

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, APRIL 18, 2012

Room 209  
7 PM

**ITEMS SCHEDULED FOR DISCUSSION:**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #105-12     HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred seventy thousand dollars (\$170,000) from the stormwater reserve account for the purpose removing sediment from the three basins of the City Hall ponds. [04-09-12 @ 3:39 PM]
- #97-12     PUBLIC BUILDINGS COMMISSIONER recommending that **Article III. Designer Selection Committee, Sec. 5-35 Established; purpose.** of the City of Newton Rev Ordinances, 2007, be amended to clarify the role of the Designer Selection Committee and to permit alternative methods to secure design services when required to use such methods by state or federal law or regulation. [04-09-12 @ 3:41 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #113-12     HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding Phase I (evaluation, hazardous material testing, code review, and schematic design) of the Carr School renovations. [04-09-12 @ 3:39 PM]

**It is the Chairman's intention to entertain a motion to vote No Action Necessary on #367-10B2, as the Mayor has submitted a request (Docket Item #115-12) for additional funds for the construction of Day Middle School:**

**REFERRED TO PROG & SERV, PUBLIC FACIL. AND FINANCE COMMITTEES**

- #367-10     HIS HONOR THE MAYOR requesting authorization to appropriate an amount not to exceed five million dollars (\$5,000,000) from bonded indebtedness for the following:
- (B) installation of up to six modular classrooms at five elementary schools as well as the addition of permanent classrooms and renovations to the core of F.A. Day Middle School. [11/29/10 @ 3:23 PM]
  - (A) \$75,000 for site plan work for 1 modular at Horace Mann, 2 at Zervas, and 1 at Burr was approved on December 20, 2010.
  - (B1) \$923,375 for installation of 4 modulares was approved on July 11, 2011

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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](mailto:TGuditz@newtonma.gov) or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting date.

(B2A) \$86,545 for additional expenses related to the construction and installation of modular was approved on November 21, 2011.

(B2B) \$102,117 for design of sprinkler systems at three elementary schools was approved on November 21, 2011.

(B2C) Six hundred forty-three thousand five hundred dollars (\$643,500) of the remaining \$3,812,963 for the design and other related expenses associated with the building renovations to F.A. Day Middle School was approved on December 19, 2011.

(B2D) One million four hundred seventy-four thousand one hundred ninety-four dollars (\$1,474,194) of the remaining \$3,169,463 for the purpose of funding construction, construction administration and related expenses for the sprinkler system installations at the Burr, Zervas, and Horace-Mann Elementary Schools to be voted 03/05/12.

**#367-10(B2)** – \$ 1,695,269 (remaining balance) for renovations to the core of F.A. Day Middle School and sprinkler systems.

**ITEMS NOT SCHEDULED FOR DISCUSSION:**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#115-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of six million seven hundred fifty thousand dollars (\$6,750,000) from bonded indebtedness for the purpose of funding construction and administration of renovations and additions to F.A. Day Middle School. [04-09-12 @ 3:40 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#114-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding Phase I of a multi-phase project for energy efficiency upgrades at multiple buildings. [04-09-12 @ 7:04 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#112-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from bonded indebtedness for the purpose of funding the design and construction of mechanical upgrades at the Burr Elementary School. [04-09-12 @ 7:04 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#111-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of sixty thousand dollars (\$60,000) from bonded indebtedness for the purpose of funding the repair of masonry and related surfaces at the Bowen Elementary School. [04-09-12 @ 3:40 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#110-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty thousand dollars (\$250,000) from bonded indebtedness for the purpose of upgrading mechanical systems at Lincoln-Eliot elementary School. . [04-09-12 @ 3:40 PM]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#109-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of ninety thousand dollars (\$90,000) from bonded indebtedness for the purpose of repairing and replacing windows at Fire Station #4. [04-09-12 @ 3:40]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#108-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred twenty thousand dollars (\$320,000) from bonded indebtedness for the purpose of funding design and Phase I construction and administration for replacement of a portion of the roof and repair of exterior masonry at the welding shop at the Crafts Street Garage. [04-09-12 @ 3:40]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#107-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of two hundred fifty-two thousand dollars (\$252,000) from bonded indebtedness for the purpose of funding the design and repair of masonry and related surfaces at the Public Works Utilities Building. [04-09-12 @ 3:40]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#106-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of one hundred sixty thousand dollars (\$160,000) from bonded indebtedness for the purpose of purchasing a street sweeper. [04-09-12 @ 3:39]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#104-12 HIS HONOR THE MAYOR requesting authorization to appropriate the sum of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of design and installation of an accessible ramp and renovations to the City Hall Veterans' Wing. [04-09-12 @ 2:48 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 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]

