

CITY OF NEWTON
IN BOARD OF ALDERMEN
PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, APRIL 23, 2014

Present: Ald. Crossley (Chairman), Lennon, Albright, Danberg, and Lappin

Absent: Ald. Gentile, Laredo; 1 vacancy

Also present: Ald. Johnson

City staff: John Daghlian (Associate City Engineer), Julie Ross (Assistant City Solicitor), Dave Turocy (Commissioner of Public Works), and Robert DeRubeis (Commissioner of Parks and Recreation)

#118-14 MICHAEL C. CHASE AND ARTHUR X. DUFFEY, Trustees of 190 Forest Avenue Realty Trust, c/o Rex Capital Advisors, 50 Park Row West, Suite 113, Providence, Rhode Island, petitioning for sewer main extension in FOREST AVENUE from an existing sewer manhole located near 177 and 180 Forest Avenue 260' ± southwesterly to a proposed sewer manhole in Forest Avenue.
03/31/14 @ 1:22 PM]

ACTION: **APPROVED 4-0 (Lennon not voting)**

NOTE: Associate City Engineer John Daghlian presented the petition to extend a sewer main in Forest Avenue 266' from an existing manhole to a proposed manhole at the end of Forest Avenue in West Newton. The project requires the taking of an easement for that portion of Forest Avenue, as that part of the road is private. There is an existing easement on the northerly portion of Forest Avenue, which will essentially be extended to cover the new sewer main. The proposed sewer main replaces old clay pipes that provide sewer services to 190 and 204 Forest Avenue and 44 Sylvan Avenue. The project benefits the City, as the existing clay pipe is old and a source of infiltration. The petitioner's attorney, Jason Rosenberg, provided the attached photo of the clay pipe to illustrate the deterioration of the clay pipe. The new PVC pipe will rectify the infiltration problem. In addition, the petitioner is paying 100% of the cost of the project.

Mr. Daghlian provided a review of the sewer main extension and easement plans and provided comments and conditions in a memorandum, which was attached to the agenda. Both the easement plan and the sewer plan prepared by Frank Holmes of Santec Engineering meet the City standards for sewer main extensions and takings.

The public hearing was opened and Robert Gervis, 204 Forest Avenue, spoke on the petition. He is in favor of the petition and is pleased that he will be attaching his house connection to a new sewer main line at no cost. The public hearing was closed as no one else wished to speak. Ald. Albright moved approval of the project, which carried unanimously.

#117-14 NATIONAL GRID petitioning for a grant of location to install and maintain 30' ± of 4" gas main in HEATHERLAND ROAD from the existing 4" gas main at 18 Heatherland Road 30' in a easterly direction to provide service to 65 Andrew Street. [03/17/14 @ 3:11 PM]

ACTION: **APPROVED 4-0 (Lennon not voting)**

NOTE: Dennis Regain, Nation Grid Permit Representative, presented the request for a grant of location to install and maintain 30' of gas main in Heatherland Road to provide gas service to 65 Andrew Street. The Department of Public Works reviewed the petition and recommended approval of the grant of location with the standard street opening permit conditions. The public hearing was opened and no one spoke for or against the petition. Ald. Lappin moved approval, which carried unanimously.

#200-13(2) ALD. JOHNSON proposing amendment(s) to Chapter 27 of the city ordinances relative to signs on sidewalks, traffic islands, and other city property to establish an application process for placing signs (sandwich boards, placards, and show boards), which includes requirements, timelines for posting and removal of signs. [02/26/14 @ 9:07 AM]

ACTION: **HELD 5-0**

NOTE: Ald. Johnson joined the Committee for discussion of proposed amendments to the ordinance regulating signs on city property. Drafts of the proposed amended ordinance, permit application and a list of Parks and Recreation Department areas that are possible sign sites are attached. The Programs & Services Committee previously discussed establishing a process for managing the placement and removal of City for-profit and non-profit signs. However, the Department of Public Works would be responsible for managing the proposed permit process for sandwich boards, placards, and show board. Therefore, it requires discussion and action by the Public Facilities Committee.

