NOTICE: Council Rules require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. ON THE MONDAY PRIOR TO A FULL COUNCIL MEETING. Newton, MA 02450 To: Clerk of the City Council Date: May 4, 2016 From (Docketer): Councilor Cote Address:\_\_\_\_ E-mail: Phone: Additional sponsors: Councilor Harney 1. Please docket the following item (it will be edited for length if necessary): Councilors Cote and Harney requesting a discussion with the Chief of Police to inform the Council on the steps that the Police Department has taken, either internally or externally with our mutual aid pact, to prepare the city for potential criminal threats by drone including what the Police Department has done to train officers in effective means of downing dangerous drones. 2. The purpose and intended outcome of this item is: Ordinance change Resolution Appropriation, transfer, License or renewal Expenditure, or bond authorization Appointment confirmation Special permit, site plan approval, Zone change (public hearing required) Other: 3. I recommend that this item be assigned to the following committees: Real Property Finance Programs & Services Special Committee Zoning & Planning Number 2 Public Safety No Opinion Land Use Public Facilities 4. This item should be taken up in committee: Immediately (Emergency only, please). Please state nature of emergency: As soon as possible, preferably within a month In due course, at discretion of Committee Chair

When certain materials are made available, as noted in 7 & 8 on reverse

Following public hearing

[Please retain a copy for your own records]



## City of Newton, Massachusetts Office of the Mayor

#272-16

Telephone (617) 796-1100

Facsimile (617) 796-1113 TDD/TTY (617) 796-1089

E-mail swarren@newtonma.gov

August 1, 2016

Honorable City Council Newton City Hall 1000 Commonwealth Avenue Newton Centre, MA 02459

#### Ladies and Gentlemen:

I write to request that your Honorable Board docket for consideration a request to authorize the appropriation of the sum of \$700,000 and authorize a general obligation borrowing of an equal amount for the replacement of the dispatch consoles at the Police Dispatch Center.

Thank you for your consideration of this matter.

Sincerely,

Setti D. Warren

Mayor



# City of Newton Police Department



TELEPHONE (617) 796-2101 FAX # (617) 796-3679

Office of the Chief of Police

HEADQUARTERS 1321 WASHINGTON STREET NEWTON, MASSACHUSEITS 02465

DAVID L. MACDONALD CHIEF OF POLICE

August 4, 2016

Hon. Mayor Setti D. Warren Newton City Hall 1000 Commonweath Avenue Newton, Massachusetts 02459-1449

#### Re: Request for Replacement of Dispatch Console

Dear Mayor Warren,

I respectfully request to spend \$700,000 from the Capital Improvement Plan FY17 . I am asking for approval to replace the dispatch console which has reached its life expectancy.

Thank you for your assistance.

Very Truly Yours,

Chief David L. MacDonald

DLM:mp

