

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, JANUARY 9, 2013

7:45 PM PLEASE NOTE LATE START

Room 209

ITEMS SCHEDULED FOR DISCUSSION:

The Committee will meet jointly with the Public Safety & Transportation Committee to discuss the below item:

REFERRED TO PUB. SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

#409-12 ALD. DANBERG, RICE, BLAZAR, BAKER, CROSSLEY, LINSKY, LAREDO, SALVUCCI, KALIS, MERRILL, HESS-MAHAN, FISCHMAN, ALBRIGHT, HARNEY, AND SCHWARTZ requesting an amendment to City of Newton Ordinances Chapter 26 Section 8D **Trial program for removal of snow and ice from sidewalks.** by extending the expiration date of the trial from November 1, 2013 to November 1, 2014. [11/19/12 @ 9:59 AM]

#408-12 ALD. YATES requesting a report on the relative conditions of the Elliot Street Bridge into Needham and the Wales Street Bridge into Wellesley and a determination as to which should be given priority. [11/16/12 @ 2:11 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#54-12(2) PUBLIC FACILITIES COMMITTEE proposing that Chapter 26, Section 71 (b)(1) & (2) and Section 73(c)(2) of the City of Newton Ordinances be amended by increasing the assessment minimum from five hundred dollars (\$500) to no more than two thousand dollars (\$2,000). [10/17/12]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#427-12 ALD. DANBERG, BLAZAR, CROSSLEY, JOHNSON, LINSKY, RICE, FISCHMAN, YATES, & HESS-MAHAN requesting an increase in the fine for violation of Section 26-9 Putting snow and ice upon streets, sidewalks, and bridges, as listed in Section 20-21(d) relative to the costs incurred in maintaining sufficient levels of enforcement and consistent with fees charged by surrounding communities. [12/05/12 @ 7:33 PM]

The location of this meeting is handicap accessible, and reasonable accommodations will be provided to persons requiring assistance. If you have a special accommodation need, please contact the Newton ADA Coordinator Trisha Guditz, 617-796-1156, via email at TGuditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

- #139-11 ALD. LINSKY, DANBERG & SALVUCCI proposing that §26-71, 26-72 and 26-73, **Sidewalk construction requested by owners, Materials for sidewalk construction, and New curbing installation**, respectively, be amended to extend participation in the betterment program to property owners who voluntarily pay the residual 50% of the costs over time in addition to the 50% initial payment provided under the ordinance. [04-27-11 @9:38 AM]

REFERRED TO PROGRAMS & SERV. AND PUBLIC FACILITIES COMMITTEES

- #315-12 ALD. FULLER, RICE AND GENTILE of the Angier School Building Committee providing updates and discussion on the Angier School Building project as it develops through the site plan approval process. [10-02-12 @ 3:37PM]

ITEMS NOT SCHEDULED FOR DISCUSSION:

- #11-13 ALD. YATES requesting that His Honor the Mayor apply to the United States Environmental Protection Agency for designation as a Green Power Partner in addition to its designation by the Massachusetts Office of Energy Resource as a Green Power Community. [12/14/12 @ 3:03 PM]

Public Hearing assigned for January 23, 2013:

- #10-13 NSTAR ELECTRIC petitioning for a grant of location to install one new pole (100/9A) in GREEN PARK on the northerly side 70' ± west of Waverly Avenue. (Ward 7) [12/20/12 @ 11:56 AM]

Public Hearing assigned for January 23, 2013:

- #9-13 NATIONAL GRID requesting a grant of location to install and maintain 80' ± of 4" gas main in DOROTHY ROAD from the existing 4" gas main at 34 Dorothy Road southerly to 45 Dorothy Road. (Ward 8) [12/13/12 @ 9:24 AM]

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #322-12 HIS HONOR THE MAYOR submitting the FY14-FY18 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter. [10/09/12 @ 2:38 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #320-12 ALD. SALVUCCI AND GENTILE requesting a discussion with the Engineering Division of the Public Works Department regarding the billing and collecting of street opening permit fees. [09/28/12 @ 10:28 AM]

REFERRED TO PUB.FAC, ZONING&PLANNING, PROG & SERV COMMITTEES

- #316-12 DEPARTMENT HEADS HAVENS, ZALEZNIK, LOJEK requesting amendments to **Sec. 26-30. Licenses for cafe furniture on sidewalks.** to streamline the procedure allowing businesses to place café furniture on public sidewalks. [09/24/12 @3:17 PM]

- #301-12(2) PUBLIC FACILITIES COMMITTEE requesting updates on the progress of the Carr School Renovation Project.

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

- #257-12 RECODIFICATION COMMITTEE recommending (1) review of the Fees, Civil Fines/Non-Criminal Disposition contained in Chapter 17 LICENSING AND PERMITS GENERALLY and Chapter 20 CIVIL FINES/NON-CRIMINAL DISPOSITION CIVIL FINES to ensure they are in accordance with what is being charged and (2) review of the acceptance of G.L. c. 40 §22F, accepted on July 9, 2001, which allows certain municipal boards and officers to fix reasonable fees for the issuance of certain licenses, permits, or certificates.

REFERRED TO PROG & SERV, PUB. FAC., ZAP, AND FINANCE COMMITTEES

- #256-12 ALD. HESS-MAHAN, SANGIOLO & SWISTON proposing and ordinance promoting economic development and the mobile food truck industry in the City of Newton. [08/06/12 @4:46 PM]
- #246-12 RECODIFICATION COMMITTEE recommending Sec. 25-1, which requires a permit to create a trench, be reviewed to determine if a new section relative to excavation should be established to regulate unsafe excavation beyond the regulation of trenches, as the City Engineer has advised that all trenches are excavations, but not all excavations are trenches, which amendment would replace **Sec. 20-53. Excavations; protection; erection of barriers.**, which was deleted as part of recodification because it conflicted with Sec. 25-1.
- #245-12 RECODIFICATION COMMITTEE recommending that Chapter 11, RECYCLING AND TRASH as most recently amended by Ordinance Z-68 and Z-87, dated 6/21/10 and 5/16/11, respectively, be reviewed and be amended as necessary.

