



## Public Facilities Committee Report

### City of Newton In City Council

**Wednesday May 4, 2016**

Present: Councilors Crossley, Albright, Brousal-Glaser, Lappin, Gentile, Danberg, Lennon

Absent: Councilor Laredo

City Staff Present: Commissioner of Public Buildings Joshua Morse, Commissioner of Public Works Jim McGonagle, Associate City Engineer John Daglian

**#160-16**      **Petition for a grant of location to install conduit and two manholes in Elliot St**  
EVERSOURCE petitioning for a grant of location to install a total of 433' ± of conduit and two manholes in ELLIOT STREET, as follows:

- 220' ± of conduit in an easterly direction from the Newton/Needham boundary line and install Manhole #30145 in front of 394-396 Elliot Street.
- 178' ± of conduit in an easterly direction from the Newton/Needham boundary line and install Manhole #30144 in front of 391 Elliot Street.
- Install 35' ± of conduit in a westerly direction from Manhole #30144 thence turning and running northwesterly to pole 136/49. [04/21/16 @10:48AM].

**Action: Public Facilities Approved 5-0 (Danberg, Lennon not voting)**

**Note:** Right of Way representative Maureen Carroll appeared on behalf of Eversource to present the petition. Commissioner of Public Works Jim McGonagle spoke on behalf of the Public Works Department. He indicated that the Historic District Commission would not allow this underground work to occur independently of the construction to the bridge that has to occur. For this reason, coordinating the utility work with the bridge construction is essential. Commissioner McGonagle confirmed that the utility work would happen within the predetermined construction schedule. The public hearing was opened and closed with no public comment.

Councilor Albright motioned for approval which carried 5-0.

**#108-16**      **Eversource Grant of Location petition for conduit in Franklin Street**  
EVERSOURCE ENERGY petitioning for a grant of location to install 350' ± of conduit in FRANKLIN STREET from existing Manhole #MH4210 at the intersection of Beechcroft Road easterly to 100 Franklin Street. (Ward 7) [02/26/16 @ 8:27 AM]

***Public Hearing Continued from April 6, 2016.***

**Action: Public Facilities Approved 7-0.**

**Note:** The public hearing was continued due to a request from the abutters near 100 Franklin Street who are working to underground electric conduit at the same time as the petitioner. Because the residents had not filed a request with Eversource, there is no petition before the Committee for the whole street. The neighborhood agreed to meet and follow through with their plans to initiate a

work order with Eversource. There was some confusion about the Eversource time to process the request from Mr. Michael Quinn, the developer at 100 Franklin Street.

The Chair requested hearing a sequence of events from Eversource. Ms. Maureen Carroll provided the Committee with a timeline from Mr. Quinn's initial work order request to the point that Eversource filed the petition with the City. She noted that Mr. Quinn put the project on hold for over two months while he sought permission for an easement from abutters of 100 Franklin Street. After determining that the neighbors were unwilling to grant an easement, Mr. Quinn resumed the work order with Eversource who completed the engineering documents required and filed a petition with the City for the grant of location in March 2016.

Associate City Engineer John Daghlian and Director of Operations Shane Mark attended the on-site meeting on April 20, 2016 that included Franklin Street residents, Eversource and Mr. Quinn. Mr. Daghlian presented options available to the neighborhood. He restated Eversource's estimate of undergrounding the electrical conduit at approximately \$25,000 per household based on 7 households participating. This does not include the cost of paving or undergrounding of other utilities. At the meeting, the abutters were notified that in order to begin a work order, Eversource needs actual figures (number of residents who will participate) in order to engineer the design. It was noted that the project would start on its own timeline. Although there was interest in pursuing the underground conduit at the neighborhood meeting, Mr. Colantonio confirmed that there was no commitment at this point due to questions regarding cost.

The Committee asked how long it would take Eversource to file a petition with the City once the neighborhood request is received. Ms. Carroll stated that it would take 20 days for Eversource engineers to complete the design. Eversource confirmed that the current petition is ready for construction upon approval by the City Council.

Mr. Victor Colantonio represented the neighborhood. He stated that there are 9 houses who wish to be involved and based on his calculations; the cost will be closer to \$7,000 thousand per household for the electrical conduit. The neighborhood wants to take advantage of the opportunity to put their electric wires underground while the road is open. It was also stated that a temporary easement had not been considered, but was not a solution acceptable to the neighborhood.

The Chair summarized the Law Department memo (attached) furnished by Associate City Solicitor Bob Waddick relating to the Committee's authority and degree to which it may condition the petitioner. The petitioner is Eversource; the petitioner's customer, in this case, is the developer. The Committee does not have the authority to require Eversource to wait for others who may wish to put forward on their own petitions. Considering this, the Committee emphasized the importance of a collaboration between Mr. Quinn and neighborhood residents.

