



Public Facilities Committee Report

City of Newton In City Council

Wednesday, April 5, 2017

Present: Councilors Crossley (Chair), Albright, Laredo, Lappin

City staff present: Associate City Engineer John Daghlian, Public Buildings Project Manager Alex Valcarce, Director of Transportation Nicole Freedman, Commissioner of Public Works Jim McGonagle

#49-17 Petition for grant of location at Caldron Path

EVERSOURCE ENERGY petition for a grant of location to install \pm 39' of conduit southerly to pole 359/12 (adjacent to 44 Caldron Path), headed in a southwesterly direction \pm 501' to two proposed manholes. [(Ward 8) 02/06/16 @ 11:07 AM]

Action: Public Facilities Approved 4-0

#50-17 Petition for grant of location at O'Rourke Path/Hanson Road/Callahan Path

EVERSOURCE ENERGY petition for a grant of location to install conduit westerly from pole 359/9 a distance of 24' \pm in a southwesterly direction to one proposed manhole a distance of 466' \pm continuing southwesterly 12' \pm to a second proposed manhole in Callahan Path. [(Ward 8) 02/06/16 @ 11:02 AM]

Action: Public Facilities Approved 4-0

#51-17 Petition for grant of location at Timson Path/Saw Mill Brook Parkway

EVERSOURCE ENERGY petition for a grant of location to install conduit westerly from pole 366/8 in Saw Mill Brook Parkway a distance of 430' \pm in a northerly direction to a proposed manhole in front of 15 Timson Path continuing northeasterly to a second proposed manhole in front of 27 Timson Path. [(Ward 8) 02/06/16 @ 11:04 AM]

Action: Public Facilities Approved 4-0

#52-17 Petition for a grant of location at Spiers Road/Shute Path

EVERSOURCE ENERGY petition for a grant of location to install 141' \pm of conduit northwesterly from pole 371/16 on Spiers Road in a northwesterly direction to a proposed manhole in front of 147 Shute Path. [(Ward 8) 02/08/16 @ 2:55 PM]

Action: Public Facilities Approved 4-0

#73-17 Eversource petition for grant of location at Osborne Path/Van Roosen Road

EVERSOURCE ENERGY petition for a grant of location to install conduit from a proposed manhole in front of 112 Osborne Path in a southwesterly direction to pole 352/4 a distance of 145' \pm in Van Roosen Road. [(Ward 8) 02/27/2017 @ 2:54 PM]

Action: Public Facilities Approved 4-0

#74-17 Eversource petition for grant of location at Chinian Path

EVERSOURCE ENERGY petition for a grant of location to install one manhole 3' easterly to Chinian Path in a westerly direction 397± to a second proposed manhole in front of #49 Chinian Path continuing in a westerly direction 45'± to pole 232/22 in Wiswall Road. [(Ward 8) 02/06/16 @ 11:03 AM]

Action: **Public Facilities Approved 4-0**

Note: At the Public Facilities Committee meeting on March 22, 2017, public hearings were opened for items #49-17, #50-17, #51-17, #52-17, #73-17 and #74-17. A resident who lives in the area brought attention to a hand hole with a broken cover that he had been trying to have repaired by Eversource for many months. He expressed concern about the safety hazard which was echoed by Councilors. The Committee questioned the nature of the work to be completed and the Eversource representative had been unable to answer. The Committee therefore held the items pending additional information from Eversource regarding the nature of the work and an update on the status of the potentially dangerous situation in the neighborhood.

Eversource Representative Maureen Carroll stated that after that March 22 meeting, a staff member went to the site and it was determined that both the top and the bottom of the hand hole needed replacing. Because Eversource is required to "dig safe", they were required to wait an additional three days to rectify the situation. The hand hold was replaced on March 29, 2017. Committee members emphasized the importance of Eversource's responsiveness and noted that residents should not be left with unsafe conditions.

Ms. Carrol confirmed that the work in Oak Hill Park is to remove the old, direct bury system which is original and beyond its useful life. The system will be replaced with conduit. It was noted that the manholes with cast iron covers located in the pathway will replace the hand holes, which will be completely removed and the location of the hand holes will not be visible after the work is complete. Ms. Carroll estimated that each project in could take up to two weeks and noted that they will be completed sequentially. Committee members expressed concern that the sidewalks would not be fully accessible during the construction. Associate City Engineer John Daghljan confirmed that all work completed would be at Eversource's expense, inspected by the City and stated that the street opening permit can require ADA compliance at all times.

