

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JANUARY 9, 2013

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

Also present: Ald. Ciccone, Swiston, Harney, Yates, Schwartz, Fuller, and Kalis

City Staff: Lou Taverna (City Engineer), David Turocy (Commissioner of Public Works), Jay Babcock (Police Sergeant), and Robert Rooney (Chief Operating Officer)

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]
PUBLIC SAFETY & TRANS APPROVED 7-0 on 01/09/13

ACTION: **APPROVED 7-1 (Lappin opposed)**

NOTE: The committee met jointly with the Public Safety and Transportation Committee to discuss the above item. Ald. Danberg explained that the docket item is a request to extend the current snow-shoveling ordinance by one year to November 1, 2014. There was not a significant amount of snowfall last year and the City was unable to gather any useful data on the new requirement. It is important to have two years of data and a two-year period to accustom people to the snow-shoveling requirement before instituting any type of fine.

Commissioner of Public Works David Turocy explained that the total amount of snowfall last year was 12.5" and the largest storm created 4" of accumulated snow. The City has had one storm this year, which resulted in over 7" of snow. The Department of Public Works received 34 snow-clearing related complaints after the last storm. Of those complaints, four were complaints regarding illegal snow dumping by a plowing contractor and four were sidewalks that the City should be clearing. The rest of the complaints were connected to failure of a business or residence to clear the sidewalk in front of their property.

The Public Works Department responded by knocking on doors to inform residents who failed to comply with the new ordinance that Newton now has a snow-shoveling requirement. If residents were unavailable, a door hanger (attached) explaining the new ordinance was left for the resident. In addition, the Public Works Department left 12 additional door hangers on properties that were not reported but were not shoveled.

The Committees discussed the possibility of taking a more proactive approach to enforcing the ordinance through fines and patrols. When the new ordinance was put in place, it was agreed that enforcement would be complaint driven. A number of Aldermen would not have supported the ordinance if there were a fine associated with the snow clearing trial. Although the Commissioner of Public Works is willing to look at being more proactive, he would like further experience with the current ordinance. In addition, the City does not have the resources within the Police Department to have the ability to enforce the ordinance through fines or patrol for unshoveled sidewalks. It was pointed out that if the proposed override were approved, the Police Department would be hiring four more police officers.

Several Aldermen felt that a fine should not be associated with the trial as it is setting an expectation that sidewalks should be shoveled; however, there are a number of people in the City who are elderly or physically disabled that cannot shovel or afford to pay someone to shovel. The Public Works Department's notice is an appropriate mechanism to promote sidewalk shoveling. The trial should be used to promote clearing the sidewalks to create a better community not as a directive to residents. It was also stated that the sidewalks are owned by the City and there should be further discussion regarding whether it is the City's responsibility to clear them.

There were a number of questions regarding illegal snow dumping particularly whether there has been any enforcement associated with the four reported incidents. The Commissioner of Public Works responded that Public Works employees spoke with either the property owner or contractor and the snow was cleared. The fourth complaint was referred to the Police Department for resolution. Members of both Committees felt strongly that the illegal dumping ordinance should be enforced and fines levied. Ald. Danberg volunteered to speak with the Mayor to ask that the Police strictly enforce the ordinance regarding illegally dumping snow on streets and sidewalks.

Ald. Albright moved approval of the item in Public Facilities, which carried by a vote of seven in favor and one opposed. Ald. Lappin did not support the original ordinance and does not support the extension, as it is her belief that the City should have attempted a snow-shoveling campaign before instituting an ordinance that is likely to have fines associated with it at some point in the future. Ald. Lappin would also like the City to shovel the sidewalks it is responsible for before requiring citizens to shovel their sidewalks. Ald. Yates moved approval of the extension of the trial in the Public Safety and Transportation Committee, which carried unanimously. The draft ordinance is attached.