**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]

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

- #383-11(3) HIS HONOR THE MAYOR submitting recommended FY2013 Water and Sewer Rates for implementation on July 1, 2012. [04/11/11 @ 5:59 PM]

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #383-11(2) HIS HONOR THE MAYOR submitting in accordance with Section 5-1 of the City of Newton Charter the FY13 Municipal/School Operating Budget totaling \$312,979,964 passage of which shall be concurrent with the FY13-FY17 Capital Improvement Program (#383-11). [04-09-12 @ 2:48 PM]  
EFFECTIVE DATE OF SUBMISSION: 04/17/12; LAST DATE TO PASS THE BUDGET 06/01/12

**REFERRED TO FINANCE AND APPROPRIATE COMMITTEES**

- #383-11 HIS HONOR THE MAYOR submitting the FY13-FY17 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter and the FY12 Supplemental Capital budget, which require Board of Aldermen approval to finance new capital projects over the next several years. [10/31/11 @ 3:12 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]
- #174-11 ALD. DANBERG AND BLAZAR requesting a raised device on Cypress Street near Bow Road recommended by the Traffic Engineer and approved by the Traffic Council (TC22-11) on May 26, 2011. [05-27-11 @ 10:53 AM]
- #173-11 ALD. DANBERG AND BLAZAR requesting a raised crosswalk on Cypress Street in the vicinity of 280 Cypress Street, in association with modifications to the Bowen Elementary School entrance, as approved on May 26, 2011 in Traffic Council (TC20-11), and to be paid for through MassDOT's Safe Routes to School Infrastructure Program. [05-27-11 @ 10:53 AM]
- #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]
- #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]
- #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 PUBLIC FACILITIES AND FINANCE COMMITTEES**

#311-10(A) HIS HONOR THE MAYOR requesting an appropriation in the amount of three million three hundred thirty-five thousand dollars (\$3,035,000) from bonded indebtedness for the purpose of funding the FY 2011 Capital Improvement Plan projects as follows: [11/29/ 10 @ 3:23 PM]

Architectural Design and Engineering/ Next Scheduled Fire Station \$400,000  
A-2 - HELD 6-0 \$270,000 for final design bidding and construction admin on 12/08/10

**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.

#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]

Respectfully submitted,

Anthony J. Salvucci, Chairman

City of Newton

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



Setti D. Warren  
Mayor

April 2, 2012

APPROVED

4-9-12

To: Mayor Setti D. Warren

From: David F. Turocy, Commissioner of Public Works

Via: Maureen Lemieux, Chief Financial Officer  
Robert R. Rooney, Chief Operating officer

Re: Request to Appropriate Funds from the Stormwater Reserve Account  
for Sediment Removal and Maintenance of City Hall Ponds  
FY 2013 Capital Improvement plan

RECEIVED  
Newton City Clerk  
2012 APR -9 PH 3:39  
David A. Olson, CMC  
Newton, MA 02459

Public Works requests authorization to use \$170,000 from the stormwater reserve account for the removal of sediment from the three basins of the City Hall ponds. The total cost of this project is estimated to be \$320,000. The balance of \$150,000 from the FY12 stormwater operating budget will be set aside for this project.

The goals of this project include: restoring the hydraulic capacity, mitigating storm drainage impacts, and improving the recreational aesthetics of the historic City Hall Ponds. These improvements are intended to be accomplished by performing maintenance sediment removal from the pond, as well as portions of the Hammond Brook and Cold Springs Brook culverts, which convey flow to the ponds. A total of about 3,800 CY of sediment is estimated to be removed from the City Hall Ponds and upgradient culverts. Extensive testing of the sediment material was completed to fully characterize the material and to evaluate the most cost-effective means for disposal of the material. Although this material is not free of contaminants, it is suitable for re-use as daily cover or grading material at MA DEP approved landfills.

