

CITY OF NEWTON  
IN BOARD OF ALDERMEN  
PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 9, 2011

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Crossley, and Danberg  
Absent: Ald. Lappin  
Also present: Ald. Ciccone, Fuller, Harney, Johnson, Shapiro, and Yates  
City officials present: David Turocy (Interim Commissioner of Public Works), Matthew Cummings (Chief of Police), Arthur Cabral (Budget and Project Specialist; Public Buildings), Ouida Young (Associate City Solicitor), Robert Rooney (Chief Operating Officer), Bruce Proia (Interim Chief of Fire), Clint Schuckel (Traffic Engineer), and Jim Danila (Transportation Engineer)

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE**

#42-11      **HIS HONOR THE MAYOR** requesting a transfer of three hundred thousand dollars (\$300,000) from various departments' salary accounts to supplement the expenditures associated with the removal of snow and ice as follows:

	<u>Account Number</u>	<u>Department</u>	<u>Amount</u>
From:	0110301-511001	Executive .....	\$10,000
	0110501-511001	Purchasing .....	\$15,000
	0110601-511002	Assessing .....	\$15,000
	0110901-511001	Human Resources .....	\$35,000
	0111103-511001	Information Technology .....	\$40,000
	0111401-511001	Planning .....	\$25,000
	0140103-511002	DPW-Vehicle Maint.....	\$35,000
	0140104-511002	DPW – Street Maint .....	\$25,000
	0150101-511001	Health & Human Svcs Adm.....	\$50,000
	0160103-511001	Newton Free Library .....	\$50,000
To:	0140110-513001	Snow & Ice – Overtime.....	\$100,000
	0140110-5273	Snow & Ice – Rental Veh.....	\$100,000
	0140110-5532	Snow & Ice – Sand/Salt.....	\$100,000

[01/31/11 @ 5:04 PM]

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

**NOTE:**      The request is to transfer funds generated through attrition from salary accounts in various departments to provide additional funding to the Department of Public Works for snow and ice operations. The Chief Financial Officer has reviewed each of the department budgets to ensure that the funds are available and met with each of the department heads regarding the transfer. The funds are the result of unfilled positions within each of the departments. There are no plans to remove the positions from the budget or not to fill them in the future.

The Department of Public Works has spent approximately \$3.5 million to date this winter on snow and ice operations. Interim Public Works Commissioner David Turocy informed the Committee that the Department has a shortage in the snow and ice accounts. If the Board approves the transfer, it should cover the shortfall. The Commissioner added that it is impossible

to know whether more money would be required this winter. Any additional money would most likely come from another transfer and/or Free Cash.

Committee members questioned why Free Cash was not being used to supplement the snow and ice accounts. Chief Operating Officer Robert Rooney stated that the City should not rely entirely on Free Cash for funding of snow and ice. The bond rating agencies look at the City's use of Free Cash and if the City relies too heavily on the Free Cash, it could have a negative impact on the City's bond rating. There was concern that the City was not filling needed positions. Mr. Rooney explained that the City is looking to fill the positions but they have been vacant for some time and have generated surplus funds within the budget that could be used for snow and ice operations.

Ald. Albright moved approval of the item, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEE**

#43-11 HIS HONOR THE MAYOR requesting that the budget for the Newton North High School construction project be amended by transferring from various miscellaneous line items and the Owners Contingency line item the sum of two million five hundred eight-three thousand six hundred ninety seven dollars and eleven cents (\$2,583,697.11) to the Construction Manager at Risk line item for the purpose of providing funding for the estimated cost of additional abatement work related to the demolition phase of the project as follows:

From: Reallocation of miscellaneous accounts .....\$583,697.11  
Owners Contingency.....\$2,000,000.00

To: Construction Manager at Risk .....\$2,583,697.11  
[02-03-11 @ 11:57 AM]

**ACTION:** **APPROVED 5-0 (Albright and Gentile not voting)**

**NOTE:** Chief Operating Robert Rooney explained that the request is to transfer funds within line items in the Newton North High School project budget to provide supplemental funding for additional abatement work in the old high school. The estimated cost of the additional abatement work is \$3,950,000. There is \$1,366,302.89 in contingency funds within the Construction GMP line item that does not require Board of Aldermen approval. The administration is proposing to use money reallocated from various accounts and a portion of the owner's contingency. Both the reallocation of funds and the use of the owner's contingency require Board of Aldermen approval. The Administration has scrubbed existing line items related to Phase I of the project and found \$583,697.11 that could be reallocated for the abatement work. The Mayor is proposing to use \$2 million of the \$5 million dollar owner's contingency. It is critical to the project that the reallocation occurs in order to keep the project on schedule for completion in November.