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES COMMITTEES

- #231-12 RECODIFICATION COMMITTEE recommending that **Sec. 11-11. Permit to cart trash and/or recyclable materials.** be deleted as G.L.c.111 §31A authorizes the Health Department to require registration. for “garbage,” which is addressed in Sec. 11-5.

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

- #170-12 ALD. SANGIOLO, BAKER, BLAZAR , JOHNSON, and YATES requesting the creation of an ordinance to govern the naming of public assets of the City, including the interior and exterior features of public buildings, lands, and water bodies of the City, as well as any public facilities and equipment associated with them, all to serve the best interests of the City and to insure a worthy and enduring legacy for the City’s physical facilities and spaces, including appropriately honoring historic events, people, and places. [05/29/12 @ 1:34 PM]

#99-12 ALD. LAREDO, ALBRIGHT, CROSSLEY & KALIS requesting a discussion with His Honor the Mayor regarding the creation of a long-range master plan (20-25 years) regarding the means, methods, timing, and coordination to address the City's complete infrastructure needs, including but not limited to school buildings, fire stations, other municipal buildings, streets, sidewalks, trees, playgrounds and other recreational facilities, water, stormwater, and sewer systems, and all other facilities and infrastructure identified in the city's recent capital assessment. The master plan should be comprised of specific plans from individual departments and at a minimum, the master plan should (a) identify those infrastructure needs and (b) present a phased plan, with identifiable funding sources for meeting those needs. [04-04-12 @ 10:30 PM]

#98-12 ALD. SALVUCCI AND CICCONE requesting an update on the new water meter installation project and information on how the meters and related equipment are functioning. [03-27-12 @ 9:06 AM]

REFERRED TO PROG. & SERV AND PUBLIC FACILITIES COMMITTEES

#36-12 ALD. CROSSLEY & FULLER requesting Home Rule legislation or an ordinance to require inspections of private sewer lines and storm water drainage connections prior to settling a change in property ownership, to assure that private sewer lines are functioning properly and that there are no illegal storm water connections to the city sewer mains.

- A) Sewer lines found to be compromised or of inferior construction would have to be repaired or replaced as a condition of sale;
 - B) Illegal connections would have to be removed, corrected, and re-inspected in accordance with current city ordinances and codes, as a condition of sale.
- [01/24/12 @ 8:07 AM]

#418-11 ALD. CROSSLEY, HESS-MAHAN, LINSKY AND SALVUCCI requesting a report from the administration on the status of a strategy to meet the City's obligation as a Department of Energy Resources Green Community to reduce municipal energy consumption by 20% over five years, and how that strategy is incorporated into the capital improvement plan. [12/08/11 @ 4:09 PM]

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#413-11 ALD. CICCONE, SALVUCCI, GENTILE & LENNON updating the Public Facilities and Public Safety & Transportation Committees on the progress of renovations to the city's fire stations. [11-17-11 @ 11:07 AM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#383-11(4) HIS HONOR THE MAYOR recommending that Section 29-80 (b)(1) of the City of Newton Revised Ordinances, 2007 be amended by revising the stormwater rates as follows: single-family residences \$25 per year, two-family residences \$37.50 per year, and multi-family (3 units or more), commercial, industrial, and institutional properties (to include non-profits) would be charged at a rate of \$25 per Equivalent Residential Unit of 2,600 square feet of impervious surface on the property to take effect on July 1, 2012. [04-09-12 @ 2:39 PM]

#352-11 ALD. JOHNSON & SCHNIPPER requesting a discussion with the Utilities Department regarding the City of Newton's current water billing practices. [10/14/11 @ 2:31 PM]

#172-11 ALD. CROSSLEY, FULLER AND SCHNIPPER requesting discussion with the Utilities Division of the Public Works Department regarding the identification of storm water inflow connections to the sewer system, so as to begin the process of systematically eliminating such illegal connections, including notifications to property owners, educational materials, requirements for corrective actions and technical and financial assistance that may be available from the City in order to facilitate removal of inflow connections. [05/26/11 @3:33 PM]

#138-11 ALD. CROSSLEY AND SCHNIPPER requesting a report from the Department of Public Works regarding the energy use and maintenance costs for the City's streetlights and gaslights and costs/payback associated with recommended energy efficiency measures. [04-21-11 9:08 AM]

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE

#41-11 ALD. JOHNSON, LENNON AND DANBERG requesting discussion of the elimination, except during snow emergencies, of the overnight parking ban which is in effect from November 15 through April 15. [01/18/11 @ 9:00 PM]

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#245-10 ALD. SCHNIPPER AND SANGIOLO requesting discussion with National Grid regarding the possible damage to trees as a result of gas leaks. [09/01/10 4:00 PM]

#244-10 ALD. SALVUCCI requesting discussion with the Utilities Director and the Public Works Commissioner regarding the possibility of installing second water meters for outside irrigation. [08/17/10 @12:18 PM]

#223-10 ALD. YATES & ALBRIGHT requesting updates on the status of the reconstruction of the Needham/Newton Street corridor, which include details on the reconstruction funding, plans for the revitalization of the area, and plans for the implementation of transportation improvements. [07/15/10 @ 1:02 PM]

#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]

#175-09 PUBLIC FACILITIES COMMITTEE requesting monthly updates from the Department of Public Works on the Commonwealth Avenue project. [06-03-09 @10:30 PM]