Approximately 1,700 acres of land drain to the City Hall Ponds including the land occupied by the main library parking lot and a portion of Homer Street. These areas are subject to occasional flooding and are mapped as such by the Federal Emergency Management Agency. The consequences of not dredging the City Hall Ponds could exacerbate flooding in the immediate vicinity, increase sediment loading downstream and allow for the proliferation of invasive plant species. Accordingly, the maintenance of City Hall Ponds is a priority initiative for the Department of Public Works.

cc: D. Wilkinson, Comptroller  
R. Ferrara, DPW Chief of Budget  
F. Russell, Director of Utilities  
L. Taverna, City Engineer  
M. Rose, Environmental Engineer



**Project:** Sediment Removal and Maintenance of City Hall Ponds

**Purpose and Need:** The Department of Public Works is proposing to restore the hydraulic capacity, mitigate storm drainage impacts and improve the recreational aesthetics of the historic City Hall Ponds. These improvements are intended to be accomplished by performing maintenance sediment removal from City Hall Ponds including the removal of accumulated sediment from a portion of the upgradient culverts. The pond sediments are principally sands and silts derived from road runoff. The two main inlets to the pond are culverts located at the south end of the pond, known as the Hammond Brook and Cold Springs Brook culverts. These culverts discharge stormwater to the upper lobe of the pond and currently have reduced hydraulic capacity due to sedimentation. The pond discharges to the north via a culvert under Commonwealth Avenue into Bullough's Pond.

The pond has been maintenance dredged multiple times in the past using standard dewatering and excavation methods to remove accumulated sediment infill and maintain open water areas. Recent maintenance sediment removals occurred in 1992 and in 1980.

**Description:** Dewatering will be executed to allow for control of water quality and quantity throughout project construction. The four phases include an initial drawdown for construction of cofferdams; construction of the cofferdams and creation of a temporary bypass system for incoming flows from the Hammond Brook and Cold Springs Brook culverts; dewatering of the work area within the pond; and construction and implementation of dewatering sumps for low-level dewatering of work area. The project plans illustrate the dewatering process. The normal flow into the pond is proposed to be pumped around the work area and directly to downstream areas at the outlet culvert to City Hall Ponds.

Excavation will take place up to the mean annual high water line, which is roughly coincident with existing shoreline boulders which edge the pond. In total, approximately 3,800 cubic yards of material will be removed from City Hall Ponds and the lower portion of the two upgradient culverts. The total pond area to be dredged is 0.9± acres. Dredging of the pond lobes will proceed from upstream to downstream after the culvert cleaning is completed to minimize the potential for sediment mobilization downstream of City Hall Ponds. The dredging of the pond will be accomplished by conventional excavation, utilizing standard earth-moving equipment such as excavators, front-end loaders, backhoes, and/or bulldozers to excavate the accumulated sediments and load them directly onto dump trucks or stockpile for further dewatering and subsequent loading. Dewatering of sediments will occur primarily within each pond lobe.

**Permits and Approval Dates:**

MEPA Environmental Notification Form: Certificate received on March 25, 2011

Notice of Intent under the Wetlands Protection Act: March 24, 2011

MassDEP 401 Water Quality Certification for a Minor Dredging Project: August 3, 2011

ACOE Section 404 PGP Permit filed and approved: September 20, 2011

**Project Construction:** The project is anticipated to be bid in the summer with construction commencing in the late fall or winter. The anticipated duration of construction activities is one to three months.

**Operations & Maintenance (O&M):** An O&M Plan has been prepared to establish inspection and monitoring frequencies of the ponds in the future.

**Project:** Sediment Removal and Maintenance of City Hall Ponds

**Purpose and Need:** The Department of Public Works is proposing to restore the hydraulic capacity, mitigate storm drainage impacts and improve the recreational aesthetics of the historic City Hall Ponds. These improvements are intended to be accomplished by performing maintenance sediment removal from City Hall Ponds including the removal of accumulated sediment from a portion of the upgradient culverts. The pond sediments are principally sands and silts derived from road runoff. The two main inlets to the pond are culverts located at the south end of the pond, known as the Hammond Brook and Cold Springs Brook culverts. These culverts discharge stormwater to the upper lobe of the pond and currently have reduced hydraulic capacity due to sedimentation. The pond discharges to the north via a culvert under Commonwealth Avenue into Bullough's Pond.

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**Operations & Maintenance (O&M):** An O&M Plan has been prepared to establish inspection and monitoring frequencies of the ponds in the future.



