

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MARCH 20, 2013

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

Absent: Ald. Lappin

Also present: Ald. Fuller

City staff present: Lou Taverna (City Engineer), Robert Waddick (Assistant City Solicitor), Dave Turocy (Commissioner of Public Works), Fred Russell (Utilities Director, Department of Public Works) and Robert Rooney (Chief Operating Officer)

*Appointment by the President of the Board of Aldermen*

#98-13 ANDREW COPELOTTI, 63 Broken Tree Road, Newton Centre appointed as a member of the Design Review Committee for a term to expire on December 31, 2013. [02/12/13 @4:40 PM]

**ACTION:** **APPROVED 6-0 (Albright not voting)**

**NOTE:** Andrew Copelotti joined the Committee for the discussion of his appointment to the Design Review Committee. Mr. Copelotti's background is in real estate construction and development. He has managed the developments of luxury apartment complexes, assisted living facilities, and condominium complexes. In addition, Mr. Copelotti is familiar with the construction aspects of realty development.

Mr. Copelotti spoke with the President of the Board, who he has known for a number of years, regarding serving on a City board or commission. President Lennon felt that Mr. Copelotti's knowledge and expertise would be an asset to the Design Review Committee. Mr. Copelotti agreed that the Design Review Committee seemed to be a good fit and talked with former Public Buildings Commissioner Stephanie Gilman regarding the work and time commitment. Mr. Copelotti felt that he had the time and expertise to serve on the Design Review Committee. The Public Facilities Committee was impressed with Mr. Copelotti's expertise and Ald. Lennon moved approval of the appointment, which carried unanimously. The Committee thanked Mr. Copelotti for his willingness to serve on the Design Review Committee.

#114-13 HIS HONOR THE MAYOR requesting authorization to acquire a permanent sewer and drain easement in SEMINARY AVENUE. (Ward 4) [03-12-13 @4:51PM]

**ACTION:** **APPROVED 6-0 (Albright not voting)**

**NOTE:** City Engineer Lou Taverna and Assistant City Solicitor Bob Waddick presented the request for the taking of a sewer and drain easement in the private portion of Seminary Avenue, which is a private way. In 2002, Lasell College petitioned for sewer extension through Seminary Avenue to provide sewer service to buildings owned by the College. The petition and

grant of easement were approved by the Board of Aldermen and Mayor and the college paid for the extension of the sewer. However, the board order and easement plan were never recorded with the Registry of Deeds, as Seminary Avenue was relocated in 1998 but the relocation plan was not filed with the Registry of Deeds until 2010.

The easement would begin at the intersection of Grove Street and Seminary Avenue over Seminary Avenue and the private land of Lasell College, to the boundary of the public portion of Seminary Avenue. The easement would run for a length of approximately 1500 feet and would have a width of 35 feet. The Law Department provided the attached letters to the two property owners that abut Seminary Avenue and own a portion of the private way. One of the property owners, Aaron Neiderhelman of 248 Grove Street was present at the meeting and asked if there would be any disruption to the street. Assistant City Solicitor Bob Waddick explained that the street would remain private and there would be no construction as all of the work has been completed. With that, Ald. Gentile moved approval, which carried unanimously.

Public hearing assigned for March 20, 2013:

#97-13 BOSTON COLLEGE petitioning for a grant of location to install seven ornamental light poles and fixtures on the east side of COLLEGE ROAD at the following locations:

- 150' ± northeast of the College Road and Hammond Street intersection
- 370' ± northeast of the College Road and Hammond Street intersection, between 36 College Road and 4 Quincy Road
- 80' ± northeast of the College Road and Quincy Road intersection, near 50 College Road
- 250' ± northeast of the College Road and Quincy Road intersection, between 66 and 72 College Road.
- 430' ± northeast of the College Road and Quincy Road intersection, near 84 College Road.
- 500' ± south of the College Road and Commonwealth Avenue intersection, between 110 and 116 College Road. (Ward 7) [02/15/13 @ 3:17 PM]

**ACTION:** **APPROVED 6-0 (Albright not voting)**

**NOTE:** Boston College representative Jeanne Levesque presented the petition for a grant of location to the Committee. The Board of Aldermen approved a grant of location on April 17, 2012. The petition included a request to replace streetlights with eight new ornamental streetlights and remove another seven utility poles without lights on College Road. The streetlights have been installed; however, they do not provide a sufficient amount of light for the street. Boston College would like to install an additional seven streetlights in College Road to provide safety for pedestrians and drivers who use College Road. Boston College has done some outreach to the property owners of the one home on College Road not owned by Boston College and those owners are in favor of the additional lights.