There is a proliferation of signage throughout the City in parks, on traffic islands, and sidewalks for events. The signage often remains in place well after the event has taken place because it is unclear whether the City has the authority to remove the signs. Currently, the ordinances require that a person receive permission from Commissioner of Public Works to place a sign on a sidewalk. The proposed amendments would expand the ordinance to regulate placement of signs on City property.

Ald. Johnson met with the Commissioner of Parks and Recreation, Elaine Gentile and Angie Clark of the Department of Public Works, and Assistant City Solicitor Julie Ross several times to develop the proposed amendments. Ms. Ross reviewed the proposed amendments with the Committee. The amendments seek to limit the locations and length of time that show boards, sandwich boards, and placards can be displayed through a permit process overseen by the Department of Public Works. Signs cannot be placed before fourteen days preceding the event and must be removed within 48 hours after the event. The amendments address for profit and non-profit signage and City signs. The proposed amendments also state that the signs are temporary; therefore, signs cannot be affixed permanently to a location by metal chain or any

other mechanism. The amendments clearly state that the Commissioner of Public Works has the authority to deny a sign permit application and that City personnel can remove signs once a permit is expired. In addition, the new language makes certain that the any signs placed on City property allow a minimum width of 4' of clearance for pedestrians and wheelchairs. With sufficient clearance on the sidewalk, after obtaining a permit from the Department of Public Works, a business will be allowed to advertise sales or other information on one show board or sign adjacent to the business, which must be removed daily at the close of the business.

There will be a public meeting to inform business, Parent Teacher Organizations, Schools, and other organizations about the proposed amendments. Commissioner of Public Works Dave Turocy added that other City departments, such as the Planning and Development Department, should vet the proposed amendments. The City is considering placing signage in some of the villages and the amendments may affect plans for that signage. There are currently discussions regarding putting an electronic signboard in front of the Senior Center in Newtonville.

Questions and Comments

There needs to be further clarification on what constitutes a traffic island and whether signage is appropriate on either grass traffic islands, which fall under the control of the Parks and Recreation Department, or the concrete islands, which fall under the Public Works Department.

It was pointed out that signs may not be appropriate for green areas and that signs located on concrete islands may be a distraction to drivers or impede the views of the road for both pedestrians and drivers.

Should the City institute a permit fee for signs?

What is the best way to advertise the proposed amendments to organizations and businesses?

Should the City regulate the size of signs?

There should be discussion on whether electronic signs are appropriate and if they are, where they may be located.

The Planning and Development Department should review and comment on the proposed amendments to determine if any of the zoning ordinances related to signs need to be amended.

Is there a nexus between the proposed sign amendments and the banner policy?

The Committee would like a complete list of proposed allowed sign locations with the number of allowed signs per location.

There was concern that by allowing business to place signs on sidewalks, there would be a sign in front of every business in the villages.

Ald. Danberg moved hold on the item in order to allow Committee members to consider the proposed amendments and to get responses to the questions and comments. The motion to hold carried by a vote of five in favor and none opposed.

#367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]

ACTION: **HELD 5-0**

NOTE: Commissioner of Public Works Dave Turocy and Associate City Solicitor joined the Committee for discussion of this item. Director of Transportation Bill Paille provided the Committee with a memorandum updating the Committee on the streetlight outages, which was attached to the agenda. The City and NStar have not reached an agreement on who is responsible for restoring power to a streetlight if the problem lies somewhere underground between a streetlight and manhole. The attached reports provide a history of the issue.

There are currently 57 streetlights that are out due to underground connection issues. Mr. Paille has attempted to meet with NStar personnel, and representatives of Dagle Electric, who is the City's streetlight contractor, at each streetlight outage location to identify the problem and develop a plan to address the problem. NStar has been unable to make any of the many proposed meeting times. Mr. Paille is hoping to set up meeting times in May or June. At this point, the Mayor has asked Commissioner Turocy to write a letter to NStar next week with a deadline for a response. If NStar ignores the letter from the Commissioner, the Mayor will send a letter with a date certain for a response. If there is no response to the Mayor, the City will file a complaint with the Department of Public Utilities (DPU) regarding the streetlight outages.

