

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE AGENDA

WEDNESDAY, OCTOBER 5, 2011

7:45 PM
Room 209

ITEMS SCHEDULED FOR DISCUSSION:

Public Hearing assigned for October 5, 2011:

#266-11 NATIONAL GRID petitioning for a grant of location to install and maintain 80' ± of 4" gas main in RUANE ROAD from the existing 4" gas main at 74 Ruane Road in an easterly direction to #69 Ruane Road. (Ward 3) [09/12/11 @ 11:59 AM]

REFERRED TO PUB. SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

#255-11 ALD. BAKER, GENTILE, SCHNIPPER, CICCONE, FULLER, SHAPIRO requesting discussion of preparation for, response during, and follow up after, Tropical Storm Irene by the City of Newton, including co-ordination by the Mayor's office and the various City Departments involved. [08/29/11 @ 2:09 PM]

REFERRED TO PUB. SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

#256-11 ALD. SHAPIRO, CICCONE, BAKER requesting a discussion how the City uses information systems as well as people to collect and process information from residents impacted by a storm or other emergency event, and ways to establish or improve the manner in which triage is performed and prioritized to increase public safety with the appropriate response. [08/29/11 @ 9:25 PM]

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#89-11 FINANCE COMMITTEE recommending that **Sec. 29-72(b) Same— Assessments upon owners of estates passed by new sewers.** of the City of Newton Rev Ordinances, 2007, be amended to increase the fixed uniform rates assessed upon owners of all estates passed by new sewers to rates that more accurately represent the estimated average cost of installing such sewers. [03-07-11 @9:30 AM]

#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]

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, contact the Newton ADA Coordinator Trisha Guditz at 617-796-1156 or tguditz@newtonma.gov or via TDD/TTY at (617) 796-1089 at least two days in advance of the meeting.

REFERRED TO PROGRAMS & SERVICES AND PUBLIC FACILITIES COMMITTEE

- #99-11 ALD. ALBRIGHT, JOHNSON, and DANBERG requesting that the Department of Public Works coordinate data on the impact of the snow removal ordinance from the Department of Public Works, Parks and Recreation Department, Executive Office, and Senior Services into a monthly report for the winters 2012 and 2013, which will be sent to the Public Facilities Committee of the Board of Aldermen that includes the following data: (1) the number of people requesting exemptions; (2) the number of exemptions awarded; (3) the number of warning letters sent; (4) the ability of the City to maintain the same standard regarding treating the surface to preserve safe passage; and (5) cost of the implementation of the program. 03/29/11 @ 11:43 PM]
- #22-10 ALD. YATES & DANBERG requesting a report from current and former members of the Design Review Committee on the treatment of the members of the committee relevant to the Newton North High School Project. [01/04/10 @8:16 PM]
- #397-09 NSTAR ELECTRIC petitioning for a grant of location to install a new pole (233/4-1X on the northeasterly side of HOMER STREET opposite Grafton Street. (Ward 6) [11-10-09 @ 12:24 PM]
- #224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER requesting further deliberation on the conditions set forth in the Site Plan Approval Board Order relating to the Newton North High School project, considering possible expansion and modification of the conditions.
- #386-04 ALD. SANGIOLO, HESS-MAHAN, JOHNSON, AND DANBERG proposing an ordinance to require that designers selected have LEED certification and include high performance/life cycle analysis for all municipal construction projects in the City of Newton.