The public hearing was opened and no one spoke for or against the petition. The

Department of Public Works has reviewed the petition and recommended approval. The seven streetlights would be placed where the former utility poles without lights were removed. Ald. Laredo moved approval of the petition, which carried unanimously.

**Chairman's Note:** Docket Items #98-12, 172-11, 352-11 and 244-10 were voted no action necessary but the docket requests will be consolidated into one item, which will appear on the April 1, 2013 Docket.

#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]

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

**NOTE:**        Docket Items #98-12, 172-11, 352-11 and 244-10 and the overview of the 20-year capital improvement plan for the City's sewer and water infrastructure were discussed in conjunction. Please see the note below for Docket Item #244-10 for the report on these items.

#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]

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

**NOTE:**        Please see the note below for Docket Item #244-10 for the report on this item.

#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]

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

**NOTE:**        Please see the note below for Docket Item #244-10 for the report on this item.

#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]

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

**NOTE:**        Commissioner of Public Works David Turocy acknowledged all of the work of the Utilities Division on the four docket items and the 20-year capital improvement plan for the water and sewer infrastructure. He added that since the operating override was approved and there was a delay in the new water meter installation, the Administration is not proposing any changes to the water/sewer rate structure or the storm water rates in Fiscal Year 2014. The City

has to be careful not to impact residents further by increasing rates this upcoming fiscal year. In addition, further information pertaining to a proposed storm water fee is needed. The Commissioner expects that any proposed increases would be discussed in the fall of this year.

Utilities director Fred Russell provided the attached agenda for the discussion of the items. The discussion began with an update on the new water meters. One hundred ninety-one new meters need to be installed. Approximately half of the 191 properties require a new service line before a new meter can be installed. The other half of the meters have not been changed for a variety of reasons such as there is no access to the meter because it has been covered, the plumbing needs to be changed or the property owner will not allow access to the property to change the meter. The City is in the process of reaching out to the 191 property owners through certified letters, phone calls, and visits to the property in order to find a solution to install the meter. If the City and property owner cannot reach a resolution, the City can pursue legal action. If it reaches that point, the Executive Department would be consulted to determine what appropriate measures are and which ones should be taken.

As the Committee is aware, it was necessary to replace all of the previously installed mobile transponder units in order to collect accurate water usage reads. At this time, approximately 98% of all water customers are connected to the fixed network, which has provided accurate reads to the City. Three hundred mobile transponder units remain to be installed due to access issues.

There is a proposed twenty-year warranty on the infrastructure on the system, which is in the process of being reviewed by the Law Department. The company has also provided a bond for the warranty. The City is comfortable with the level of bonding provided.

Mr. Russell gave an update on the capital improvement plan for sewer and water infrastructure. The assessment of the sewers in Project Area 1 is completed and the design for the construction in Area 1 should be complete by March 25, 2013. The construction should be bid in April 2013. The assessment of Project Area 2 is ongoing. The Administration has also included investigations of the Crystal Lake area and the Newton Commonwealth Golf Course. The preliminary estimate for \$4.2 million includes the construction in Project Area 1, the additional work in the Crystal Lake area and the Newton Commonwealth Golf Course. The addition of the Crystal Lake area and the golf course work will accelerate the completion of all the projects.

The Massachusetts Water Resource Authority (MWRA) has issued Phase 8 of its grant loan program, and that program will be used to fund the construction phase of Project Area 2. There are currently no additional programs available to the City to aid in funding the sewer inflow and infiltration projects.

