



Public Safety & Transportation Committee Report

City of Newton **In City Council**

Wednesday, September 6, 2023

Present: Councilors Downs (Chair), Markiewicz, Oliver, Lucas, Malakie, Bowman, and Grossman

Absent: Councilor Lipof

Public Facilities Committee: Councilors Leary (Chair), Kelley, Crossley, Laredo, and Kalis

Absent: Councilors Norton, Gentile, and Danberg

City Staff: Chief Greg Gentile and Assistant Chief Michael Bianchi, Newton Fire Department; Captain Damien Doucette, Newton Police Department; Jonathan Yeo, Chief Operating Officer; Anthony Ciccariello, Commissioner of Inspectional Services; Lou Taverna, City Engineer; Joshua Ostroff, Director of Transportation Planning; Stephanie Gilman, Director of Planning, Project Management and Sustainability, Newton Public Schools; Jini Fairley, ADA Coordinator and Mignonne Murray, Director of Senior Services

Others present: NewTV

For more information regarding this meeting, a video recording can be found at the following link: <https://www.youtube.com/live/rKn4A29pqb4?si=erB-r--byy25NZPv>

#307-23 Increase temporarily the number of sworn firefighters from 193 FTEs to 197 FTEs

HER HONOR THE MAYOR requesting authorization to increase temporarily the number of sworn firefighters beginning October 1, 2023 through August 1, 2024 from the FY2024 authorized amount of 193 FTEs (Full-Time Equivalents) to 197 FTEs.

Action: Public Safety & Transportation Approved 5-0, Councilors Oliver and Malakie not voting

Note: Chief Gentile and Assistant Chief Bianchi joined the Committee.

Chair Gentile stated that NFD has nine recruits, fully vetted who are ready to enter the Fire Academy at the beginning of the year. Currently, we have five official full-time vacancies. This docket request is for a temporary increase for the remaining four full-time employees, which allows the department to place the four into a 10-week Fire Academy, beginning November 6 to begin work in early January. This is important because in January, February, and March we

have an increase in our minimum fire staffing. The four additional employees would offset overtime costs and staff stress for those months.

We have identified six potential retirements and future openings by the end of the next fiscal year. We are very confident that at least four of these six will retire, which means four full-time, permanent positions. It is difficult to predict when someone's retiring. None of these six staff who may retire are currently working as firefighters, they each have either long term injury or illness. On September 25, four employees will enter the academy in Boston. The remaining will enter the academy on November 6.

Committee members comments, questions, and answers:

Is a 10-week academy training program a regular fire program? Chief Gentile answered a 10-week program is standard. At one time, it was 8-weeks but then the academy added hazardous material training making it 10-weeks.

What will the positions cost the department? Chief Gentile answered that the four openings are in the budget.

We don't have to approve the funding because it is in the budget? Chief Gentile answered yes.

I expect that you have a normal overturn of positions. What would happen if the positions don't open? Chief Gentile answered that we thought we would have all the positions filled in July 2023, but did not. We have four openings. It is difficult to predict openings.

Over the years, we constantly discussed overtime. Is it necessary for City Council to approve this item if there is no financial request.

There's some confusion about the amount of money that would be spent on overtime versus full time staff positions. Please clarify what the balance is on staff versus overtime. Chief Gentile answered that the overtime is necessary in winter months, any vacancy needs to be filled with an overtime person. Every time there's a vacancy, we fill that with overtime. The four along with the other five being hired will be a huge reduction in overtime for those months. We have had these four vacancies since the start of the fiscal year in which they are budgeted. We would use the savings that we've had since July 1, to pay for these four positions until they become permanent.

Without further discussion, Councilor Bowman made a motion to approve. Committee members agreed 5-0, Councilors Oliver and Malakie not voting.

Referred to Zoning & Planning, Public Facilities and Public Safety & Transportation Committees

#72-22 **Discussion with Police, DPW and Inspectional Services on sidewalk obstructions**
COUNCILORS DOWNS, BOWMAN, MALAKIE, HUMPHREY, WRIGHT, RYAN, GREENBERG, DANBERG, GROSSMAN, AND LUCAS requesting a discussion with Police, Public Works and Inspectional Services regarding sidewalk obstruction, enforcement, regulation, and operating procedures during construction used to ensure safety for nonmotorized road users.

Public Facilities Voted No Action Necessary 7-0 on 06/08/22

Public Safety & Transportation Held 7-0 on 06/08/22

Action: **Public Safety & Transportation Voted No Action Necessary 5-0, Councilors Oliver and Malakie not voting**

Note: Mr. Taverna, Ms. Fairley, Captain Doucette, and Commissioner Ciccariello joined the Committee.

