

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 8, 2014

Present: Ald. Crossley (Chairman), Brousal-Glaser, Gentile, Danberg, Laredo and Lappin;

Absent: Ald. Lennon and Albright;

Also present: Ald. Ciccone, Cote, Fuller, Harney, Hess-Mahan, Johnson, Leary, Lipof and Yates

City officials present: David Turocy (Commissioner of Public Works), Marc Gromada (Police Captain), Jay Babcock (Police Sergeant), Julie Ross (Assistant City Solicitor), and Bill Paille (Director of Transportation)

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

#310-10(2) ALD. DANBERG, BLAZAR, KALIS, SCHWARTZ, ALBRIGHT, HESS-
(#409-12) MAHAN, RICE, COTE, LEARY, AND NORTON requesting amendments to Sec. 26-8D of the City of Newton Ordinances to modify and make permanent the trial program for removal of snow and ice from sidewalks and to provide for enforcements and fines for violations. [09/10/14 @ 2:12 PM]

PUBLIC SAFETY HELD 7-0 (Schwartz not voting)

ACTION: PUBLIC FACILITIES HELD 6-0

NOTE: The Committee met jointly with the Public Safety and Transportation Committee to discuss the above request to amend the City ordinances by making the requirements to remove snow and ice from sidewalks permanent and provide fines for violations. The proposed ordinance contains changes to the pilot program. Ald. Danberg presented the proposed amendments to the Committee. She began by explaining that the City is currently in its third and final year of the snow removal pilot program, which requires residents to remove snow and ice from the sidewalk that abuts their property and handicap access ramps. Currently residents must clear a 36" passage on sidewalks and accessibility ramps abutting their property unless the abutting sidewalk is less than 36 inches in which case the entire width of the paved sidewalk must be cleared. In addition, the sidewalks must be cleared within 30 hours after snow has ceased or a declared snow emergency has ended. The proposed ordinance would require snow and ice to be removed within 24 hours after the snow has stopped or 24 hours after a snow emergency has ended. The ordinance would not apply to building or lot within a business district, as there is a separate ordinance requiring all sidewalks in a business district be cleared.

Commissioner of Public Works Dave Turocy reported on the efforts that City has made in sidewalk snow and ice clearing. The City clears snow from sidewalks around all municipal properties including schools, parks, parking lots, playgrounds and public buildings. The Department of Public Works (DPW) clears approximately 82 miles of sidewalk after each storm. The attached fact sheet and map provide further information on the DPW's sidewalk clearing program. Commissioner Turocy pointed out that the DPW has made strides in not packing up intersections but that there will always be a little more snow on the corners due to the nature of snow plowing.

The Department of Public Works received 192 snow-clearing related complaints last winter and 47 complaints regarding illegal snow dumping by a plowing contractor. The DPW Engineering Inspectors investigated each complaint and determined if the complaint was about a city owned sidewalk, business owned sidewalk or a resident owned sidewalk. If it was determined that the City was responsible for clearing, the DPW cleared the sidewalk. If it was a business owned sidewalk, the police were notified for enforcement of the existing clearing in a business district ordinance. If it was a resident who neglected to clear the sidewalk, the resident was issued a door hanger for the first offense explaining the snow and ice clearing requirement and a letter for any subsequent offense. The DPW handed out over 500 door hanger notices to residents, as investigation of one complaint resulted in notices to numerous neighboring properties that were not shoveled.

The proposed ordinance does not include any provisions for the City to coordinate a volunteer snow clearing assistance program. Unfortunately, there have not been enough volunteers, unpaid or paid, for the City to have an effective volunteer clearing program. The current provision for an annual exemption due to hardship as a result of poor health and financial duress will remain in place in the proposed ordinance. The City issued approximately 140 waivers out of the 190 requested in the past three years.

Ald. Danberg explained that she would be asking for a motion to hold the item in both committees. The Engineering Division Construction Inspectors will not be able to keep up with resident snow clearing enforcement, if the new ordinance is approved. The Administration is currently in contract negotiations with the parking control officers and is discussing the possibility of adding enforcement responsibility to their contract.

Captain Gromada and Sergeant Babcock provided an update on the enforcement of the snow dumping ordinance. The Police Department wrote 15 tickets for the violation of the snow dumping ordinance. The Police cannot be proactive regarding contractors dumping snow, as there are not enough police officers to enforce. However, the Police are responding to any complaint about dumping and if applicable, issuing a ticket. There is currently a proposed amendment to the ordinances to allow for a graduated fine of \$100 for the first offense, \$200 for the second offense, and \$300 for the third and any subsequent offenses.

