

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, OCTOBER 3, 2012

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

Also Present: Ald. Baker, Blazar, Hess-Mahan, Kalis, Linsky, Merrill, Rice, Sangiolo, and Yates

City officials present: Frank Nichols (Project Manager; Engineering Division), John Daghlian (Associate City Engineer), Dave Turocy (Commissioner of Public Works), Robert Waddick (Assistant City Solicitor), Robert Rooney (Chief Operating Officer), David Olson (City Clerk/Clerk of the Board), Bob DeRubeis (Commissioner of Public Works), and Carol Stapleton (Recreation Program Manager; Parks and Recreation Department)

#275-12 NATIONAL GRID petitioning for a grant of location to install and maintain 230' ± of 6" gas main in ELMWOOD STREET from the existing 3" gas main at Eldredge Street westerly to Baldwin Street and 255' ± of 6" gas main in BALDWIN STREET from the proposed 6" gas main in Elmwood Street southerly to 19 Baldwin Street. (Ward 1) [09/05/12 @ 2:38 PM]

ACTION: **APPROVED 7-0-1 (Albright)**

NOTE: Dennis Regan presented the petition for a 6" gas main in Elmwood Street continuing onto Baldwin Street. The gas main has already been installed. The new gas main is a replacement of an existing gas main in Elmwood Street and Baldwin Street. When the City's Construction Inspector visited the site, it was determined that National Grid needed to petition for a new grant of location because they had installed the gas main into the sidewalk instead of the street. The location was moved to the sidewalk because of obstructions in the street that could not be navigated. The Construction Inspector did not halt National Grid's contractor but informed National Grid that a grant of location was required.

The public hearing was opened and Catherine Reynolds, 4-6 Baldwin Street, stated that during the installation of the gas main her cement steps were damaged. She is in contact with National Grid but wanted to make the City aware of the damage. The Department of Public Works will send an inspector to examine the concrete stairs. The public hearing was closed, as no one else wished to speak.

A number of Committee members were concerned that the Construction Inspector allowed National Grid to complete the gas main installation after it was determined that the relocation of the main required a new grant of location. The Associate City Engineer John Daghlian explained that the sidewalk and road were dug up and it was in the public interest to complete the installation in a timely manner. Ald. Gentile moved approval of the grant of location, which carried by a vote of seven in favor and one abstention. Ald. Albright abstained, as she missed a portion of the discussion on this petition.

#276-12 NATIONAL GRID petitioning for a grant of location to install and maintain 90' ± of 6" gas main in COLUMBINE ROAD from the existing 6" gas main at 57 Columbine Road to 45 Columbine Road. (Ward 8) [09/05/12 @ 2:38 PM]

ACTION: **APPROVED WITH CONDITIONS 8-0**

NOTE: Dennis Regan, National Grid Permit Representative, presented the petition to extend a 6" gas main in Columbine Road to provide gas services to a new home at 45 Columbine Road. The Department of Public Works has reviewed the petition and recommends approval of the petition.

The public hearing was opened and Nancy Mann, 45 Columbine Road, explained that she is the property owner of 45 Columbine Road and supports the petition, as she would like gas service to her home. No one else wished to speak for or against the petition and the public hearing was closed.

The Aldermen recently learned that there have been billing issues related to National Grid, which have resulted in non-payment of street opening and trench permit fees. Ald. Salvucci and Gentile have docketed an item to discuss the non-payment at the next Committee meeting. The Committee felt strongly that National Grid should pay for all street opening permits and trench permits related to new grant of locations before any construction could begin. It was suggested that the Board condition National Grid grants of location with a requirement that all street opening and trench permit fees are paid before the City grants National Grid permission to open the street. Commissioner of Public Works David Turocy assured the Committee that he would make sure all permits are paid for before any construction work begins.

Ald. Crossley moved approval of the petition with the condition that the street opening and/or trench permit fees are paid before the Department of Public Works grants National Grid permission to open the street. The motion carried by a vote of eight in favor and none opposed.