#253-07

ALD. LINSKY ALBRIGHT, JOHNSON, HARNEY, SANGIOLO, SALVUCCI, MANSFIELD, BURG, SCHNIPPER requesting (1) a review as to how provisions of applicable ordinances, specifically 5-58, were implemented during the course of the Newton North project, and (2) consider proposed revisions of 5-58 including, but not limited to:

- (a) timely provision of documentation by the public building department to the Board of Aldermen and Design Review Committee;
- (b) establishment of liaison committees to facilitate communications and input from neighborhoods affected by projects subject to this ordinance;
- (c) approval of final design plans by the Board of Aldermen of projects subject to this ordinance;
- (d) oversight during the construction phase of projects subject to this ordinance by appropriate Board committee(s) both in respect to approval of change orders as well as design changes; and
- (e) generation of a required record detailing the entire construction process by the public building department to guide present and future oversight of projects subject to this ordinance. [08/07/07 @ 3:12 PM]
- (f) establishment of a committee to provide oversight for public building construction and renovation during all phases of planning, design and construction.

Respectfully submitted,

Anthony J. Salvucci, Chairman

The commissioner shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school and senior services department personnel, interested neighborhood organizations, houses of worship, parent-teacher associations, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be made available during the month of November each year. The list of persons available to provide snow clearing assistance for a fee shall be available upon request to any Newton resident. Low income elderly or low income handicapped persons requesting volunteer snow clearing assistance shall be referred to the senior services department to be matched with available volunteers. For the purposes of this section, "elderly" shall be defined as a person sixty (60) years of age or older, "handicapped person" shall be defined as a person with a physical condition which substantially limits the ability to engage in physical snow clearance activities and "low income" shall be defined in accordance with guidelines established by the United States Department of Housing and Urban Development for the Community Development Block Grant Program. (Ord. No. U-23, 7-11-94; Ord. No. 175, 05-26-05)

Sec. 26-8C. Same—Snow clearance standards.

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

Sec. 26-8D. Trial program for removal of snow and ice from sidewalks.

In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps shall be treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed. This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot covered by Section 26-8. The mayor or his designee is authorized to coordinate volunteer snow clearing assistance or to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2013 unless terminated earlier or renewed or modified by the board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section. (Z-83, 3-21-11)

Sec. 26-9. Putting snow and ice upon streets, sidewalks and bridges.

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This

Sullivan Shawna

From: "Lou Taverna" <ltaverna@newtonma.gov>
To: ssullivan@newtonma.gov
Date sent: Thu, 29 Nov 2012 12:50:33 -0500
Subject: (Fwd) Re: Elliot Street Bridge and CIP
Priority: normal

This is what I sent to Ald. Yates a couple of weeks ago.

Lou

----- Forwarded message follows -----
From: Lou Taverna <ltaverna@newtonma.gov>
To: byates@newtonma.gov
Subject: Re: Elliot Street Bridge and CIP
Copies to: rooney Robert, turocy David,
gilman Stephanie
Date sent: Fri, 16 Nov 2012 08:56:35 -0500

Ald. Yates,

The CIP was printed and ready to be presented when we received this report (attached) from Mass DOT on the Elliot St (Central Ave Needham) bridge over the Charles River. The stone arch/arch ring and the spandrel walls were deemed deficient, with a condition of 4-poor, and a category of S-severe/major deficiency, and A-asap to P-prioritize.

Since Newton and Needham co-own the bridge, we met with Needham DPW (Tony DelGaizo and Rick Merson), and agreed to get a quote from BETA Group for the further evaluation, and design of repairs. BETA did the design of the Nahanton St bridge and the Wales St bridge.

As before, we agreed that Needham would take the lead on the design, and Newton would take the lead on the construction. I would propose Newton use Chap 90 funds for the evaluation, design and construction. Needham DPW has to go to Town Meeting for their design and construction funds. They do not use Chap 90 funds. They may have extra current funds available for the evaluation without going to Town Meeting. We have no cost information yet.

The Wales St bridge (co-owned with town of Wellesley) was previously evaluated, and repairs are already designed. The issue is with the existing parapet wall, which does not meet current crash rating standards. The design calls for the rebuilding of the parapet wall. Some other minor structural deficiencies will be repaired as well, including concrete and steel

members at the underside of the bridge.

Wellesley and Newton agreed to program the construction of the Wales St bridge for FY 2014. We have been delaying these repairs for a few (at least 3) years. Estimated cost is \$400,000 each.

However, it appears that the Elliot St bridge repairs may be more urgent. Once we receive the evaluation of this bridge, we can determine whether the Elliot St bridge gets priority over the Wales St bridge, since both are competing for Chap 90 funding in Newton.

Wellesley probably will NOT have an issue with postponing the Wales St bridge repairs for another year. They would simply carry over their CIP funding from FY 2014 to FY 2015.

Needham however has to go to Town Meeting for funding, but funding could be available for FY 2014.

Lou

Louis M. Taverna, P.E.
City Engineer
Newton Department of Public Works
1000 Commonwealth Ave
Newton, MA 02459
Phone: 617-796-1020
Fax: 617-796-1051
E-Mail Address: Ltaverna@newtonma.gov

From: "" <byates@newtonma.gov>
To: LTaverna@newtonma.gov
Date sent: Thu, 15 Nov 2012 12:40:25 -0500
Subject: Elliot Street Bridge
Copies to: Rrooney@newtonma.gov
Priority: normal

Dear Lou,

At the Add-a-Lane meeting in Needham meeting yesterday, the Needham town officials stated that they had heard from State Inspectors that the condition of the Elliot Street Bridge has significantly worsened. Do you have a copy of this report that you can share the with the

Board?

I also note that there is a new bridge proposed for Wales Street into Wellesley. Do you have a similar report from the state for this Bridge. Can the condition of the two Bridges be compared and the worse one take precedence?

