



Public Facilities Committee Agenda

City of Newton In City Council

Wednesday, October 9, 2024

The Public Facilities Committee will hold this meeting as a hybrid meeting on Wednesday, October 9, 2024, at 7:00 PM in Room 205. To view this meeting using Zoom use this link: <https://newtonma-gov.zoom.us/j/84938835220> or call 1-646-558-8656 and use the following Meeting ID: 849 3883 5220

Item Scheduled for Discussion:

Public Hearing

#354-24 Eversource petition for a grant of location in Wells Avenue

EVERSOURCE ENERGY petitioning for a grant of location to install and maintain approximately 242 feet of conduit in a southeasterly from manhole MH26129, approximately 2430 feet southeast of Nahanton Street. (Ward 8)

[111 Wells Avenue: Back-up Material](#)

Public Hearing

#374-24 Eversource petition for a grant of location in Christina Street

EVERSOURCE ENERGY petitioning for a grant of location to install and maintain one new jointly owned pole 604/11A on the north side of Christina Street, approximately 248 feet west of Bernard Street. (Ward 8)

[90 Christina Street: Back-up Material](#)

#348-24 Requesting a discussion with the Department of Public Works on the work to upgrade the water, sewer, and storm water infrastructure

COUNCILOR ALBRIGHT, on behalf of the Public Facilities Committee, requests a discussion with the Commissioner of DPW, Jim McGonagle, regarding the City's past successes in updating Newton's water, sewer, and stormwater infrastructure, cost savings from these upgrades, our present position, and what future work is planned to continue the multi-year plan to upgrade this infrastructure, including a timeline for future enhancements.

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: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

#101-24 Requesting a Discussion and possible Ordinance change on Private Ways
COUNCILOR ALBRIGHT on behalf of the Public Facilities Committee requesting a discussion on private ways; methods for them to become public ways if requested, problems related to private ways; and any possible ordinance changes needed.

Respectfully submitted,

Susan Albright, Chair

CIP by Priority FY2025-FY2029 (Utilities Only)

Priority	Dept	Asset Category	Project Title	Project Description / Justification	Est Cost in FY2024	Priority Factor	Funding Source	Total		Total	Total	Total	Total	Total
								Approved Funding	FY2024 to be Docketed/Approved	FY2025	FY2026	FY2027	FY2028	FY2029
								\$ 58,543,842	\$ 10,904,977	\$ 14,931,380	\$ 12,525,000	\$ 12,550,000	\$ 11,338,000	\$ 8,788,000
1	DPW/ Sewer	Sewer	Sewer Inflow /Infiltration Project - Area 7 - Upper Falls, Highlands, Thompsonville	Part of 10 Phase program to remove excess inflow and infiltration into sewer system.	\$ 7,919,115	73.0	MWRA Grant/Loan	\$ 7,919,115	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2	DPW/ Sewer	Sewer	Sewer Inflow/ Infiltration Project - Area 8 - Upper Falls, Highlands, Thompsonville & Oak Hill	Part of 10 Phase program to remove excess inflow and infiltration into sewer system.	\$ 7,453,196	70.2	MWRA Grant/Loan/Sewer Funds	\$ 7,453,196	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
9	DPW/ Sewer	Sewer	Sewer Inflow/Infiltration Project - Area 9 - Waban, Upper Falls & Oak Hill	Part of 10 Phase program to remove excess inflow and infiltration into sewer system.	\$ 4,200,000	62.4	Sewer Funds	\$ 1,095,023	\$ 3,104,977	\$ -	\$ -	\$ -	\$ -	\$ -
10	DPW/ Sewer	Sewer	Sewer Inflow/Infiltration Project - Area 9 Phase 2 - Waban, Upper Falls & Oak Hill	Part of 10 Phase program to remove excess inflow and infiltration into sewer system and includes post-flow.	\$ 5,000,000	62.4	Sewer Funds	\$ -	\$ -	\$ 5,000,000	\$ -	\$ -	\$ -	\$ -
12	DPW/ Sewer	Sewer	Pump Station Upgrades	Design and construct Sewer Pump Stations upgrades as part of 10-phase program.	\$ 23,000,000	58.8	Sewer Funds	\$ 4,710,490	\$ 1,200,000	\$ 1,500,000	\$ 1,500,000	\$ 2,000,000	\$ 2,000,000	\$ 2,000,000
21	DPW/ Sewer	Sewer	Sewer Inflow/Infiltration Project - Area 10 - Waban, Newton Highlands, Newton Centre, & Newton Corner	Part of 10-phase program to remove excess inflow and infiltration into sewer system. Ward St from Waverley Ave to Centre St.	\$ 4,888,308	44.0	Sewer Funds	\$ 813,308	\$ 300,000	\$ -	\$ 3,775,000	\$ -	\$ -	\$ -
22	DPW/ Sewer	Sewer	Sewer Inflow/Infiltration Project - Area 11 - Chestnut Hill, Newton Corner, Oak Hill, & Thompsonville	Part of 10 Phase program to remove excess inflow and infiltration into sewer system. Will be in Phase 10 of City-Wide Sewer Initiative.	\$ 4,000,000	39.6	Sewer Funds	\$ 774,000	\$ -	\$ -	\$ -	\$ 1,000,000	\$ 1,613,000	\$ 613,000
32	DPW/ Sewer	Sewer	Sewer Inflow/Infiltration- Cheesecake and Laundry Brook Drainage	Investigation, Design & Construction of sewer laterals & manholes along interceptor sewers within Cheesecake and Laundry Brook Drainage Basins.	\$ 2,000,000	30.3	Sewer Funds	\$ -	\$ -	\$ -	\$ -	\$ 500,000	\$ 1,000,000	\$ 500,000