#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]

ACTION: **NO ACTION NECESSARY 7-0 (Crossley not voting)**

NOTE: City Engineer Lou Taverna reported that the Elliot Street Bridge is co-owned by the City of Newton and the Town of Needham and the Wales Street Bridge is co-owned by Newton and the Town of Wellesley.

The City received a report from the State's Department of Transportation regarding the Elliot Street Bridge in October 2012, which was too late to program the bridge into the Fiscal Year 2014 Capital Improvement Plan. The State has deemed the bridge in poor condition and has told Newton and Needham to prioritize the repair. The attached photos highlight the separation of masonry joints, split granite blocks, and voids in the bridge.

Since the bridge is co-owned, the estimated cost of \$800,000 would be split between Newton and Needham. Needham will take the lead on the design and Newton will take the lead on the construction. The City and Town are in the process of surveying, evaluating and designing the bridge. The construction phase of the project is expected to begin in 2014. The City will use Chapter 90 to fund its portion of the Elliot Street Bridge project. The Needham Department of Public Works needs to go to Town Meeting for their design and construction funds, which should occur in the near future.

The Wales Street Bridge was evaluated in the past year by the State's Department of Transportation and it was determined that the parapet walls do not meet crash standards. The walls are too short and if there was an accident on the bridge, a motor vehicle could potentially go over the side of the bridge. The bridge repairs are already designed. Construction should begin in July 2013 and be completed in the fall of 2013. The estimated cost of the project is \$800,000, and as the bridge is co-owned, the cost of the repairs will be split equally between Newton and Wellesley. Newton will be funding the repairs to the bridge through Chapter 90.

Ald. Yates expects that the Capital Improvement Plan would be amended in the future to reflect the Elliot Street Bridge repair in Fiscal Year 2014 or Fiscal Year 2015. With that, Ald. Albright moved no action necessary, which carried unanimously.

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]

ACTION: **APPROVED AS AMENDED 8-0**

NOTE: During the Committee's discussion of the creation of a revolving fund specifically for individual requests for sidewalk and/or curb betterments, the Commissioner of Public Works stated that it would be beneficial to the betterment program if the assessment minimum for betterments were raised from \$500 to \$2,000. By changing the assessment minimum, there would be additional funds to address the initial expenses for betterments.

When a property owner requests a curb or sidewalk betterment and the betterment is completed, the City is responsible for 50% of the total cost of a betterment and the property owner is responsible for the other 50% of the cost. Currently, if the property owners cost exceeds the threshold of \$500, they can put all of the costs on a betterment plan, which is then paid over 20 years. If a betterment is placed on a 20-year payment plan, the City is then responsible for covering the initial expense of the betterment.

The Commissioner of Public Works provided the attached memo and the current list of property owners that have requested curb betterments. The estimated cost of the 147 requested betterments is \$663,236 of which the property owners' portion would be \$331,618. The average individual betterment cost per property owner is \$2,256. If the ordinances were amended, the property owner would pay the entire cost of their share of a betterment if it were under \$2,000.

Committee members asked when the property owner would pay for the betterment. The Department of Public Works would collect the money when it intended to do the work. The Committee felt that the ordinance should state that the work must be done during the same construction season as the money is collected.

Chapter 26 Section 71 (b)(3) and Chapter 26 Section 73 (c)(1) were inadvertently left out of the docket request but should also be included in the request to increase the assessment minimum from \$500 to \$2000. With that, a motion to approve the item as amended to include language regarding performing the work in the same construction season and include Chapter 26, Section 71(b)(3) as part of the ordinance amendment. The motion for approval as amended carried by a vote of eight in favor and none opposed. The draft ordinance is attached.

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]

ACTION: **APPROVED 8-0**

NOTE: Ald. Danberg explained that the request is to increase the fine for illegally dumping snow on city sidewalks and streets while plowing or shoveling. The current fine is \$25 per offense and does little to dissuade plowing contractors. Surrounding communities like Waltham and Watertown have much higher fines, which range from \$100 to \$300. The Committee felt that it was appropriate to raise the fine. A graduated fine of \$100 for the first offense, \$200 for the second offense, and \$300 per offense for the third offense and any other offense after that, which occurs in one calendar year.