Alderman Brian Yates

Attachments: F:\Users\engineering\Lou Taverna\LT City Engineer Files\Elliot St Bridge\Mass DOT Inspection.pdf

----- End of forwarded message -----

Louis M. Taverna, P.E.
City Engineer
Newton Department of Public Works
1000 Commonwealth Ave
Newton, MA 02459
Phone: 617-796-1020
Fax: 617-796-1051
E-Mail Address: Ltaverna@newtonma.gov



DEPARTMENT OF PUBLIC WORKS
OFFICE OF THE COMMISSIONER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

Setti D. Warren
Mayor

January 4, 2013

To: Anthony Salvucci, Chairman, Public Facilities Committee

From: David F. Turocy, Commissioner of Public Works

Subject: Curbing Betterments

For the purposes of reviewing the minimum assessment threshold for curbing betterments, attached is the current list of residences that have requested curb betterments. There are 147 residences on the list.

Costs shown reflect the amount that would be the responsibility of the resident and are 50% of the total costs. The City of Newton would be required to pay the remaining 50%, as well as the initial expenses for any amount that was put on a betterment plan and not paid upfront.

The estimated costs for all of this work is \$663,236; the residents' portion would be \$331,618. The average individual betterment cost per resident is \$2,256 and the current ordinance allows residents to put all of their costs on a betterment plan once they exceed the threshold of \$500.

cc: Lou Taverna, City Engineer

CURB BETTERMENTS**ACTUAL COST IS DOUBLE****AT 50% COST TO RESIDENTS****THE TOTALS BELOW**

	House No.	Property Address	Date Appl. Signed	Total Cost
1	40-42	Summit St	07/13/01	\$4,110.00
2	61	Morse Rd	12/12/01	\$2,105.00
3	47	Freeman St	12/31/01	\$2,490.00
4	35	Amherst Rd	01/11/02	\$1,252.50
5	259	Waverley Ave	01/14/02	\$4,607.50
6	44	Allen Ave	02/14/02	\$1,885.00
7	44	Davis Ave	02/15/02	\$4,360.00
8	1701	Commonwealth Ave	02/22/02	\$3,987.50
9	31	Devon Rd	02/26/02	\$2,270.00
10	37	Harding St	03/06/02	\$1,190.00
11	82	Park Ave	03/15/02	\$1,182.50
12	267	Commonwealth Ave	03/27/02	\$5,047.50
13	7	Dorset Rd	03/28/02	\$3,830.00
14	58	Lombard St	04/01/02	\$3,805.00
15	46	Harris Rd	04/13/02	\$2,750.00
16	280	Boylston St	04/17/02	\$13,050.00
17	200	Upland Rd	04/20/02	\$5,055.00
18	10	Camden Rd	04/29/02	\$1,225.00
19	41	Prentice Rd	05/03/02	\$577.50
20	53	Fenwick Rd	05/06/02	\$1,245.00
21	9	Gammons Rd	05/08/02	\$1,830.00
22	73	Herrick Rd	05/08/02	\$3,475.00
23	15	Cross Hill Rd	05/14/02	\$1,080.00
24	349	Linwood Ave	05/29/02	\$505.00
25	6	Risley Rd	05/30/02	\$4,187.50
26	36	Taft Ave	05/30/02	\$1,080.00
27	49	Woodchester Dr	06/05/02	\$1,962.50
28	103	Hunnewell Ave	06/07/02	\$6,115.00
29	83	Grove Hill Ave	06/10/02	\$1,417.50
30	22	Kensington Ave	06/14/02	\$1,135.00
31	163	Moffat Rd	06/15/02	\$1,995.00
32	49	Pierrepoint Rd	06/21/02	\$230.00
33	12	Kingsburry Rd	07/09/02	\$4,305.00
34	8	Vernon St	07/18/02	\$1,087.50
35	10	Dwinda Rd	07/22/02	\$4,755.00
36	36	Lansing Rd	07/22/02	\$4,250.00
37	31	Sheffield Rd	08/06/02	\$1,870.00
38	30	Chaske Ave	09/09/02	\$4,305.00
39	122	Monadnock Rd	09/10/02	\$3,252.50
40	99	North St	09/27/02	\$2,187.50
41	217	Varick Rd	10/08/02	\$2,620.00

