

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MAY 22, 2013

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

Absent: Ald. Crossley

Also present: Ald. Harney and Sangiolo

City officials present: Donnalyn Khan (City Solicitor), Ron Mahan (Superintendent of Equipment; Public Works Department) Dave Turocy (Commissioner of Public Works), and Joe Russo (Assistant Superintendent of Elementary Education)

#52-13      ALD. GENTILE, SANGIOLO AND HARNEY requesting a discussion on the status of Moulton Street and Colgate Circle that were built by the City of Newton through the Newton Redevelopment Authority as part of the Lower Falls Urban Renewal Project. (Ward 4) [01/28/13 @ 10:53 PM]

**ACTION:**      **APPROVED 7-0**

**NOTE:**      The item was held in Committee on February 20, 2013 (report attached) for further legal and historical information on Moulton Street and the Newton Redevelopment Authority's Lower Falls Urban Renewal Project. City Solicitor Donnalyn Khan stated that the upper portion of Moulton Street and Colgate Circle were never accepted as public ways. Assistant City Solicitor Bob Waddick looked at whether the upper portion of Moulton Street and Colgate Circle were intended to be accepted as a public way as part of the redevelopment project or if Colgate Circle and the upper portion of were intentionally left as private ways. The compiled research was attached to the agenda. The research was inconclusive in terms of determining if the upper portion of Moulton Street should have been accepted.

In addition to the research on Moulton Street, the Committee requested information on whether it is the law or City policy that a proposed public way must connect to a public way before it could be accepted. The City Solicitor informed the Committee that it is City policy, and not State law; therefore, the upper portion of Moulton Street could be accepted without either Cornell Street becoming a public way or the City taking property along 400' ± of Moulton Street in order to make the whole of Moulton Street a public way. The Committee felt that the City should continue with the policy but make exception for Moulton Street.

It was explained that the Board of Aldermen does not have the authority to request an appropriation for funds to construct the streets to City standards in order to have both streets accepted as public ways. However, the Board of Aldermen could offer a resolution to the Mayor requesting that Colgate Circle and a portion of Moulton Street be designed and constructed to the standards necessary to be accepted as public ways by the Board of Aldermen. Ald. Gentile provided the attached draft resolution and supporting documentation to the Committee.

In the Law Department's opinion, if the City were to fund the design and construction of the streets it would not set a precedent, as the circumstances surrounding Moulton Street and Colgate Street are so unusual because of the redevelopment project. The City Solicitor suggested that the residents should go through the mechanics of petitioning for street acceptance, if they decide to go that route. Because Moulton Street already has curbing and sidewalks in place and there is no need to include Cornell Street or widening the road as part of the project, the project costs would be significantly reduced. Commissioner of Public Works David Turocy will provide a better cost estimate and determine when Public Works Department resources could be dedicated to the project.

John Ahern, 46 Moulton Street, spoke for the residents of Moulton Street. He expressed the neighborhood's appreciation for all of the work of the City's Law Department and Committee members. He emphasized that the upper portion of Moulton Street and Colgate Circle were built to City standards, when the renewal project was undertaken and he believes they should have been accepted by the City at that time. The residents of the Upper portion of Moulton Street and Colgate Circle are all in favor of making the streets public ways.

The Committee supported the design, construction and acceptance of Colgate Circle and the upper portion of Moulton Street. However, there was some concern regarding the middle portion of Moulton Street, which would remain private. The Commissioner of Public Works and the City Solicitor felt that there should not be any problems with the private portion. It would make sense for the City to pave that small portion of the street when reconstructing the portion of Moulton Street to be accepted as a public way.

Mr. Ahern stated that he would speak to the property owners along that 400' of Moulton Street to see if there was any interest in making that portion of the street a public way. In order for that portion of the street to be accepted, the City would need to do a taking of property. There is a large tree and a garage that would need to be relocated or removed in order to provide enough width to meet the City's standard for a public way. It is important to the residents of the neighborhood that the acceptance of the upper portion of Moulton Street is not stalled due to the 400' section.

The Committee supported the acceptance of Colgate Circle and the upper portion of Moulton Street as public ways. Ald. Gentile moved approval of the below resolution, which carried unanimously. Ald. Lappin moved approval of the main item, which carried unanimously.