Alicia Bowman who is a member of the City's snow committee voiced her support of an effective snow shoveling policy to allow children and adults to walk to school, work and/or activities. It is important to have safe sidewalks at all times of the year to promote walking. 40% of the school year is during the winter and many children have to walk to school. It is dangerous for those children to walk on icy, snowy sidewalks or in the street due to impassable sidewalks.

There were several questions and comments from members of both Committees regarding the proposed ordinance. The pilot program has resulted in promoting clear sidewalks. The City and residents have improved in clearing the sidewalks to create a better community. The City made a real effort to reach out to residents and educate them on the importance of clearing sidewalks of snow.

The Board of Aldermen needs to make a decision regarding whether the ordinance violations will be by complaint or mandated enforcement. The City is heading in the right direction in terms of clearing sidewalks in front of its property but it is not meeting the snow clearing requirement 100% of the time, which makes it hard to expect 100% compliance from the residents. Some of the Aldermen had issues with fining residents for violation of the ordinance especially as outreach and education have been working.

Although the proposed ordinance is aimed at residents who have made no effort to clear the sidewalk, this is not made clear in the proposed ordinance language. In addition, it was pointed out that the language in the ordinance must be clearer regarding who is responsible for clearing any snow in front of private property dumped by city plows and private plow contractors, particularly at the corners. Exceptions to the rule should be spelled out in the ordinance. The City clears sidewalks on school routes but does not de-ice. It is expected that the property owners on the school routes will de-ice the sidewalk; however, that is not called out in the proposed ordinance. In addition, there was concern related to the negative environmental impacts related to some deicers and whether the City should be encouraging the use of deicers. It was suggested that the Committees consult with the Conservation Planner regarding the impact of salt, sand, and deicers on the environment.

It was also pointed out that the sidewalks are owned by the City. There was a request for the cost of the implementation of a snow clearing ordinance. The City will need to pay for the cost of issuing the violations, including the cost of labor. It may make more sense to invest those monies into providing equipment for the City to clear all of the sidewalks.

With that, Ald. Yates moved hold in the Public Safety and Transportation Committee and Ald. Laredo moved hold in the Public Facilities Committee. Both motions for hold carried unanimously. It was suggested that the docketors work with the Law Department to incorporate additional language to clarify the intent of the Ordinance and also provide the requested information before the next discussion of the item.

#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 (Danberg not voting)**

NOTE: Ald. Johnson joined the Committee for discussion of this item. The item was previously discussed and held on April 23, 2014 in order to get answers to a number of questions raised and respond to comments. Since that time, it has been determined that it would be better to begin to address the proliferation of non-profit and/or profit event signage in parks, traffic islands and berms with the attached proposed “Policy for the Regulation of Temporary, Free-Standing Signs on City Property” instead of an ordinance.

Assistant City Solicitor Julie Ross and Commissioner of Parks and Recreation Bob DeRubeis developed a list of suitable locations for temporary signs on City property, which are included in the draft policy. The policy as proposed would not allow signage on traffic islands, curbs, berms or historic sites. The proposed policy is a work in process and the list of locations can be expanded to include other locations.

The City would reach out through mailings to the organizations, non-profits, and schools that advertise their events through this type of signage to let them know that a new sign policy is in place. If the policy is put in place, an article related to policy would be in the Newton TAB and the policy would be available on the City's website.

Several Aldermen felt that signage for events held by public entities and groups associated with public schools, like PTOs versus signage for private non-profit and profit organization events should be handled differently. It may make sense to allow more flexibility for sign placement for the public entities and groups associated with public schools. Committee members added that the signs for school plays on traffic islands in the village centers are important to advertise the date of these events. There was some concern that these types of signs on traffic islands often fall over onto plantings, are hazardous to pedestrians, and create sight line issues. It was suggested that it may make sense to provide minimum specifications and require a sign-off from the City on sign the size, material, and location to ensure that a sign is not being placed on an adopted traffic island or creates a safety issue. The policy will also need to designate a City department to manage the sign-offs.

Ald. Laredo moved hold on the item, which carried unanimously. The item will be discussed again once the suggestions are incorporated into the draft policy. If there are any other questions or comments they should be provided to the Clerk's Office.