42	15	Furber Ln	11/21/02	\$1,920.00
43	49	Byfield Rd	03/28/03	\$165.00
44	15	Bellingham St	04/22/03	\$4,470.00
45	267	Melrose St	04/28/03	\$2,380.00
46	12	Fairfax St	05/14/03	\$2,552.50
47	90	Floral St	06/10/03	\$1,370.00
48	153	Hancock St.	06/23/03	\$1,162.50
49	133	Dartmouth St	07/02/03	\$365.00
50	401	Lowell Ave	07/08/03	\$2,642.50
51	25	Irving St	07/08/03	\$605.00
52	24	Littlefield Rd	07/15/03	\$3,575.00
53	5	Richfield Rd	07/28/03	\$1,597.50
54	114	Sargent St	08/05/03	\$2,065.00
55	44	Oakmont St	08/11/03	\$1,350.00
56	136	Clark St	09/03/03	\$1,645.00
57	184	Dorset Rd	09/03/03	\$3,122.50
58	15	Fredana Rd	10/15/03	\$1,932.50
59	21	Tamworth Rd	10/15/03	\$4,030.00
60	136	Charlemont St	10/24/03	\$2,022.50
61	69	Moffat Rd	11/19/03	\$165.00
62	62-64	Rangeley Rd	12/31/03	\$1,017.50
63	1	Cross Hill Rd	1/25/2004	\$1,335.00
64	33	Fairway Dr	3/24/2004	\$1,582.50
65	828	Chestnut St	3/27/2004	\$1,547.50
66	6	Dudley Rd	4/6/2004	\$2,105.00
67	32	Olde Field Rd	4/16/2004	\$1,740.00
68	49	Woodlawn Dr	4/20/2004	\$1,347.50
69	17	Winona St	4/20/2004	\$1,162.50
70	66	Pelham St	4/22/2004	\$192.50
71	170	Bellevue St	4/26/2004	\$1,225.00
72	164	Bellevue St	5/1/2004	\$1,830.00
73	156	Bellevue St	5/1/2004	\$2,572.50
74	44	Rowena Rd	5/5/2004	\$1,397.50
75	121	Windsor Rd	5/6/2004	\$2,517.50
76	45	Oakland Ave	5/10/2004	\$1,610.00
77	177	Franklin St	5/4/2004	\$2,502.50
78	5	King St	5/11/2004	\$1,260.00
79	113	Chestnut St	5/13/2004	\$2,655.00
80	31	Crescent Ave	5/20/2004	\$2,662.50
81	38-40	Winchester Rd	6/3/2004	\$1,527.50
82	10	Magnolia Ave	6/8/2004	\$1,410.00
83	1364	Walnut St	6/18/2004	\$1,685.00
84	6	Magnolia Ave	6/21/2004	\$1,512.50
85	111	Elgin St	6/25/2004	\$1,665.00
86	3	Magnolia Ave	6/22/2004	\$1,720.00
87	1790	Commonwealth Ave	7/9/2004	\$3,005.00
88	31	Maplewood Ave	7/12/2004	\$715.00

89	15	Concolor Ave	7/13/2004	\$1,775.00
90	32	Shorncliffe Rd	7/16/2004	\$1,837.50
91	29	Leonard Ave	7/22/2004	\$3,562.50
92	71	Pleasant St	7/30/2004	\$2,160.00
93	45	Brae Burn Rd	8/18/2004	\$3,370.00
94	150	Hunnewell Ave	9/16/2004	\$2,730.00
95	55	Lovett Rd	9/22/2004	\$2,105.00
96	54	Lovett Rd	10/1/2004	\$2,160.00
97	47	Lovett Rd	9/26/2004	\$2,050.00
98	108	Beaumont Ave	10/5/2004	\$1,622.50
99	47	Taft Ave	10/11/2004	\$1,410.00
100	114	Beaumont Ave	11/15/2004	\$2,255.00
101	4	Windermere Road	12/20/2004	\$1,665.00
102	401	Cherry St	2/11/2005	\$875.00
103	399	Cherry St	2/11/2005	\$845.00
104	6	Rowena Rd	1/5/2005	\$192.50
105	74	Elmhurst Rd	1/19/2005	\$3,350.00
106	15	Bow Rd	2/25/2005	\$3,782.50
107	98	Hawthorne Ave	3/5/2005	\$1,810.00
108	15	Ardmore Rd	4/7/2005	\$2,200.00
109	272	Lake Ave	4/15/2005	\$1,795.00
110	31	Tarleton Rd	6/1/2005	\$1,265.00
111	40	Homer St	7/22/2005	\$2,592.50
112	1356	Commonwealth Ave	8/15/2005	\$1,912.50
113	71	Sharpe Rd	8/25/2005	\$2,697.50
114	11	Devon Rd	9/25/2005	\$3,280.00
115	1817	Commonwealth Ave	9/26/2005	\$4,507.50
116	15	Whitlowe Rd	10/6/2005	\$1,135.00
117	10 & 12	Bolton St	11/7/2005	\$2,820.00
118	19	Mountfort Rd	11/18/2005	\$2,105.00
119	24	Green Pk	11/18/2005	\$192.50
120	47	Mounclair Rd	12/28/2005	\$1,335.00
121	129	Auburn St.	2/1/2006	\$1,747.50
122	28	Ballard St.	3/3/2006	\$1,885.00
123	17	Overlook Pk.	3/9/2006	\$1,620.00
124	266	Woodland Rd	3/16/2006	\$4,250.00
125	44	Elmore St.	3/16/2006	\$1,390.00
126	60-62	Cloverdale Rd	3/28/2006	\$1,452.50
127	165	Albermarle Rd.	4/4/2006	\$1,500.00
128	65	Highland Ave	4/14/2006	\$1,337.50
129	121	Randlett Pk.	5/4/2006	\$1,547.50
130	70	White Oak Rd	5/4/2006	\$2,462.50
131	21	Winona St	5/4/2006	\$1,060.00
132	25	Winona St	5/4/2006	\$1,197.50
133	138	Forest Ave.	5/5/2006	\$2,710.00
134	401	Dudley Rd	5/1/2006	\$2,985.00
135	44	Norwood Ave	5/19/2006	\$4,222.50

136	22-24	Hibbard Rd	5/29/2006	\$1,417.50
137	81	Evelyn Rd	6/8/2006	\$2,050.00
138	143	Allen Ave	6/9/2006	\$1,755.00
139	62	Prescot St.	7/19/2006	\$1,445.00
140	164	Quinobequin Rd.	7/19/2006	\$6,065.00
141	36	Floral St	8/9/2006	\$1,567.50
142	30	Kodaya Rd	8/9/2006	\$1,637.50
143	55	Ellis Rd.	8/16/2006	\$4,670.00
144	76	Randliett Pk.	8/29/2006	\$1,060.00
145	72-74	Warwick Rd	9/12/2006	\$1,995.00
146	79	Saint Mary's St.	9/22/2006	\$1,775.00
147	36	Fordham Road	12/19/2006	\$3,107.50

TOTAL BETTERMENTS \$331,618

AVERAGE BETTERMENT PER PROPERTY \$2,256

Every owner of an estate shall be responsible for any revamping of a driveway or sidewalk required within his own property by the installation of betterment walks, or reconstruction of streets, sidewalks or driveway entrances to meet the proper line and grade as established by the city engineer. The expense of such revamping within his own property shall be borne entirely by the owner. (Rev. Ords. 1973, § 19-88)

Sec. 26-68. Plans, specifications and methods to be employed in construction.