Private Ways

Definitions:

Private way. Any way which is not a public way.

Non-qualifying private way. Any private way (as defined above) which can be laid out as a public way under the standards set forth in section 26-47 of the City of Newton Ordinances

Qualifying private way. Any private way (as defined above) which, if it were to be laid out as a public way under the standards set forth in section 26-47, would result in a layout which substantially and adversely affects existing land uses, historical or geological features.

Major temporary repairs. The surfacing or resurfacing of a way with bituminous concrete and the installation of drainage where appropriate as determined by current city standards and by recommendation of the commissioner of public works.

Minor temporary repairs. The filling of potholes, depressions and ruts with bituminous concrete or other suitable material, and not including installation of drainage.

Privately funded repairs. Repairs as deemed necessary and prudent by the commissioner of public works as further provided in subsection (e).

Repair Options for Qualifying Private Ways

Minor temporary repairs - The DPW may make minor temporary repairs on a qualifying private way upon receipt of a petition signed by no less than twenty-five percent (25) of the owners of the abutting estates on said private way. Such repairs shall be made only after the commissioner of public works has determined that such repairs are required by public necessity and prudence and subject to resource availability. The cost of minor temporary repairs shall be borne entirely by the city.

Major temporary repairs – At least fifty percent (50%) of the owners of the abutting properties on the private way submit a petition requesting major temporary repairs to the City Council. If the City Council approves the petition, the major temporary repairs can be done. One hundred percent (100%) of the total cost of major temporary repairs are assessed as betterments upon the owners of abutting properties in proportion to the lineal frontage of their estates. In no event shall the betterments exceed the betterments that would be assessed on such owners pursuant if the way were to be laid out as a public way.

Petitions must include a statement that the way will remain open for public use for the life of the repairs.

Repair Options for Non-Qualifying Private Ways

Privately funded temporary repairs - The DPW may make temporary repairs on a private way upon receipt of a petition signed by no less than twenty-five percent (25%) of the owners of the abutting properties on said private way, provided that payment for such repairs is made in full by said petitioners. Such repairs shall be made only after the commissioner of public works has determined that such repairs are necessary and prudent to make such private way safe and convenient for travel and only after the commissioner of public works has also determined that the city has the necessary resources available to devote to such repairs. The commissioner shall require the petitioners to produce a certificate from the city collector-treasurer that the amount of cost of performing the repairs, as estimated by the commissioner, has been deposited with the city collector-treasurer, before such repairs are undertaken. Before beginning privately funded repairs the commissioner shall require execution of an agreement providing that the final cost of such work, even though in excess of the estimated amount deposited, will be paid within thirty (30) days after the rendering of the bill, provided however that such additional amount shall not exceed twenty percent (20%) of the original estimated amount, unless otherwise mutually agreed by the parties.

Delivery of gravel. The commissioner of public works may, upon request by any owner of a property abutting any private way, provide gravel for use by the residents for filling potholes, depressions and ruts in such private way. The cost of providing such material shall be borne entirely by the city

Street Acceptance

No street or way shall be laid out and accepted by the city unless the construction thereof conforms to the provisions of section 26-47 and no permits for building thereon shall be issued by the commissioner of inspectional services. (Rev. Ords. 1973, § 19-74; Ord. No. S-301, 2-1-88; Ord. No. S-324, 5-2-88)

Sec. 26-47. Specifications. The final construction of all streets or ways constructed completely by the owners, or constructed by the city under the law relating to the assessment of betterments, shall conform to the following specifications, which specifications shall constitute minimum requirements for the layout, construction and acceptance of streets or ways in the city....

Process for Acceptance

- 1) Property owners on a private way petition the City Council for acceptance as a public way
- 2) A funding mechanism is identified – there are 2 options
 - a. Property owners fund 100% of the cost of public way construction
 - b. Betterment process (Executive Office will need to identify funding)
- 3) The petition is docketed along with an easement request and plan
- 4) The docket items are referred to the Public Facilities Committee
- 5) Public Facilities Committee schedules a public hearing
- 6) Full Council takes a vote