ITEMS NOT YET SCHEDULED FOR DISCUSSION:

- #280-11 ALD. SALVUCCI requesting an amendment to Section 26-51 of the City of Newton Ordinances, 2007 – Public way improvements constituting specific repairs, to add the following design change test to paragraph 9a): “or any adjustment of the curbing that causes an intrusion into the roadway.” [09/20/11 @ 10:38 AM]
- #279-11 ALD. YATES requesting a report from the Chief Administrative Officer as to when the topsoil stored at the Department of Public Works Elliot Street Yard will be used at the Newton North High School fields. [09/26/11 @2:37 PM]

Public hearing continued from September 21, 2011:

#259-11 NextG NETWORKS OF NY, INC. petitioning for a grant of location to install 295' ± of underground conduit in SUMNER STREET on the easterly side approximately 58' from Alden Street in a southerly direction to the intersection of Rice Street and attach aerial fiber and related equipment to existing utility poles at the following locations:

Aerial Locations

Centre Street - 2,140' of aerial fiber attachment to exiting poles
Alden Street - 485' of aerial fiber attachment to existing poles
Sumner Street - 2,460' of aerial fiber attachment to existing poles
Ward Street - 1,050' of aerial fiber attachment to existing poles
Westbourne Road – 790' of aerial fiber attachment to existing poles
Everett Street 935' of aerial fiber attachment to existing poles
Dalton Road – 435' of aerial fiber attachment to existing poles
Grant Avenue – 530' of aerial fiber attachment to existing poles
Beacon Street – 1,925' of aerial fiber attachment to existing poles
Langley Road – 530' of aerial fiber attachment to existing poles
Braeland Avenue - 1,095' of aerial fiber attachment to existing poles
Cypress Street – 410' of aerial fiber attachment to existing poles
[07/28/11 @ 3:36 PM]

#239-11 ALD. ALBRIGHT, CROSSLEY & LINSKY requesting a discussion with Public Buildings Department and School Committee regarding modular classrooms that includes the, the location, the age, the condition and the number of modular classrooms. [07-12-10 @ 3:19 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]

#138-11 ALD. CROSSELY 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 PROG & SERV, PUB. FAC. AND FINANCE COMMITTEES

#130-11 PAUL COLETTI, ALD. SANGIOLO, DANBERG, & JOHNSON requesting Home Rule Legislation to create a Capital Preservation Fund for the City of Newton modeled on the Community Preservation Fund to address the capital needs of the City. [04/11/11 @9:42 PM]

#124-11 ALD. CROSSLEY, DANBERG, ALBRIGHT, LAPPIN, SANGIOLO, AND SCHNIPPER requesting a discussion with the Public Works and Parks & Recreation Departments regarding emergency stockpiling of snow, tree limbs, and other storm-related debris to include the mapping of potential sites, priority use of the sites, and site preparation prior to use, for the purpose of assuring both effective City operations throughout the year, while protecting and preserving Newton's park lands. [03/29/11 @1:47 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#60-11 HIS HONOR THE MAYOR requesting the budget for the Newton North High School construction project be amended by transferring funds from the owner's contingency line item to the construction manager at risk line item for the purpose of funding additional costs related to the demolition phase of the project. [02/10/11 @ 9:18 AM]

REFERRED TO PUBLIC SAF. & TRANS. AND PUBLIC FACILITIES COMMITTEES

#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 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]

Note: Seventy-five thousand dollars (\$75,000) of the \$5 million was approved on December 20, 2010 for site plan design work for modular classrooms at Horace Mann, Zervas, and Burr Elementary Schools and \$923,375 for installation of one modular classroom at Burr Elementary School, one modular classroom at Horace-Mann Elementary School, and two modular classrooms at Zervas Elementary School was approved on July 11, 2011.

367-10(B2) – \$4,001,625 for renovations to the core of F.A. Day Middle School and sprinkler systems –**HELD**

REFERRED TO PUBLIC FACILITIES, PROG&SERV AND FINANCE COMMITTEES

- #312-10 ALD. LENNON, LAPPIN, SCHNIPPER, SANGIOLO requesting a discussion with the School Committee on its plans to address space needs in the Newton public schools. [10-27-10 @11:07 AM]