Ms. Carroll indicated that for this petition, the petitioner's customer will pull the permit to install the conduit and pave the road. The Committee asked Mr. Quinn whether he would be willing to install temporary paving to allow for the neighbors' conduit to be installed in the trench later this year,

and subsequently pave curb to curb. Mr. Quinn agreed. Committee members noted that although the temporary patch was an additional expense, the petitioner could benefit from a reduction in cost of shared paving expenses once the abutters' conduit was installed. Mr. Colantonio stated that the neighbors intend to initiate a work order with Eversource very soon.

Councilor Albright moved to approve the petition with the following conditions:

1. The Law Department would draw up a voluntary agreement with the petitioner to mill and overlay the entire section of Franklin from the manhole and that an appropriate bond or cash deposit (1.5 times the cost of the job based on the City Engineers estimate) be made in order to ensure that that the work is completed.
2. The petitioner's customer agrees to install a temporary patch while waiting for the Franklin Street residents to file their petition, and, if the residents' petition is filed by August 1, 2016, the temporary patch shall remain until all underground utility work is installed, so that the permanent street repaving may be coordinated.

However, it is understood that, should there be no secondary petition filed on behalf of the neighborhood by August 1, 2016, the petitioner's customer will move forward with the permanent repaving of the street.

The Committee voted in favor of the motion 7-0.

### **Referred to Public Facilities and Finance Committees**

**#142-16**

#### **Appropriation from Free Cash for Street Paving**

HIS HONOR THE MAYOR requesting authorization to appropriate and expend five hundred thousand dollars from Free Cash for the purpose of supplementing Chapter 90, override and grant funding for street paving in Fiscal Year 2017. [04/11/16 @ 11:32 AM]

**Action: Public Facilities Approved 7-0.**

**Note:** Commissioner McGonagle presented the request for an additional \$500,000 to put towards the CIP for additional street paving. The Department of Public Works is looking to add 3 miles of overlay in order which will help DPW begin to address the results of the street scan data. They intend to prioritize the results of the street scan data and determine which streets need attention first. This additional funding will bring the total number of miles to 8 for street paving for FY17.

Councilor Gentile motioned for approval which carried unanimously.

### **Referred to Public Facilities and Finance Committees**

**#144-16**

#### **Transfer to supplement DPW accounts for vehicle parts and recyclable collection**

HIS HONOR THE MAYOR, requesting authorization to transfer the sum of two hundred fifty thousand dollars (\$250,000) from Public Works Full-time Salaries Account to the following accounts:

Vehicle Repair Parts  
(0140103-5484).....\$50,000  
Collection-Recyclables  
(0140111-52322) .....\$200,000  
[04/11/16 @ 11:32 AM]

**Action: Public Facilities Approved 7-0.**

**Note:** Commissioner McGonagle presented the request for funds to cover the cost of vehicle repair and recyclable collection. The \$50,000 thousand requested is to fund the cost of repairs to municipal vehicles. Department policy prohibits operators taking out vehicles that are unsafe.

The \$200,000 thousand is requested in order to cover the unanticipated cost of recycling. The cost has risen from paying \$40 per ton to paying \$60 per ton. The contract will not allow the cost to rise above \$60 per ton for a five year period. Commissioner McGonagle stated the intention to conduct a tour of the recycling facility and Rumford for the Council.

Committee members emphasized the importance of receiving approval for funds prior to completing the work and Commissioner McGonagle confirmed that staff has been directed to confirm the availability of funds prior to completing any work.

Councilor Lappin motioned for approval which carried unanimously.

**Referred to Public Facilities and Finance Committees**

**#133-15(A2) Amend lease agreement to replace 60 Elliot St with 70 Elliot St as solar panel site**  
HIS HONOR THE MAYOR requesting an amendment to Board Order #133-15(A) on November 16, 2015 by replacing 60 Elliot Street with 70 Elliot Street as an approved site for solar car canopies. [04/25/16 @ 6:52 PM]

**Action: Public Facilities Approved 7-0.**

**Note:** Commissioner of Public Buildings Joshua Morse explained to the Committee how Department of Public Works has multiple street addresses in the same complex and in order to reflect the appropriate street address, the item needs amendment. The project has not changed and remains in the same location.

Councilor Danberg motioned for approval which carried unanimously.