Ms. Carroll believes that the work will be completed by the end of 2017, but noted that projects can be delayed. Ms. Carroll confirmed that Eversource notifies abutters prior to the start of construction. Because the work will be ongoing, the Committee requested that representatives from Eversource and the City be in attendance at a community meeting. With no member of the public wishing to speak on the items, public hearings were closed. Councilor Lappin moved approval of the items, with a condition on the street opening permit that Eversource maintain ADA compliance throughout the project duration at all times. Committee members voted unanimously in favor of the motion.

#36-17 Ordinance amendment to require peer review of wires communication attachments

COUNCILOR CROSSLEY, ALBRIGHT AND LAPPIN requesting an Ordinance, pursuant to Mass. General laws Chapter 166, Section 22 and Chapter 44, Section 53G, the

adoption of which would enable the City Council to require peer review of grant of location petitions, including proposed wireless communications equipment attachments to poles or structures in the public way (and on public lands), at the petitioner's expense, to assist the Council in deciding requested grants of location.

Action: Public Facilities Approved 4-0

Note: The Chair presented Associate City Solicitor Alan Mandl's amendments to the attached draft ordinance. Committee members made specific suggestions when the item was discussed in February 2017. The ordinance to require peer review of wireless telecommunication attachments is based on the recently passed Municipal Modernization Act and modeled on the ordinance for special permit peer review. Councilor Laredo motioned to approve the item which carried unanimously.

Public Facilities and Finance Committees

#255-14(5) Transfer of funds within the Zervas School Project Budget

HIS HONOR THE MAYOR requesting an amendment to the Zervas Elementary School Project – Project Budget – legal Level of Control included in Board order #255-14(4) approved December 1, 2014 by transferring a total amount of two hundred thirty-two thousand nine hundred thirty-one dollars (\$232,931) from the "Owners Contingency" as follows: \$179,356 to the "Furniture/Fixtures/Equipment" line item, \$35,305 to the "Computer Equipment" line item, and \$18,270 to the "Moving" line item. [03/27/17 @ 2:20 PM]

Action: Public Facilities Approved 4-0

Note: Public Buildings Project Manager Alex Valcarce and Public Schools Director of Long Range Planning Julie Kirrane presented the request to transfer \$179,356 to Furniture, Fixtures & Equipment (FFE), \$35,305 to Computer Equipment and \$18,270 for Moving Expenses from other line items within the Zervas School Project Budget. Mr. Valcarce noted that the original budget, approved in December 2014, included \$600,000 for both FFE and Technology based on the MSBA's formula for Angier of \$1200/student. The MSBA formula resulted in the estimated total cost for FFE of \$815,000. The actual total cost for FFE is \$779,000; \$2.50/per student less than at Angier. It was noted that musical equipment is included in FFE.

Mr. Valcarce stated that the Technology cost estimates are more difficult, because they cannot be estimated per student. Because technology changes so quickly, it is not effective to buy equipment more than three years in advance. He stated that the school has enough equipment for the first three years.

The \$18,270 transfer for "Moving" expenses is to cover the cost of purchasing crates. While Public Buildings initially used boxes to move the schools, they were able to purchase reusable crates halfway through the year. They have also used the crates for moving the Fire Station. Councilor Laredo motioned to approve which carried unanimously.

Public Facilities and Finance Committees

#92-17 **Transfer \$130,000 for repair of traffic signals**
HIS HONOR THE MAYOR requesting authorization to transfer the sum of one hundred thirty thousand dollars (\$130,000) from the Department of Public Works Full-time Salaries Account to the Department of Public Works Transportation Electrical Equipment Repairs & Maintenance Account to fund costs associated with the repair of traffic signals throughout the City due to knock-downs as well as general maintenance requirements. {03/27/17 @ 2:19 PM]

Action: **Public Facilities Approved 4-0**

Note: Commissioner McGonagle presented the request to transfer \$130,000 for the repair of traffic signals. He noted that the transfer is to ensure that DPW has funds to cover repairs and “knock downs” of street lights caused by car accidents until the end of the fiscal year. He stated that there is currently \$45,000 in the account and the department averages approximately \$25,000 each month. He noted that they typically see a return for the knock downs, but it is not immediate.

The Committee requested an update on faulty underground connections to City streetlights. The Commissioner confirmed that DPW has a clear understanding of the work that needs to be completed and the corresponding cost estimates. He noted that some funds were expended for repair to establish future repair estimates for budget discussions. The Commissioner confirmed that Eversource has repaired any underground lighting issues that are their responsibility.