Sidewalks shall be constructed in conformance with current specifications of the city. Upon the subgrade as established in section 26-47 shall be placed approved binding gravel thoroughly compacted and rolled to a depth below finish grade conforming to the specified thickness of the selected type of wearing surface. Upon this gravel base shall be applied, in conformance with current specifications of the city, either a bituminous concrete or cement concrete wearing surface. Wherever required on driveway and driveway entrances, the wearing course shall be of greater thickness than the sidewalks, but in no case shall the gravel base be less than six (6) inches in depth. (Rev. Ords. 1973, § 19-89)

Sec. 26-69. Heating wires in sidewalks and driveway entrances; permission; approval of plans; rules and regulations.

Upon petition of any owner of an estate, the commissioner of public works, may, after a plan therefor has been approved by the inspector of wires, grant permission for the installation of heating wires in sidewalks and driveway entrances in accordance with rules and regulations for such installations promulgated under the authority hereof by the commissioner of public works and approved by the board of aldermen and in accordance with such terms and conditions as the commissioner of public works shall see fit to impose for the protection of the general public and public property. The expense of such installation, including all necessary excavation and repaving, whether or not performed by the city, shall be borne by the owner of such estate. (Rev. Ords. 1973, § 19-90; Ord. No. 90, 10-6-75)

Sec. 26-70. Sidewalk construction; when to be initiated by city.

(a) Whenever the city undertakes reconstruction of a public way which serves as either an arterial or collector roadway, such project shall include at the sole expense of the city, the construction of sidewalks at all locations within the project area where there are not existing cement concrete or bituminous concrete sidewalks, unless otherwise exempted under subsection (c). The word “reconstruction” shall be interpreted herein to mean any roadway improvement project which includes pavement reclamation or milling. The terms “arterial” and “collector” in this and the following section, shall be interpreted to mean those terms as used in the standards of the American Association of State Highway and Transportation Officials or any similar organization.

(b) The city shall construct sidewalks at its sole expense subject to the availability of funding at all locations which are included on a list of sidewalk snow clearing routes published by the commissioner of public works pursuant to section 26-8A of these ordinances and where there are not existing cement concrete or bituminous concrete sidewalks, unless otherwise exempted under subsection (c).

(c) No sidewalks shall be constructed under this section at those locations where the commissioner of public works determines that construction of a sidewalk is not feasible due to steep grade, site constraints, lack of use, inadequate width of the public way right-of-way or public safety reasons.
(Ord. No. S-324, 5-2-88; Ord. No. V-84, 6-3-96)

Sec. 26-71. Sidewalk construction requested by owners.

(a) Whenever the owner of an estate abutting on a public way requests that a sidewalk be constructed abutting such estate, the city may construct such sidewalk. The commissioner of public works shall receive the petitions of owners requesting the construction of sidewalks and shall prioritize them as follows:

First priority: Requests for sidewalk construction

- (1) on any arterial or collector roadway where there are not existing cement concrete or bituminous concrete sidewalks; or
- (2) at any location that may be deemed by the commissioner of public works or the chief of police to be a potentially serious safety hazard for pedestrians; or
- (3) on any public way which is being resurfaced or reconstructed; or
- (4) on an established pedestrian route to a heavily used destination such as a village center, school, bus stop, train station, or recreation area.

Second priority: Requests for sidewalk construction at locations where sidewalks already exist on approximately fifty percent (50%) or more of the same side of the public way;

Third priority: All other requests for sidewalk construction.

(b) The owner of the abutting estate shall pay fifty percent (50%) of the total cost of sidewalks constructed under this section in the following manner:

- (1) in the event that said fifty percent (50%) amount is five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83, § 26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent amount;
- (2) in the event that said fifty percent (50%) amount is less than five hundred dollars (\$500), it shall be paid by the owner prior to construction;
- (3) notwithstanding the provisions of (2) above, in the event that such a sidewalk is constructed together with a curbing installation pursuant to section 26-73(b), and the owner's fifty percent (50%) share for the sidewalk and curbing costs totals five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83 §26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent (50%) amount.

(c) For those requests for sidewalk construction which are prepaid, the commissioner of public works shall proceed with the construction, subject to availability of funding and in accordance with subsection (d). For those sidewalk construction requests which are not prepaid, the commissioner, acting in accordance with subsection (d), shall periodically forward them to the board of aldermen for its consideration under the betterment laws.

(d) For those requests which are received prior to April 15 of each year, all actions by the commissioner of public works and the board of aldermen pursuant to subsection (c) shall be taken in accordance with the priorities assigned pursuant to subsection (a), provided however, that the commissioner of public works shall have the authority to act upon a *First Priority* request at any time, regardless of date received.

(e) Requests for replacement of an existing bituminous concrete or cement concrete sidewalk which is in good condition with a material which is different from the existing material shall not be approved unless (1) the replacement sidewalk would match the prevailing material of the existing sidewalks on the public way and (2) the owner pays the full construction costs to the city prior to construction or receives a permit from the commissioner of public works for a private contractor to construct the replacement sidewalk at the owner's sole expense. (Ord. V-84, 6-3-96)

Section 26-72. Materials for sidewalk construction.

(a) All sidewalks hereinafter constructed shall consist of either bituminous concrete or cement concrete in accordance with the provisions of section 26-47(c).