**Referred to Public Facilities and Finance Committees**

**#171-16 Transfer within Public Buildings to fund CO2 Detectors, elevator, electrical repairs**  
HIS HONOR THE MAYOR requesting authorization to transfer the sum of seventy-five six hundred forty-two dollars (\$75,642) from the Public Buildings Full-time Salaries Account to the Public Buildings Repairs and Maintenance Account for the purpose of funding CO2 Detectors, major elevator and electrical repairs, as well as other repair requests. [04/25/16 @ 6:53]

**Action: Public Facilities Approved 7-0.**

**Note:** The request for funds is to cover the unforeseen costs necessary during the year including the installation of CO detectors at City Hall and the library, major elevator repairs to the old elevator, vapor repelling, electrical and plumbing repairs. The request for funds is an interdepartmental transfer.

Councilor Albright moved for approval which carried unanimously.

**Referred to Public Facilities and Finance Committees**

**#172-16 Free Cash appropriation to fund security cameras at City Hall and the Police Dept**  
**HIS HONOR THE MAYOR** requesting authorization to appropriate ninety-nine thousand four hundred seventy-five dollars (\$99,475) from Free Cash to the Public Buildings Department for costs associated with the installation of security cameras at City Hall and the Police Department. [04/25/16 @ 6:53 PM]

**Action: Public Facilities Approved 7-0.**

**Note:** Commissioner Morse presented the request for funds for the purchase of cameras for City Hall and the Police Department. Commissioner Morse explained that while police headquarters already has cameras, they are in need of updates.

The request to put cameras in City Hall was in result to thefts that have occurred. The thefts have included a generator from IT and a number of laptops from the City Council chamber on different days. A conversation with the Police Department confirmed that cameras could offer security by acting as a deterrent to thefts and additional safety benefits City Hall staff.

Committee members had questions regarding the ethics of the installation of cameras. Commissioner Morse confirmed that the cameras would be in plain sight in public areas and entrances/exits to the building. The Law Department will draft the camera policy. Additionally, footage would not be viewed unless there was an occurrence requiring review. Should the need arise to review the footage; representatives from Human Resources and the Police Department would be involved.

Upon installation, the City will own the cameras. Commissioner Morse will work with the Police Department to determine where cameras are necessary but does not expect that there will be cause to install the number of cameras that the contract company quoted. The current figure represents the installation including 64 cameras.

Councilor Gentile motioned for approval which carried unanimously.

**Respectfully Submitted,**

**Deborah J. Crossley**

**CITY OF NEWTON  
LAW DEPARTMENT  
MEMORANDUM**

Date: May 3, 2016  
From: Robert J. Waddick  
To: Councillor Deborah Crossley, Chairman  
Public Facilities Committee  
Subject: Grant of Location – Franklin Street

Chairman Crossley,

You asked me to consolidate into a memorandum email responses that I provided Nadia Khan relative to concerns regarding the above referenced petition for a grant of location by Eversource.

The petition that is before the Committee is for a grant of location to run underground conduit for one customer. The petitioner is Eversource, not the customer. The grant, and whatever conditions are attached to the grant, run to Eversource.

The City Engineer has recommended milling and overlay paving curb to curb. That could be required as a condition, but it may not be enforceable against the utility. Paving requirements have been established by the Department of Public Utilities (the “DPU”) and do not appear to include curb to curb repaving. However, since the customer will ultimately pay the cost of the project, the utility may agree to have Franklin Street repaved in the manner requested by the city.

A question has been raised regarding whether a cashier’s check in an amount sufficient to cover the cost of the road repairs can be required as a condition. The city has required contractors used by utilities to post bonds in the past relative to street work at the time that street opening permits are requested from the Engineering Division. However, I am not aware of a situation in which a cashier’s check has been required up front from a utility. Imposing such a condition on Eversource is likely to be unenforceable.

A question has been raised regarding whether the road repairs can be delayed to allow other property owners to connect to the underground transmission line. In my opinion, it would not be appropriate or practical to condition the repaving of the street such that it’s scheduled to allow other residents of Franklin Street to connect to the underground transmission line. First of all, the petition for a grant of location before the Committee is being sought to provide service to one customer. Moreover, it is my understanding that Eversource would have to design a different kind of transmission line to that which is proposed to service additional properties. Further, it is not clear how the repaving of the street could be coordinated with the actions and decisions of multiple property owners. If the goal is to allow multiple property owners on Franklin Street to switch to underground service before the road is repaved, then a better approach might be to have a new or superseding petition for a grant of location which includes

all of the property owners who want to participate. However, that is not what is currently before the Committee.

In summary, while the milling and curb to curb repaving recommended by the City Engineer could be a condition of the grant, it may not be technically enforceable against the utility. However it may be honored in any case since the customer is ultimately paying the costs of the project. In addition, there appears to be no precedent for requiring a cashier's check from a utility for street repairs, but the city has required contractors used by utilities to post bonds. Finally, given the petition that is before the Committee, it would not be appropriate or practical to condition the repaving of Franklin Street such that it's scheduled to allow other property owners to connect to the underground transmission line.

I hope the foregoing is helpful.