#270-12 NATIONAL GRID petitioning for a grant of location to install and maintain 62' ± of 6" gas main in DEDHAM STREET from the existing 6" gas main at 127 Dedham Street to 135 Dedham Street. (Ward 5 & 8) [07/20/12 @ 1:46 PM]

ACTION: **APPROVED WITH CONDITIONS 8-0**

NOTE: National Grid Permit Representative Dennis Regan presented the request for a grant of location to install a new gas main in Dedham Street to provide gas service to 135 Dedham Street. The Department of Public Works has reviewed the petition and recommends approval of the petition. The public hearing was opened and no one spoke for or against the petition.

Ald. Crossley moved approval of the petition with the condition that the street opening and/or trench permit fees are paid before the City grants National Grid permission to open the street. Please see the note for Docket Item #276-12 for the reason for the condition.

#277-12 NATIONAL GRID petitioning for a grant of location to install and maintain 90' ± of 4" gas main in NEAL STREET from the existing 4" gas main at Baker Place westerly to 19 Neal Street. (Ward 4) [09/05/12 @ 2:37 PM]

ACTION: **APPROVED WITH CONDITIONS 8-0**

NOTE: Dennis Regan, National Grid Permit Representative, presented the petition to install and maintain approximately 90' of 4" gas main in Neal Street in order to provide gas service to 19 Neal Street. The Department of Public Works has reviewed the petition and recommends approval of the petition. The public hearing was opened and no one spoke for or against the petition.

Ald. Danberg asked if the homes in the area of 135 Dedham Street were notified about the new gas main. Mr. Regan responded that all residents are notified that a new main is being installed but National Grid does not solicit perspective customers. With that, Ald. Gentile moved approval of the petition with the condition that the street opening and/or trench permit fees are paid before the Department of Public Works grants National Grid permission to open the street. The motion was approved unanimously. Please see the note for Docket Item #276-12 for the reason for the condition.

REFERRED TO PROG & SERV AND PUBLIC FACILITIES COMMITTEES

#302-12 HIS HONOR THE MAYOR, with the support of Ald. Rice, Crossley, Yates, Fischman, and Kalis, requesting authorization to execute a 99-year lease between the City of Newton and the Massachusetts Bay Transportation Authority (MBTA) for .97 miles of unused MBTA rail bed that runs parallel to Needham Street to create a multi-purpose recreational pathway. [09/24/12 @ 5:00 PM]

PROGRAMS & SERVICES HELD 7-0 on 10/03/12

ACTION: **HELD 8-0**

NOTE: The Committee met jointly with the Programs & Services Committee to discuss the above item. Chief Operating Officer Robert Rooney provided the attached PowerPoint during the discussion. Mr. Rooney presented the proposal to enter into a 99-year lease between the City and the MBTA. The City asked the MBTA for the lease, as it would allow the City to convert .97 miles of unused MBTA rail bed located parallel to Needham Street to a multi-purpose recreational pathway. Several other communities in the State have entered into a long-term lease with the MBTA and converted unused rail beds into recreational pathways. There would be no cost to the City for the lease of the right of way. The MBTA would have the ability to terminate the lease at any time with two years written notice and there would be no reimbursement for early termination of the lease. The lease also states that the City must follow best management practices of the Department of Environmental Protection during the conversion.

The City will also be indemnifying the MBTA against any responsibility if hazardous material is found during the length of the lease. The Administration has requested an appropriation under a separate docket item to fund the purchase of environmental insurance through the State's Brownfields Program. The program offers the City matching funds for the

insurance. The insurance would cover the city for up to \$3 million dollars if hazardous materials are discovered for a term of 5 years. The insurance is not mandatory but it would give the City additional protection. The Contractor and City representatives have walked the pathway and do not anticipate encountering any contamination.