The issue has been going on for a long time and is frustrating for both the Administration and the Committee. Broken streetlights are a public safety hazard but the City cannot address the outages without NStar. Unfortunately, it is illegal for anyone to enter an NStar manhole without permission from NStar.

Committee members felt strongly that it would be appropriate for the City to file a complaint with the DPU now and then negotiate with NStar. Ms. Ross stated that she believes that the Law Department would like to document the issue further before filing a complaint.

It was pointed out that the City is in the process of changing its streetlights to LED lights and will be negotiating a new fee for streetlight electricity with NStar. The City will have opportunity to talk with NStar regarding the outages during these negotiations.

The Committee requested that the President of the Board and Chairman of the Committee meet with the Mayor to express the concern that this issue has not been resolved and urge him to file a complaint should be filed with the Department of Public Utilities.

With that, Ald. Lappin moved hold on the item, which carried unanimously.

Re-appointment by His Honor the Mayor

#142-14 LAWRENCE KAUFMAN, 362 California Street, Nonantum, re-appointed as a member of the Newton Citizens Commission on Energy for a term to expire on April 15, 2015. (60 days 06/21/14). [04/01/14 @ 2:18 PM]

ACTION: **APPROVED 5-0**

NOTE: Mr. Kaufman did not attend the meeting but as he has served on the Citizens Commission on Energy for a number of years, he is well known to the Committee members. His resume was attached to the agenda and the Committee noted that they are thankful for Mr. Kaufman's continued service to the City. Ald. Lappin moved approval of the reappointment, which carried unanimously.

Re-appointment by His Honor the Mayor

#143-14 HALINA BROWN, Ph.D., 56 Cloverdale Road, Newton Centre, re-appointed as a member of the Newton Citizens Commission on Energy for a term to expire on April 15, 2017. (60 days 06/21/14). [04/01/14 @ 2:18 PM]

ACTION: **APPROVED 5-0**

NOTE: The Committee approved Dr. Brown's reappointment to the Citizens' Commission on Energy and expressed their gratitude for her willingness to serve the City. The Committee felt it unnecessary for Dr. Brown to be present for the reappointment discussion, as she is known to most Committee members. Ms. Brown provided a detailed resume to the Committee, which was attached to the agenda. Dr. Brown is a Professor of Environmental Health and Policy and an Adjunct Professor of Biology and Chemistry at Clark University.

Re-appointment by His Honor the Mayor

#144-14 JONATHAN KANTAR, 672 Chestnut Street, Waban, re-appointed as a member of the Newton Citizens Commission on Energy for a term to expire on April 15, 2016. (60 days 06/21/14). [04/01/14 @ 2:18 PM]

ACTION: **APPROVED 5-0**

NOTE: Although Mr. Kantar was unable join the Committee to discuss his reappointment to the Newton Citizens Commission on Energy, he is known to most of the Committee. His resume was attached to the agenda for those unfamiliar with Mr. Kantar's career and background. The Committee was pleased to reappointment Mr. Kantar and Ald. Lappin moved approval of his reappointment, which carried unanimously.

All other items before the Committee were held without discussion and the Committee adjourned at 8:45 PM.

