

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JUNE 18, 2014

Present: Ald. Crossley (Chairman), Lennon, Albright, Gentile, Danberg, and Lappin; 1 vacancy
Also present: Blazar, Cote, Hess-Mahan, Kalis, Norton and Rice

Appointment by His Honor the Mayor

#161-14 KENNETH WHITE, 30 Murray Road, West Newton, appointed as a member of the DESIGNER SELECTION COMMITTEE for term to expire on December 31, 2017. (60 days 07/04/14) [04/23/14 @ 4:09 PM]

ACTION: **APPROVED 4-0 (Danberg, Lappin not voting)**

NOTE: Kenneth White joined the Committee for discussion of his appointment to the Designer Selection Committee. Mr. White is a life-long Newton resident and his father, Ed White, served as a member of the Designer Selection Committee from 1993 to 2012. Like his father, Mr. White has extensive experience in the construction industry, including project management and contract proposals and contract negotiation. He believes that his construction experience could be beneficial to the Designer Selection Committee and would like an opportunity to serve his City. Committee members thanked Mr. White for his willingness to serve the City. Ald. Gentile moved approval, which carried unanimously.

Public hearing assigned for June 18, 2014

#245-14 NATIONAL GRID petitioning for a grant of location to install and maintain 110' ± of 4" gas main in RACHEL ROAD from the existing 4" gas main at the intersection of Upland Avenue northerly to #74 Rachel Road. (Ward 8) [05/12/14 @ 12:22 PM]

ACTION: **APPROVED 5-0 (Lappin not voting)**

NOTE: Dennis Regan, Permit Representative for National Grid, presented the petition to install and maintain 110' of gas main in Rachel Road from the existing main at the intersection of Upland Road to provide new gas service to 74 Rachel Road. Mr. Regan stated that all abutters to the new gas main are notified that the gas main is being extended. The public hearing was opened and no one spoke for or against the petition. Ald. Albright moved approval, which carried by a vote of five in favor and none opposed.

Public hearing assigned for June 18, 2014

#246-14 NATIONAL GRID petitioning for a grant of location to install and maintain 562' ± of 2" gas main in HAGEN ROAD from the existing 2" gas main located in front of 99 Hagen Road easterly to 145 Hagen Road. (Ward 8) [06/02/14 @ 1:18 PM]

ACTION: **APPROVED 5-0 (Lappin not voting)**

NOTE: National Grid Permit Representative Dennis Regan presented the grant of location petition to install and maintain approximately 562' of gas main in Hagen Road to provide gas service to a new home. The public hearing was opened and Paul Bloom, 59 Philbrick Road, inquired if National Grid had solicited the abutters to see if they wished to convert to gas service, as he was interested in converting to gas. Mr. Regan explained that due to deregulation laws National Grid cannot solicit for gas service installations but Mr. Bloom could call National Grid and request a service line if there is a gas main already present. Mr. Regan agreed to talk with Mr. Bloom at the conclusion of the discussion on the petition. No one else wished to speak and the public hearing was closed. Ald. Danberg moved approval, which carried unanimously.

Public hearing assigned for June 18, 2014

#247-14 MICHAEL KAUFMAN, 15 Bontempo Road, Newton Centre, petitioning for a main drain to be constructed in HAGEN ROAD from the existing manhole in front of 137 Hagen Road 45' + easterly to a proposed manhole at 145 Hagen Road. (Ward 8) [06/09/14 @ 3:03 PM]

PETITIONER TO PAY ENTIRE COST

ACTION: NO ACTION NECESSARY 5-0 (Lappin not voting)

NOTE: City Engineer Lou Taverna informed the Committee that the petition could be voted no action necessary as there is an existing main drain located in Hagen Road in the same location as the petitioner is requesting. The property owner's engineer missed the existing drain, when he was designing the drainage system. Associate City Engineer John Daghljan made a site visit to review the petition for a drain extension and discovered the existing drain. Ald. Gentile moved the item no action necessary, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#249-14 HIS HONOR THE MAYOR requesting authorization to accept and expend the sum of four hundred sixty-five thousand dollars (\$465,000) in Federal Emergency Management Agency grant funds for the design and construction of the Hammond Brook culvert repairs and authorization to expend the sum of one hundred fifty-five thousand dollars (\$155,000) from the Storm Water Reserve Fund as the City's 25% matching obligation. [06/09/14 @ 3:03 PM]