Frank Allard of Dimeo Construction and David Tiernan of ATC, Associates, Inc. explained that the asbestos contamination was discovered only after the walls were opened. The construction team contacted Department of Environmental Protection (DEP) as soon as the asbestos was discovered. The DEP has worked with the construction team for the past two months to come up with an abatement plan. The most important factor in dealing with the

abatement is the safety of the residents of Newton. There are monitors at the perimeters of the school to ensure that the asbestos does not spread.

The plan is to use the brick exterior wall as a shield, while removing the asbestos located between the exterior wall and the concrete masonry unit (CMU) block interior wall. The contractor will remove the asbestos floor-by-floor beginning with the top floor. There is only a minimal amount of asbestos located in this area; however, the DEP is very stringent about the removal requirements. The CMU block is porous; therefore, the block will be removed, placed in an appropriate container, and trucked to a landfill that is certified to dispose of asbestos. The attached letter and diagrams from ATC Associates provide the method of abatement and location of the contamination within the wall. An abatement impact with a matrix of the contingency and timeline is also attached.

The overall budget of the project is still under the guaranteed maximum price and it is hoped that it will not exceed that amount. However, there are still some unknowns in terms of contamination. In order to determine if there is contamination, the old school needs to be entirely demolished allowing access to the soil and the underground infrastructure for testing.

The budget for the abatement process is very tight and there was concern that funds could run out before completion. It was suggested that a new item be docketed immediately to address this possibility and allow the item to move forward as quickly as possible. In addition, it is expected that there will be an additional request to reallocate funds within the project budget in June 2011. At this time, the construction team will have a better sense of where funds are not needed and where they are needed in the various line items.

Ald. Crossley moved approval of the request, which carried unanimously.

**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]

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

**NOTE:** The Public Safety and Transportation Committee joined the Committee for discussion of the item. Ald. Johnson stated that the item was filed to address what is an unenforceable ordinance. The current ordinance allows parking for one hour between the hours of 2 a.m. and 6 a.m., which requires the Police to revisit a street if there is a car parked on the street between those hours to determine if it has been there longer than the permitted time. The fine for the violation is \$5, which is less than it costs the City to administer the ticket. In addition there are some residences within the City that do not have parking on-site creating a hardship for residents who need a place to park their cars.

Members of both Committees raised concerns regarding elimination of the ordinance for the following reasons:

- It could cause problems with emergency vehicle access
- It could impede the City's snow removal operations
- Neighborhoods close to colleges would have a number of student cars parked overnight.

- Neighborhoods that border other communities with an overnight parking ban would see a number of cars from those communities parked overnight.

The Committees were open to looking at a possible permitting process for residents with parking hardships. A sub-committee made up of members of both Committees was formed to discuss a possible permit program for exemption from the City's overnight parking ban that includes standards and criteria for case-by-case exception to the ban. The sub-committee will also look at the fine for violation of the overnight parking ban. Ald. Ciccone, Danberg, Johnson, and Lennon volunteered to serve on the sub-committee. The Fire Chief, Police Chief, and Commissioner of Public Works will work with the sub-committee. Both Committees held the item for input from the sub-committee.

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEE**

#196-09 ALD. MANSFIELD AND SANGIOLO requesting rescission of Sec. 19-99 (b), Speed humps of the Revised Ordinances of the City of Newton. [06/17/09 @ 11:24 PM]

**ACTION:** **APPROVED 4-2 (Gentile and Salvucci opposed)**

**NOTE:** See the note below for discussion of the item. The two items were discussed in conjunction as they are closely related.

**REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES**

#196-09(2) PUBLIC SAFETY & TRANSPORTATION COMMITTEE requesting to broaden Sec. 19-99, Speed humps of the Revised Ordinances of the City of Newton to cover all vertical deflection: raised intersections, raised crosswalks, and speed humps, regardless of dimension. [01/20/10]

**ACTION:** **APPROVED 4-2 (Gentile and Salvucci opposed)**

**NOTE:** The Public Safety and Transportation Committee approved the items on June 9, 2010. The two items were held several times by the Public Facilities Committee, most recently on December 20, 2010 to work out the details and revise the draft ordinance language. Clint Schuckel, Traffic Engineer, and Marie Lawlor, Assistant City Solicitor added additional text to the draft ordinance language to better define traffic calming measures, criteria and provide further clarification of an appeals process. The new draft ordinance language is attached to the report.

Traffic Engineer Clint Schuckel reviewed the merits of the proposed ordinance with the Committee. Mr. Schuckel stated that the proposed ordinance improves the City's process for accepting and responding to traffic calming requests and provides the ability to screen the petitions to make sure that they meet the necessary criteria for traffic calming before staff time is dedicated to study or a public hearing is assigned. The updated language gives the Board of Aldermen and the Traffic Council some flexibility if a petition does not meet the established criteria. The ordinance should improve the flow of items through the Traffic Council

The Committee reviewed the draft ordinance language and felt it addressed their previous concerns. There was still concern that there is not a dedicated funding source for traffic calming. Traffic Engineer Clint Schuckel stated that traffic calming on streets that were scheduled as part of the Department of Public Works annual reconstruction plan would be funded as part of the road reconstruction. Ald. Danberg moved approval of both items, which carried unanimously.

#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:**      **HELD 7-0**

**NOTE:**      The Committee held the item without discussion, as the Committee received an update while discussing the above request for reallocation of the Newton North High School construction project budget (Docket Item #43-11).

Respectfully submitted,

Sydra Schnipper, Chairman

**NNHS Phase 2 Abatement Impact - Contingency & Timeline**


As of: Feb 4, 2011

Cost Estimates for Additional Asbestos Contaminating Material (ACM):

Exterior wall contaminated with asbestos	\$	3,360,000
Foundation wall waterproofing to be abated	\$	70,000
Transite drainage pipe- estimated	\$	480,000
Testing / additional exploratory work	\$	30,000
<b>Total</b>	<b>\$</b>	<b>3,950,000</b>

Projected Activity Timeline and Cashflow

Demolition & Abatement Activities	Total Amount	January-11	February-11	March-11	April-11	May-11	June-11	July-11	August-11	September-11	October-11	November-11
		Included w/in GMP										
Interior Abatement												
Exterior Wall Abatement	\$ 3,360,000		\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000	\$ 340,000
Demolition												
Other ACM Items (listed above)	\$ 590,000											
Final Sitework and Athletic Fields												
<b>Total</b>		\$ 1,366,303	\$ 526,303	\$ (313,697)	\$ (1,301,197)	\$ (2,288,697)	\$ (2,436,197)	\$ (2,583,697)	\$ (2,583,697)	\$ (2,583,697)	\$ (2,583,697)	\$ (2,583,697)

Legend:  = Represents active work during that month

\$ 0

\$2,583,697 Appropriation by BOA

CITY CLERK  
NEWTON, MA. 02159

11 FEB -4 P 3:05



600 West Cummings Park, Suite 5500  
Woburn, Massachusetts 01801-6350  
[www.atcassociates.com](http://www.atcassociates.com)  
781.932.9400  
Fax 781.932.6211