(b) The material used at a particular location should match the prevailing material of the existing sidewalks on the public way, as determined by the commissioner of public works. (Ord. V-84, 6-3-96)

Section 26-73. New curbing installation.

(a) Whenever the city undertakes reconstruction of a public way such project shall include the installation of curbing at those locations that the commissioner of public works determines to require curbing for the purpose of public safety or drainage. The installation of curbing pursuant to this subsection (a) shall be at the sole expense of the city.

(b) Whenever the owner of an estate abutting on a public way requests that curbing be installed abutting such estate, the city may install such curbing. The commissioner of public works shall receive the petitions of owners requesting the installation of curbing and shall prioritize as follows:

First Priority: Request for curb installation

- (1) on any portion of an arterial or collector roadway, where there is not existing curbing; or
- (2) at any location that is deemed by the commissioner of public works or the chief of police to be a potentially serious safety hazard for pedestrians and/or motorists; or
- (3) to alleviate drainage or erosion problems, or where the steepness of the slope of the public way is 3% or greater.

Second Priority: Requests for curb installation at locations where curbing already exists on approximately fifty percent (50%) or more of the same side of the public way.

Third Priority: All other requests for curbing installation, except at those locations where the commissioner of public works determines that such curbing would serve no public purpose.

(c) Whenever curbing is installed pursuant to subsection (b), the owner shall pay fifty percent (50%) of the total cost thereof in the following manner:

- (1) in the event that said fifty percent (50%) amount is five hundred dollars (\$500) or more, it shall be assessed upon the owner of the abutting estate pursuant to G.L. c. 83 §26, provided that nothing herein shall prohibit an owner from voluntarily prepaying said fifty percent (50%) amount;
- (2) in the event that said fifty percent (50%) amount is less than five hundred dollars (\$500), it shall be paid by the owner prior to construction, except as otherwise provided in section 26-71(b)(3).

(d) For those requests for curbing which are prepaid, the commissioner of public works shall proceed with the installation, subject to availability of funding and in accordance with subsection (e). For those curbing installation requests which are not prepaid, the commissioner of public works, acting in accordance with subsection (e) shall periodically forward them to the board of aldermen for its consideration under the betterment laws.

(e) For those requests which are received prior to April 15 of each year, all actions by the commissioner of public works and the board of aldermen pursuant to subsection (d) shall be taken in accordance with the priorities assigned pursuant to subsection (b), provided however, that the commissioner of public works shall have the authority to act upon a *First Priority* request at any time, regardless of date received. (Rev. Ords. 1995, Ord. No. V-84, 6-3-96)

The commissioner shall annually prepare lists of persons available to provide snow clearing assistance either for a fee or on a volunteer basis. The lists shall be prepared in consultation with appropriate school and senior services department personnel, interested neighborhood organizations, houses of worship, parent-teacher associations, and other similar groups that indicate a willingness to participate in snow clearing assistance. Said lists shall be made available during the month of November each year. The list of persons available to provide snow clearing assistance for a fee shall be available upon request to any Newton resident. Low income elderly or low income handicapped persons requesting volunteer snow clearing assistance shall be referred to the senior services department to be matched with available volunteers. For the purposes of this section, "elderly" shall be defined as a person sixty (60) years of age or older, "handicapped person" shall be defined as a person with a physical condition which substantially limits the ability to engage in physical snow clearance activities and "low income" shall be defined in accordance with guidelines established by the United States Department of Housing and Urban Development for the Community Development Block Grant Program. (Ord. No. U-23, 7-11-94; Ord. No. 175, 05-26-05)

Sec. 26-8C. Same—Snow clearance standards.

The commissioner of public works shall endeavor to minimize the blocking of sidewalks and intersections with plowed snow so as not to hinder pedestrian passage. The commissioner shall remove plowed snow from sidewalks and intersections that block pedestrian access, to the extent that such removal is feasible, as determined by the commissioner, and subject to appropriation. (Ord. No. U-23, 7-11-94)

Sec. 26-8D. Trial program for removal of snow and ice from sidewalks.

In order to allow for safe pedestrian and wheelchair passage, every owner or occupant of a building or lot of land abutting upon a paved sidewalk or any person having charge of such property shall use reasonable efforts to remove snow and ice from the sidewalk and handicap access ramps, and shall use reasonable efforts to treat said sidewalk and ramps to allow for a safe passageway of approximately thirty-six (36) inches in width, provided that where such sidewalk is less than thirty-six (36) inches in width the passageway shall encompass its entire width and handicap access ramps. Snow and ice shall be removed, and sidewalks and ramps shall be treated, within thirty (30) hours after such snow has ceased to fall or such ice has formed. This section shall apply to snow and ice which falls from buildings, other structures, trees or bushes, as well as to that which falls from clouds. This section shall not apply to owners or occupants of a building or lot covered by Section 26-8. The mayor or his designee is authorized to coordinate volunteer snow clearing assistance or to grant an exemption, renewable annually, for citizens who upon written petition demonstrate hardship due to a combination of health and financial duress. The provisions of this section shall take effect on November 1, 2011 and shall expire on November 1, 2013 unless terminated earlier or renewed or modified by the board of aldermen. During this trial period, enforcement shall be limited to issuance of notices of non-compliance for violations of any provision of this section. (Z-83, 3-21-11)

Sec. 26-9. Putting snow and ice upon streets, sidewalks and bridges.

(a) No person shall block, obstruct or otherwise hinder or impair pedestrian or vehicular traffic on the public ways of the city by placing snow or ice or permitting or causing snow or ice to be placed upon a street, sidewalk or bridge, except that snow or ice removed from a sidewalk may be piled in the adjoining gutter or on the loam border between the sidewalk and the street. This section shall not apply to municipal snow removal operations.