Respectfully submitted,

Deborah Crossley, Chairman

#118-14



Proposed Amendment to Rev. Ords. 2012, § 26-27

The purpose/scope of the proposed amendment is:

- (1) To expand the existing sandwich board (hereafter referred to as showboards) ordinance, Rev. Ords. 2012, § 26-27, to include regulations relative to the placement of showboards on sidewalks, traffic islands and other City property.
- (2) To establish a comprehensive application process and policy for all signs on sidewalks, traffic islands and other City property.
- (3) To limit and control the proliferation of signs, including the smaller in-ground placard-type signs ~~(e.g. “Touch A Truck”) throughout the City. A number of such signs have been problematic throughout the City as they are often left in place long after conclusion of the event they advertise. To this end, the ordinance allows City personnel to remove the signs 48 hours after conclusion of the event. The ordinance also allows City personnel to remove unauthorized signs.~~
- (4) To establish designated locations for the posting of ~~non sandwich board signs~~other (i.e. the placards or signs).
- (5) To establish a time frame for placement and removal of the signs, including removal by City personnel in some instances.
- (6) To require an expiration date be clearly marked on the sign, after which, City personnel will be authorized to remove the sign(s) should the poster fail to do so.
- (7) To ensure that signs are placed in locations that will allow adequate pedestrian passage upon the public sidewalk, traffic island or other City property.
- (8) The proposed ordinance would cover both for-profit and non-profit entities, as well as City signs.

Sec. 26-27. Placing signs on sidewalks, traffic islands and other City property.

No person or entity shall, without authority from the commissioner of public works, place or cause to be placed on a sidewalk or traffic island, or other City property, a showboard, placard or sign for the purpose of displaying the same or attracting attention thereto, and shall be subject to the following:

- (a) An application for such showboard, placard, or sign to be posted by any person or entity shall be filed with the Commissioner of Public Works, who shall issue a permit authorizing the posting of such showboard, placard or sign. The Public Works Department and the Parks and Recreation Department shall maintain and post a list of approved locations, not including locations outside of business establishments pursuant to sections (g) and (h) of this Section for the posting of signs on traffic islands and other City property. For the purposes of this Section, the term “entity” shall include business establishments. One (1) sign may be posted in each approved location.

- (b) Permits shall only be granted in those circumstances where the Commissioner has determined that the placement of such showboards, placards or signs will not interfere with adequate pedestrian passage upon the public sidewalk, traffic island, or other City property ~~at the site~~, taking into account the flow and level of pedestrian traffic and the location of other fixtures upon the sidewalk including, but not limited to, utility poles, newspaper vending boxes and the like. Placement of such showboards, placards or signs shall not interfere with any other public activity that may occur at that location. In any event, a permit shall only be granted in circumstances where the placement of such showboard, placard or sign would result in an unobstructed pedestrian passageway upon the public sidewalk of a minimum of four feet (4') in width.
- (c) All such showboards, placards or signs shall be temporarily placed upon the sidewalks, traffic islands, or other City property, and shall not be affixed permanently thereto.
- (d) Such signs shall not be placed before fourteen (14) days preceding the event and shall be removed within forty-eight (48) hours after conclusion of the event. Failure to remove such signs may result in the denial of a permit to post such signs in the future.
- (e) All such signs shall contain the following notation: "This sign ~~may~~shall be removed on [insert date]." The removal date shall be forty-eight (48) hours after conclusion of the event.
- (f) City personnel are authorized to remove and discard any signs remaining after forty-eight (48) hours after conclusion of the event, or which were not validly issued a permit for that location. Any signs that are removed by City personnel shall be held by the Public Works Department for pickup for a period of one week, after which time they will be discarded.
- (g) The provisions of this Section shall also apply to advertisement signs by persons or entities that do not pertain to a specific event, but pertain to an offering by the business establishment. In these instances, sections (d) and (e) shall not apply. Instead, the person or entity must seek permission from the Commissioner in accordance with section (j) of this Section. [ALDERMAN - PLEASE SPECIFY IF YOU WANT THIS - THIS COULD RESULT IN BUSINESSES ADVERTISING ON OUR TRAFFIC ISLANDS I THINK WE SHOULD JUST HAVE SECTION (h) BELOW. PLEASE ADVISE!]
- (h) Where signs are placed on a public sidewalk outside of a business establishment, they must be placed adjacent to the business, must be removed

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daily at the close of business, and must not remain outside the business overnight.