Newton Police Sergeant Jay Babcock raised concerns that individual officers are not equipped with computer devices that can determine whether a person has multiple offenses. Therefore, the Police Department would need to further research how to institute this type of graduated fine. Several Committee members supported the graduated fine, as the fine would be given to the property owner and not the contractor. The smaller fine would allow the property owner to address the offense with the contractor.

Ald. Albright made a motion to approve the graduated fine and it was approved unanimously. The Committee charged the Police Department with finding a way to implement a

graduated fine system and suggested that they work with the Information Technology Department.

#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]

ACTION: **NO ACTION NECESSARY 8-0**

NOTE: Ald. Gentile moved no action necessary as previously approved Docket Item #54-12 addressed the betterment program. The motion carried by a vote of eight in favor and none opposed.

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]

ACTION: **HELD 8-0**

NOTE: Ald. Gentile reminded the Committee that there is a joint meeting of the Angier School Building and Design Review Committee at the Newton North High School Library on January 10, 2013 at 6 PM. There will be an opportunity to look at plans and then there will be a formal presentation at 7 PM. The design has been narrowed down to two choices and terrific progress has been made on a tough site. With that, a motion to hold was made, which carried unanimously.

The Committee adjourned at 9:25 PM.

Respectfully submitted,

Anthony J. Salvucci, Chairman



**City of Newton, Massachusetts
Department of Public Works**

Setti D. Warren
Mayor

NOTICE OF NON-COMPLIANCE

Dear Newton Residential Property Owner or Occupant:

Your sidewalk was reported as not having been cleared after the recent snow storm. Residents are now required to make reasonable efforts to clear and treat the sidewalks in front of their homes within 30 hours after a snowstorm per City Ordinance adopted in 2011.

Snow and ice make walking difficult for everyone, particularly the elderly, children, people with disabilities, and mail carriers among others. Shoveling is the neighborly thing to do and keeps Newton safe and accessible for everyone. Please do your part to support safe pedestrian passage in Newton. Thank you.

Sincerely yours,

David Turocy
DPW Commissioner

CITY OF NEWTON

IN BOARD OF ALDERMEN

2013

ORDINANCE NO.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to Section 26-8D, **Trial program for removal of snow and ice from sidewalks**, as follows:

Delete the words "November 1, 2013" and insert in place thereof the words "November 1, 2014."

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____

CITY/TOWN NEEDHAM=NEWTON	B.I.N. 33P	BR. DEPT. NO. N-04-001=N-12-003	8.-STRUCTURE NO. N04001-33P-MUN-NBI	INSPECTION DATE OCT 5, 2012
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PHOTOS

Photo 1: Separation along masonry joints at connection of original arch to widened section of arch in span 2.



Photo 2: Span 1 split through seventh course of granite blocks above pier 1 at fourth block from the south.

CITY/TOWN NEEDHAM=NEWTON	B.I.N. 33P	BR. DEPT. NO. N-04-001=N-12-003	8.-STRUCTURE NO. N04001-33P-MUN-NBI	INSPECTION DATE OCT 5, 2012
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PHOTOS

Photo 3: Void up to 8 1/2" wide between the fifth and sixth granite blocks from the south at second course east of keystone in span 1.

