



Programs & Services Committee Report

City of Newton **In City Council**

Wednesday, September 7, 2016

Present: Councilors John Rice (Chair), Kalis, Auchincloss, Leary, Schwartz and Baker

Absent: Councilors Hess-Mahan and Sangiolo

City Staff: Quinn Etchie (Director, Youth Services), Elaine Gentile (Director, Beautification), Karyn Dean (Committee Clerk)

#294-16 Mayor's appointment of Ajaya Soltau as a member of the Youth Commission
HIS HONOR THE MAYOR appointing AJAYA SOLTAU, DeForest Street, Roslindale, as a member of the YOUTH COMMISSION for a term to expire September 1, 2018.
(60 days 11/05/16) [08/29/16 @ 3:37 PM]

Action: Approved 4-0 (Councilors Baker and Schwartz not voting)

Note: John Rice, Chair of the Committee introduced Quinn Etchie, the newly hired Director of Youth Services. This is her first time running the Youth Commission so she is having conversations with the current and past members and advisors to learn as much as she can about the work they have been doing. The Youth Commission works to serve the interests of the youth in Newton and beyond. The members can vote on City matters and be a unified youth voice for the City as a whole which is unique and can be very powerful. She has gotten to know most of the appointees this summer as they were participants in her summer internship program which lasted six weeks. They are all lovely, smart people with great personalities.

The Committee invited all of the Youth Commission appointees to the table for the discussion and Ms. Etchie introduced them. All of the candidates, except for Ajaya Soltau are juniors or seniors from Newton North High School. Ms. Soltau is a senior at Newton South High School.

The students explained that they have experienced and witnessed some difficult situations in high school and they want to be a voice for positive change for everyone. They would also like to see the students be more engaged and involved in the school community and the community at large. Some also expressed an interest in improving the environment for the under-represented population of students in the City. They have seen instances of racism and exclusion that they feel need to be addressed along with the issue of diversity which needs to be recognized and remedied. Some expressed that hate crimes have arisen partly from the focus of academic programs on the white population while not taking into consideration the minority populations. They would like to see that changed.

The Committee was very impressed with the appointees and encouraged them to keep the entire population of youth in the City in mind. They are in a unique position to create positive change for

everyone. They encouraged them to work with their student government to make necessary changes in the high schools as well. One of the students suggested that the Youth Commission work with the new principal of Newton North to let him know that they are there to partner with and are open to a good working relationship. Another student mentioned that she would like to see more collaboration between the two high schools in the City in order to promote a sense of community and to bring about positive change across the City. Councilor Rice recalled that in the past, the Youth Commission held concerts outside City Hall during the day with local high school bands. Sharing information on various issues in a social setting proved very effective and both high schools could be involved along with any other City organizations.

A student mentioned that the current programs promoting awareness of different issues are not effective. Most students are not responding to this particular mode and there need to be some new ideas to connect with kids more effectively. Ms. Etchie noted that the Commission spoke quite a bit about this and decided that the time during the “advisory period” is lost time during the school day. These periods could be used very productively to have brief talking point conversations around topics that the students care deeply about. They would like to implement this as soon as possible.

The Committee asked if there was a budget provided to the Youth Commission. Ms. Etchie explained there is a small budget and one program they would like to look at is Youth Leadership Training which would include members of the Youth Commission, student government and other youth leaders in the City. This would show, among other things, how to get involved at the City level and how to impact change. Councilor Rice reminded the students that these appointments allow them access to many resources within the departments of the City, which will help them in the work ahead.

Councilor Auchincloss moved approval for all the appointees to the Youth Commission and the Committee voted in favor unanimously with thanks to all.

#295-16 Mayor’s appointment of Heather Krasner as a member of the Youth Commission
HIS HONOR THE MAYOR appointing HEATHER KRASNER, Irving Street, Newton, as a member of the YOUTH COMMISSION for a term to expire September 1, 2018.
(60 days 11/05/16) [08/29/16 @ 3:37 PM]

Action: Approved 4-0 (Councilors Baker and Schwartz not voting)

Note: See note, above.

#296-16 Mayor’s appointment of Ashley Rodriguez as a member of the Youth Commission
HIS HONOR THE MAYOR appointing ASHLEY RODRIGUEZ, Adams Street, Newton, as a member of the YOUTH COMMISSION for a term to expire September 1, 2017.
(60 days 11/05/16) [08/29/16 @ 3:37 PM]

Action: Approved 4-0 (Councilors Baker and Schwartz not voting)

Note: See note, above.