#52-13(2) ALD. GENTILE, SANGIOLO AND HARNEY proposing a Resolution to His Honor the Mayor requesting that the Mayor, through the Public Works Department, design and construct the remaining section of Moulton Street and Colgate Circle, to the standards necessary for Colgate Circle and a portion of Moulton Street to be accepted as public ways by the Board of Aldermen.  
[05/22/13 @ 8:00 PM]

**ACTION:** **APPROVED 7-0**

**NOTE:** See the above note for the discussion on this item.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#173-13 HIS HONOR THE MAYOR requesting the sum of two hundred eighty-two thousand dollars (\$282,000) be appropriated from bonded indebtedness for the purpose of purchasing a street sweeper and backhoe for the Department of Public Works in accordance with the Fiscal Year 2014 Capital Improvement Plan.  
[04/29/13 @ 6:05 PM]

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

**NOTE:** Commissioner Turocy presented the request for \$282,000 to purchase a street sweeper and backhoe for the Department. The purchase of the equipment is part of the Fiscal Year 2014 Capital Improvement Plan. The new sweeper will replace a 2002 sweeper, which is in poor condition and needs a conveyor belt repair or replacement. Street sweepers do not have a long life because of the dirty conditions in which it operates. The cost to purchase a new sweeper is \$172,000. The new backhoe will replace a 1994 backhoe that is currently out of service due to its deteriorated condition. It is likely that the repairs could be made to the backhoe but it will require a new transmission in the near future and it would not be cost beneficial to put a new transmission in a backhoe in such bad condition. The backhoe is used in daily construction work and snow removal operations and is an important piece of equipment for the daily operations of the Department of Public Works. The cost of a new backhoe is \$110,000. The Committee understood the need for both pieces of equipment and Ald. Lappin moved approval, 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 will be meeting with the Design Review Committee tomorrow night. There is a possibility that there will be a recommendation on the Construction Manager at Risk at that meeting. There is also likely to be discussion regarding the possibility of including air conditioning as part of the Angier School Project. However, there will be no vote by the Angier School Building Committee until the Board of Aldermen and School Committee have had an opportunity to discuss the possible air conditioning on June 3, 2013.

The Committee stated that it would like further information before the June 3, 2013 meeting on the costs related to air conditioning the school such as the operating costs, maintenance costs, and life-cycle costs. The School Department should also provide information on what programming is expected to take place in the summer that would require air conditioning in the school. Ald. Gentile, who is a member of the Angier School Building Committee, stated that he would stress the need for the information at the Angier School Building Committee meeting tomorrow evening.

Assistant Superintendent of Elementary Education Joe Russo stated that if the school were air-conditioned it could be used for the Space Program, the Title I Program, and a number of Parks and Recreation Programs. In addition, many special education programs are full-year programs and they could be run at the school. Educational programming in the United States is also moving in the direction of longer school years, which would mean school during warmer weather.

The issue of equity between elementary schools was raised. It is important that the School Department have a plan moving forward regarding whether or not to install air conditioning when renovating or reconstruction an elementary school. With that, Ald. Danberg moved hold, which carried unanimously.

#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]

**ACTION:**      **NO ACTION NECESSARY 7-0**

**NOTE:**      Ald. Gentile moved the item no action necessary, which carried unanimously.

The Committee adjourned at 8:00 PM and all other items before the Committee were held without discussion.

Respectfully submitted,

Anthony J. Salvucci, Chairman

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 20, 2013

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

Also present: Ald. Harney and Johnson

City officials present: Lou Taverna (City Engineer), Dave Turocy (Commissioner of Public Works), Bob Waddick (Assistant City Solicitor), David Wilkinson (Comptroller), Ouida Young (Associate City Solicitor), Stephanie Gilman (Commissioner of Public Buildings), Miriam Tuchman (Project Manager; Public Buildings Department), Sandra Guryan (Assistant Superintendent for Business and Finance, School Department), Carol Chavez (Director of Operations and Environmental Affairs), and Claire Sokoloff (Chair of the School Committee)

#51-13      NSTAR ELECTRIC petitioning for a grant of location to install two manholes and 441' ± of conduit in ISLINGTON ROAD from Malvern Terrace in a northerly direction and 17' ± of conduit in MALVERN TERRACE from Islington Road in a southerly direction to Pole # P902/1. (Ward 4) [01/16/13 @ 2:12 PM]

**ACTION:**      **APPROVED 7-0 (Lennon not voting)**

**NOTE:**      NStar Permit Representative Maureen Carroll presented the request to install 458' of conduit and two manholes in Islington Road to replace the current manhole system, which has been in place approximately 50 years. The new system will provide much better service and improve reliability around the area of Malvern Terrace and Islington Road. The Department of Public Works has reviewed the petition and recommended approval.