ACTION: APPROVED 5-0 (Lappin not voting)

NOTE: City Engineer Lou Taverna presented the request to expend a \$465,000 grant that the Department of Public Works applied for and received from the Federal Emergency Management Agency. The request also includes authorization to expend \$155,000 from the Storm Water Reserve to fund the City's 25% matching obligation. The funds will be used to redesign and repair the Hammond Brook Culvert, as the existing culvert is undersized and damaged, which resulted in flooding of the MBTA tracks and a business. The flooding caused significant damage to the tracks and resulted in closure of the tracks for two weeks, which is why the City received the grant. The culvert is located in the vicinity of Glen Avenue. The attached map and description of the existing conditions provide more detail on the exact location of the culvert.

The City is currently in discussions with Weston and Sampson to design and construct the culvert. The culvert is expected to be expanded from a 24" culvert to a 60" culvert to provide adequate storm water conveyance during major storms. Once the project is further into the design phase, the proposed culvert size may change. It is very important that the culvert is optimally sized to avoid flooding. Ald. Danberg moved approval, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#259-14 HIS HONOR THE MAYOR recommending that the Board of Aldermen acquire a permanent and temporary drain and sewer easement through an eminent domain taking in the private land of Lasell College from Aspen Avenue to Seminary Avenue, a distance of 320' ±, and award damages to Lasell College in the amount of five thousand five hundred dollars (\$5,500) to be appropriated from the Law Department Settlements and Judgments Account.

ACTION: **APPROVED 5-0 (Lappin not voting)**

NB: The Committee will be discussing the above item again on July 14, 2014, as the City and Lasell College have reached an agreement regarding the easement.

NOTE: City Engineer Lou Taverna presented the request to take a 40' wide temporary easement and 20' wide permanent easement on Lasell College property from Seminary Avenue to Aspen Avenue. The easements would be located through a grassy area behind one of the Lasell Village buildings and in the vicinity of a pond. The requested taking is not a friendly taking, as the City was not able to reach an agreement with Lasell College.

The City will be docketing a request for a sewer main extension in the near future to provide sewer services to approximately 40 homes located on Aspen Avenue, Hawthorne Avenue, and Studio Road. In order to provide gravity flow sewer service, the City needs to acquire the easements in order to construct a portion of sewer main from an existing sewer stub at Seminary Avenue across Lasell College property. The temporary easement would remain in place during the construction of the sewer main. If the City does not acquire the easements, it will have to construct a pumping station to provide sewer service to the 40 homes. A pumping station is not an ideal solution, as there is a possibility of failure, maintenance requirements, and it is would be expensive to acquire land and construct.

The City has been trying to get the easement from Lasell College for some time, as the City's policy is to provide sewer services to as many houses as possible and eliminate septic systems. Lasell feels it should be compensated more than the proposed \$5,500 that the City's appraiser valued the easement. Lasell is looking for \$250,000 for what is believed to be the disruption to the residents of Lasell Village and a share of the savings that the City will see if a pumping station is not needed. Lasell College is also concerned about the environmental impact on the pond. However, if the City installs the new sewer main, one of Lasell's buildings will be able to connect to the new sewer, instead of using pumps to provide sewer service to their buildings. A few years ago the City agreed to take ownership of approximately 1,500 feet of sewer installed in Seminary Avenue by Lasell College as a private line. The city is now responsible for all maintenance and repair associated with that sewer line. In addition, the City

will be required to seek approval from the Conservation Commission before installing the sewer main.