The initial budget for the repair of traffic signals was \$300,000. Committee members were surprised to see a 40% increase in repairs and knockdowns and expect to see an increase in the FY18 line item for streetlight repairs. Commissioner McGonagle confirmed that the budget will be increased for next year but noted that DPW is anticipating a decrease in cost as the work is completed. Committee members also requested an update on staffing as the requested funds are coming from the Salary Account. Commissioner McGonagle confirmed that DPW is hiring aggressively and is down to 15 vacancies compared with 30 at the same time last year. Councilor Lappin moved approval which carried unanimously.

Public Facilities and Finance Committees

#93-17 **Appropriation of \$4,582,904 for the Accelerated Roads Program**
HIS HONOR THE MAYOR requesting authorization to appropriate and expend the following amounts for the purpose of funding the City’s Accelerated Roads Program:

<u>Account</u>	<u>Amount</u>
Parking Meter Receipts-14D Accts	\$982,904
Free Cash	\$3,600,000

Action: **Public Facilities Approved 4-0**

Note: Commissioner McGonagle presented the request to appropriate \$4,582,904.00 for Phase 1 of the City’s Road Paving Program. The Commissioner intends to bring the average PCI (measure of road health) up to 72. Construction will be done according to “Complete Streets” policy standards and will include curbing, sidewalks, driveway aprons and street signage, but will not include trees at this stage. DPW is working with Director of Urban Forestry Marc Welch to ensure that trees that are planted do not interfere with the new sidewalks. The Commissioner

stated that all of the paving projects this fiscal year will be mill and overlay and that DPW is working to ensure that underground gas and electric utility work is completed before the work is done. He noted that leak prone cast iron gas lines will be replaced prior to paving. The construction estimate was \$5.5 million and the City received bids between \$3.75 and \$5.6 million. Commissioner McGonagle noted that the low bids will allow for the incorporation of additional streets at the end of the year.

A Committee member questioned whether the construction will include the installation of protected bike lanes. Director of Transportation Nicole Freedman stated that installation of protected bike lanes requires 6 feet in addition to a standard bike lane, necessitating the removal of parking or a travel lane, depending on the width of the road. She stated that the nationally tested standards for bike lanes include a mix of standard bike lanes, bike paths and protected bike lanes. She noted that standard bike lanes and protected bike lanes require different levels of public support and suggested that it might be negatively impactful to install protected bike lanes without community awareness. Committee members were in agreement that colored bike lanes can be helpful for identifying where bike lanes are, particularly at conflict points and in intersections. Councilors requested that Ms. Freedman provide information on how the City will be made more bike friendly and how determinations are made regarding where to locate standard bike lanes as opposed to protected bike lanes.

Councilors questioned whether DPW should target smaller, side streets first as opposed to main arteries. It was suggested that if the Roads program begins on main roads, it will take a much longer time before they are repairing side streets, some of which are in far worse condition. Some Councilors felt that a bottom-up approach may be more effective. Commissioner McGonagle noted that many main roads need repair. He stated that he would provide a map of the work done, color coded by year. It was noted that the final part of Lowell Avenue has not been repaved and is not on the list until 2019. Commissioner McGonagle indicated that it is possible that construction on Lowell was pushed back due to coordinating with utility companies and noted that the list of streets to be repaved is subject to change pending utility company construction.

The Commissioner noted that the \$4.5 million dollar appropriation is to allow DPW to start work to June 30. In the new fiscal year they plan to bond the balance of the \$9 million dollar amount. Councilors noted that the free cash appropriation might be difficult to replicate in following years as it is not guaranteed. Councilor Albright moved approval of the item which carried unanimously.

Public Facilities and Finance Committees

#94-17 **Bond authorization for intersection realignments and traffic signals on Dedham St HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of one million four hundred thousand dollars (\$1,400,000) from bonded indebtedness for the purpose of funding the Dedham and Nahanton Streets intersection and the Dedham, Brookline, and Carlson Streets intersection realignments and traffic signalization upgrades. [03/27/17 @ 2:19 PM]

Action: **Public Facilities Approved 4-0**

Note: Commissioner McGonagle noted that the intersection of Dedham and Nahanton has been ranked in the top 5% of most dangerous areas in the Boston Metropolitan Area. He stated that there are frequent vehicular accidents at the intersection. The project will address signalization and realignment at Dedham/Nahanton and Dedham/Brookline. It was noted that while there may not be major traffic improvements, the changes should vastly improve pedestrian and vehicular safety. To improve traffic flow, the City would need additional property to widen the street.