#312-14 ALD. ALBRIGHT, BAKER, BLAZAR, HESS-MAHAN, JOHNSON, LAREDO and LEARY requesting discussion of proposal to purchase and install electronic bulletin boards on the exterior of City properties, including consideration of such issues as the possible distraction of passersby, the precedent of allowing electronic displays which may invite imitation by private landowners, and the visual impact on public open spaces, as well as how the installation would fit with the law or policy of Newton's sign code, and consideration of possible alternative means to help fulfill the worthy goal of providing public information to those who may need it. [07-17-14 @ 10:24 AM]

ACTION: **NO ACTION NECESSARY 5-0 (Laredo not voting)**

NOTE: Deputy Director of the Information Technology Department Greg Ansaldi provided the attached letter stating that there are no plans to permanently install electronic notice boards outside anywhere in the City. If this changes, the Information Technology Department will notify and consult with the Board of Alderman.

The City purchased one outdoor display monitor which is being used as a portable display at City and community events. There was a request that the Administration provide the Committee with the cost of the monitor and how it is being used. A motion for no action necessary on the item was made and supported unanimously.

#417-13 PUBLIC FACILITIES COMMITTEE requesting that the Administration provide updates on the progress of the Angier Elementary School project.
[11/21/13 @ 9:16 AM]

Please note this update is on the roadway reconfiguration around the school

ACTION: **HELD 6-0**

NOTE: Transportation Director Bill Paille provided an update on the the proposed off-site traffic improvements related to the Angier Elementary School at Beacon Street, Collins Street, and Waban Avenue. After looking at a number of options, it was determined that the proposal to make Collins Road a one-way to Beacon Street, make Waban Avenue a one-way from Beacon Street and combine the two existing traffic island to create one large island to separate Waban Avenue traffic from Collins Road traffic provided the least amount of access conflict for abutters to the streets, safe pedestrian crossings, and the most available parking. The attached plan illustrates a concept plan for the intersection. The next steps are to develop detailed construction documents and hire a contractor to do the work. The estimated cost of the reconfiguration is \$1.2 million, which is provided for within the Angier project budget. Mr. Paille will provide a memo on the criteria that was used to determine that this reconfiguration is the best option.

The reconfiguration includes signalization at the intersection of Beacon Street and Collins Road. There was some concern that the addition of a full traffic signal would create traffic back-ups on Beacon Street. Mr. Paille responded that the signal should not create any back-ups but it would be monitored and if there was a problem the signal timing could be adjust or changed to a pedestrian activated signal. The changes to the traffic islands will require Board of Aldermen approval; therefore, the Committee will be discussing the intersection reconfiguration again likely in December or January. At the next discussion, the presentation will include finer details like the width of the streets, proposed curb extension, placement of the traffic signals, parking spaces, and sidewalks. Construction should be ready by early February and the project completed by the fall of 2015. Ald. Lappin moved hold on the item for further discussion, which carried.

Chairman's Note: The Committee received an update on the street lights and an informational presentation on the planned Otis Street Reconfiguration from Transportation Director Bill Paille

Streetlights

The first phase of converting the City's over 8,000 streetlights to LED lamps was completed on September 24, 2014. The City is currently scouting for any with missed conversions and addressing non-working lights. There are approximately 40 street lights that are

not working due to electrical issues. Mr. Paille continues to work with NStar to address the outages.

There have been approximately 60 complaints from residents relative to the glare from the lights. Sustainability Director Rob Garrity and Mr. Paille have been meeting with residents at their homes to figure out the best solution to address the resident's concern. The City is addressing complaints about glare by adjusting the light position and/or providing a shield to redirect or diffuse the light.

The conversion project should save the City a significant amount of money in electrical costs because the lights use less kilowatts and in maintenance, as the existing 6-year old lamps were requiring replacement and the new lamps will not need to be replaced for approximately 20 years. The investment will pay for itself in less than two years.

Otis Street

The attached plan for an oval traffic island at Otis Street, Fountain Street, and Hillside Avenue was developed to address neighborhood concerns regarding speed on Otis Street. The Transportation Division of Public Works will be doing a three-week trial on the traffic island to determine if it reduces speeding. If the trial proves successful, a request to install a permanent island will be docketed. Mr. Paille pointed out that it may make sense to add traffic calming measures every 300' to 400' on Otis Street in order to effectively curb speeding.

#62-14 ALD. CROSSLEY, HESS-MAHAN, ALBRIGHT AND SALVUCCI requesting a report from the administration on the status of the City strategy to meet its obligations as a Department of Energy Resources Green Community, to reduce municipal energy consumption by 20% over five years, particularly regarding advancing the implementation of the building energy audits program recommending energy efficiency measures in existing buildings, and how that strategy is incorporated into the capital improvement plan. [02/24/14 @ 6:35 PM]

ACTION: **HELD 6-0**

NOTE: Unfortunately, there was no one from the Administration available to present the above item; therefore, it was held without discussion.

All other items before the Committee were held without discussion.

Respectfully submitted,

Deborah Crossley, Chairman