Chair Downs stated that she forwarded questions raised from constituents to DPW. It has been an issue when the paths are not clear for pedestrians and cyclists. How are we communicating, how are we improving year to year, how can we do better?

Mr. Taverna addressed the concerns of keeping motor vehicles from parking on sidewalks and in bike lanes. He stated that on a construction job site, it's the Engineering Division, inspectors and Inspectional Services that communicate with the contractors. Usually, it is the contractors working on private projects who are parking on the sidewalk. Most times, the sidewalk is blocked on a temporary basis. Two construction inspectors look at 6 to 24 sites a day informing multiple contractors to move equipment if in the way.

Regarding enforcement, we talk to the contractor requesting they move their equipment, and they oblige. Sometimes private contractors don't, and that is when we contact ISD. ISD can shut the site down, Engineering Division cannot. Every contractor is provided with the "Pedestrian Access During Construction" checklist at every site. Construction management responsibilities are downloaded with every permit. Enforcement remains a work in progress. There has been a vast improvement over the past several years but remains a constant challenge.

Committee members comments, questions, and answers:

Have you utilized the "Construction Management Responsibilities" flyer suggested by Councilors at our last meeting on this topic? Mr. Ciccariello answered just recently the department began using a flyer when a contractor/developer pulls a building, electrical or plumbing permit. The flyer includes allowable work hours, parking, don't park on berms or sidewalks, try to park on the same side of the street, do not block driveways, and the requirements for erosion controls that they should be aware of while the project continues. ISD

staff are informed to check on jobs while driving around and inform ISD if they witness any issues.

We spend a lot of money to repair sidewalks, it's always distressing to see them get broken by trucks parking on them.

Does the Police Department receive many calls regarding drivers parking on sidewalks obstructing access? Captain Doucette stated that if a complaint is received during the day, a parking control officer is sent to enforce the parking restrictions, whether it be impeding the road, parking on the sidewalk, etc. They speak with the contractor to get them to move off without citing them. Some contractors don't like to listen and are cited. After hours, a patrol officer goes and tries to get the vehicles moved and access opened. Officers are always at construction sites and try to make everything flow better for citizens and drivers throughout the city. Sometimes contractors don't always coordinate with us, they're supposed to give us a two-day notice on when they're going to be working in the streets to coordinate detours, and are informed when they get their permits to contact us, but they don't always. We're constantly checking on them. We have shut down contractors because they haven't complied with our regulations. We rely on citizens to contact us; we respond and try to handle the situations as best as we can.

Please provide what type of instructions are given to detail officers about how to handle a child on their way to school, cyclist or pedestrian with handicaps who may not see the various signs. Captain Doucette answered that some contractors are good about putting signs out that will indicate that the sidewalk is closed, put caution tape out and rope out which keep people from entering the active construction sites; this assists the officer who is on site to stop traffic and help pedestrians, people with disabilities and children ensuring everyone is safe.

Mr. Taverna suggested residents call 311 or 617-796-1000 if they see an obstructed sidewalk. Or police at 617-796-2100 for parking on the sidewalk.

Every construction site should have a list of expectations posted, contact information and what a resident should do if they're having an issue, increasing accountability to the contractor. A resident may not know what to do if a car is blocking a bike lane, parked on the sidewalk, or operating after hours.

Can we ensure that the city's contractors do not do construction on all four corners of an intersection at once?

City ordinances should be enforced, and contractors fined when necessary.

Ms. Fairley stated that she thought contractors were required to post information. There have been times that a contractor has blocked a sidewalk without a channelized Island, which is required by DPW for sidewalk repairs. It is necessary to make it safer for all, always.

Shrubs and bushes obstructing sidewalks

Mr. Taverna stated that a question submitted asked how we are doing reaching residents on botanical obstructions for drivers' sightlines, pedestrian, and bicycle safety. Since August 2021, 226 enforcement letters were sent regarding fixed items blocking sidewalks (bushes, shrubs and collapsed retaining walls) requesting the obstruction be removed. Most owners oblige and the enforcement letters do work. If we don't see any progress, we give them another letter, followed by a knock on the door. Overgrown shrubs and bushes are complaint driven.

When an owner hasn't obliged. How many times does DPW go out and trim overgrown shrubs? Mr. Taverna stated that he did not have this information available. The City has the authority to trim the overgrown bushes.

Can we educate residents better on why it is necessary their cars fit in the driveway and not hang over the sidewalk? Mr. Taverna answered it is a police issue, not a DPW issue.

Is the Police Department receiving calls on cars blocking sidewalks? Captain Doucette answered occasionally. We dispatch an officer to deal with a blocked sidewalk. Usually if they can't move the car, they will be cited for it. We try to work with people but ultimately, they cannot block the sidewalk.