~~(g)(i)~~ (i) The Public Works Department ~~shall maintain a policy relative~~may promulgate rules and regulations to implement ~~to the posting of showboards, placards or signs on sidewalks, traffic islands, or other City property.~~ the provisions of this Section. ~~It is the responsibility of anyone posting a sign under this Ordinance to familiarize him/herself with the policy.~~

~~(h)~~(j) An application for a showboard, placard, or sign to be posted by any person or entity for a period of time longer than allowed by Section (d) of this ordinance shall require receipt of special permission from the Commissioner of Public Works. The Commissioner of Public Works shall determine the appropriate length of time for posting and removal, and shall issue a permit authorizing the posting of such showboard, placard or sign. Sections (d) (e) and (f) of this Ordinance shall not apply to persons or entities who receive special permission from the Commissioner under this Section.

ZONING ORDINANCE CHANGE:

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In order to effectuate the above change, it will also be necessary to amend Section 30-20(g) of the Zoning Ordinance, Regulation of Signs in Open Space/Recreation and Public Use Districts, by adding a new paragraph (paragraph "5") that reads as follows:

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(5) Signs authorized by the Commissioner of Public Works pursuant to Rev. Ords. § 26-27.

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Such signs shall not be subject to Sec. 30-20(c),(d)(1) or (5).

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CITY OF NEWTON
1000 COMMONWEALTH AVENUE
NEWTON, MA 02459

SANDWICH BOARDS~~SHOWBOARDS, PLACARDS OR SIGNS~~ PERMIT

Name of Responsible Party: _____

Nature of Advertising/ Event: _____

Date of Event: _____

Name of Organization: _____

Address _____

Email _____ Phone: _____

Check One:
SHORT TERM:
LONG TERM:

Proposed ~~Sandwich Boards~~ Locations _____

Requested dates of ~~Sandwich Board~~ Sign: _____

**Note: ~~sandwich board~~ Showboard, placard or sign must be removed within 24 48 hours after event.

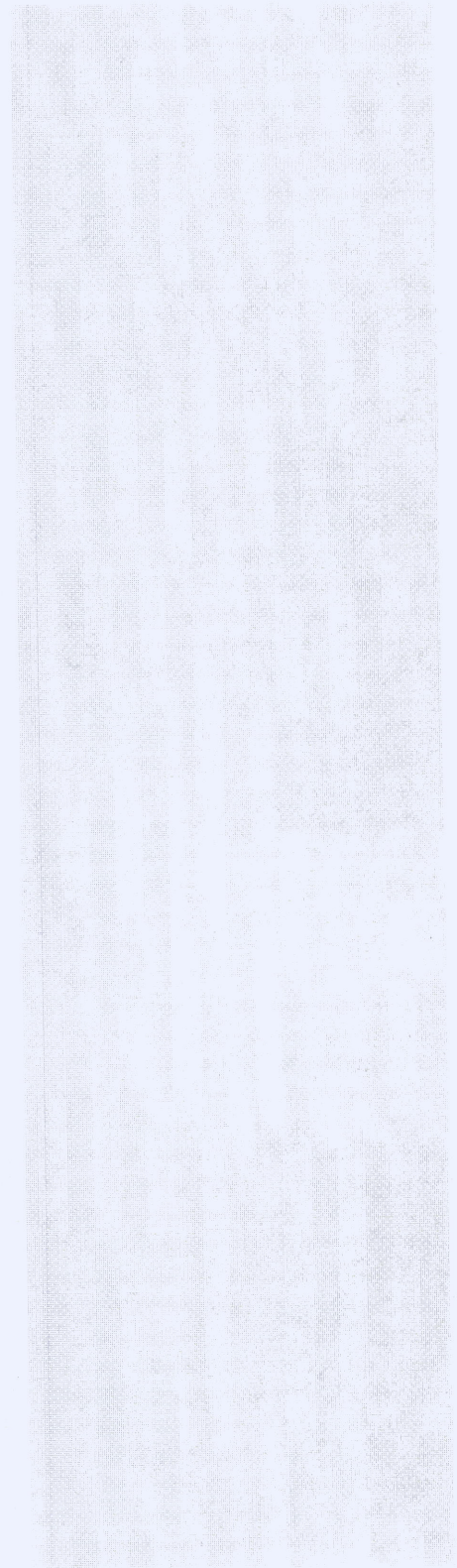
The Sponsor shall reimburse, make good or pay for the full amount of any damage, loss or injury to property owned or controlled by the City of Newton which results from installation, occupancy or removal of said ~~sandwich boards~~ showboards, placards or signs and HOLDS HARMLESS, the City of Newton, its officers and employees from any and all actions, causes of action, claims, demands, damages, costs, loss of service, expenses and compensation, on account of or in any way arising out of, directly or indirectly, personal injuries or property damage resulting or to result from or in connection, occupancy or removal of said ~~sandwich board, showboard, placard or sign~~. Sandwich boards Showboards, placards or signs are permitted for a 2 week period prior to event, unless prior permission is received per Section 26-27(g) of the Newton Revised Ordinances, XXXX -