Several of the residents that will be served by the proposed sewer were in attendance to show their support of the project. Ron Marini, 14 Aspen Avenue, spoke on the taking. The proposed sewer system has been in planning stages for a number of years and really needs to get done. His house located very close to the Lasell property and in front of the Lasell pond. He pointed out that 40 houses that the new sewer would serve are on septic systems, many of which are in danger of failing, which is a larger environmental threat to the pond. Mr. Marini has reviewed the sewer system plans and it is his belief that the pump station would be a disaster. The gravity flow sewer system that is being proposed is much simpler and a better option. Mr. Marini also suggested that when the City hires a contractor for the sewer work that the contract includes a price for house connections in case homeowners would like to have that contractor install their connections. The homeowner would be responsible for the costs associated with the house connection. Mr. Marini has also spoken with members of the Conservation Commission and it is his understanding that the Conservation Commission would be very pleased if the septic systems near the pond were no longer needed. The City needs to move the project along and it would appear that the takings are necessary to progress.

Barry Robinson, Hawthorne Avenue, asked if it would be possible to coordinate National Grid's ongoing gas main project with the sewer project. Mr. Taverna explained that the City cannot have two contractors on the street at the same time. The City notified National Grid about its intention to open Aspen Avenue for the sewer project and repave it. Once a street is repaved, there is a five-year moratorium on opening the street, which is why the gas company is doing its work now. Rick Sewall, 110 Hawthorne Avenue, added his strong support for the project. He inquired if the streets would be repaved at the completion of the project. City Engineer Lou Taverna responded that the City would repave the street.

The Committee understood the need for the takings and Ald. Gentile moved approval, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#258-14 **HIS HONOR THE MAYOR** requesting authorization to appropriate the sum of three hundred forty thousand dollars (\$340,000) from bonded indebtedness for the purpose of purchasing a large and a medium construction truck for the Department of Public Works in accordance with the City's Capital Improvement Plan. [06/16/14 @ 11:17 AM]

ACTION: **APPROVED 5-0 (Lappin not voting)**

NOTE: Commissioner of Public Works David Turocy reviewed the request for \$340,000 to purchase two construction trucks, which are included in the Fiscal Year 2015 Capital Improvement Plan. The first construction truck would be a 10- wheel large construction truck that will be used in daily operations and snow/ice removal. The new truck will have a dump/salter body to be used for hauling during the construction season and salting during storm operations. A plow can also be added to the truck for snow events. The truck would replace a

1985 large construction truck that is past its useful life and was taken out of service this past winter. The cost of the large construction truck is \$205,000.

The second truck to be purchased is a medium construction truck that is equipped with a 5-ton hot box used to keep tar mix hot for filling potholes. Using hot patch on potholes has proven to be much more effective than using cold patch. The Public Works Department currently has one construction trucks outfitted with a 5-ton hotbox in one Public Works Yard and a 2-ton hot box that is on a trailer in the other yard. The new truck with the larger capacity hot box will improve the department's ability to repair potholes. The cost of the second truck is \$135,000.

The Commissioner would like to order the trucks as soon as possible, as most municipalities order their construction equipment in the fall. The hope is that the Public Works Department will receive the trucks in six months. The department still has not received equipment orders placed last fall. With that Ald. Lennon moved approval, which carried unanimously.

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEES

#119-14 ALD. ALBRIGHT AND CROSSLEY requesting discussion with the Inspectional Services Department to explain the development of short and long term plans to identify and correct buildings, sidewalks, playgrounds, etc...that do not conform to American Disability Act (ADA) standards. The discussion should include information on how improvements will be incorporated into the Capital Improvement Plan or if less than \$75,000 into a comprehensive budget plan to correct ADA deficiencies. [03/12/14 @ 4:18 PM]

PROGRAMS & SERVICES HELD 5 -0 on 06/18/14

ACTION: **HELD 6-0**

NOTE: The Committee met jointly with the Programs & Services Committee to discuss the above item. The item was docketed in order to get an idea of the overall scope of work needed to comply with American Disability Act (ADA) standards. Unfortunately, two of the key people needed for the discussion, Chief Administrative Officer Dori Zaleznik and Commissioner of Inspectional Services John Lojek, were not available to discuss the Administration's funding plans and the comprehensive plan to identify and correct areas of City property and buildings that do not meet ADA standards.