Mr. Russell continued with an update on the planned water improvement projects. The strategic assessment of the water infrastructure is scheduled to be complete by April 1, 2013. Once the assessment is provided, the Administration will prioritize the needed improvements. The Committee members asked that Mr. Russell provide a list of the prioritized improvements and if possible, a 10-year vision plan.

The project to clean and line 9,500 linear feet of deficient water main pipe in Washington Street to improve fire flow design is underway. The project design should be completed in May 2013 and the construction should begin over the summer. Mr. Russell assured the Committee that the condition of Washington Street in the project area would be maintained. The project will be funded through bonding. All of the City's hydraulic issues should be resolved by year three of the water improvement projects.

An additional \$1.3 million from a MWRA 0% interest loan will be used to fund other cleaning and lining projects this fiscal year. Once the hydraulic issues are resolved, the focus will be on projects to improve water quality.

Mr. Russell provided an update on the program to eliminate illegal private inflow connections. During the water meter replacement project, 720 illegal connections were identified. Six hundred seventy of the illegal connections were sump pumps and the rest were either roof or French drains. Approximately 30% of the property owners have been notified that there is an illegal connection on their property. Fourteen percent of the illegal connections have been removed.

Although Mr. Russell continues to work with property owners with illegal connections, he does not have enough time to dedicate to the project with his other responsibilities. The Public Works Department is considering hiring a part-time person with engineering knowledge to meet with property owners to find the most feasible and economical way to address the illegal connection. Committee members urged that a person be hired, as the illegal connections cost everyone in the City money.

Mr. Russell provided an update on the water/sewer rate analysis and second water meters. The City has hired Woodcock & Associates to investigate second water meters, seasonal rates, existing rate structure, discounts for low income and frequency of billing. The preliminary report is due in April 2013 and the final proposal should be presented to the Board of Aldermen in the fall of 2013.

The City also needs to analyze the impact of second water meters, as the City is losing the sewer charge on the second meters resulting in a cost increase to everyone. Second water meters also reduce the incentive to conserve water. It is important that a second water meter program does not affect people who conserve water.

The Committee felt that it would be helpful to have a calendar for all the information that will be provided on the water rate structures. In addition, Committee members requested a report on four or five other communities that offer second water meters, which includes the number of people who opted for a second water meter, how the second water meter rates was implemented, and how rates were impacted once the second water meters were available.

**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]

**ACTION:** **HELD 6-0 (Albright not voting)**

**NOTE:** The docketors are proposing an ordinance or Home Rule Legislation to require inspection of private sewer lines and storm water drainage connections prior to the sale of property. Private sewer lines that failed inspection would be required to be replaced or repaired and illegal connections would need to be addressed and re-inspected once they are addressed, as a condition of sale. The program would be modeled after the State's Title 5 law, which addresses septic systems. Some of the private sewer laterals are very old and or broken and the leaks contribute to the City's infiltration problem. It is estimated that 35% of the infiltration can be attributed to leaking lateral connections.

Additional work needs to be done on the item. Language needs to be developed that defines a lateral failure. Input from the Law Department is required regarding Home Rule Legislation. There should also be a meeting with the members of the realty community to discuss the proposal. The item was held for further discussion once further information is available.

**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]

**ACTION:** **NO ACTION NECESSARY 6-0-1(Albright abstaining)**

**NOTE:** The Mayor proposed the storm water rate change last April, as part of the budget discussions in order to generate additional funds to perform an assessment of the storm water infrastructure and develop a plan to address deficient storm water infrastructure. Chief Operating Officer Robert Rooney stated that the Mayor would like an opportunity to reconsider if and how to alter the storm water rate structure. The Mayor is not planning to make any changes to the rate structure for the upcoming fiscal year. However, he would like to begin the capital assessment of the storm water infrastructure this year with the \$100,000 in the storm

water reserve as a phased project. The Mayor is not abandoning the storm water rate structure increase but there needs to be a better understanding of the impact to commercial properties, the impact to City properties, and further outreach to commercial property owners.