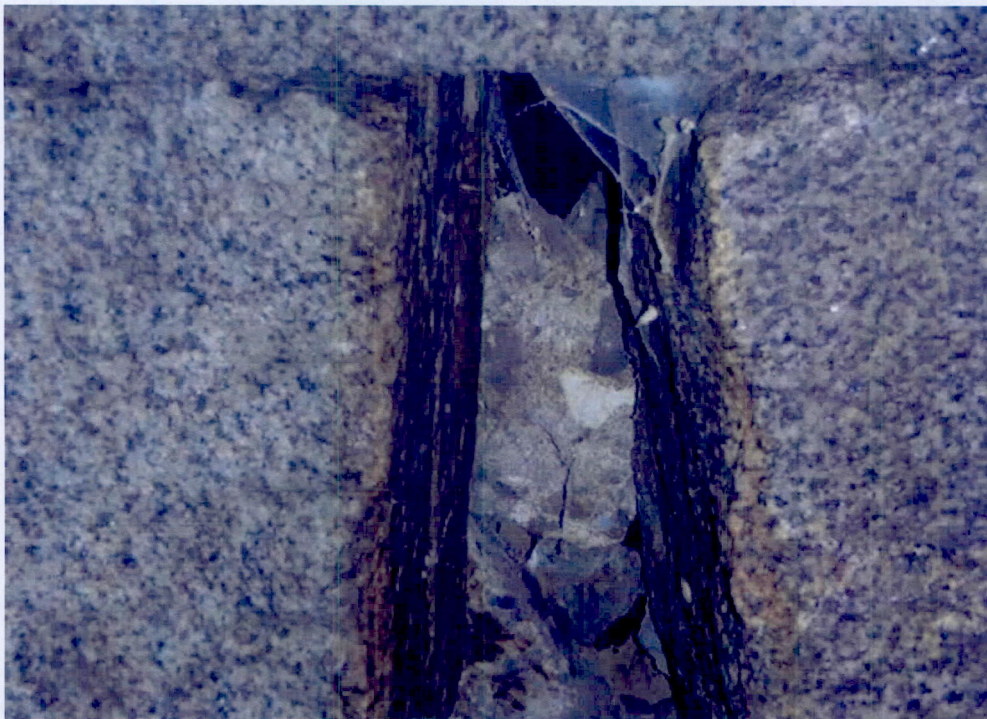


Photo 4: Close-up of void in span 1 with steel plate behind granite arch blocks.

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PHOTOS

Photo 5: Concrete patch repair in span 2 just west of the keystone at the second block from the north.



Photo 6: Through crack, first course east of keystone at the third block from the north in span 2.

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PHOTOS

Photo 7: Cracked granite in first and third blocks west of keystone at fourth and fifth blocks from the north in span 2.