A non-profit company that specializes in these types of conversions would do the pathway conversion. The company is currently working in New England, which makes it financially feasible for the City. The Department of Public Works would facilitate the construction of the pathway. There would be no cost to the City for the conversion. The company scraps the steel rail that it removes during the conversion process and its disposal of the railway ties is federally approved. The pathway would be level and have a compacted stone dust surface at the completion of the conversion. The project would be a one-year process and would become part of the City's parklands.

As it would be considered parkland, the Parks and Recreation Department would be responsible for maintaining the pathway. The maintenance concerns for the pathway are weed control and trash collection. The maintenance of the pathway should not cost much. There is less concern regarding erosion, as it should not be an issue for a number of years. There are potential enhancements such as trash bins, benches and signage that could be added on an as needed basis.

Most of the community around the pathway is supportive of the project and are well informed regarding the details of the project. Jerry Reilly and other members of the Right of Way Task Force have really reached out to the community. Several members of the Newton Upper Falls Neighborhood Area Council attended the meeting in support of the project. George Kirby from the Right of Way Task Force stated that the City is essentially getting free parkland that enhances the community. He added that he believed the State assumed the liability of a hazardous waste discovery after the insurance terminated. The pathway would offer a safe place for many types of activities such as jogging and bicycling.

The Committee was supportive of the project but had several concerns related to the discovery of hazardous material and liability. Ald. Gentile moved hold on the item for responses to the following questions:

- Have the communities that have converted old railway beds found contamination?
- If the MBTA terminates the lease with the City, could the City be held liable for any future discovery of environmentally hazardous materials?
- Is it possible to increase the amount of the environmental insurance and/or the length of coverage?
- Has the MBTA done any testing of the rail bed for any contamination?
- What would happen if an abutting site to the pathway was developed and environmental contamination from the rail bed was discovered? Would the City be responsible for paying for mitigation?

The Committee voted unanimously in favor of the motion to hold the item. The item will

be scheduled for discussion as soon as the requested information is available.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#54-12 ALD. SALVUCCI, BLAZAR AND FULLER requesting the creation of a revolving fund into which 50% of all betterment income shall be deposited to be used exclusively for individual requests for betterments. [02/02/12 @ 10:21 AM]

ACTION: **HELD 8-0**

NOTE: The item was held without discussion, as the Commissioner of Public Works was unavailable to discuss the item with the Committee.

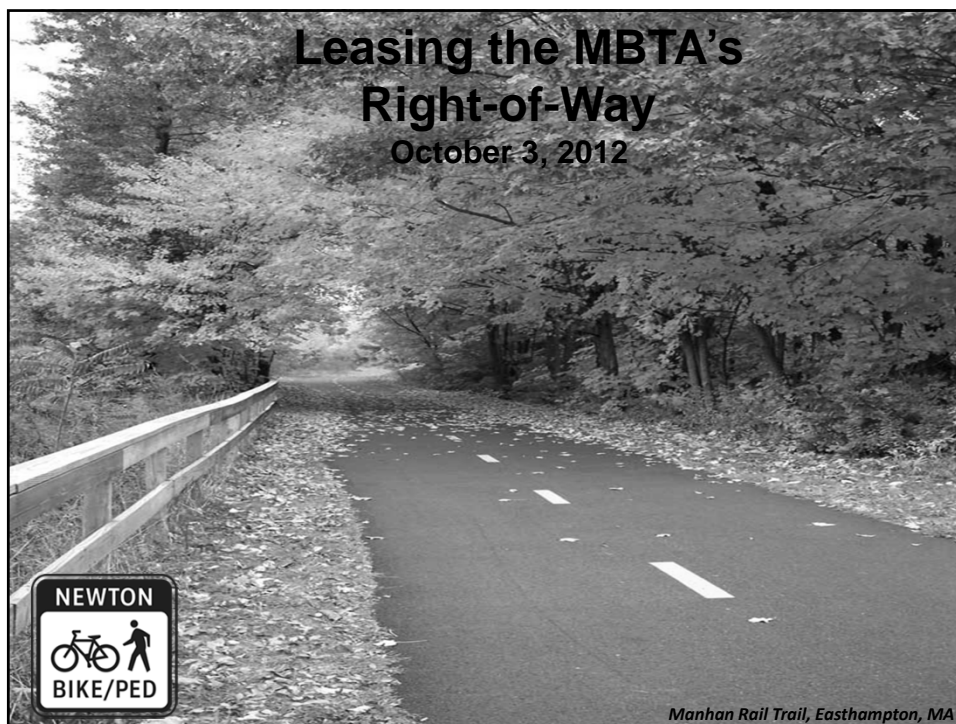
#385-07 ALD. SCHNIPPER AND GENTILE updating the Public Facilities Committee on the progress of the Newton North High School Project. [11/21/07 @ 10:23 AM]