February 4, 2011

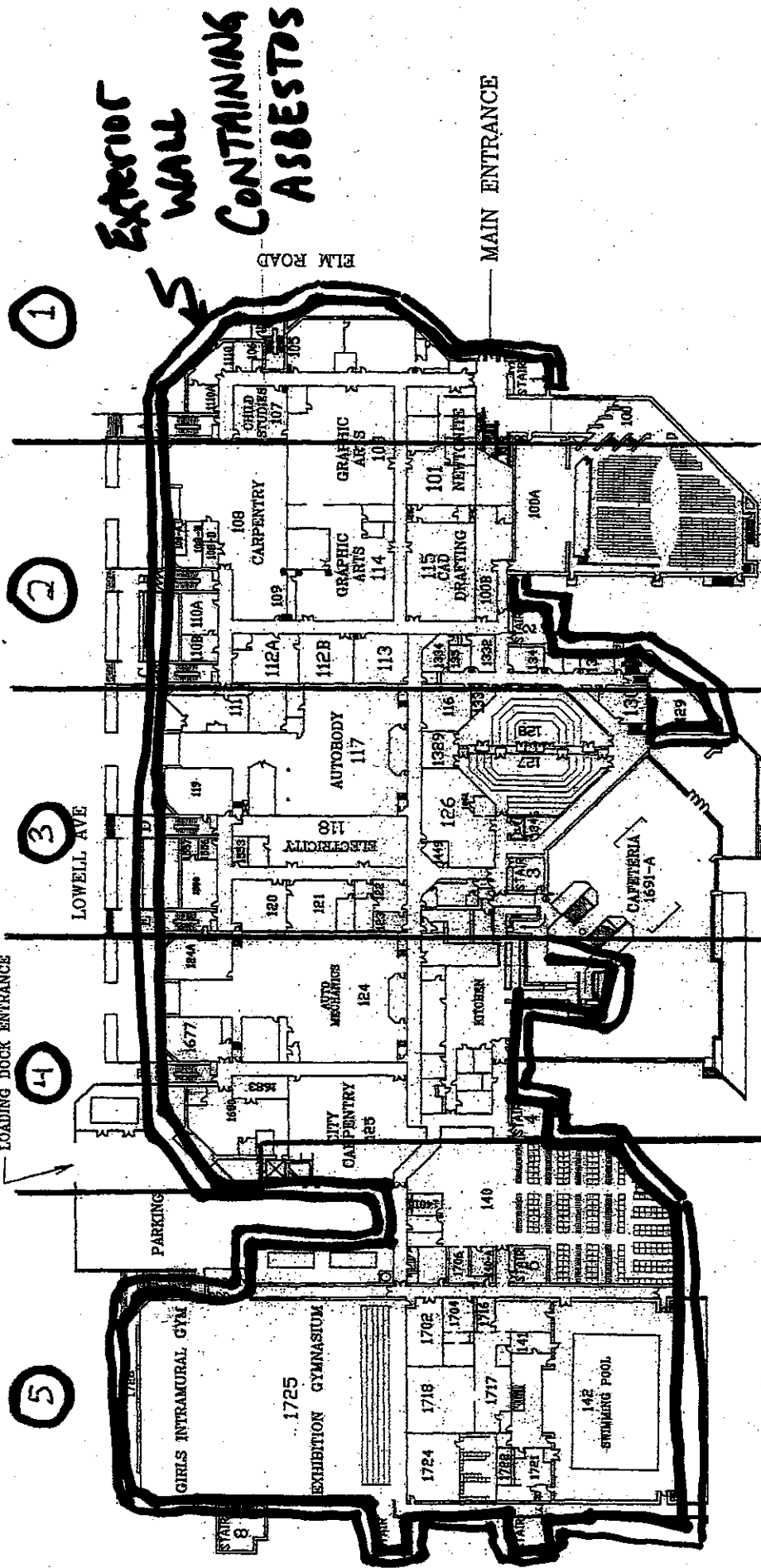
During interior demolition of the Former Newton North High School, asbestos-containing spray-on fireproofing was found on concealed structural steel beams of the exterior walls. See attached floor plan as to general areas of contamination. Inherent in the removal process, the concrete block wall will also need to be removed as contaminated material with means and methods approved by the State DEP.