Organization Representative _____ Date _____

Approval

Commissioner of Public Works Date

Comments/Restrictions _____



SHOWBOARDS, PLACARDS OR SIGNS SANDWICH BOARD
PERMITTING PROCEDURE
AND POLICY

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Contact Public Works Office for permission

Organization provides its own ~~sandwich board~~, showboard, placard or sign.

The location must take into account safety, visibility and pedestrian access.

Permit to be filled out signed and returned.

~~Sandwich boards~~Showboards, placards or signs must advertise a dated event and shall be removed within 24-48 hours after the event, unless special permission has been received from the Commissioner.

~~Sandwich boards~~Showboards, placards or signs shall not be placed at permitted location(s) more than fourteen (14) days prior to the date of the event, unless special permission has been received from the Commissioner.

~~Sandwich boards~~Showboards, placards or signs shall not be attached to any municipal property, including but not limited to street signs, traffic signs and traffic signals, or the poles to which said signs and signal are attached, without the express written permission of the Commissioner of Public Works.

The forgoing conditions shall be in accordance with the Revised Ordinances of the City of Newton

P & R Areas – options for signs

City Hall

Newton Centre Green

Halloran Field fence

Cold Spring Park – Beacon St

Chaffin Park

Lowell Park

Spears Park

Oakley Spa- across the street- maybe a v shaped sign so it can be seen from both directions

Lyons Park- Carriage Rd (pasture fence)

Nahanton Park-Nahanton St.- Entrance or on hill near second parking area

Fire Station – area next to station on Centre St

No signs:

- Traffic islands
- Historic sites

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 20, 2013

Present: Ald. Salvucci (Chairman), Albright, Gentile, Crossley, Danberg, and Laredo
Absent: Ald. Lennon and Lappin

#367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]

ACTION: **REFERRED TO 2014-2015 BOARD OF ALDERMEN 6-0**

NOTE: Director of Transportation Bill Paille informed the Committee that he has been meeting with NStar, who recognizes that the outages of streetlights related to electrical connections between a manhole and streetlights are a shared responsibility between the City and NStar. The City is not supposed to enter NStar manholes to repair the conduit.

Mr. Paille stated that there are 54 streetlights within the City that have electrical issues related to the underground electrical feed from the manhole. There are 18 lights with overhead power issues. There were over 80 streetlight outages related to underground issues last year. Mr. Paille is working on meeting with NStar at the site of each streetlight outage to confirm the problem and come up with a solution. The next step is to repair each outage with the help of NStar. Mr. Paille will concentrate on repairing the lights that affect pedestrian and vehicle safety.

NStar and the City can only address three streetlights with underground issues in one day. However, Mr. Paille has been tracking the City's cost related to inoperable lights and will provide it to the Law Department if it is determined that the City should attempt to recoup its losses. Mr. Paille will also provide the Committee with that information.