It was pointed out that there have been failures in the storm water system and a phased study would not capture the whole picture, which is needed to prioritize the capital projects for the storm water system. The Administration would be able to make better judgments with the full assessment of the system. A global assessment is needed to plan properly. If the storm water system is not addressed it could result in safety issues and significant property damage.

The storm water system has a stand-alone funding mechanism with insufficient funding for an assessment or repairs. The City needs a funding mechanism for the capital assessment and repairs. By phasing the capital assessment of the system, it could take three to four years to complete. It is important to find a funding source to complete the assessment sooner. Mr. Rooney responded that the Administration would look for another mechanism to fund the full assessment of the storm water infrastructure. The Administration is not prepared to offer a new storm water rate structure at this time.

It was suggested that the Committee vote the item no action necessary and docket a new item requesting that the Mayor continue to explore amending the storm water rate structure. With that, Ald. Crossley moved no action necessary, which carried unanimously.

**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 7-0**

**NOTE:** The Angier School Building Committee is working on the complicated project schedule. The schedule must take into account the MSBA schedule as well as the City process for building projects. The schedule will be tight, if the City wants to open the school for September 2016. A schematic design of the school was presented to the MSBA by the Superintendent of Schools, members of the School Committee and members of the Angier School Building Group. The MSBA members stated that they were impressed with Newton's focus on the project and provided informal comment on the schematic. Chief Operating Officer Robert Rooney praised the MSBA process and stated that it should be used as a model for other non-MSBA construction projects that the City is planning in the near future.

The Committee held the item for future updates.

All other items before the Committee were held without discussion. The Committee adjourned at 9:15 PM.

Respectfully submitted,

Anthony J. Salvucci, Chairman

LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS  
CITY HALL

1000 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
TELEPHONE (617) 796-1240  
FACSIMILE (617) 796-1254

CITY SOLICITOR  
DONNALYN B. LYNCH KAHN  
ASSOCIATE CITY SOLICITOR  
OUIDA C.M. YOUNG

ASSISTANT CITY SOLICITORS  
MARIE M. LAWLOR  
ANGELA BUCHANAN SMAGULA  
ROBERT J. WADDICK  
MAURA E. O'KEEFE  
JEFFREY A. HONIG  
ALAN D. MANDL  
JULIE B. ROSS

March 15, 2013

Aaron and Mary Neiderhelman  
248 Grove Street  
Auburndale, MA 02466

Re: Seminary Avenue Easement

Dear Mr. and Mrs. Neiderhelman:

As you may recall, I spoke to you last year about the city's intentions to acquire an easement in Seminary Avenue for the purpose of maintaining a sewer main that was installed under Seminary Avenue by Lasell College several years ago.

Enclosed for your reference is a plan which shows the layout of Seminary Avenue. The sewer main runs from Grove Street under the private way portion of Seminary Avenue to the public way portion of Seminary for a distance of about 1500 feet. No work is planned in Seminary Avenue as the sewer main is currently in place. Therefore, there will be no disruption or damage to the road abutting your property.

In addition, the land area on which the real estate taxes for your property are calculated does not include any portion of Seminary Avenue. Therefore, we do not believe that the acquisition of a sewer easement by the city in Seminary Avenue will affect your property or the value of your property in any way.

The city intends to follow the process set forth under Massachusetts law to acquire an easement in Seminary Avenue for the above-stated purpose. A preliminary draft of the order that will be considered by the Board of Aldermen is also enclosed for your information and review.

The city is not required to notify property owners in advance of the taking of an easement for sewer purposes such as the one anticipated. However, we wanted to provide you with the relevant information in advance of the deliberations of the Board of Aldermen on this matter. In the event that the city elects to take an easement in Seminary Avenue, abutting property owners will be formally notified under the provision of Massachusetts law. Such notice will describe the time and the manner in which property owners may petition for damages.

The Public Facilities Committee of the Board of Aldermen will meet on March 20, 2013 at 7:00 P.M. in Room 209 of City Hall, 1000 Commonwealth Avenue, Newton, to discuss this matter.

Please contact me if you have questions or require anything further at this time.