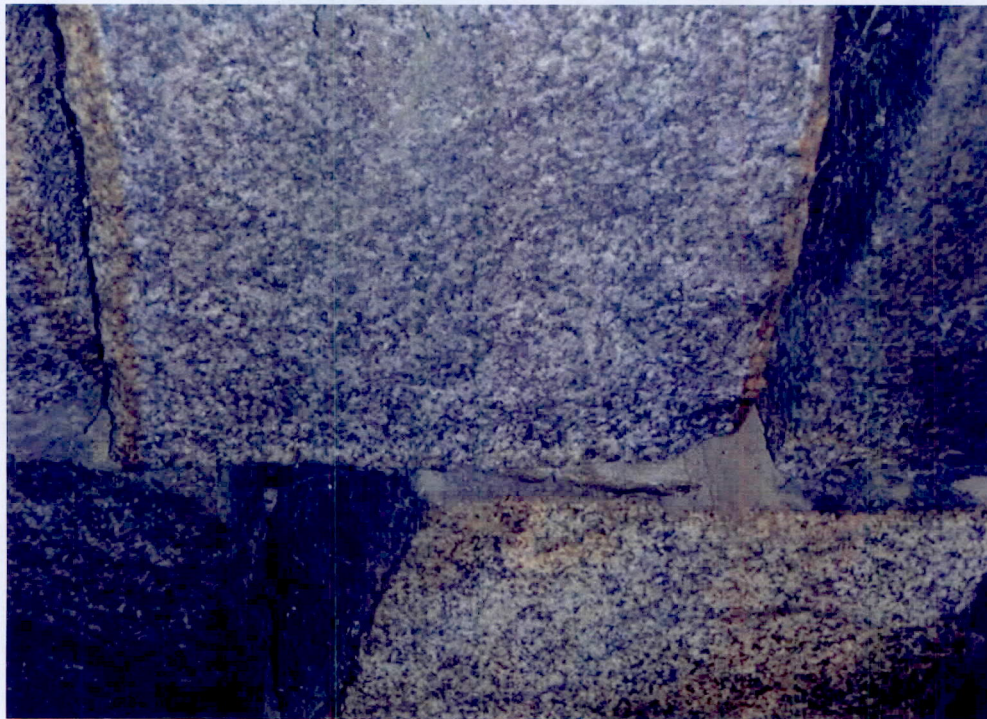


Photo 8: Void at fourth block from the north at the sixth and seventh course above pier 2 springline in span 2.

CITY/TOWN NEEDHAM=NEWTON	B.I.N. 33P	BR. DEPT. NO. N-04-001=N-12-003	8.-STRUCTURE NO. N04001-33P-MUN-NBI	INSPECTION DATE OCT 5, 2012
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PHOTOS

Photo 9: Voids at the fourth block from the north at the sixth and seventh course above pier 1 springline in span 2.



Photo 10: Span 3 fourth block from the north just east of keystone, missing block, 17" W x 19-1/2" L x 2' D.

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PHOTOS

Photo 11: Split and void at north end of second block from the north at the second course above pier 2 springline in span 3.



Photo 12: Keystone 3" higher than adjacent blocks at north end of span 3.

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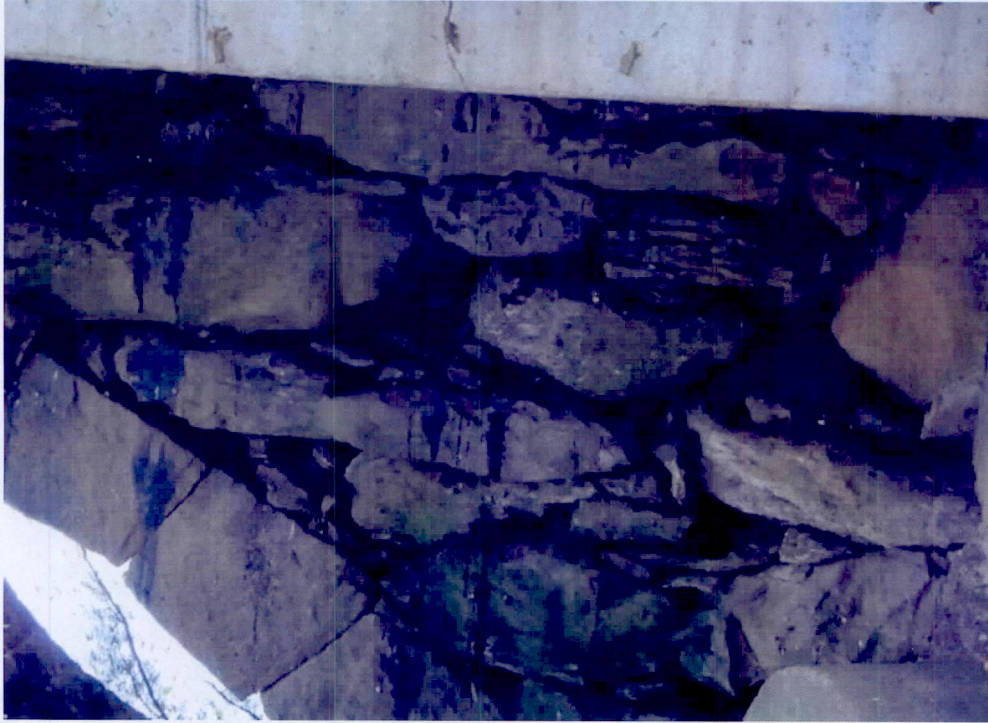
PHOTOS

Photo 13: Span 1, north spandrel by the west abutment.