The Committee thanked Mr. Paille for the information but was discouraged with the slow progress on repairing the streetlights. Ald. Crossley moved that the item be referred to the next Board of Aldermen for further discussion. The Committee voted in favor of the motion to refer the item to the 2014-2015 Board unanimously.

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, APRIL 17, 2013

Present: Ald. Salvucci (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, Laredo, and Lappin

Also present: Ald. Sangiolo, Swiston, Harney, and Yates

#367-09 PUBLIC FACILITIES COMMITTEE requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. [10/21/09 @ 9:00 PM]

ACTION: **HELD 8-0**

NOTE: Director of Transportation Bill Paille provided a list (attached) of all streetlight outages related to NStar problems. NStar and the City are still in dispute over whose responsibility it is to repair the streetlights with underground issues. Fifty-two streetlights in the City fall into that category and of those 52 outages 30 are related to the underground electric feed from the manhole. There are 16 lights with overhead power issues and 6 lights awaiting transfer of wires from an abandoned utility pole. Mr. Paille is focusing on the 30 streetlights with underground issues. He has met with NStar Electric regarding the outages and estimated a cost to fix each of the underground problems. The estimate for each utility light is provided in the attached list.

The next step in resolving the underground issues is for an NStar crew and the City's contractor, Dangle, to meet in the field and visit each light with a recorded outage. Mr. Paille expects to make some progress in the next 30 to 45 days.

The Committee thanked Mr. Paille for the information but felt that the update needed to include information from the Law Department regarding progress on determining responsibility for the underground repair. It was suggested that the City pay for the underground repairs but track the cost and go to court to try to recoup the losses. Streetlight outages are a public safety concern and should be repaired immediately. The City could also determine how much they have paid NStar for the electricity that they are not using because of broken streetlights and hold that money back.

Chief Operating Officer Robert Rooney stated that the City is moving towards paying for the repairs and then attempting to recoup the costs. The City has not filed suit as it is trying to work with NStar. The Law Department has asked that the Administration follow a specific process before filing with the courts to build a stronger case. In addition, the City would need to pay and work with NStar to resolve the underground issues, as only NStar can access their manholes and conduit within the manholes.

Ald. Crossley moved hold for discussion with the Law Department regarding the legal issues and with Mr. Paille regarding progress on streetlight repair. The Committee voted in favor of the motion to hold unanimously.

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 16, 2011

Present: Ald. Schnipper (Chairman), Lennon, Albright, Gentile, Crossley, Danberg, and Lappin

Absent: Ald. Salvucci

Also present: Ald. Ciccone, Freedman, Fuller, Linsky, Swiston, and Yates

#457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]

ACTION: **NO ACTION NECESSARY 6-0 (Gentile not voting)**

NOTE: There is a similar request, which has been referred to the 2012-2013 Board of Aldermen. The Committee approved a motion for no action necessary, which carried unanimously.

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 6, 2010

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile and Danberg

Absent: Ald. Crossley and Lappin

#457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]

ACTION: **HELD 6-0**

NOTE: Traffic Engineer Clint Schuckel provided a brief update on the item. There are approximately 100 streetlights out of service. Of the 100 lights, 42 of the outages are due to an electrical problem between the manhole and light. Mr. Schuckel has not received any information from the Law Department concerning whether there is any agreement between the City and NStar regarding whose responsibility it is to repair faulty wiring located between the manhole and the pole. The City makes repairs to the streetlights as quickly as possible but cannot address the underground repairs. The City is supposed to be working with NStar to resolve the outages that the City cannot address but NStar has been very slow in responding. Mr. Schuckel would like to see the issue resolved as streetlight outages create safety issues. The Committee will request a progress update from the Law Department regarding the resolution of this issue. The item was held for an update and further information.

CITY OF NEWTONIN BOARD OF ALDERMENPUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JUNE 9, 2010

#457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]

ACTION: **HELD 8-0**

NOTE: City Solicitor Donnalyn Kahn updated the Committee on the Law Department's involvement with NStar regarding streetlight repair. Ms. Kahn recently met with Jeffrey Stevens, counsel for NStar, regarding the responsibility of repair of wires located between manhole and streetlight base.