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

NOTE: The construction phase of the Newton North High School Project is complete and there will be no further updates on the progress. Therefore, Ald. Gentile moved no action necessary, which carried unanimously.

Respectfully submitted,

Anthony J. Salvucci, Chairman



Rail ↔ Trail

- Conversion of inactive railroad right-of-way into multi-use recreational paths (“rail-trails”).
- Trails offer a safe place for walking, jogging, bicycling, and cross-country skiing.
- Trails can now be converted quickly and very inexpensively.
- Rail trails do not preclude additional future community uses.

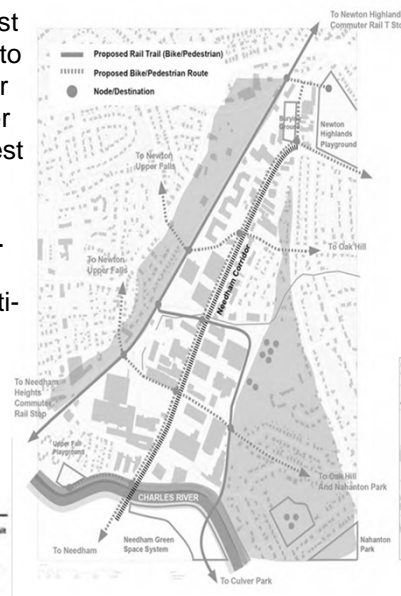
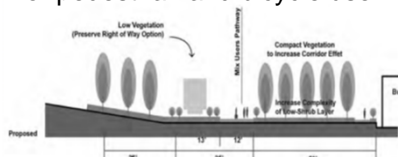
Pere Marquette Rail-Trail, Midland, Michigan

Visioning Needham Street

– MIT Study December 2010

“The abandoned rail right-of-way to the west of Needham Street should be converted to a recreational corridor, creating a path for wildlife, a connection to the Charles River and existing open spaces to the southwest and northeast, and contributing to a regional recreational network.”

→ Recommends that the corridor retain maximum flexibility for the long-term multi-modal transportation (Green Line extension, Silver Line) while in the meantime encouraging the use of the corridor for pedestrian and bicycle use.”



Before



After



Rail-to-Trail Conversion Methodology

- Iron Horse Preservation
 - Non-profit conversion*
 - Scrap value of steel rail (148 tons/mile)*
 - Federally approved safe disposal of ties*
 - Leveled and compacted stone dust surface*
- Heavy rail equipment in NE
 - Newton's mile otherwise not feasible*
- At least a one year process
- Insurance assistance available
 - State Brownfields Program*

