



Public Facilities Committee Report

City of Newton In City Council

Wednesday, October 5, 2016

Present: Councilors Crossley (Chair), Albright, Laredo, Gentile, Danberg, Lennon, Brousal-Glaser; also present; Councilors Fuller, Leary, Cote, Harney, Ciccone, Norton, Yates, Rice, Blazar; absent; Councilor Lappin.

City Staff Present: Assistant City Solicitor Marie Lawlor, Director of Operations for Public Works Shane Mark, Assistant City Engineer John Daglian, Police Lieutenant Daly, Police Captain Anastasia, Police Sargent Jay Babcock.

Referred to Public Facilities Committee

Referred to Public Safety & Transportation, Public Facilities and Finance Committees

- #335-16** **Request for Ordinance amendments to require removal of snow from sidewalks**
COUNCILOR DANBERG requesting that §26-8 through §26-9 and §20-21 of the City of Newton Rev. Ords., 2012, be amended to establish criteria and provisions for requiring removal of snow in all districts by property owners, occupants, and property managers from sidewalks abutting their property and to review and amend enforcement provisions including structure of fines for snow removal violations. [09/27/16 @ 11:36 AM]
Public Safety & Transportation Held 7-0
Action: Public Facilities Held 7-0.

Note: The Public Facilities Committee and Public Safety and Transportation Committees met jointly to discuss the request to amendments to require the removal of snow from sidewalks. Councilor Danberg introduced the request noting that the ordinance has been a trial for four years and in discussion for over 20. Councilor Danberg emphasized that the amendments are not meant to be punitive but to improve the walkability for residents.

Assistant City Solicitor Marie Lawlor reviewed major changes proposed to the ordinance in a draft Council Order (attached). She noted that the changes result from the Snow Removal Working Group's efforts during the past year. Amendments proposed to the ordinance include a reduction in the amount of time businesses and residents have to clear the sidewalks after a storm. As specified in the draft, and that multi-family (4+units) will be required to clear the sidewalk in the same time period as commercial properties (12 hours). Attorney Lawlor noted that by identifying these multi-family homes as commercial, would simplify the ordinance. The amendments would apply across the City, and the enforcing authority could issue violations ranging from warnings to a monetary fine. In the event of a major snowstorm, the Mayor could issue a compliance delay; allowing additional time for snow removal.

The Department of Public Works has previously maintained a list of volunteer and for fee shovelers for those requiring assistance. The amended ordinance would eliminate the requirement to

keep this list, but would include a hardship provision. The hardship provision would be on an as needed basis and reviewed by Director of Senior Services Jayne Colino. It was noted that the hardship would have to be a combination of both financial and physical factors. Councilors did not feel that this provision would be fair to those who might need temporary relief from shoveling (i.e. temporary injuries). Residents could still apply for an exception if they needed additional assistance. Several Councilors noted that they would not feel comfortable with an amended ordinance that did not require any list maintained by the City.

Director of Operations for Public Works, Shane Mark confirmed that the City does not clear sidewalks for businesses but does clear in front of transportation nodes. He stated that the City will continue to clear sidewalks on school routes. For the past two years, DPW has reduced the number of miles of sidewalk plowed by the City from 87 miles to 63 miles. This work is completed within 8 hours of the end of the storm in time for school. For any contract plows, the routes are spot checked prior to their release. Councilors questioned whether it would be necessary for the City to continue to shovel the school routes with the amended ordinance in effect. Because residents would be allowed 24 hours after the storm to clear the sidewalk, it was determined that the school routes would still have to be cleared to allow students safe passage to school.

Last winter, there were approximately 40 inches of snow. Department of Public Works staff reviewed compliance with the current ordinance and left "requests to clear" at residences who had not yet cleared their sidewalks. Upon DPW's return to the houses, 24 hours later; 40% had complied. It was noted that only paved sidewalks would be subject to the snow removal ordinance. In the event of repeated major snowstorms, the City would do what they could to help residents clear and the Mayor could issue the compliance delay. Councilors suggested that global climate change could mean repeated major snowstorms as in Winter 2014.

Regarding enforcement, the proposed ordinance names the police as the only authority who could issue violations to residents and businesses. It was suggested that if the ordinance is amended, the administration will delegate the authority to enforce the ordinance at that point. Councilors felt a clear concrete plan for enforcement is necessary prior to voting for the amendments, and that the administration be present at the next meeting to discuss this. Police Lieutenant Daly stated that during snow and ice storms, the Police Department coordinates a number of different things including; downed wires & trees, other snow related emergencies and as well enforces the compliance of snow removal for businesses. He noted that the Chief respectfully requests to not be the enforcing authority for the sidewalk shoveling violations in neighborhoods. It was stated that the number of calls would stretch the resources of the Police Department. Captain Anastasia added that the Police Department is making an effort to improve community relations in the City and that enforcement of snow shoveling could have a detrimental impact on those efforts. Councilors requested that additional information be provided relating to whether neighboring communities have recognized an increase in compliance that corresponds to a decrease in enforcement. Committee members were not comfortable with a complaint driven system and it was suggested that parking control officers would not be appropriate for enforcement.