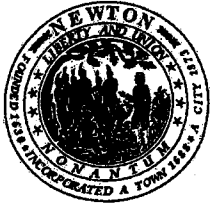
Thank you for your attention to this matter.

Sincerely,

Robert J. Waddick  
Assistant City Solicitor



LAW DEPARTMENT



CITY OF NEWTON, MASSACHUSETTS  
CITY HALL

1000 COMMONWEALTH AVENUE  
NEWTON CENTRE, MA 02459  
TELEPHONE (617) 796-1240  
FACSIMILE (617) 796-1254

CITY SOLICITOR  
DONNALYN B. LYNCH KAHN  
ASSOCIATE CITY SOLICITOR  
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ALAN D. MANDL  
JULIE B. ROSS

March 15, 2013

Michael F. Iodice, Jr.  
Chatham Development Co., Inc.  
29 Crafts Street, Suite 250  
Newton, MA 02458

Re: Seminary Avenue Easement

Dear Mr. Iodice:

As you may recall, I spoke to you last year about the city's intentions to acquire an easement in Seminary Avenue for the purpose of maintaining a sewer main that was installed under Seminary Avenue by Lasell College several years ago.

Enclosed for your reference is a plan which shows the layout of Seminary Avenue. The sewer main runs from Grove Street under the private way portion of Seminary Avenue to the public way portion of Seminary for a distance of about 1500 feet. No work is planned in Seminary Avenue as the sewer main is currently in place. Therefore, there will be no disruption or damage to the road abutting the property known and numbered 264-290 Grove Street owned by Michael F. Iodice, Jr., Trustee M.J. Realty Trust II.

In addition, the land area on which the property taxes for the said 264-290 Grove Street are calculated does not include any portion of Seminary Avenue. Therefore, we do not believe that the acquisition of a sewer easement by the city in Seminary Avenue will affect said property or the value of said property in any way.

The city intends to follow the process set forth under Massachusetts law to acquire an easement in Seminary Avenue for the above-stated purpose. A preliminary draft of the order that will be considered by the Board of Aldermen is also enclosed for your information and review.

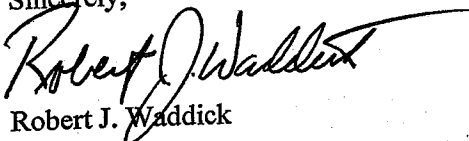
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Please contact me if you have questions or require anything further at this time.

Thank you for your attention to this matter.

Sincerely,

  
Robert J. Waddick

## Public Facilities Committee (March 20, 2013)

### Agenda:

- **Water Meters**
  - 191 meters still to be installed (approx. ½ new service line required)
  - Approx. 300 require MTU (mobile trans. unit) to be replaced (access issue)
  - Approx. 98% of customers connected to fixed network
  
- **Overview of 20 Year CIP**
  - **Sewer I/I Projects**
    - Project Area 1 – Assessment & Investigation (complete)
    - Project Area 1 – Design (to be completed by 03-25)
    - Project Area 1 – Construction (to be bid in April)
    - Project Area 2 – Assessment & Investigation (ongoing)
    - Crystal Lake Area Investigation (complete)
    - Newton Commonwealth Golf Course Investigation (complete)
    - Area B (remaining from previous contract)
    - Preliminary estimate: \$4.2M
  
  - **Water Improvement Projects**
    - Strategic Assessment – (to be completed by 04-01)
    - \$2.7M fire flows; \$1.3M cl&l
  
- **Private Inflow Removal**
  - Approximately 30% of residents notified
  - Approximately 14% sources removed (total 720)
  
- **Water/Sewer Rate Analysis**
  - Woodcock & Associates investigating
    - Second Meters/Seasonal Rates
    - Existing Rate Structure (no. of tiers, base fee, etc.)
    - Discounts for low income
    - Frequency of billing (quarterly vs. monthly)
  - Preliminary Report due to Committee in April; Final proposal to Board in fall.
  
- **Sewer laterals**
  - Home Rule petition required. Input from Law Department required.
  
- **Stormwater Rate Methodology**
  - Need to analyze impact on businesses, non-profits and municipal
  - Need to provide outreach program to businesses