Photo 14: Span 1, north spandrel wall by pier 1.

CITY/TOWN NEEDHAM=NEWTON	B.I.N. 33P	BR. DEPT. NO. N-04-001=N-12-003	8.-STRUCTURE NO. N04001-33P-MUN-NBI	INSPECTION DATE OCT 5, 2012
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PHOTOS

Photo 15: Span 3, north spandrel wall by the east abutment.

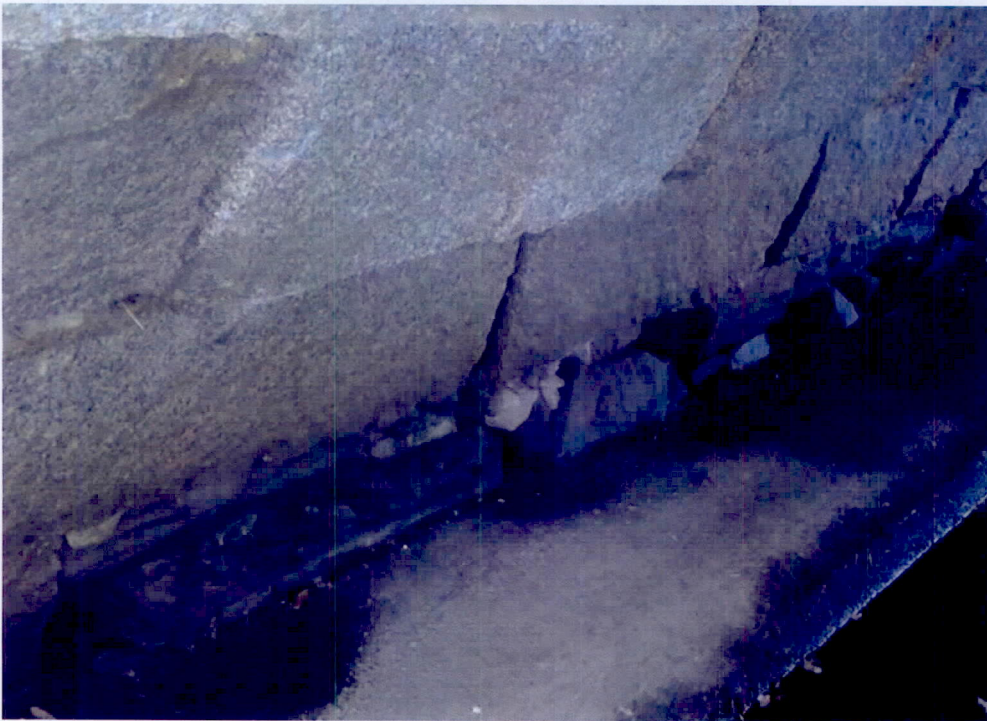


Photo 16: Span 1 splits in stones at west breastwall at north end.

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PHOTOS

Photo 17: Span 2, top of pier 1 east face, cracked stones.



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

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO.

2013

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEWTON AS FOLLOWS:

That the Revised Ordinances of Newton, Massachusetts, 2012, as amended, be and are hereby further amended with respect to Section 26-71, **Sidewalk construction requested by owner**, and Section 26-73, **New curbing installation**, as follows:

1. In Section 26-71(b)(1), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
2. In Section 26-71(b)(2), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
3. In Section 26-71(b)(3), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
4. In Section 26-73(c)(1), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.
5. In Section 26-73(c)(2), by deleting “five hundred dollars (\$500.00)” and inserting in place thereof “two thousand dollars (\$2,000.00)”.

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN
City Solicitor

Under Suspension of Rules

Readings Waived and Adopted

(SGD) DAVID A. OLSON
City Clerk

(SGD) SETTI D. WARREN
Mayor

Date: _____