Commissioner of Public Works Dave Turocy reviewed the Public Works Department's policies regarding adding and replacing ADA ramps. The Public Works Department adds and/or replaces ramps to the extent possible. Community Development Block Grants are used to fund a number of ADA curb cuts with ramps. Over the past few years the Public Works Department has done approximately 300 ADA ramps. The department does its best to maintain accessibility during these projects by making sure that there is always sidewalk access on one side of the street. When the Department of Public Works does ramp replacements, it preps a number of ramps for concrete at the same time in order to use a full truck load of concrete, which generally takes about one week.

This year the Public Works Department contracted out a number of ADA ramp replacements. Unfortunately, the contractor dug up all of corners and the access ramps on a number of streets at the same time, which significantly impacted travel on a portion of Walnut Street in the vicinity of Newton North High School. A number of sidewalk corners on both sides of Walnut Street were dug up making it difficult to navigate for anyone but especially those with a disability. The project also started before the school year was over, which created problems for students walking to the high school. Commissioner Turocy is currently looking at contract controls to ensure that there is at least accessibility on one side of a street during a project.

During construction projects the department makes every attempt to maintain accessibility for the disabled. When the Department of Public Works is planning projects, it makes an effort to address any handicap issues. The department also works with individual disabled residents if they abut a project to address any needs. However, the department is not always aware that a disabled person lives in the area of a project.

Commissioner Turocy in conjunction with the Executive Office is developing a resident notification plan for street work. The Commissioner will be providing a schedule of upcoming Public Work's projects for the next week to the Executive Office. Other Department's with projects that may disrupt residents will also provide that information to the Executive Office. The Executive Office will use Reverse 411 to notify affected residents. The list will also be available on the City's website and, hopefully, published on the Newton TAB's website. There was a suggestion that a contact number for people with disabilities be added to the notification.

There was concern that an accessible ramp could be out of commission for a week. It is possible to use alternate plywood ramping during construction but it is not practical or safe. Many members of both Committees felt that communication with residents regarding these projects was the key. It is important that the Public Works Department does not trap any disabled people in their homes during a lengthy sidewalk project. The Administration is aware that there is a problem and is working on a plan. Commissioner Turocy added that the City is in the process of hiring a full-time ADA Coordinator. The former half-time ADA Coordinator was working on a master plan to address ADA compliance and it is likely his successor will continue with developing the plan.

Commissioner of Parks and Recreation Robert DeRubeis stated that the department has looked at and assessed all of the City parks to determine what is needed to accommodate people with disabilities. The Parks and Recreation has added asphalt pathways to a number of parks and fields. There are two playgrounds in the City that are entirely accessible and the department is working towards total accessibility. Most of the playgrounds have some accessibility and when the Parks and Recreation Department does a large renovation of a park, it adds as much accessibility as possible. The open space plan includes all of the planned accessibility upgrades for the City's parks.

A concern unrelated to the docket item regarding the Commission on Disability was raised. The Co-chairs of the Commission on Disability are concerned because they have not

received a portion of the handicap violation fines, as agreed upon by the Mayor. The attached policy outlines the agreement. President Lennon and Vice-president Lappin will bring the topic up during their weekly conference call with the Mayor.

Members of both Committees wished to continue the discussion of the item with the Chief Administrative Officer Dori Zaleznik and Commissioner of Inspectional Services John Lojek. Therefore, Ald. Gentile made a motion to hold the item in the Public Facilities Committee and Ald. Hess-Mahan moved hold in the Programs and Services Committee. Both motions carried unanimously.

Respectfully submitted,

Deborah Crossley, Chairman

EXHIBIT B Description of Existing Conditions

Hammond Brook begins as overflow from Hammond Pond and meanders through conservation land before crossing under Hammond Pond Parkway where it continues as an open channel flow through a forested wetland behind the homes on Beacon Street until it reaches a culvert 500 feet east of Glen Ave. The brook is then conveyed through a 24" diameter vitrified clay pipe built in 1914. The 99-year old culvert was laid through the Hollis-Rock ledge outcrop and hilly terrain.