PUBLIC BUILDINGS DEPARTMENT

Stephanie Kane Gilman, Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren  
Mayor

April 9, 2012

Setti D. Warren, Mayor  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RE: Proposed Amendment to Section 5-35 of the City Ordinances  
Designer Selection Committee

Dear Mayor Warren and Honorable Board of Aldermen:

I am requesting amendment to the City's designer selection procedure to clarify when the designer selection committee should be involved in the procurement of designer services with regard to the construction, alteration, or repair of a public building. The proposed amendment would also allow an alternative procedure to be followed in any instance where state or federal law or regulations requires that a specific procedure that is incompatible with the City's own designer selection procedure be followed. The red-line draft of proposed amendment to sec. 5-35 is attached this letter.

In practice, the Designer Selection Committee has handed the selection of designers as required both by the City's Charter, as well as by state law, specifically G.L. c. 7, sec. 38A ½. The proposed amendment would make clear that the Designer Selection Committee has jurisdiction over both procedures.

In addition, the proposed amendment allows the City to use an alternative procurement process when required by state or federal law or regulation. This amendment is required in order to satisfy the designer selection requirements for projects funded by the Massachusetts School Building Authority ("MSBA"). The need for this amendment became clear in the Angier Elementary School Project. The City's current ordinance regarding designer selection and the MSBA's regulations for selection of designers on MSBA-funded school projects conflict with one another, pointing up the need to change sec. 5-35 to permit the procurement process required by the MSBA.

Finally, the proposed amendment would allow the Public Buildings Commissioner to consult with the Designer Selection Committee in instances where the procurement of a designer is not otherwise within that Committee's jurisdiction.

The Law Department has drafted the proposed amendment and will prepare a brief memorandum outlining the procurement requirements of both our Charter and state law with regard to the selection of designers. The proposed amendment has also been reviewed by the Chairman of the Designer Selection Committee.

I will be happy to provide you and the Board with any additional background information that may inform consideration of this request.

Thank you.

Stephanie Gilman  
Public Buildings Commissioner

Cc: Joseph Michelson, Chairman, Designer Selection Commission

APPROVED  
4-9-12  
2012 APR -9 PH 3:44  
RECEIVED  
Newton City Clerk  
Dawn A. Olson, CHM  
Newton, MA 02459

Docket Language

Public Buildings Commissioner requesting amendment of the designer selection process, sec. 5-35, to clarify the role of the designer selection committee and to permit alternative methods to secure design services when required to use such methods by state or federal law or regulations.

### Article III. Designer selection Committee

#### Sec. 5-35. Established; purpose.

A designer selection committee is hereby established to make recommendations to the mayor whenever an architect is to be engaged by the city for any purpose involving construction, alteration, repair or maintenance of a public building, and the mayor shall consult with this committee and shall select said architect from these recommendations. At least three (3) recommendations shall be offered and the mayor may request three (3) additional recommendations from which he shall make his selection. The designer selection committee shall also oversee the selection process for design services contracts subject to the provisions of section 38K of chapter 7 of the General Laws. The designer selection committee shall not oversee the selection process for design services contracts in any instance where an alternative procurement process inconsistent with this section is prescribed by state or federal laws or regulations.

The public buildings commissioner may consult with the designer selection committee regarding procurement of any design services contract not otherwise required to be overseen by the committee pursuant to the provisions of this section. (Rev. Ords. 1973, §2-346)

CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM

DATE: April 13, 2012

TO: Ald. Salvucci, Chairman, Public Facilities Committee  
Members, Public Facilities Committee

FROM: Ouida C.M. Young, Associate City Solicitor

RE: Proposed Revisions to Sec. 5-35  
Designer Selection Committee  
Docket #97-12



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The Public Buildings Commissioner is requesting that Section 5-35 which sets out the jurisdiction of the Designer Selection Committee ("DSC") be amended to clarify the role the DSC plays pursuant to the City Charter and state statutes dealing with the procurement of design services. The proposed amendment will also allow the City to use an alternative designer selection process in any case where a state or federal statute or regulation requires procurement of design services in a manner inconsistent with Section 5-35. The City is facing that specific situation with regard to the City's efforts to secure funding for the Angier Elementary School renovation from the Massachusetts School Building Authority ("MSBA"). A copy of the proposed amendment is attached to this memorandum.

As this committee understands, section 11-8 of the City Charter requires that the City establish a designer selection committee by ordinance and that such ordinance provide "... that the designer selection committee shall be consulted and directed to make recommendations whenever an architect is to be engaged by the City for any purpose."

While the phrase "for any purpose" is extremely broad, the "purpose" should be one that is related to the professional qualifications and training of an architect.<sup>1</sup> The draft amendment would clarify that the DSC oversees the selection of architects for "any purpose involving construction, alteration, repair or maintenance of a public building... ." Please note that there is no dollar threshold under the Charter, so the DSC oversees the hiring of architects for even modest public buildings projects.