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 PUB. SAF. & TRANS., PUB. FAC. AND FINANCE COMMITTEES

- #311-10(B) HIS HONOR THE MAYOR requesting an appropriation in the amount of three hundred thousand dollars (\$300,000) from bonded indebtedness for the purpose of funding the Manet Road Emergency Communications Radio Tower Replacement, which is included in the FY 2011 Capital Improvement Plan. [11/29/10 @ 3:23 PM]

PUBLIC SAFETY & TRANSPORTATION APPROVED 7-0 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]
- #192-10 POST AUDIT & OVERSIGHT COMMITTEE requesting review of **Section 26-30 Licenses for café furniture on sidewalks** with the Commissioner of Public Works and the role of the Board of License Commission. [06/22/10 @ 2:08 PM]
- #116-10 ALD. CROSSLEY AND HESS-MAHAN requesting discussion regarding status of ESCO weatherization audit focusing on building envelope retrofits proposed for Phase II and Phase III and coordinating those efforts to inform decision making on related capital expenditures. [04/13/10 @ 7:24 PM]

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

- #53-10 ALD. FULLER, SCHNIPPER, CROSSLEY & BAKER requesting a Resolution to His Honor the Mayor requesting the implementation of new parking meter payment methods and/or parking meter systems to eliminate the sole use of coins. [02/09/10 @ 12:43 PM]
(B) Resolution to His Honor the Mayor requesting the implementation of new parking meter payment methods and/or parking meter systems to eliminate the sole use of coins –HELD 7-0 on 03/03/10
- #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]
- #126-09 ALD. LAPPIN requesting an update on the status of repairs and rental of the Kennard Estate. [04/17/09 @ 2:49 PM]
- #111-09 ALD. ALBRIGHT AND MANSFIELD requesting discussion of recent information (made available to the Land Use Committee) from NStar related to double poles, focusing on the 350 double poles waiting only for removal of wires or streetlights by the City of Newton.

REFERRED TO PS&T, PUBLIC FACILITIES AND FINANCE COMMITTEES

- #60-09 ALD. SANGIOLO, GENTILE AND HARNEY requesting the installation of traffic islands on CONCORD STREET to be funded with the Cabot, Cabot and Forbes Traffic Mitigation Fund for Lower Falls (Ward 4). [02/03/09 @ 1:01 PM]

REFERRED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES

- #8-09 ALD. HESS-MAHAN LINSKY, ALBRIGHT, FREEDMAN, MANSFIELD, JOHNSON, HARNEY & VANCE proposing an ordinance requiring that the installation of synthetic in-filled turf athletic fields on city-owned property shall use sustainable, recyclable, lead-free, non-toxic products to the maximum extent feasible. [12/30/08 @ 9:55 AM]
PROGRAMS & SERVICES APPROVED 7-0 on 03/09/11
- #457-08 ALD. LAPPIN AND SALVUCCI requesting discussion with NStar regarding the timely repair of City streetlights and the development of a standard response timeframe. [11/20/08 @ 12:51 PM]
- #208-08 ALD. GENTILE, SANGIOLO, SALVUCCI AND SCHNIPPER requesting a discussion on establishing a permanent Building Committee in the City of Newton. [05/16/08 @ 11:47 AM]

- #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]
- #54-07 ALD. SANGIOLO requesting discussion with the School Department and the Public Buildings Department about giving the School Department increased control over maintenance of school building facilities thereby allowing the School Department to have direct authority to deploy/hire staff to make necessary repairs to their school facilities. [02/09/07 @ 1:46 PM]
- #155-06(2) ALD. BLAZAR on behalf of James A. Blackburn, 105 Wood End Road, Newton Highlands petitioning for laying out, grading and acceptance of WOOD END ROAD as a public way from the intersection of Mountfort Road westerly to the intersection of Nantucket Road, a distance of approximately 360 feet to the width of 45 feet. [05/18/10 @ 11:52 AM]
- #152-06 PS&T COMMITTEE requesting discussion re Road Classification Design Types (as outlined by the Planning and Development Department) for future use as an overall management tool for the City.
- #321-04(2) ALD. JOHNSON requesting a RESOLUTION to His Honor the Mayor requesting that he expeditiously as possible find funding to create traffic calming measures on Mill Street as requested by the Traffic Council.