The existing culvert is undersized for large storms, based upon the volume of runoff received by Hammond Brook from residential and commercial development in Newton Centre and Chestnut Hill. Upstream Hammond Brook begins as overflow flow from Hammond Pond and meanders through Chestnut Hill before crosses under Hammond Pond Parkway, through a 4 ft by 5ft box culvert, where it continues as open channel flow through a forested wetland area behind the homes on Beacon Street until it reaches the 24" diameter culvert next to the railroad tracks. Additional volume is picked up by a drainage swale located approximately 200 feet downstream of the stream crossing at Hammond Pond Parkway. Only a few hundred feet downstream of the existing undersized culvert, Thompsonville brook, an intermittent stream with a densely populated watershed area, merges into Hammond Brook and crosses through a 4 ft by 6 ft box culvert.

The historic March 13th - 15th 2010 rain event caused significant damage to private and public property and significant damage to the MBTA Green Line in Newton Centre. Although damages were widespread across the City, this application is specific to the damages caused by the aforementioned undersized culvert located parallel to the MBTA Green "D" Line. Besides extensive damages to the Green "D" line, which caused a portion of MBTA Green "D" line to be closed for 2 weeks, a business located at 40-46 Glen Avenue also sustained substantial damages. To our knowledge we are only aware of this one storm event that caused substantial damage. However, the business owner at 46 Glen Avenue has been flooded more than once. It is unknown if the undersized culvert caused or contributed to prior flooding damage at 46 Glen Avenue.