Lorenzo Montessi, 9 Malvern Terrace, inquired about the length of the project. Ms. Carroll explained that the project should take about three weeks to complete. The project is expected to begin shortly after April 15, 2013, when the City's street construction moratorium is lifted. NStar will maintain resident access to all driveways during the project. Charles Cossaboom, 17 Malvern Terrace, asked if any portion of the project is on Malvern Terrace. The project starts in front of One Malvern Terrace and continues 17' on Malvern Terrace towards Islington Road.

There was a request that NStar provide the Committee with a five to ten year maintenance plan. Ms. Carroll stated that she could not provide that information. She explained that NStar engineers determine which areas of the electrical system should be upgraded. With that, Ald. Danberg moved approval, which carried unanimously.

#52-13      ALD. GENTILE, SANGIOLO AND HARNEY requesting a discussion on the status of Moulton Street and Colgate Circle that were built by the City of Newton through the Newton Redevelopment Authority as part of the Lower Falls Urban Renewal Project. (Ward 4) [01/28/13 @ 10:53 PM]

**ACTION:**      **HELD 8-0**

**NOTE:** The item was docketed in response to requests from former Ald. Stewart on behalf of residents of Moulton Street and Colgate Circle. There were two urban redevelopment projects in Newton Lower Falls that began in the 1960s and continued into the 1970s. The project along Washington Street, which created the New Falls apartments and several office buildings was federally funded and the project which developed upper Moulton Street and Colgate Circle along with an office park was state funded. The Newton Redevelopment Authority was essentially the project manager for both projects. The current residents of Moulton Street and Colgate Circle believe that when the projects were undertaken the intent was to take both Moulton Street and Colgate Road as public ways and that as they were not taken at that time, the City should reconstruct the streets and accept them as public ways at the City's expense.

City Engineer Lou Taverna explained that City standards and state law require that all streets accepted as public ways have an egress onto a public way. Currently, the upper portion of Moulton Street and Colgate Circle do not meet this standard. There are two options for Moulton Street and Colgate Circle to become public ways. The first option is to accept all of Moulton Street as a public way. The first 200' of Moulton Street from Washington Street was accepted, as a public way in the 1970s. The next 200' of Moulton Street was not part of either redevelopment project and was not built to City standards for width when it was created in the 1920s. It has a 30' right of way layout. If the City were to accept the portion of Moulton Street that is now private, it would require a full-depth reconstruction of the private portion and property takings along the 200' that was not part of either project in order to meet the City's standards for public ways, which is a minimum of 40' for the right of way. The rough estimated cost for the reconstruction is between \$300,000 and \$600,000, which could result in a betterment assessment of approximately \$10,000 per property.

The second option would be to accept Cornell Street, Colgate Circle and a portion of Moulton Street, excluding the 200' of Moulton Street that cannot meet the standards for acceptance without property takings, as public ways. By accepting the Cornell Street as a public way, that portion of Moulton Street would then have an egress into a public way. The acceptance of Cornell Street would require agreement of at least 50% of the residents to become a public way and fund the cost of some type of paving. Cornell Street is in better shape than Moulton Street and would not likely need a full-depth reconstruction; therefore, the cost would be less, should mill and overlay be the recommended method.

John Ahern, 46 Moulton Street, stated that he does not believe that the Cornell Street residents would be interested in street acceptance. However, the owners of the properties along the 200' of Moulton Street that would require takings may be in favor of the takings in order to make Moulton Street a public way. The neighborhood will be holding a meeting and the residents of Cornell Street and Moulton Street will be consulted regarding street acceptance.

It was pointed out that it is the City's opinion that the residents should pay for the street acceptances but a case can be made that the City should fund the necessary reconstructions as the streets were supposed to become public ways as part of the redevelopment projects.

A motion to hold the item was made and supported by a unanimous vote. The Committee members asked for further historical information and better estimates for both

options before the next discussion. In addition, the Committee would like to hear from property owners on both Cornell Street and the portion of Moulton Street that would require takings.

**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]

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

**NOTE:** The Committee discussed the above item on October 17, 2012. At that time, the Committee learned that the City had not received any payments from National Grid for street opening permits since 2003. The Commissioner of Public Works met with National Grid representatives on October 12, 2012 regarding the unpaid permit fees. The Public Works Department was able to provide copies of all of the unpaid National Grid street opening permits to National Grid. National Grid reviewed the list and concurred that they should have been paying all street opening permit fees since 2003.

Since that time, National Grid has reviewed and verified each of street opening permits and has paid the City a total of \$292,000 for past and present street opening permit fees. National Grid is up to date on all payments for street opening permits. The City's new invoicing system for street opening permits is working. Therefore, the Committee voted unanimously to approve a motion of no action necessary.