Councilors questioned whether the uniform issuance and enforcement of violations would be actually more cost effective than the City instead plowing more of the sidewalks. It was noted that time, labor and capital are factors to consider. Councilors requested that an estimate be provided of the City's expense to plow 200 miles of sidewalk (approximately one side of every residential road). It was also stated that personal homeowner expenses would decrease as the taxes increase to cover the cost of shoveling the additional sidewalk space. Councilors agreed that a solution is necessary to improve the post storm walkability in the City. Councilors felt that education about the ordinance could impact compliance. Suggested outreach includes reverse 311 calls and social media outreach.

Councilors requested the following:

- A clear enforcement plan.
- A rough budget for City clearing of 200 miles of sidewalks vs. costs associated with compliance.
- More information about other Greater Boston area snow removal ordinances and fines.
- To address the environmental implications of materials recommended to melt snow and ice quickly.

The Committees agreed to discuss the item again on October 19, 2016. Motions from Councilor Yates in Public Safety & Councilor Laredo in Public Facilities carried 7-0, respectively.

#315-16 Verizon petition for grant of location at Blake Street

EVERSOURCE ENERGY AND VERIZON NEW ENGLAND, INC. petitioning for a grant of location to relocate Pole #44/4 on Blake Street approximately 341' south of Cabot Road to accommodate a new driveway at house #28. (Ward 2) [09/02/16 @ 2:00 PM]

Action: Public Facilities Approved 7-0.

Note: Eversource representative Maureen Carroll presented the petition to relocate a pole approximately 10 feet on Blake Street to accommodate a new driveway at 28 Blake Street. The homeowner, Ellen Silverman, was present and explained that the existing condition at the two-family house includes a large gravel space and large driveway at the 26 Blake Street side. The relocation of the pole will allow them to build a second driveway on the 28 Blake Street side. They will maintain two smaller driveways and plant grass in the gravel space in back. It was noted that the lot is smaller and there will be two curb cuts with the new driveway. Assistant City Engineer John Daghlian noted that although there will be two curb cuts, the additional driveway will help to provide for safer off street parking. The Public Hearing was opened and closed with no comment.

To ensure that Inspectional Services would approve of the second driveway, Committee members stated that the homeowner must submit plans to ISD prior to the issuance of a street opening permit. Councilor Albright motioned to approve. Contingent on the approval of plans by ISD, the Committee voted 7-0 in favor of the item.

#316-16 National Grid petition for grant of location in Ruane Road

NATIONAL GRID petitioning for a grant of location to install and maintain 110' ± of 4" main in Ruane Road from existing gas main at #74 Ruane in an easterly direction to house #61 for new gas service. [(Ward 3) 09/07/2016 @ 12:40 PM]

Action: Public Facilities Approved 7-0.

Note: National Grid Permit Representative Dennis Reagan presented the petition to install gas main in Ruane Road for new gas service. The Public Hearing was opened and closed with no comment. Committee members had no additional questions for the petitioner. Councilor Brousal-Glaser's motion to approve carried 7-0.

#330-16 Petition for Grant of Location gas main in Levbert Road

NATIONAL GRID petitioning for a Grant of Location to install and maintain 225' ± of 4" gas main in LEVBERT ROAD from the exiting 4" gas main at 87 Levbert Road easterly to 73 Levbert Road. (Ward 8) [09/21/16 @ 12:03 PM]

Action: Public Facilities Approved 7-0.

Note: National Grid Permit Representative Dennis Reagan presented the petition to install gas main in Levbert Road. Mr. Reagan confirmed that National Grid notifies abutters. Councilors also noted that the City additionally sends out Public Hearing notices. The developer for the property noted that he did approach abutters but that they were not interested in gas service at the time. The Public Hearing was opened and closed with no comment. Councilor Albright motioned to approve which carried 7-0.

#331-16 Petition for Grant of Location to install conduit in Stein Circle

COMCAST OF MASSACHUSETTS petitioning for a Grant of Location to install 120' ± of 3" conduit from Pole 376/1 in Stein Circle northeasterly thence turning northwesterly on to Chinian Path to an existing vault in Chinian Path. (Ward 8) [09/15/16 @ 10:23 AM]

Action: Public Facilities Approved 7-0.

Note: Comcast Representative Manuel Furtado presented the petition to install conduit in Stein Circle. He confirmed that the conduit will be underground. The conduit is being moved to protect it from damage from other undergrounding occurring in the area. The Public Hearing was opened and closed with no comment. Councilor Laredo motioned to approve and the motion carried unanimously.

Referred to Public Facilities and Finance Committees

#257-16 Delegation of quinquennial perambulation to the City Engineer and GIS Administrator

CITY CLERK requesting that the City Council officially delegate the responsibility of Quinquennial Boundary Line Perambulation to the City Engineer and the City GIS Administrator as required by Massachusetts General Law Chapter 42, Section 2, which states that "the boundary markers of every town shall be located, the marks thereon renewed, and the year located marked upon the face thereof which bears the letter of the town locating its boundary, once every five years, by at least two of the selectmen of the town or by two substitutes designated by them in writing." [06/22/16 @ 11:35 AM]

Action: Public Facilities Approved 7-0.

Note: Assistant City Engineer John Daghlian presented the request to delegate the perambulation of City boundary lines to the City Engineer. He explained that this is a routine procedure by in the Commonwealth. Mr. Daghlian noted that in Newton there are 12 boundaries that have to be located. He confirmed that everything is done by City staff barring extraordinary circumstances. Councilor Danberg motioned to approve the item which carried 7-0.

Respectfully Submitted,

Deborah J. Crossley