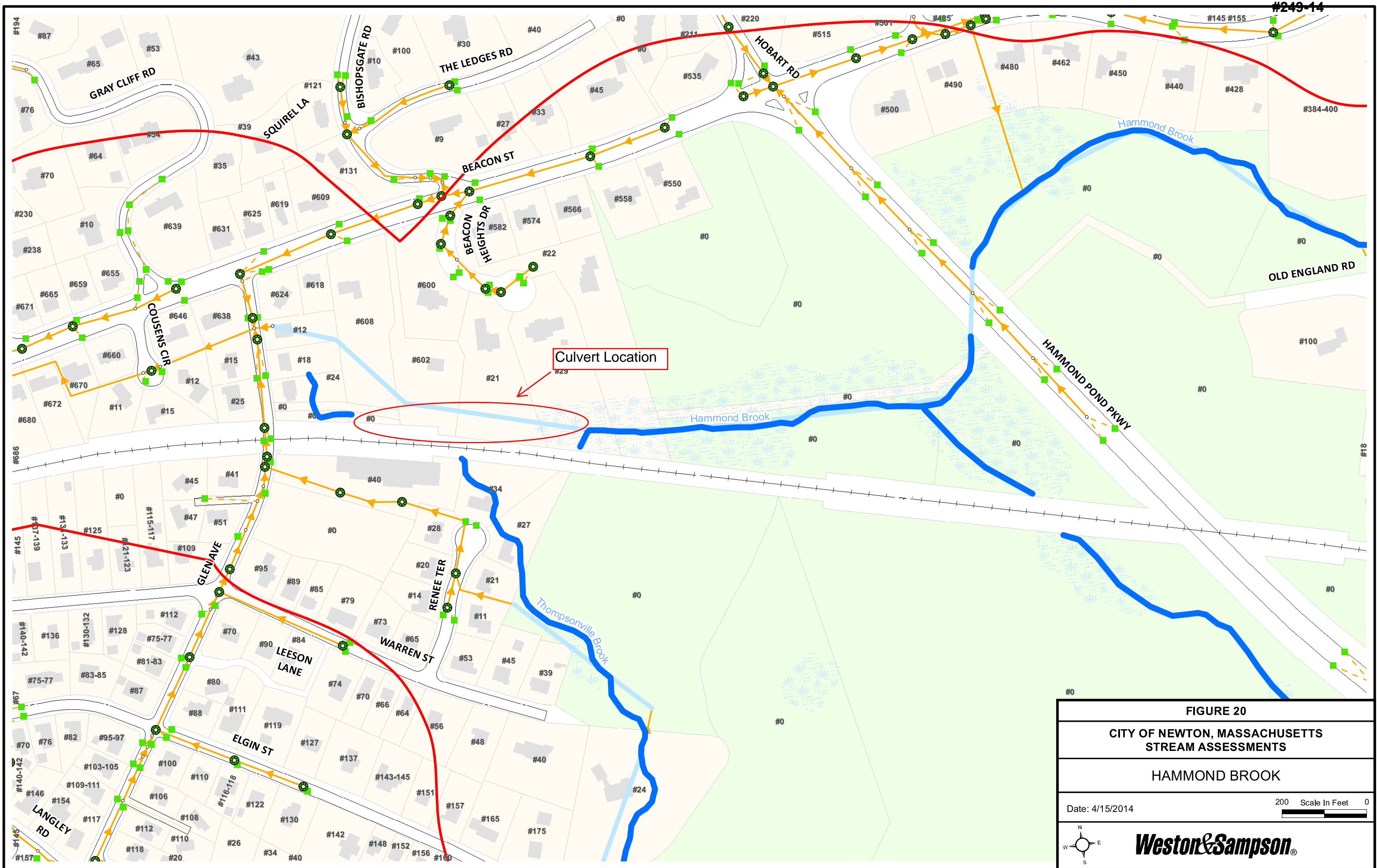



FIGURE 20
CITY OF NEWTON, MASSACHUSETTS
STREAM ASSESSMENTS
HAMMOND BROOK

Date: 4/15/2014 200 Scale In Feet 0

 **Weston & Sampson**

CITY OF NEWTON POLICY
REGARDING ALLOCATION OF FUNDS RECEIVED FROM HANDICAPPED
PARKING FINES TO THE COMMISSION ON DISABILITY
PURSUANT TO G.L. c.40 § 22G

WHEREAS the City of Newton (the City) has accepted the provisions of G.L. c. 40 § 8J and has established a Commission on Disability (the Commission) (Newton Revised Ordinances, § 22-100 through § 22-104, as inserted by Ordinance Z-74);

WHEREAS G.L. c. 40 § 22G authorizes any city or town which has accepted the provisions of G.L. c. 40 § 8J to allocate to its Commission on Disability revenues received from fines assessed for violations of handicap parking (hereinafter the "Revenues") to be used for the benefit of persons with disabilities;

WHEREAS the purpose of this policy is to set forth the allocation of the Revenues and a procedure by which the City, acting through the Mayor, in consultation with the Commission, may determine in each fiscal year the expenditure of said Revenues.

NOW THEREFORE the policy is stated as follows:

1. Identification of Revenue amounts available in each fiscal year

On or before July 31 of each year, the City shall provide written documentation to the Commission itemizing the amount of Revenues collected by the City for that fiscal year.

2. Allocation of Revenues

The Revenues for each fiscal year shall thereupon be apportioned between the City and the Commission as follows:


- a) The City shall receive the first forty thousand dollars (\$40,000) of the total Revenues;
- b) The Revenues remaining after the first forty thousand dollars shall be split on a 60/40 basis between the Commission and the City such that sixty percent (60%) of the remaining Revenues is allocated to the Commission, and forty percent (40%) of the remaining Revenues is allocated to the City.

3. Expenditure of Commission Revenues.

- a) On or before September 15 in each year, the Commission shall recommend in writing to the Mayor a proposed project or projects which the Commission

believes will most benefit persons with disabilities who reside in Newton.
The recommendation shall include the estimated costs of each such project.

- b) After receiving the Commission's recommendations, the Mayor shall meet with the Commission to discuss the recommended project or projects. In consultation with the Commission, the Mayor shall approve or disapprove of proposed projects, and shall prioritize approved projects. Preference shall be given to projects which will assist in making public property and buildings in the City ADA compliant.
4. It should be noted that the Board of Aldermen must pass the budget prior to funding the identified projects and that the Board has unilateral authority to delete or decrease such funding amount. Newton Charter §5-2.



Maureen Lemieux, Chief Financial Officer
(Mayor's Designee)

Date: 8/5/13



Rob Caruso
Co-chair, Commission on Disability

Date: 8/5/13



Girard Plante
Co-chair Commission on Disability

Date: 8/5/13