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

**ACTION:** **HELD 6-0 (Crossley and Laredo not voting)**

**NOTE** Project Manager Miriam Tuchman provided the Committee with an update on the Carr School renovation project. The attached PowerPoint presentation provides further details on the renovation. Ms. Tuchman reviewed the floor plans for each level of the school. The reconstruction includes a number of energy improvements like new windows, water conserving plumbing fixtures, an energy management system, and the use of sustainable buildings systems that meet or exceed stretch code. The air handling units for the building have been moved to the roof to allow additional classroom space on the first floor. The project is still within its projected budget of \$12.6 million, which includes an escalation factor.

The site plan for the project now includes a bus lane with screening and a wooden fence along the east side of the school and a parent drop-off and pick-up blue zone in front of the school to address conditions in the site plan board order (attached) approved by the Board of Aldermen on November 5, 2012. Condition 4a and 4b of the board order state that during the design development phase, the design team, with input from city and school staff, would investigate and create an appropriate parent drop-off and pick-up blue zone and bus drop-off pick-up. The Development Review Team made the recommendation to add the bus lane to the site plan for reasons laid out in the attached memo from the Planning and Development Department.

WHEREAS the Newton Redevelopment Authority, at the time a department of Newton City government, developed an area in Newton Lower Falls, as detailed in the attached map, into a combination of streets, single family lots and office space, with some of the area taken by eminent domain; and

WHEREAS, the Newton Redevelopment Authority built the end of Moulton Street closest to Grove Street to the appropriate standards to be accepted by the City as a public way; and

WHEREAS, the Newton Redevelopment Authority did petition the Board of Aldermen to accept this section of the street as a public way which it did on October 16, 1978; and

WHEREAS the previously mentioned map clearly indicates that Parcel D, at the opposite end of Moulton Street, and the portion of Colgate Road now known as Colgate Circle, were to be public streets; and

WHEREAS, the urban renewal plan and report, Exhibit A, which is also attached, clearly states that all "proposed streets will be publically owned";

NOW, THEREFORE BE IT RESOLVED that the Mayor, through the City's Public Works Department, design and construct the remaining section of Moulton Street and Colgate Circle, to the standards necessary for the streets to be accepted as public ways by the Board of Aldermen.



# POSITION LAN

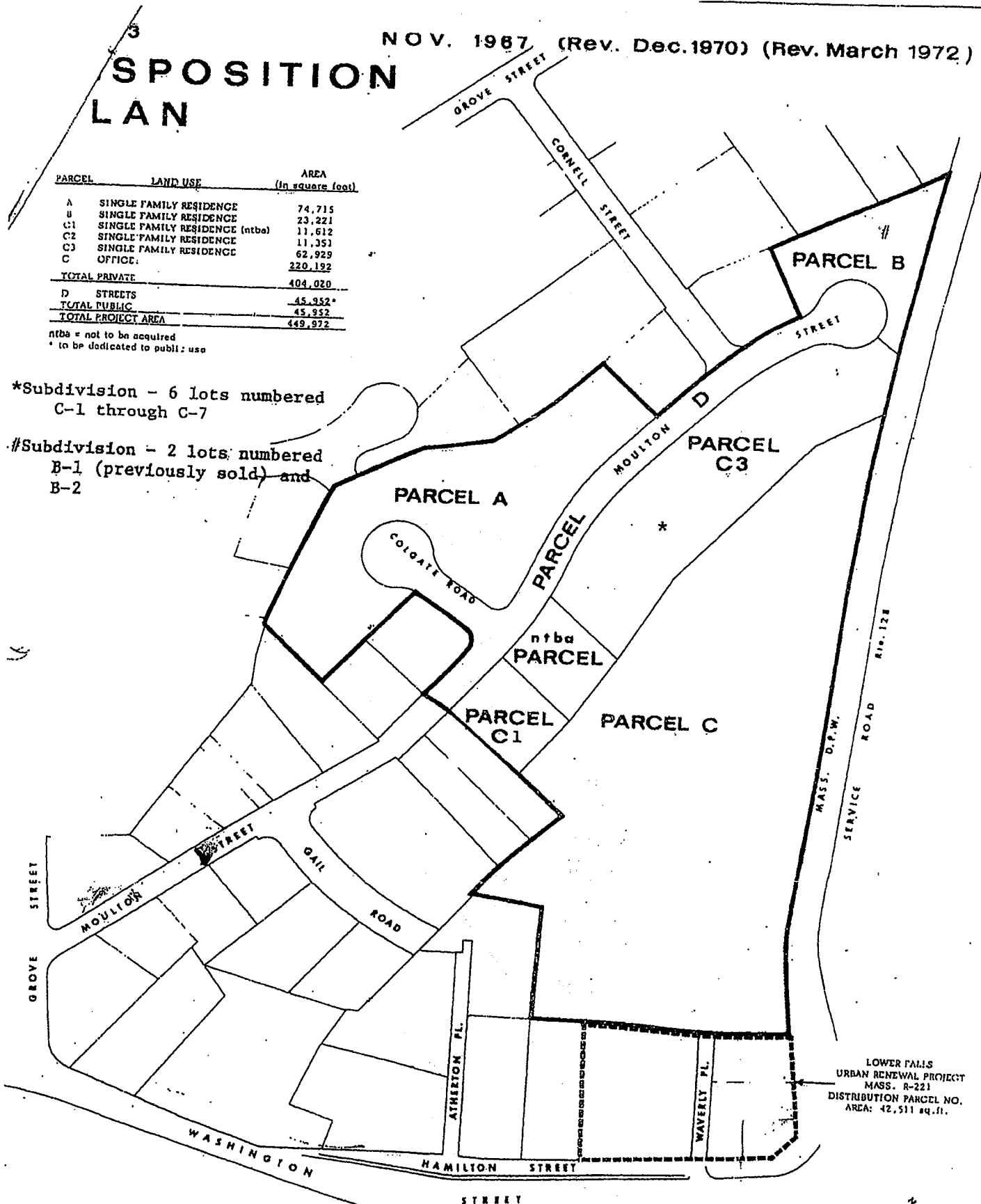
NOV. 1987 (Rev. Dec. 1970) (Rev. March 1972.)