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<sup>1</sup> One would not seriously expect to involve the Designer Selection Committee if an architect was hired to drive a snow plow.

Architects are not, however, the only design professionals involved in the construction or maintenance of public buildings. In addition to the requirements of the Charter, the City must also follow state law when procuring design services. Specifically, Chapter 579 of the Acts of 1980 required municipalities to procure design services in connection with any public building project estimated to cost more than \$100,000 through a qualification based selection process. See G.L. c. 7, sec. 38K.

The term "design services" is defined in G.L. c. 7, sec. 38A ½ to include services provided by designers (architects or engineers), programmers, and construction managers in connection with numerous public building activities ranging from the preparation of master plans, soil tests, and cost estimates, to the development of plans and specifications, and finally, to the administration of a construction contract or construction management.

In practice, the DSC has also overseen the procurement process for design contracts as required by G.L. c. 7, sec. 38K, which includes the selection of architects as required by the City Charter. The proposed amendment would clearly give the DSC jurisdiction over the procurement of design services as required by G.L. c. 7, sec. 38K.

The most important proposed amendment, however, concerns instances in which the City's designer selection procedure would conflict with a state or federal requirement pertaining to the procurement of design services. When the MSBA was established to handle state funding for school construction, the state's designer selection process for municipalities was amended to exempt MSBA projects from the provisions of G.L. c. 7, sec. 38K. Instead, the MSBA selects a local municipality's school designer, with input from the community.

Accordingly, to eliminate the conflict between our City procedures for the selection of architects, and the MSBA requirements, the Law Department has drafted a revision to sec. 5-35 that would authorize the City to follow an alternate selection process if required to do so by state or federal law. As noted above, the need for this change is being driven by the Angier Elementary School renovation project.

Finally, the proposed amendment would also expressly authorize the Public Buildings Commissioner to consult with the DSC with regard to the selection of design services not subject to the DSC's jurisdiction, i.e., selection of a mechanical engineer for a project expected to cost less than \$100,000.

Article III. Designer selection Committee

Sec. 5-35. Established; purpose.

A designer selection committee is hereby established to make recommendations to the mayor whenever an architect is to be engaged by the city for any purpose involving construction, alteration, repair or maintenance of a public building, and the mayor shall consult with this committee and shall select said architect from these recommendations. At least three (3) recommendations shall be offered and the mayor may request three (3) additional recommendations from which he shall make his selection. The designer selection committee shall also oversee the selection process for design services contracts subject to the provisions of section 38K of chapter 7 of the General Laws. The designer selection committee shall not oversee the selection process for design services contracts in any instance where an alternative procurement process inconsistent with this section is prescribed by state or federal laws or regulations.

The public buildings commissioner may consult with the designer selection committee regarding procurement of any design services contract not otherwise required to be overseen by the committee pursuant to the provisions of this section. (Rev. Ords. 1973, §2-346)



City of Newton



PUBLIC BUILDINGS DEPARTMENT

Stephanie Kane Gilman, Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

Setti D. Warren  
Mayor

April 9, 2012

The Honorable Setti D. Warren  
Mayor  
City of Newton  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

APPROVED  
4-9-12

RE: Request for funds to renovate Carr School to be used as swing space. FY12 CIP [REDACTED]

SUBJECT: Design Funds Request

Dear Mayor Warren:

The School Committee and the Honorable Board have voted to change the custody of Carr School to the School Department for the purpose of creating swing space for multiple future elementary school renovation projects across the city. In order to complete the necessary Carr School renovations in time for the anticipated start of the Angier School construction work in September 2014, the Public Buildings Department respectfully requests \$300,000 from bonded indebtedness for Phase I (Construction and Testing, and Schematic Design). This funding request will address the following:

- Completion of Feasibility Study.
- Design through Site Plan approval.
- Hazardous material testing and identification.
- Comprehensive code review.
- Comprehensive accessibility compliance review.

RECEIVED  
Newton City Clerk  
2012 APR 9 PM 3:39  
David S. Johnson, CMC  
Newton, MA 02459

The attached documents break down costs and detailed floor plans as well as the RFP for architectural services not later than April 12, 2012.

Please do not hesitate to contact me should you have any questions regarding the request for design funds.