(b) Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This

section shall not apply to municipal snow removal operations. (Rev. Ords. 1973, § 19-9; Ord. No. T-166, 8-12-91; Ord. No. X-97, 07-12-04)

Sec. 26-10. Gates, doorsteps, cellar openings, etc.

No person shall make or maintain any gate, doorstep, window, portico, porch or entrance or passageway to any cellar or basement, or any other structure projecting or swinging into or upon any street or sidewalk without a permit in writing from the commissioner of public works. No person shall suffer the platform or grate of the entrance to the passageway to his cellar or basement in any street or sidewalk to protrude above the surface thereof; and every such entrance or passageway shall, at all times, be kept covered by a suitable and substantial platform or grate, except when temporarily authorized to be kept open by the commissioner of public works. When so kept open, it shall be protected by a sufficient railing on both sides, at least two and one-half (2-1/2) feet high, and shall be lighted at night. (Rev. Ords. 1973, § 19-10)

Sec. 26-11. Apertures under streets and sidewalks, permit fees.

(a) No person shall make or cause to be made any aperture in or under any street or sidewalk for any purpose without first obtaining a written permit from the commissioner of public works. Permit fees shall be paid in accordance with the schedule set forth in paragraph (b) of this section. No person shall leave any aperture in a sidewalk, except when in actual use and properly guarded.

(b) The fees for street and sidewalk openings shall be as follows:

Application fee	\$100.00
Inspection and maintenance fee for excavations of 100 sq. ft. or less.....	\$150.00
Each additional 100 sq. ft. or portion thereof.....	\$50.00
Inspection and maintenance fee for corings	\$10.00 each
minimum charge	\$25.00
Inspection and maintenance fee for shut-off holes	\$50.00

(Rev. Ords. 1973, § 19-11; Ord. No. 90, 10-6-75; Ord. No. T-161, 7-8-91; Ord. No. X-55, 6-16-03)

Sec. 26-12. Conditions of maintaining coalholes, vaults, posts, wires, etc., in streets.

Every owner of an estate maintaining any cellar, vault, coalhole or other excavation under the part of the street which is adjacent to or a part of his estate shall do so only on condition that such maintenance shall be considered as an agreement on his part to hold the city harmless from any claims for damage to himself or the occupants of such estate resulting from gas, sewage or water leaking into such excavation or upon such estate. Every such owner and every person maintaining a post, pole or other structure in a street, or a wire, pipe, conduit or other structure under a street, shall do so only on condition that such maintenance shall be considered as an agreement on his part with the city to keep the same and the covers thereof in good repair and condition at all times during his ownership and to indemnify and save harmless the city against any damages, costs, expenses or compensation which it may sustain or be required to pay by reason of such excavation or structure being under or in the street or being out of repair during his ownership, or by reason of any cover of the same being out of repair or unfastened during his ownership. (Rev. Ords. 1973, § 19-12)

Sec. 26-13. Excavations near streets.

§ 20-21 NEWTON ORDINANCES — CIVIL FINES AND MISCELLANEOUS OFFENSES § 20-21

- (Section 20-40(c)).....\$50.00
- () Improper height of fence, residential zoning district (Section 20-40(d)).....\$50.00
- () Improper height of fence, non-residential zoning district (Section 20-40(e)).....\$50.00
- () Improper positioning and/or use of inappropriate material of fence
(Section 20-40(f)(1))\$50.00
- () Use of barbed or razor wire; sharp prongs (Section 20-40(f)(2)).....\$50.00
- () Failure to comply with requirements for Scenic Road fences (Section 20-40 (f)(6))\$50.00
- () Failure to comply with requirements for visibility on corner lots
(Section 20-40 (f)(7))\$50.00

Sec. 5-21. Regulation of Inadequately Maintained Vacant Properties

- () Any offense\$300.00

(d) POLICE DEPARTMENT: City police officers shall be authorized to issue written notice of the following violations:

-PENALTY
- () Warning\$0.00

Sec. 3-22. Vaccination certification.

- () Any offense \$50.00

Sec. 3-23. License fees; vaccination; certification and exemptions (dogs)

- () Any offense \$50.00

Sec. 3-24. Disturbing the peace by barking, etc.

- () Any offense \$50.00

Sec. 3-25. Complaint of nuisance; investigation by dog officer.

- () Any offense \$50.00

Sec. 3-26. Restraint of dogs.

- () Any Offense..... \$50.00

Sec. 3-27. Muzzling or confinement of dogs.

- () Any offense \$50.00

Sec. 3-29. Removal and disposal of canine waste.

() Any Offense..... \$50.00

Sec. 20-13. Noise Control

() First offense in calendar year Warning

() Second offense in calendar year.....\$100.00

() Third offense in calendar year\$200.00

() Fourth or subsequent offense in calendar year\$300.00

Sec. 26-8. Removal of snow and ice from sidewalks in certain districts.

() Any offense \$25.00

Sec. 26-24. Permitting material to remain upon sidewalks and streets.

() Any offense \$25.00

Sec. 26-9. Putting snow and ice upon streets, sidewalks and bridges

() Placing snow or ice on a public way (street, sidewalk or bridge)..... \$25.00

() Causing or permitting snow or ice to be placed upon a public way (street, sidewalk or bridge) \$25.00

(e) DEPARTMENT OF PARKS AND RECREATION: The commissioner of parks and recreation, in his capacity as tree warden, or such other municipal official as may hereafter be assigned the duties of tree warden, shall be authorized to issue written notice of the following violations:

..... PENALTY

() Warning:.....\$0.00

Sec. 21-82. Removal of a tree without a permit

()Any offense\$300.00

Sec. 21-83. Failure to comply with a condition contained in a tree removal permit

()Any offense\$300.00

Sec. 21-85. Failure to replace a tree

()Any offense\$300.00

Sec. 21-86. Failure to make a payment into the tree replacement fund