Without further discussion, Councilor Markiewicz made a motion for no action necessary. Committee members agreed 5-0, Councilors Oliver and Malakie not voting.

Referred to Public Facilities and Public Safety & Transportation Committees

#78-22 Discussion on transportation priorities and public works
PUBLIC FACILITIES COMMITTEE, PUBLIC SAFETY & TRANSPORTATION COMMITTEE, AND COUNCILORS LEARY AND BOWMAN requesting a discussion with the administration and school officials on transportation priorities and public works/streets/sidewalks etc.

Public Facilities Voted No Action Necessary 5-0 on 10/19/22

Public Safety & Transportation Held 5-0 on 02/22/23 (Councilor Lipof not voting)

Action: Public Safety & Transportation Voted No Action Necessary 6-0, Councilor Malakie not voting

Note: Mr. Ostroff and Ms. Gilman joined the Committee.

Mr. Ostroff provided the Committee with an update on the prioritization of transportation projects. He stated that the Planning Department has an opportunity to come up with a few initiatives including the Bicycle Pedestrian Network Plan and the Complete Streets Prioritization Plan to populate a new group of projects.

Draft Network Plan: The plan will be presented at a public meeting in the coming months as an opportunity to identify projects all over the city, that will help make it safer to walk, bike and roll. We're using assistive devices for people of all abilities and ages to promote the wellbeing of the community as a whole, by making active transportation, a safe, comfortable, appealing first choice. The plan itself will identify some specific projects.

Complete Streets Prioritization Plan: The plan was last updated in 2016. It is my plan to begin updating the plan working collaboratively with the Complete Streets working group to identify ways where can--throughout the city--tap into state funding to execute projects that will make streets more livable. In the coming months, we will start to build out these lists. Perhaps in the next CIP. We may apply for some projects that aren't specifically identified in the CIP. We will be working with DPW, Mayor's office and others to identify what projects are best and, most importantly, where we can get the biggest bang for the buck.

Safe Routes to School: We also have opportunities to accelerate and implement the projects that have already been state funded to make sure that getting to and from school safely on foot or bike is an option.

One of these projects is: Albemarle Road Project: We received bids; the contract has been executed. They are in the process of ordering materials and scheduling the work. We'll be doing outreach to the neighborhood and community as we get closer to the project beginning. This impacts NECN, Day and Fessenden schools, and will also provide a safe bike connection to the Charles River paths—eventually from the Washington Street pilot.

Ms. Gilman stated that she works closely with the Planning Department, DPW, Police Department and Safe Routes to Schools with a high level of collaboration. The School Transportation Steering Group, the Complete Streets Working Group and the Safe Routes to School Task Force have many of the same stakeholders involved. We speak on various projects as they move forward including school building projects receiving input on walking, biking, bus access, van access, signage, and staff parking.

Committee members comments:

I believe that the streets surrounding our schools should be the safest in the city. There is so much work to do.

City Council has received positive feedback on the traffic calming project on Crafts Street.

Thank you for the road paintings and flex posts at Parker Street/Route 9 which were installed before school began.

Mr. Ostroff stated that the traffic calming on Crafts Street was the precursor to a larger Safe Routes to School project that we were awarded for a signal at Albemarle and Crafts. I have been nagging MassDOT to start that project sooner.

Without further discussion, Councilor Bowman made a motion for no action necessary. Committee members agreed 6-0, Councilor Malakie not voting.

Referred to Public Facilities and Public Safety & Transportation Committees

#69-22 **Requesting a discussion regarding snow clearing, operations and enforcement**
COUNCILORS DOWNS, BOWMAN, MARKIEWICZ, GROSSMAN, MALAKIE,
WRIGHT, KELLEY, AND NOEL requesting a discussion with the Department of
Public Works and the Police Department regarding residential and commercial
sidewalk snow clearing, operations and enforcement.

Public Facilities Held 7-0 on 06/08/22

Public Safety & Transportation Held 7-0 on 06/08/22

Action: **Public Facilities Voted No Action Necessary 5-0**
Public Safety & Transportation Voted No Action Necessary 7-0

Note: The Public Facilities Committee, Mr. Taverna, Mr. Yeo, and Captain Doucette
joined the Committee.

Residential Sidewalk Snow Clearing Operations:

Mr. Taverna stated that residential snow clearing is complaint driven. We don't drive up and down the streets looking for sidewalks that haven't been shoveled.