The Commissioner stated that two public meetings were held and were very successful. It was noted that Mt. Ida will be giving the City a permanent easement at no cost to the City and is estimating project completion by the end of 2017. Councilor Lappin moved approval which carried unanimously.

Referred to Public Facil, Programs & Serv, and Public Safety & Trans Committees

#46-15 Discussion of parking options for school and municipal 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]

Public Safety and Transportation voted No Action Necessary 6-0 on 03/08/17

Programs & Services voted No Action Necessary 5-0 (Councilor Schwartz not voting)

Action: Public Facilities Voted No Action Necessary 4-0

Note: The Chair noted that the City has begun a larger scale discussion to evaluate the use of municipal space and this item is no longer necessary. Councilor Laredo motioned No Action Necessary which carried unanimously.

The Committee adjourned at 8:30 pm.

Respectfully submitted,

Deborah J. Crossley, Chair

DRAFT 2-15-17

Sec. 23-19 . Employment of outside consultants.

(a) The City Council, sitting as the local authority for the issuance of grant of location permits, is authorized to establish reasonable fees to provide the City Council with funds to pay for the hiring of outside consultants as needed to carry out the Council's duties and responsibilities in reviewing grant of location applications, as authorized by G.L.c.44, s.53G and G.L.c.166,s.22 et seq. The fees to be paid by applicants for particular permits and approvals before the City Council shall be set out in City Council rules and regulations. Such fees shall be reasonable and reflect the actual cost for the services of consultants and in the case of the City Council, sitting as the grant of location permitting authority, shall be set by the Commissioner of Public Works, as the designee of the aforesaid City Council.

(b) Such fees shall be deposited in special accounts established by the city treasurer in the city treasury and shall be kept separate and apart from the general funds of the city. A separate bank account need not be established for the fees paid by an applicant for each project. All fees collected may be deposited in a common bank account, provided that a separate accounting of activities and interest is made for each project.

(c) The special account, including accrued interest, if any, shall be expended at the direction of the City Council without further appropriation; provided, however, that such funds are to be expended by it solely for the purpose of hiring outside consultants to assist them in carrying out their responsibilities with respect to that particular grant of location petition under the law. The fees may not be used to pay for the services of city employees. Any excess amount in the account attributable to a specific grant of location petition,, including any accrued interest, shall be repaid to the applicant or to the applicant's successor in interest upon satisfactory proof of the filing of the final action and decision of the City Council with the city clerk, and a final report of said account shall be made to the applicant or to the applicant's successor in interest.

(e) The City Council or its designee which has established fees for hiring consultants must choose consultants subject to the City Council's 's own rules and regulations, the city charter, ordinances and the general laws. TheCity Council's rules and regulations shall provide for minimum qualifications of any consultant to be hired, including either an educational degree in or related to the field at issue, or three (3) or more years of practice in the field at issue or a related field.

(f) The City Council's rules and regulations must also provide for an administrative appeal of the selected consultant by the applicant paying the fee. In the case of the City Council, the rules and regulations shall provide for either reconsideration before the City Council, or direct judicial review, if otherwise permitted by law. Any such appeal is limited by law to claims that the selected consultant has a conflict of interest or does not possess the minimum required qualifications. Such appeal must be made in writing and must be received by the City Council within fourteen (14) days after the City Clerk has mailed or hand delivered notice to the applicant of the selection of the consultant(s).

Comment [a1]: Should the DPW selection be appealable to the Council? Or should the selection be subject to a request for reconsideration?

(g) The required time limits for action upon an application by the City Council shall be extended by the duration of the administrative appeal. A decision upon said appeal shall be made by the City Council or its designee within thirty (30) days of the filing of the appeal or as soon as practicable. Such an administrative appeal shall not preclude further judicial review, if otherwise permitted by law, on the grounds provided for in subsection (e). In the case of grant of location applications for wireless communications attachments and/or poles, an appeal that delays final action shall be deemed good cause for exceeding any applicable federal presumption of a reasonable time for a final action by up to thirty (30) days.

(h) Failure of the applicant to pay the consultant fee within fourteen (14) days after notice to the applicant shall be grounds for the denial of the application.

(i) [provide for request for additional funds as needed?]

(h) The provisions of this section shall be deemed to be severable. If any of its provisions shall be held to be invalid or unconstitutional by any court of competent jurisdiction, the remaining provisions shall continue in full force and effect. (Rev. Ords. 1995, Ord. No.W-13, 10-2-00)

Comment [a2]: CAN THIS SUBSECTION BE DELETED?