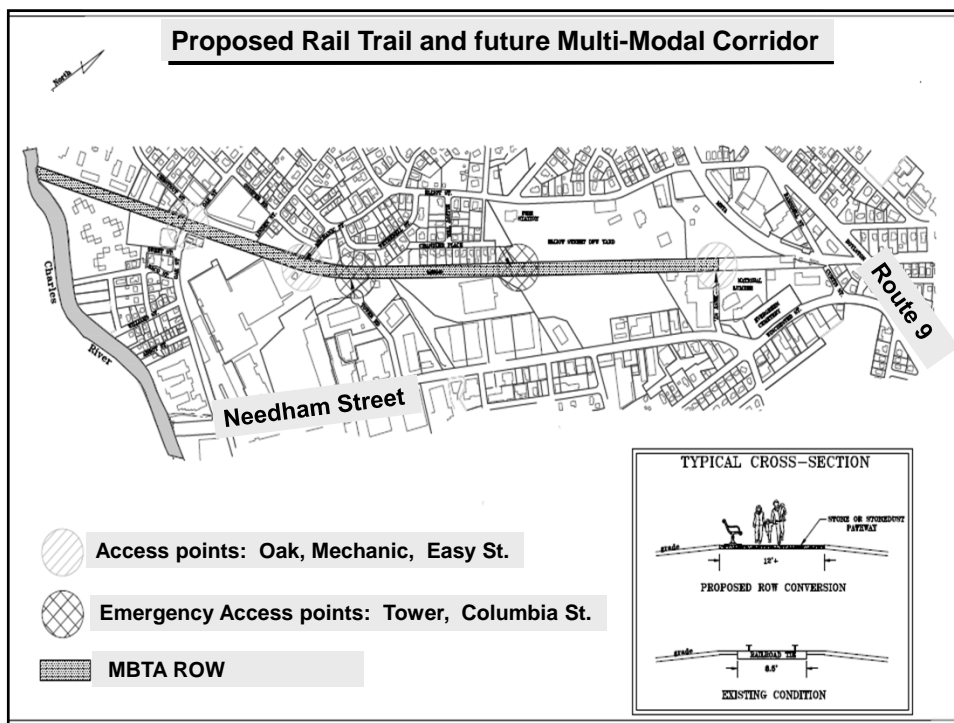
Topsfield Rail Trail

Potential Enhancements

- *Improved stone dust surface*
- *Erosion and drainage control*
- *Benches*
- *Signage*
- *Interpretive exhibits*
- *Trail kiosks*
- *Milepost markers*
- *Limited Landscaping*



Everett Rail Trail



Rail Trail Support

- **Insurance-** *\$3M policy for 5 years*
- **Maintenance-** *erosion, weeds*
- **Parking-** *Chestnut Street lot, businesses*
- **Public Safety**
 - Neighborhood watch- police presence*
 - Emergency vehicle access*
 - Crossing of Oak Street*
- **Trash Collection**

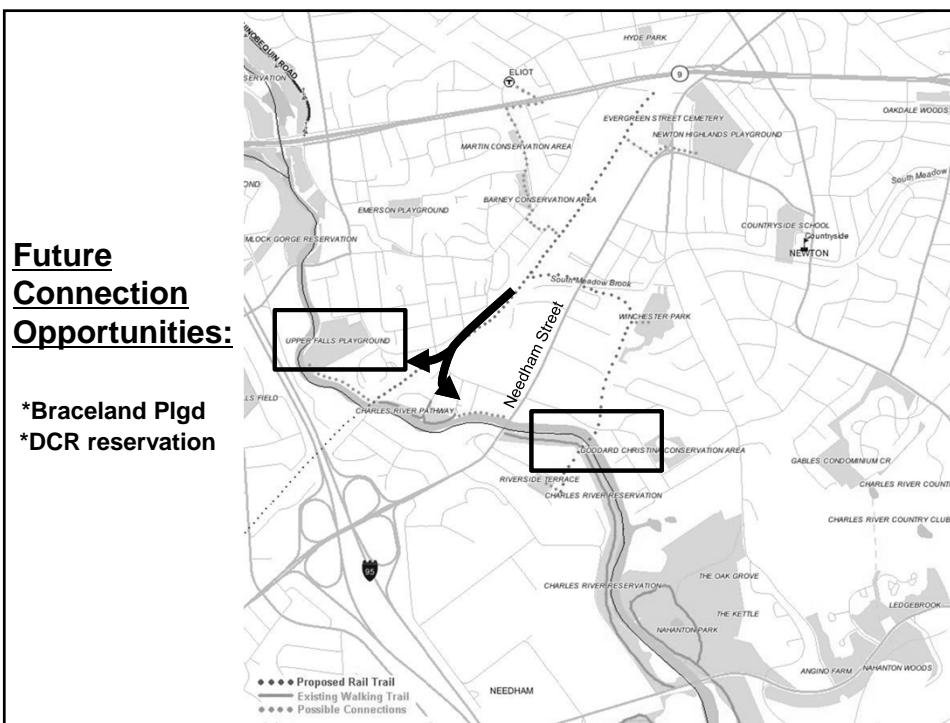
➡ *Commitment of Area Council for "Newton Serves"*