Costello Dismantling Inc. has prepared an asbestos abatement work plan to remove the materials that are contaminated in a manner as described as follows:

- There will be two abatement contractors working at opposite ends of the building (Section 1 & 5) to meet in the middle (Section 3).
- The exterior brick will be shored up using a system that was designed by a structural engineer from Costello Dismantling, to use the exterior brick intact to act as containment for the work done on the interior concrete block walls.
- Negative air pressure containments will be set up on the interior of the building in multiple phases. Once the work area is under containment, the asbestos abatement contractor will clean and remove the 6" & 8" CMU block walls. The CMU block will be demolished using a Bob Cat and ram attachment, not yet removing the exterior brick.
- The CMU block will be properly containerized and disposed of in a hazmat landfill along with remaining asbestos-containing spray-on fireproofing on the structural steel that was located in the wall.
- The contractor will then utilize mechanical methods to remove the slab edge mastic (non-friable material).
- Once the contaminated materials are completely removed, the exterior brick will be removed for disposal.
- Throughout the process, HEPA vacuums and power washing will help manage the material in a safe manner. Inspections will be continuous by ATC as well as air quality testing.

Former Newton North High School  
Exterior Wall Abatement  
Phasing Sketch  
1/25 11

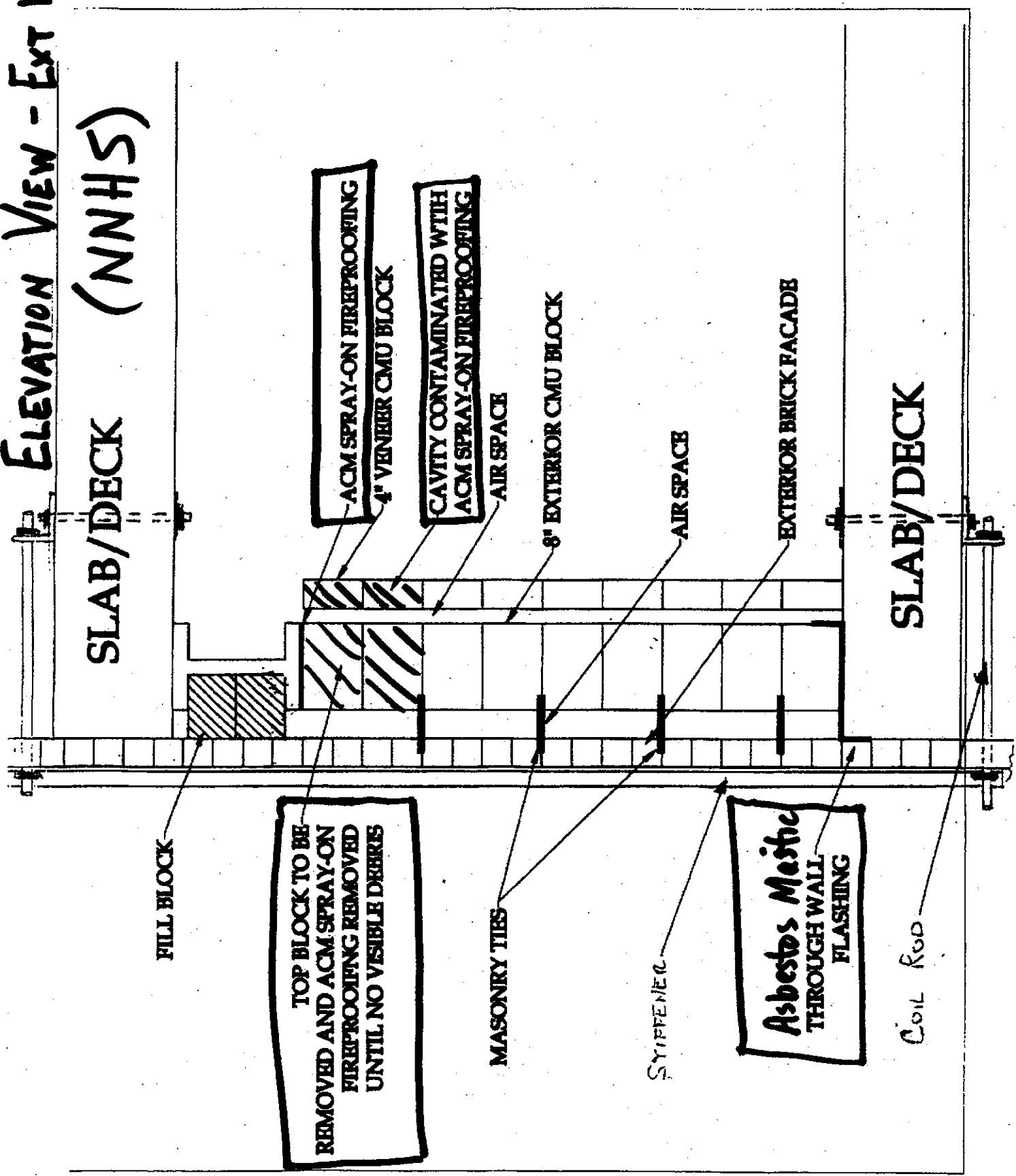
SECTIONS:

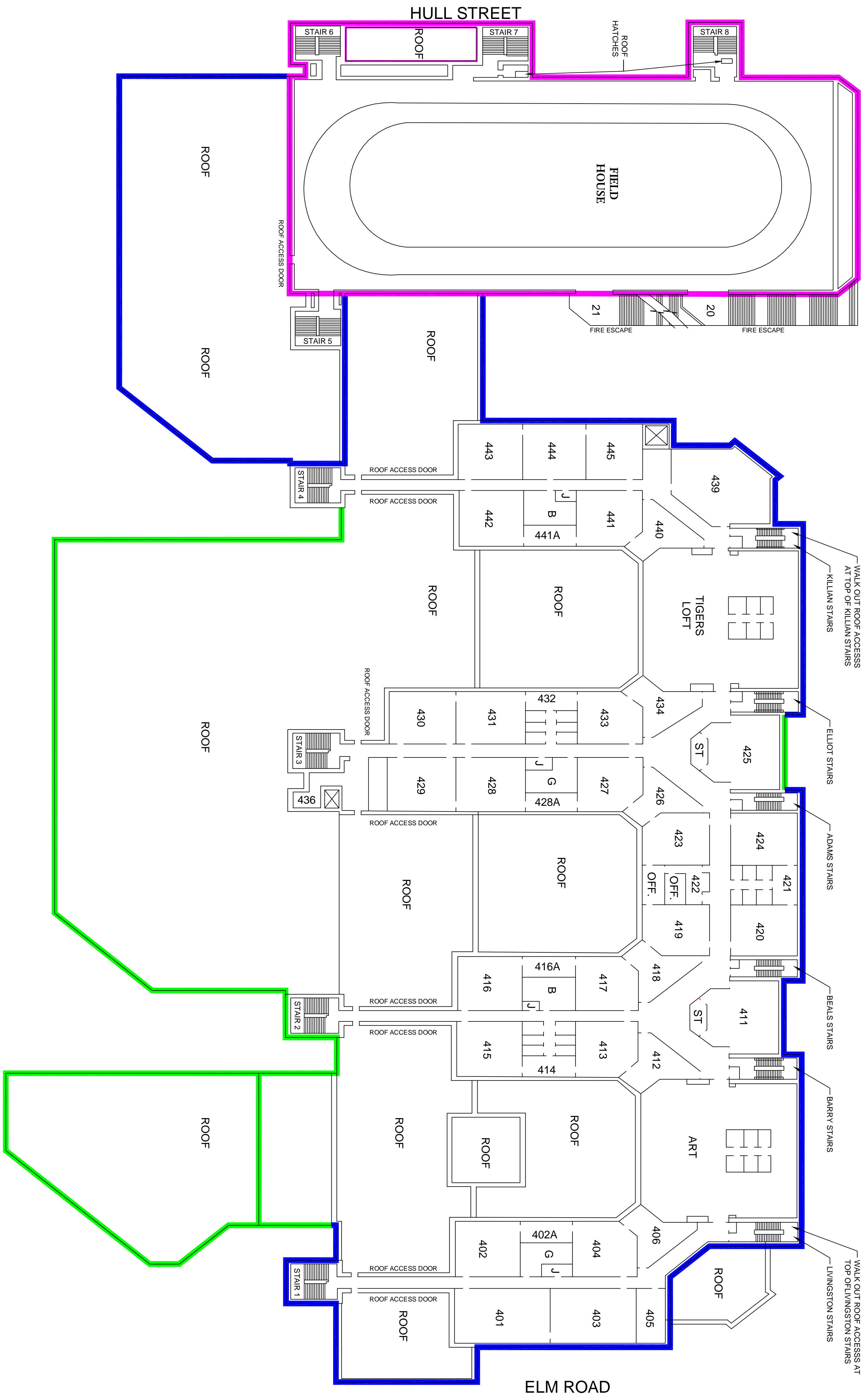


FIRST FLOOR PLAN



# ELEVATION VIEW - EXT WALL (NNHS)

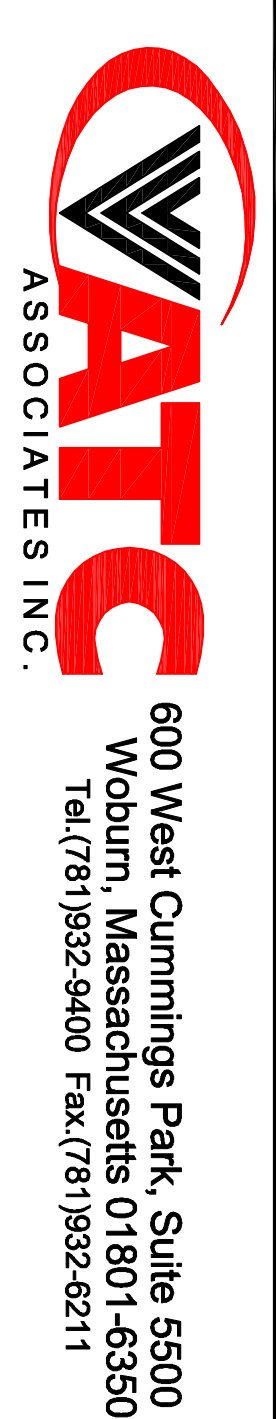




**LEGEND**

- ASBESTOS CONTAINING WATERPROOFING OBSERVED ON STRUCTURAL STEEL
- ASBESTOS CONTAINING WATERPROOFING OBSERVED ON CONCRETE
- ASBESTOS CONTAINING SPRAY-ON FIREPROOFING OBSERVED ON EXTERIOR BEAMS

**GENERAL NOTE:** Drawings indicate locations of asbestos-containing materials in which it is technically feasible to show on a floor plan (e.g., spray-on fireproofing, floor tiles and associated mastic). See Table 1 of survey report for additional types and locations of asbestos-containing materials.



SCALE: NTS  
DRAWING DATE: 3/19/10  
ACAD FILE: XCAD1801\ASBESTOS\NEWTON NORTH\ACMEX

**ASBESTOS LOCATION DRAWING  
BUILDING EXTERIOR**

CLIENT: NEWTON NORTH HIGH SCHOOL  
PM: RV

LOCATION: 360 LOWELL AVENUE NEWTONVILLE, MA, 02460  
PE:

CHECKED BY: DETAILED: PROJECT NO.: 060.23835.0003  
RV RM  
FIGURE: ACMEX

City of Newton



DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION - TRANSPORTATION  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449

Setti D. Warren  
Mayor

**DATE:** February 18, 2011  
**TO:** Board of Aldermen  
**FROM:** Clint Schuckel, Associate City Engineer  
**RE:** **Summary of Proposed Changes to City Ordinances via Docket Item # 196-09(2)**  
**CC:** David Turocy – Interim DPW Commissioner

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After multiple meetings of both the Public Facilities and Public Safety and Transportation Committees over the last 18 months, docket item 196-09(2) is now before the full Board. I have worked with many Board members to incorporate changes and revisions over the last six months. However, since there are Board members who may not be familiar with these efforts, I have summarized the Board Order below. The new Ordinance would achieve the following:

1. Defines traffic calming measures as “physical road design elements intended to reduce vehicle speeds and improve driver attentiveness.” (Section 19-1)
2. Allows speed humps to be considered as a traffic calming tool and defines a very narrow set of conditions and locations where Traffic Council could recommend “vertical deflections,” which is a catchall phrase for any raised device in the road, e.g., speed humps, raised crosswalks, or raised intersections, designed to function as “traffic calming measures.” (Section 19-29, 19-99)
3. Allows Traffic Council to screen petitions following field data collection of traffic conditions and evaluation versus the criteria established by City Ordinance and applicable State and Federal laws. This measure allows Traffic Council to “triage” petitions and a petitioner’s wait time from filing to a hearing date will be reduced. The Board of Aldermen has various options to require a Traffic Council hearing if the criteria are not met, or public funding is available. (Section 19-29)
4. *Grants sole jurisdiction for the addition, relocation, or removal of raised devices (i.e., vertical deflections) to the Board of Aldermen.* Traffic Council continues to function as an advisory body to the Board of Aldermen if raised devices are recommended for traffic calming. It is anticipated that future recommendations by Traffic Council for raised devices will be docketed and referred to the Public Facilities Committee. (Section 26-51)
5. Note: the existing Traffic Council appeal process is unchanged so any one Board member may appeal, transferring issue to Board jurisdiction, per City Ordinance 19-33 and 19-34.

**CITY OF NEWTON**  
**IN BOARD OF ALDERMEN**  
**ORDINANCE NO.**

~~November~~January , 20101

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

**1. That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Chapter 19 as follows:**

**A. Insert, in section 19-1, the following new definition:**

**“Traffic calming measures: Physical road design elements intended to reduce vehicle speeds and improve driver attentiveness.”**

**AB. Insert in the catchline of section 19-29, after the word “petitions” the following language:**

“; determination of eligibility for hearing.

**BC. Number the existing paragraph of Section 19-29 as (a), and add the following two new paragraphs (b) and (c):**

“(b) The chairman of the traffic council shall refer all docketed petitions to the department of public works for a preliminary determination of eligibility for hearing in accordance with the threshold standards provided in subsection (c) below. Any petition which the department determines does not meet the threshold standards shall not be added to the traffic council docket and shall be ineligible for further consideration for at least one year. The petitioner and the board of aldermen shall be so notified in writing by the traffic council. Petitions meeting the threshold standards shall proceed to a hearing before the traffic council in accordance with the provisions of Section 19-31.

(c) Threshold standards for traffic council hearing eligibility.

(1) Petitions for stop signs, traffic signals, and all other regulatory devices shall meet the minimum standards set forth in the Manual on Uniform Traffic

Control Devices for Streets and Highways, latest edition, with amendments, as adopted by the Commonwealth of Massachusetts;

(2) Petitions for school zones, truck exclusions, and speed limits shall meet the minimum standards established by the Massachusetts Department of Transportation; and

(3) Petitions for traffic calming measures shall meet all of the following standards:

- i. traffic volume on the street is greater than 1,000 vehicles per day;
- ii. measured 85th percentile speeds are equal to or greater than 9 mph above the speed limit; and
- iii. for vertical deflections, street classification shall be minor collector or local street.”
- iv. for raised crossing(s), the minimum criteria established by the City crosswalk policy shall be met.

(4) The traffic council shall hear site-specific requests, even if the above thresholds for hearing eligibility are not met, under one of the following conditions:

- i. as directed by the board of aldermen via site plan approval, special permit condition, or other board ~~action~~ [order or resolution](#);
- ii. where a CDBG grant of other source of public funding has been formally allocated to fully or partially fund a site-specific traffic calming project.

**ED. Delete the provisions of section 19-99 in their entirety.**

**2. That the Revised Ordinances of Newton, Massachusetts, 2007, as amended, be and are hereby further amended with respect to Section 26-51 as follows:**

**A. Add, after paragraph (a) the following new language:**

“(b) Projects that include the addition, relocation, or removal of vertical deflections in a public roadway surface constructed for the primary purpose of reducing vehicle speeds. Such devices include, but are not limited to: speed humps, raised crosswalks, and raised intersections.

Prior to approval of projects under a) and b), the Board of Aldermen shall review the associated Traffic Council action and its consistency with Board policies set forth in Section 19-33a; and”

**B. Renumber existing paragraph (b) to (c).**

Approved as to legal form and character:

DONNALYN B. LYNCH KAHN  
City Solicitor

Under Suspension of Rules  
Readings Waived and Adopted

EXECUTIVE DEPARTMENT  
Approved:

(SGD) DAVID A. OLSON  
City Clerk

(SGD) SETTI D. WARREN  
Mayor