Sincerely,

Stephanie Kane Gilman,  
Commissioner of Public Buildings

SKG: amv

CC: Robert Rooney, Chief Operating Officer  
Maureen Lemieux, Chief Financial Officer  
Dr. David Fleishman, School Superintendent  
Sandy Guryan, Deputy Superintendent/Chief Administrative Officer

City of Newton



Setti D. Warren  
Mayor

## THE PUBLIC BUILDINGS DEPARTMENT

Stephanie Kane Gilman, Commissioner

Telephone (617) 796-1600

FAX (617) 796-1601

TTY: (617) 796-1089

52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461

March 22, 2012

Enclosed please find the information package which includes the Commonwealth of Massachusetts Standard Designer Application Form for Municipalities and Public Agencies not within DSB Jurisdiction (DSB Application Form) and a Statement of Objectives, which outlines the basic scope of services desired by the City of Newton Public Buildings Department to provide professional services for the alterations and renovations to the Carr School, 225 Nevada Street, Newtonville, MA 02460. The project includes the renovation and code compliance updates to the building in preparation for its use as elementary school swing space during subsequent school construction or renovation projects across Newton.

You are requested to submit a completed response to the DSB Application Form. Concise, succinct proposals are appreciated. Please submit only that information which you feel is pertinent to the work for which you are applying and the designer selection process.

Please submit (20) twenty copies of the completed DSB Application Form, and copy of the Tax Attestation Statement with Certificate of Corporate Authority no later than 2:00 p.m. on April 12, 2012 to:

Joseph Michelson, Chairman  
Designer Selection Committee  
C/O Donna Anastasia  
Public Buildings Department  
52 Elliot Street  
Newton Highlands, MA 02461  
Telephone (617) 796-1600

Questions may be directed, in writing, to the City of Newton Purchasing Department at [purchasing@newtonma.gov](mailto:purchasing@newtonma.gov) no later than 5:00 p.m. April 2, 2012. Written responses to the Questions received will be distributed to all individuals and firms requesting a copy of this RFQ no later than April 6, 2012 at 12:00 noon

## ARCHITECTURAL SERVICES PROJECT INFORMATION PACKAGE

### Statement of Objectives

The City of Newton, through its Designer Selection Committee, is currently seeking expressions of interest from individuals and firms for professional services for the following work funded through the City's Public Buildings Department.

Provide professional services to develop a Programming Study with clear project scope and project cost estimate (included in a report), to complete the Schematic Plans and Outline Specifications, Design Development Plans and Specifications, Construction Plans and Specifications, and Administration of Construction Contract for the renovation of the Carr School, located at 225 Nevada Street, Newtonville, MA 02460. The City of Newton anticipates the following specialties will be required to successfully complete the required renovation. The winning firm will be responsible to provide all required specialties as part of Basic Services, which may include:

- Architect, (LEED AP)
- Mechanical (CEM. LEED AP), Plumbing, Fire Protection, and Electrical Engineer
- Structural Engineer
- Civil Engineer
- Landscape Architect
- Energy Management System Specialist
- Energy Auditor / MassSave Commercial Incentive Program Specialist
- Acoustical Consultant
- Lighting Consultant
- Specifications Consultant
- MA Building Code Consultant
- Building Envelope Consultant
- Elevator Consultant
- Certified Industrial Hygienist
- MA Licensed Land Surveyor
- Cost estimator (independent consultant required for milestones)
- MAAB/ADA Title II Access Planner
- Educational Facilities Programmer
- Historic Preservation Specialist

The architect shall ensure that the project complies with all applicable standards, codes, rules and regulations. Such standards, codes, rules, and regulations shall include, but not be limited to, the Massachusetts State Building Code including all Amendments, the City adopted "Stretch" Energy Code, and the rules and regulations of the Architectural Access Board and the Americans with Disabilities Act as applicable, for a construction project whose initial construction will begin on or about June 1, 2013 with construction completion deadline of September 1, 2014. Final design for the project shall be completed on or before April 1, 2013.

The City of Newton plans to renovate multiple elementary schools in the coming years. In order for this plan to be successful the City requires swing space where elementary schools of various sizes can be moved during the approximately two year construction period for each school. The Carr School building has been selected to serve this purpose and the City intends to renovate the

building and, to a smaller degree, the site. The preliminary scope to be developed and finalized during the Programming Study phase of the project includes the following goals:

- To comprehensively upgrade the varied building systems to accepted modern standards and codes.
- To renovate and generally maintain existing classroom space layout while providing programming flexibility to support administrative, art, music, library, and cafeteria facilities, as well as to provide space for a nursing station
- To update the interior finishes.
- To repair and renovate exterior masonry and woodwork and other envelope improvements.
- To significantly increase the energy efficiency of the building and a goal to achieve a LEED EB Silver (or higher) certification for this project.