Summary of Lease Terms

- **99-year lease; Charles River to Easy Street**
- **ROW to be used for construction of bike/pedestrian trail or other non-motorized public transportation, free of charge**
- **Termination by MBTA with 2 yrs written notice**
- **No reimbursement for early termination by T**
- **City obligated to follow best management practices of DEP during corridor development**

Environmental Insurance

- Appropriation request under separate docket
- Matching funds available through State Brownfields Program
- Terms available: \$3M for 5 year term
- Protects City against discovery of hazardous material
- Not mandatory, however City must indemnify MBTA

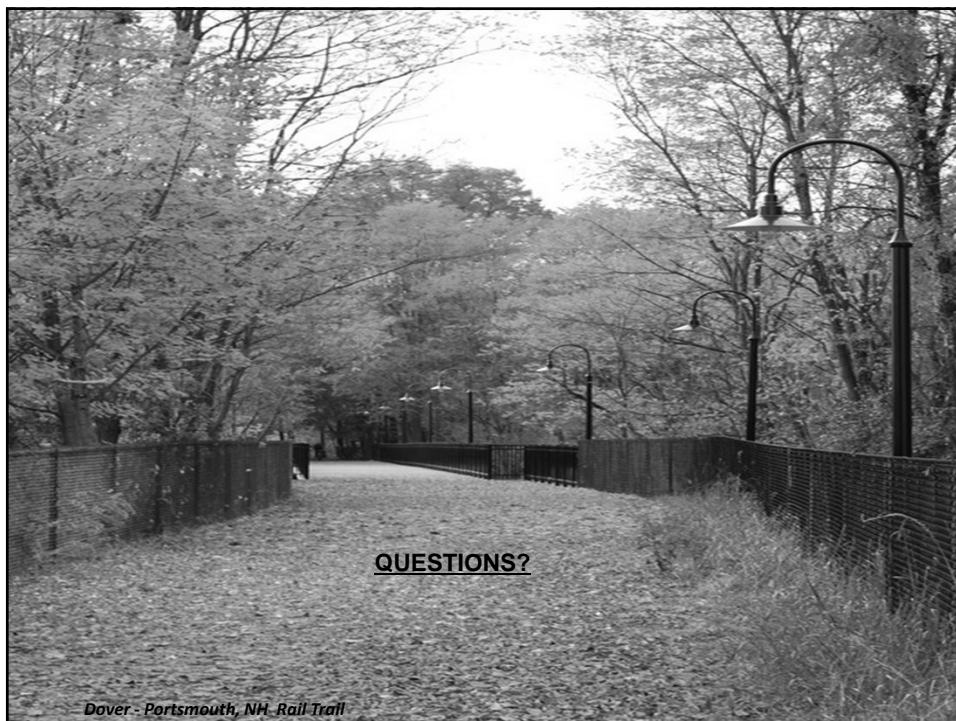




Rail Trail Benefits

- **Health:** More recreation, fitness, outdoor opportunity
Minuteman Bikeway
- **Transportation / Livability:** Improved viable and safe routes for transportation.
- **Environment:** Choosing to use active transportation reduces your carbon miles.
- **Access to Business Corridor:** Employees as well as shoppers have easy access to ROW.
- **Community Identity:** Trails create civic pride and engender neighborliness.

Cape Cod Rail Trail



QUESTIONS?

Dover - Portsmouth, NH Rail Trail