#297-16 Mayor's appointment of Luther Evans as a member of the Youth Commission
HIS HONOR THE MAYOR appointing LUTHER EVANS, Cherry Street, Newton, as a member of the YOUTH COMMISSION for a term to expire September 1, 2017.
(60 days 11/05/16) [08/29/16 @ 3:37 PM]
Action: Approved 4-0 (Councilors Baker and Schwartz not voting)

Note: See note, above.

#298-16 Mayor's appointment of Daniel Babitsky as a member of the Youth Commission
HIS HONOR THE MAYOR appointing DANIEL BABITSKY, Washington Avenue, Newton, as a member of the YOUTH COMMISSION for a term to expire September 1, 2017.
(60 days 11/05/16) [08/29/16 @ 3:37 PM]
Action: Approved 4-0 (Councilors Baker and Schwartz not voting)

Note: See note, above.

#299-16 Mayor's appointment of Rebecca Arango as a member of the Youth Commission
HIS HONOR THE MAYOR appointing REBECCA ARANGO, Angier Circle, Newton, as a member of the YOUTH COMMISSION for a term to expire September 1, 2017.
(60 days 11/05/16) [08/29/16 @ 3:37 PM]
Action: Approved 4-0 (Councilors Baker and Schwartz not voting)

Note: See note, above.

#292-16 Mayor's appointment of Elizabeth Dugan to the Newton Council on Aging
HIS HONOR THE MAYOR appointing ELIZABETH DUGAN, 62 Woodcliff Road, Newton as a Commissioner of the COUNCIL ON AGING for a term to expire September 15, 2019. (60 days 11/05/16) [08/04/16 @ 11:34 AM]
Action: Held 5-0 (Councilor Baker not voting)

Note: Councilor Rice explained that Ms. Dugan had been invited to join the Committee this evening. It was explained to her by the Committee Clerk that this is standard for all new appointees to Boards and Commissions that come before the Committees of the City Council. Ms. Dugan replied that it was inconvenient and did not feel she should have to appear. The Committee reiterated that they would like to meet her and that she be asked again to join the Committee. They understood her credentials and experience were extremely well-suited to the Council on Aging, but would very much like the chance to meet and chat with her.

The Committee voted to hold this appointment with the hope that she will attend the next meeting on January 21st.

#293-16 Mayor's re-appointment of Carol Ann Shea to the Newton Council on Aging
HIS HONOR THE MAYOR re-appointing CAROL ANN SHEA, 24 Milo Street, Newton as a Commissioner of the COUNCIL ON AGING for a term to expire September 15, 2019. (60 days 11/05/16) [08/04/16 @ 11:34 AM]

Action: Approved 5-0 (Councilor Baker not voting)

Note: Several members of the Committee were aware of Ms. Shea's contribution to the Council on Aging and to the City. They enthusiastically supported her re-appointment.

The Committee voted to approve Ms. Shea's re-appointment unanimously.

#31-15 Proposing an ordinance to limit leaf blower use
PROGRAMS & SERVICES COMMITTEE proposing an ordinance to limit the use of leafblowers. [01/26/15 @ 2:20 PM]

Action: Held 6-0

Note: Councilor Rice explained that the Committee had asked Elaine Gentile, Director of Beautification to provide information about sidewalk sweepers as was discussed at the last meeting of Programs & Services. Ms. Gentile joined the Committee. As a side note, she reported that all the new contracts with landscape vendors will require that 65db leaf blowers be used. The City is in the process of purchasing 65db machines for its crews as well.

Ms. Gentile had been tasked with finding alternatives to leaf blowers particularly for use in the morning clean-up efforts in the village centers. She said the time restriction of 8:00AM in the proposed leaf blower ordinance would be prohibitive because the work would be too disruptive to businesses and pedestrians at that time of the morning. The crews start as early as 5:00AM currently, in order to get the work done before businesses open and people start occupying the sidewalks. She noted that they have rarely, if ever, heard of noise complaints from residents due to the work in the village centers. On the other hand, starting later could provide an opportunity for the community to see the efforts being made by the City to keep the village centers clean and start a dialogue with city workers.