Ms. Kahn stated that she and Mr. Stevens have identified the problem. Ms. Kahn explained that the City purchased the streetlights from NStar in 1999 through a purchase and sale agreement that includes a clause that states the City is responsible for repair of the streetlight from the base of the pole to the top of the pole. NStar does not believe that it is responsible for the repair of outages between the manhole and the base and will not make the repair unless the City pays a fee. It is illegal for the City to enter an NStar manhole and make repairs.

Ms. Kahn has requested further information from Mr. Stevens, such as information regarding the fees, before they meet again. It is Ms. Kahn's hope that NStar and the City can reach a resolution to the issue without going into mediation. Marc Lucas, NStar Customer Relations, added that he had spoken with Mr. Stevens after the meeting and Mr. Stevens felt that NStar and the City could reach a resolution without mediation. Ald. Lennon suggested that if the discussion turns to money for the repair, Ms. Kahn raise the issue of the number of streetlights that have been out for years due to this issue. Ms. Kahn responded that she has already reminded the NStar attorney and will use it in the future discussion.

The Committee held the item for further updates from the Law Department and Clint Schuckel, the Traffic Engineer.

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, APRIL 7, 2010

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Crossley, Danberg, and Lappin

#457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]

ACTION: **HELD 7-0 (Danberg not voting)**

NOTE: Marc Lucas, NStar Customer Service Representative, joined the Committee for discussion of this item. The docket item is an ongoing discussion item that was last discussed on October 21, 2009. Mr. Lucas updated the Committee on the streetlights. There are eight street lights still out that were on the original list of light outages and an additional fourteen lights that need to be investigated. Mr. Lucas and Mr. Schuckel, the City's Traffic Engineer, have been working well together to solve outages regardless of the legal issues. Mr. Lucas stated that the on-site outage meetings continue and NStar and city staff work to determine what is causing an outage and repair the problem.

In addition, an NStar attorney has been in contact with the Law Department concerning whether there is any agreement between the City and NStar regarding whose responsibility it is to repair faulty wiring located between the manhole and the pole. Mr. Lucas believes that the City and NStar will enter into informal mediation to determine responsibility. The Committee would like additional information from the Law Department regarding the conversation with the NStar attorney. The Committee held the item in order to invite a representative from the City's Law Department to a Committee meeting.

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 21, 2009

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Yates, Mansfield, and Lappin

#457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]

ACTION: **HELD 7-0 (Mansfield not voting)**

NOTE: Marc Lucas, NStar Customer Service Representative, and Clint Schuckel, Traffic Engineer, both joined the Committee for discussion of this item. There are currently 55 poles within the city without electricity. Thirteen of the 55 streetlights are out due to an electrical problem between the manhole and light. The Committee and Mr. Schuckel have not received any information from the Law Department concerning whether there is any agreement between the City and NStar regarding whose responsibility it is to repair faulty wiring located between the manhole and the pole. Ald. Gentile suggested that the Committee docket a separate item requesting discussion with Law Department regarding responsibility.

Mr. Schuckel stated that the key to progress with streetlight outages is to figure out the nature of the problem and repair it regardless of legal issues. Mr. Lucas and Mr. Schuckel have been working together to solve the outages. Mr. Lucas stated that there will be on-site meetings next week with NStar and city staff to determine what is causing the outage. He hopes that it is possible to have the site meetings once a month until all the problems are resolved.

Ald. Yates requested that Mr. Schuckel provide a list of the streetlights that are out and specify which are out due to an underground connection. Mr. Schuckel would be happy to provide the list to the Committee. Ald. Gentile made a motion to hold the item and create a docket item from the Committee requesting discussion with the Law Department on how to resolve the dispute with NStar regarding whose responsibility it is to repair the streetlight connection between the manhole and the base of the streetlight. The motion carried unanimously.