The intent of the project is to evaluate and address:

- Site conditions:
  - Pedestrian and vehicular circulation (replace as needed)
  - Site Accessibility (building, parking, play areas, etc.)
  - Site lighting and security
  - Site furniture (benches, bike racks, play areas, etc.)
  - Site planting
  - Site utilities
  - Other as required
- Exterior building conditions:
  - Pitched (slate) and flat roofs
  - Masonry (brick, stone, concrete, etc.), woodwork, and metalwork
  - Windows, doors, and associated hardware
  - Building accessibility
- Interior building conditions:
  - Mechanical, electrical, and plumbing systems. At minimum this is to include:
    - Electrical service/distribution
    - Life/safety and/or standby generator
    - Steam distribution (or alternative)
    - Building ventilation
    - Communication/data
    - Building/Energy Management System
  - Accessibility including elevator and bathrooms
  - Sprinkler/Fire Protection/ Security system
  - Lighting
  - Interior surfaces including walls/floors/ceilings
  - Layout and space programming

A project briefing will be held at the Carr School, 225 Nevada Street, Newtonville, MA 02460 on **March 29, 2012 at 10:00AM**. The meeting will start in the auditorium and will be followed by a walk-through.

### Available Information

The following information is available and will be provided to the winning firm. The City makes no assurances to the accuracy of these documents:

- Construction Drawings (available in pdf format only)
  - 1934 Construction
  - 1966 Addition
  - 1987 Renovation
- 2011 Newton Schools Study – Facility Assessment
- 1996 Carr/League School Report – Report on the present condition of the League/Carr school.
- Newton Cultural Center - Carr School; Access Issues Report; August 2011
- Carr School Historic Significance Assessment - 2011

### Disclosure

The DSB Application Form submitted in response to this advertisement will be considered the property of the City of Newton, and may be utilized as deemed appropriate by the City. Should the offeror desire that certain data within the DSB Application Form not be utilized for purposes other than within the DSB Application Form, such data shall be identified on the cover page of the DSB Application Form with the written provision that if a contract is awarded as a result of this DSB Application Form, the City of Newton shall have the right to use or disclose such data as deemed appropriate. Unless restricted as above, information submitted in response to this request may become subject to disclosure to the public pursuant to the provisions of the Massachusetts Public Records law.

### Minority Outreach

Qualified minority individuals and firms are encouraged to submit expressions of interest.

### Equal Opportunity Requirements

Offerors are hereby advised that submission of a signed DSB Application Form in response to this advertisement will be deemed to express the intent to comply in all respects with the following non-discrimination provisions as applicable:

- Title VI, Civil Rights Act of 1964, as amended.
- Title VII, Civil Rights Act of 1968, as amended.