PARCEL	LAND USE	AREA (In square foot)
A	SINGLE FAMILY RESIDENCE	74,715
B	SINGLE FAMILY RESIDENCE	23,221
C1	SINGLE FAMILY RESIDENCE (ntba)	11,612
C2	SINGLE FAMILY RESIDENCE	11,351
C3	SINGLE FAMILY RESIDENCE	62,929
C	OFFICE	220,192
<b>TOTAL PRIVATE</b>		<b>404,020</b>
D	STREETS	45,952*
<b>TOTAL PUBLIC</b>		<b>45,952</b>
<b>TOTAL PROJECT AREA</b>		<b>449,972</b>

ntba = not to be acquired  
\* to be dedicated to public use

\*Subdivision - 6 lots numbered  
C-1 through C-7

#Subdivision - 2 lots numbered  
B-1 (previously sold) and  
B-2



**LOWER FALLS PROJECT** STATE-ASSISTED  
REDEVELOPMENT AUTHORITY

Urban Renewal Plan + Report

EXHIBIT "A"

PRESENT CHARACTER, CONDITION OF BUILDINGS, AND PROPOSED LAND USES

ITEM	ACREAGE					CONDITION OF BUILDINGS				ACREAGE BY PROPOSED LAND USES	
	TOTAL	BY PRESENT CHARACTER			BY PROPOSED ACQUISITION		TOTAL BUILDINGS	NUMBER WITH DEFICIENCIES	NUMBER STRUCTURALLY SUBSTANDARD REQUIRING CLEARANCE		NUMBER WARRANTING CLEARANCE TO REMOVE BLIGHTING INFLUENCES
		WITH BUILDINGS OR STREETS	WITH OTHER IMPROVEMENTS	UNIMPROVED	TO BE ACQUIRED	NOT TO BE ACQUIRED					
TOTAL	10.33	0.81		9.52	10.33	1#				10.33	
1. Streets, Alleys, Public Rights-of-Way, Total	1.14	0.55		0.59	1.14					1.05	
a. Major Transportation											
(1) With Federal Highway Aid											
(2) Without Federal Highway Aid											
b. Other Streets, Alleys,* Public Rights-of-Way	1.14	0.55		0.59	1.14					1.05	
2. Residential, Total	3.41	0.26		3.16	3.41	1#				2.56	
a. Dwelling Purposes	3.41	0.26		3.16	3.41	1#				2.56	
b. Related Public or Semipublic Purposes											
3. Nonresidential, Total	5.78			5.78	5.78					6.73+	
a. Commercial	5.78			5.78	5.78					6.73+	
b. Industrial											
c. Public or Semipublic (Institutional)											
d. Open or Unimproved Land Not Included in 3a, b, or c above											

\* All existing streets are privately owned; proposed streets will be publicly owned  
 + Non-residential development district containing a mix of commercial and light industrial uses