The total number of complaints between November 2021 to April 2023 was 2200; we issued 207 warnings and 334 tickets. Residents paid 210 tickets and appealed 124 at Newton District Court. Approximately 1600 requests were not an issue because it was not 24 hours after the storm was declared over. The storm is declared over by the Commissioner of Public Works and the mayor with a date and time. After a storm is officially over each resident has 24 hours after that storm to shovel. Many 311 requests were too early and were also duplicates. After the 24-hour period, inspectors take a picture of the un-cleared sidewalk, leaving a door hanger to remind the resident. First time offenders receive a warning. Frequent offenders are issued tickets from DPW. Each year residents start with a clean slate.

Commercial Sidewalk Snow Clearing Enforcement:

Captain Doucette did not have last year's data available on the number of times the department ticketed businesses for snowy or icy sidewalks. Officers respond after the 24 hours to commercial properties to make sure the sidewalks are accessible. Officers will issue citations based on what they observe. Typically, we do give a warning first.

Councilors comments, questions, and answers:

Are the sidewalks routes published outlining the specific Safe Routes to School and areas that you do plow? Mr. Taverna answered yes, DPW has a sidewalk plow route on line. Mr. Yeo added that the sidewalk plowing operations, street plowing operations, DPW snow plan, sidewalk snow shoveling, etc. are on line under DPW, Streets Division, Winter Storm Information.

Will the City be taking over Winchester Street/Route 9 this year or are you waiting for the State to officially turn it over? Mr. Taverna answered this is under the jurisdiction of MassDOT. He will provide the plow contractor information. Mr. Yeo added he did not have that information available.

I receive complaints in the winter for inaccessible sidewalk areas, especially around bus stops, areas of transportation and curb cuts. Complaints on gutters dripping onto the sidewalk creating icy situations. Sometimes the ice is actually worse than the snow. I inform residents to put in a 311 request.

Committee members comments, questions, and answers:

Is there a report on the route where the city clears sidewalks? Mr. Taverna answered that the city has designated sidewalk plow routes. With the current personnel we can maintain the existing routes. Currently, we don't have the capacity to pick up additional routes. Oftentimes a sidewalk will be cleared, but it's still snowing making us return which residents may not notice or don't know when we are returning and make a 311 request.

How are sidewalk school routes tweaked by where students live? Mr. Taverna answered that it is based on information received from Safe Routes to School. Sidewalks are cleared on school walking routes, major sidewalks and in village centers. Mr. Taverna added that he did not know how the sidewalk routes were reestablished.

In past years, the city has plowed Route 9 near the Elliot T stop which has been beneficial. I am hopeful this continues.

I recall during the Warren Administration; we had given up on trying to ask the state to plow city bridges.

It's important to finish plowing the corners and the sidewalks.

We still have issues with commercial properties shoveling their snow out onto the city sidewalk and people plowing their driveways and parking lots into accessible parking spaces.

I appreciate that DPW clears school bus stops and sidewalks. There must be a way to clear and treat with much less salt. It is bad for pets, the Charles River, and nearby plants. How can the city use less salt where we don't need it? Mr. Taverna answered that it is difficult to answer. How much salt is too much salt? We are dealing with a balancing act.

Without further discussion, Councilor Kelley made a motion for no action necessary in the Public Facilities Committee. Committee members agreed 5-0. Councilor Markiewicz made a motion for no action necessary in the Public Safety & Transportation Committee. Committee members agreed 7-0.

The Committee adjourned at 8:26 p.m.

Respectfully submitted,

Andreae Downs, Chair

Danielle Delaney

From: Louis M. Taverna
Sent: Friday, September 15, 2023 3:52 PM
To: Danielle Delaney
Subject: FW: PS&T on 09/06/23

Louis M. Taverna, P.E.
City Engineer
City of Newton DPW
1000 Commonwealth Ave
Newton, MA 02459
617-796-1020

Answers to DPW related questions:

Amount of snow ticket revenue: \$150.00 in FY23 and \$4,350.00 in FY22.

When an owner hasn't obliged. How many times does DPW go out and trim overgrown shrubs? Mr. Taverna stated that he did not have this information available. The City has the authority to trim the overgrown bushes.

Only 2 times in the past year.

Will the City be taking over Winchester Street/Route 9 this year or are you waiting for the State to officially turn it over? Mr. Taverna answered this is under the jurisdiction of MassDOT. He will provide the plow contractor information. Mr. Yeo added he did not have that information available.

Mass DOT contractor Gioioso?

How are sidewalk school routes tweaked by where students live? Mr. Taverna answered that it is based on information received from Safe Routes to School, Sidewalks are cleared on

school walking routes, major sidewalks and in village centers. Mr. Taverna added that he did not know how the sidewalk routes were re-established.

Sidewalk plow routes are established with Safe Routes to School. If a school location changes, we coordinate the sidewalk snow plow route with Safe routes to School.