### State Tax Requirements

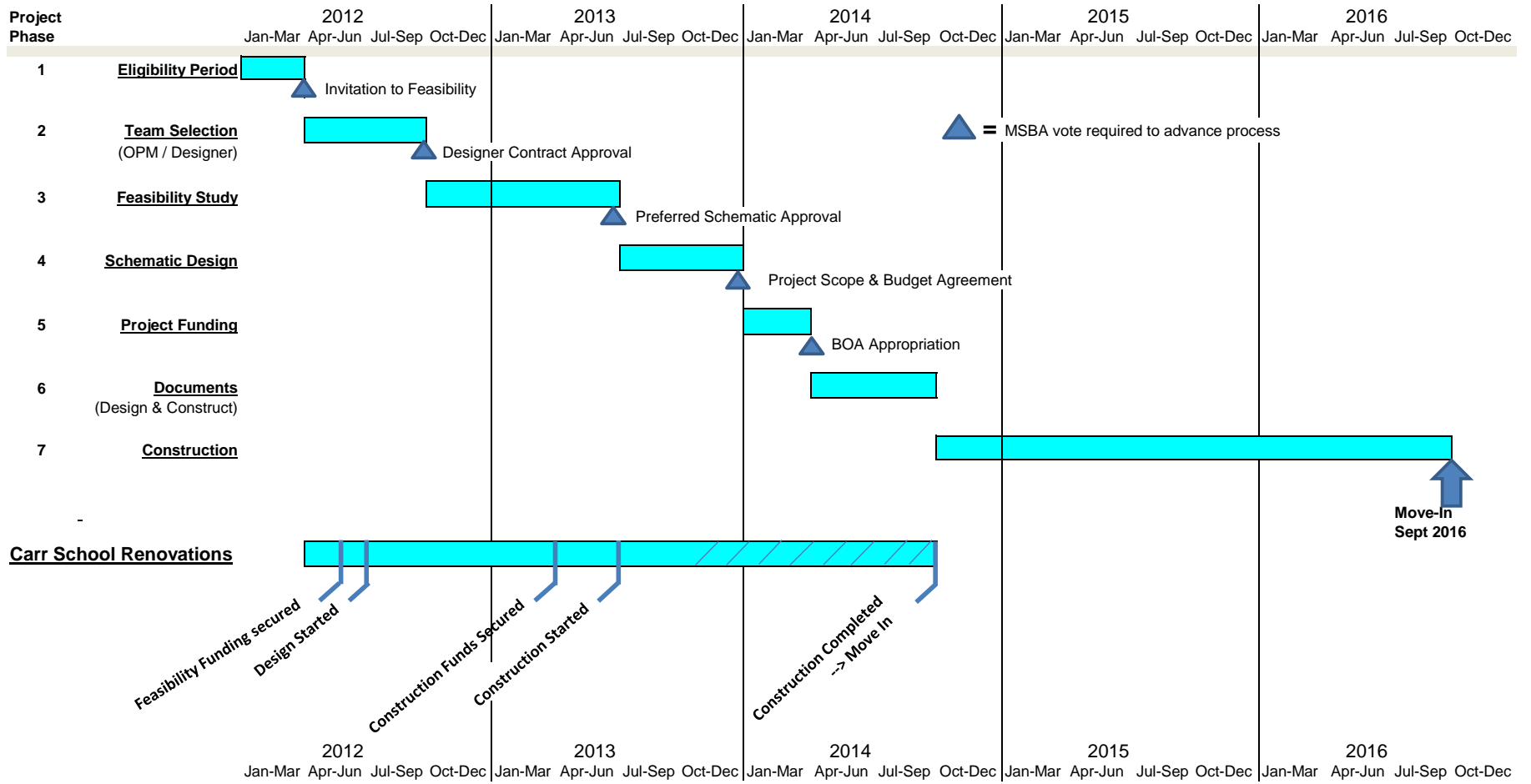
As required by Chapter 233, Acts of 1983, the successful consultant will be required to sign an attestation form certifying that all state tax returns have been filed and all state taxes paid. Offerors are advised that submission of a signed DSB Application Form in response to this advertisement will be deemed to express the offeror's intent to comply with Massachusetts statutes.

As of:  
2-28-12

Tentative Schedule

**Angier Elementary School**

**\*\*DRAFT\*\***



<b>CARR RENOVATIONS NEEDED</b>	<b>BUDGET ESTIMATE</b>	
	LOW	HIGH
<b>EXTERIOR:</b>		
Roofs, Masonry, Windows / Doors, Ramp / Stairs / Railings	\$ 900,000	\$ 1,000,000
<b>INTERIOR:</b>		
Mechanical, Electrical, Plumbing	\$ 2,200,000	\$ 2,500,000
Interior Finishes	\$ 900,000	\$ 1,000,000
Accessibility	\$ 400,000	\$ 500,000
Sprinklers / Fire Alarm	\$ 600,000	\$ 700,000
INTERIOR SUBTOTAL	\$ 4,100,000	\$ 4,700,000
<b>SITE:</b>		
Parking, Walks, Grounds, Lighting	\$ 100,000	\$ 200,000
<b>OTHER PROJECT COSTS:</b>		
Soft costs, GC, Contingency	\$ 3,000,000	\$ 4,000,000
<b>PROJECT TOTAL</b>	<b>\$ 8,100,000</b>	<b>\$ 9,900,000</b>

Note: Scope and budget are based on building condition assessment and estimate completed by HMFH Architects, Inc. as part of the Newton Schools Study.

#### **CAPITAL IMPROVEMENT PLAN**

Design - FY2012	\$ 300,000
Design - FY2013	\$ 450,000
Construction	\$ 7,205,000
Project contingency	\$ 795,000
<b>TOTAL PROJECT COST</b>	<b>\$ 8,750,000</b>