Handouts (attached) were provided by Ms. Gentile illustrating various models of street sweepers, which are essentially mini street sweepers. These machines could be an effective alternative to the leaf blowers. She was not sure of the exact decibel levels of each sweeper but noted they are very different machines than leaf blowers. These are heavier pieces of equipment and the decibel levels would likely be higher. One of the models, the Billy Goat, was a 77dB machine and the product information says it is one of the quietest machines of its type. There are push models as well as ride-on vehicles and they both have attachments such as vacuums that could be added to the main body. The ride-on sweepers cost between \$20K-\$40K depending on size, power and attachments. She said they would need a vacuum attachment so that the materials could be collected. The vacuum attachment has a reach of 15-18 feet and this provides a dust-free clean-up effort because the water prevents dust ups. The dumper holds anywhere from 2 cubic yards to much more

depending on the machine. No special license is required to drive them. She has not seen any demonstrations of the machines.

The smaller walk-behind models cost \$2300-\$3000. She would need at least two of these machines, one for each crew in the City, and would have to evaluate what was needed if the larger ride-on machines were being considered. She would, of course, make work whatever is made available to her. She felt these machines could be used in parks, playgrounds, fields and other places as well and would not be limited to just the village center efforts. Ms. Gentile said she would be in favor of this new equipment.

Committee Comments/Questions

Compliance with Ordinance

A Councilor mentioned that Dori Zaleznik, Chief Administrative Officer, told her that all contracts going forward with landscape vendors would require compliance with the current noise ordinance of 65dB for leaf blowers, as Ms. Gentile reported. Ms. Gentile said the Maintenance Unit has 3-4 major contracts to do the mowing and clean-up along the Mass Pike, and other bigger areas. The newest contractor is using the 65dB machines and she is not sure if those vendors in mid-contract have changed over yet.

Street Sweepers

It was asked how many workers are on each crew. Ms. Gentile explained that there are usually 2 people on 2 different crews. In the fall and sometimes coming out of the winter, they might add a third crew to meet the need. Either she or her superintendent will ride around the city and evaluate if there is a certain area that needs special attention, otherwise the crews are on a regular schedule. Crews may start as early as 4:00AM and they blow the debris to the curb so the street sweeper, which operates daily in the village centers, can pick it up when they start their route around 5:00AM. That debris is then off-loaded at the Rumford Avenue facility. When there are many leaves involved with the debris, it will be dumped in the street and a loader will load it onto a truck for delivery to Rumford Avenue.

A Councilor asked how many of these new machines she would need to be effective. Ms. Gentile said it would depend on the model of machine but she would expect she would need two of the smaller models or perhaps one of the larger models. She noted that all of this depends on how clean the City wants its streets to be. Right now, she has been directed to keep the City at a certain level of cleanliness and in order to meet that directive she feels that leaf blowers or alternate equipment is needed.

It was asked if other municipalities use these machines. Ms. Gentile said she heard that the City of Everett may be using one, but she believes most communities are still using the leaf blowers or they don't do anything at all for cleaning streets. In Business Improvement Districts, local businesses will contribute to a fund for general neighborhood improvements and sometimes hire people to sweep.

A Committee member was disappointed that more detailed information was not provided on the sweepers and no demonstrations were requested by Parks & Recreation considering one company is in Waltham. The Committee asked Ms. Gentile if she could provide more specific information such as decibel levels and costs of each model. She said she would get that information and also determine whether a demonstration might be possible. If so, she will notify the Committee so they could attend. Councilor Leary said she would also try to get some information.

Splitting the Item

The major points in the leaf blower ordinance are the dates of the ban, times of operation, and number of leaf blowers on a lot. The Committee agreed on the summer ban as proposed in the draft ordinance but had differing views on whether the winter ban was necessary, determining the limiting size of a lot, and times of operation. Some believed one leaf blower per 10,000 square feet was appropriate, others felt 7,500 square feet would be best and some felt that there should be no such limit expressed in the ordinance. It was noted that most lots are less than or right about 10,000 square feet so that felt like the right number. Enforceability was an issue with this point, as well as the opinion as to whether two blowers being louder for a shorter period of time was preferable to the less loud one blower for a longer period of time.

Some Committee members felt the times of operation should be the same as allowed for construction, which would be a start time of 7:00AM, not the proposed 8:00AM start time. However, the current ordinance already makes the distinction between yard equipment noise and construction noise. On Saturdays, construction noise can begin as early as 8:00AM, but yard equipment noise may not start until 9:30AM. The thought is yard work is performed on a much more regular basis than construction in a particular neighborhood, so more relief has been provided.

It was mentioned that Commissioner of Parks & Recreation, Bob DeRubeis said that they sometimes use leaf blowers in the winter depending on the weather. There was sentiment in Committee that eliminating the winter ban would make the ordinance simpler to follow. It was felt that there is probably little to no leaf blower use in the winter so the ban would not be necessary. One Committee member present felt it should be left in the ordinance, but other members felt it could be removed.

The Committee discussed splitting this item into these major points for a vote at the Full Council since some may not like all of the provisions. A Councilor noted that the Committee of the Whole meeting produced some feedback that indicates splitting the items might bring about a successful vote to get at least some provisions passed, or passed with slight modifications. Others were concerned that splitting the item may result in an ordinance that is not synergistic. Some members felt as much work as possible should be done by this Committee and presented as a package to the Full Council. If their colleagues had concerns at the Full Council level they could be discussed there.

The overall sentiment was to make this ordinance as simple as possible for people to understand and the City to enforce. It was mentioned that most can determine large lots and small lots by experience and observation. If there is a dispute, a quick search on the City's website can solve the problem.

Councilor Rice explained that Commissioner Lojek recently mentioned that the Inspectional Services Department (ISD) would be unable to enforce this ordinance. A Councilor noted that sometimes it is better for a landscaper or resident who is not complying with the ordinance, to speak to someone from ISD as opposed to the police. It is a less confrontational atmosphere and not every infraction should be police driven. ISD can play a role because they deal with building contractors and sometimes blowers are used in construction work. When a builder or homeowner obtains a building permit they should be provided with a copy of the noise ordinance and instructed to read it and indicate that they understand it. The building inspector is not going to chase down a leaf blower in someone's backyard, but there is a limited role they can play in education. The Chair asked that Commissioner Lojek be invited to the next meeting.

A Committee member brought up the exemption provision in the ordinance. It was noted that the exemption provision is a current provision in the noise ordinance and is not an addition that has been made for leaf blowers. A Councilor explained that they could add some limiting language to this, but it may be better to leave it as is. The Mayor's office knows that exemptions are not to be given casually and that the Ward Councilors would be notified of any request. If they see many waivers being granted, it could be addressed. It was felt that the larger land owners would be the petitioners for waivers in order to get ready for commencements or other large events. There is also an existing provision that allows the Mayor's office to extend the time for people to be able to comply with the ordinance. This is a culture change, as was the advent of the "pooper scooper" law. Many people were outraged that they would be required to pick up their dogs waste but now it is part of the culture and not picking up your dog's waste is considered outrageous. This will ordinance too will become part of the culture given time.

The Chair took a straw vote on splitting the item or keeping it whole. Councilors Rice and Kalis voted in favor of splitting the item and Councilors Auchincloss, Leary, Schwartz and Baker voted in favor of keeping it whole. When this is reported to the Full Council there will be an educational aspect to it and how all the provisions in the ordinance work together and the rationale behind them.

Procedure

The Chair mentioned that there is an item that is going to Finance Committee relative to this ordinance and its financial impact on the City's budget. It is a discussion item only, not an item to amend the ordinance. If the leaf blower item is voted out of Programs & Services Committee, procedurally it will then have to go to the Full Council. The item could be laid on the table in Full Council until such time Finance Committee discusses it and reports that to the Full Council as well. This item would then be taken off the table and voted. Otherwise, it would have to be held in Committee with the recommendation sent to Finance Committee. When Finance has finished its

discussion and provided feedback, the Committee could then vote it out and bring it to the Full Council. The Chair would like to move this item on as soon as possible and will discuss the options with President Lennon. He is hoping to have this before the Full Council in October.

The Committee voted to hold this item.

#31-15(2) Amend Noise Ordinance restrictions for yard maintenance equipment
THE PROGRAMS & SERVICES COMMITTEE requesting to amend *Chapter 20-13, Noise Control*, relative to time restrictions on the use of yard, garden or grounds maintenance equipment. [03/19/15 @ 12:14 PM]

Action: Held 6-0

Note: The Committee voted to hold this item.

Referred to Programs & Services and Finance Committees
#31-15(4) Amend Chapter 20 Section 51 Civil Fine for Littering to Include Yard Waste
PROGRAMS & SERVICES COMMITTEE requesting that the City of Newton Ordinances Chapter 20, Section 51, Depositing of Litter, be amended to include leaves, yard waste, and other similar material, and that civil fines be associated with violations of the section and added to Chapter 20, Section 21. [03/24/16 @1:41 PM]

Action: Held 6-0

Note: The Committee voted to hold this item.

Respectfully Submitted,

John B. Rice, Chair



Ind Air



Unoclean



Billy Goats





LN 50



LR 50

MadVac Series



PS 300



LS 100