Respectfully submitted,

Sydra Schnipper, Chairman

PETITION FOR GRANT OF LOCATION

To the Petitioner:

City of Newton Ordinance Section 23-52 requires that each petition for grant of location be submitted to the Public Works Department for a preliminary review before the applicant files the petition with the Board of Aldermen. The comments of the Public Works Commissioner will be part of the record submitted to the Board of Aldermen. Upon filing with the Board of Aldermen, the petition will be scheduled for a public hearing before the Public Facilities Committee of the Board of Aldermen. **The petitioner is responsible for insuring that the petition is complete and all required materials are in order for review.** Attached please find the City Engineer's Standard Requirements for Plans

15 SEP 12 1A #59
CITY CLERK
NEWTON, MA 02459

Grant of Location Process:

1. Applicant submits completed Petition Form and required materials to Clerk of the Board's Office
2. Engineering Division of Public Works conducts preliminary review and provides written comments (estimated timeframe two weeks)
3. If there is no conflict, the Public Works Department files Petition Form with the Clerk of the Board. Petitioner has the right to file contested petition form to the Clerk of the Board.
4. Board of Aldermen schedules petition for a public hearing before the Public Facilities Committee of the Board of Aldermen
5. Public Facilities Committee recommendations are forwarded to the Board of Aldermen for a final decision

Questions may be directed to:

Shawna Sullivan, Committee Clerk, 796-1213
Lou Taverna, City Engineer, 796-1020

I. IDENTIFICATION (Please Type or Print Clearly)

Company Name NATIONAL GRID

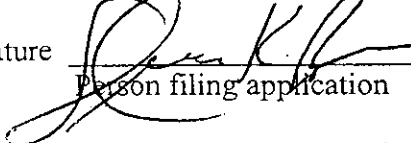
Address 40 SYLVAN RD.
WALTHAM MA 02451

Phone Number 617-293-0480

Fax Number _____

Contact Person DENNIS REGAN

Title PERMIT REPRESENTATIVE

Signature 
Person filing application

Date 9-12-11

If a telecommunications company, indicate how certified by the Department of Telecommunications and Energy:

2011 SEP 13 A 10:25

RECEIVED
BY ENGINEERING DEPT.

II. DESCRIPTION OF PROJECT: to be completed by petitioner

#266-11

A. Write here or attach a description of the project including, location, proposed time frame for completion, type of materials to be used, benefit provided to the City, project mitigation plan as applicable, street reconstruction plan including timetable for completion.

TO INSTALL AND MAINTAIN APPROXIMATELY 80 FEET MORE OR LESS OF 4 INCH GAS MAIN IN RUANE RD. NEWTON FROM THE EXISTING 4 INCH GAS MAIN AT HOUSE # 74 EASTERLY TO HOUSE # 69 FOR A NEW GAS SERVICE.

B. Attach a sketch to provide a visual description of the project. If plans are attached, provide:

Title of Plan 69 RUANE RD. NEWTON Date of Plan 9-7-11

11 SEP 12 11:59 AM CITY CLERK NEWTON, MA. 02159

III. PUBLIC WORKS DEPARTMENT REVIEW

Date received by Public Works Department

Check One:

Minor Project

Major Projects

Lateral

(Refer to City Engineer Standard Requirements for Plans for definition of minor and major project)

Plans Submitted:

Certified Plot Plan

Stamped Plans

DATE AND COMMENTS:

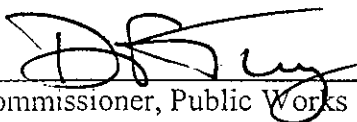
9/14/11

- 1. Street opening permit received from City of Newton
 - 2. Notify Engineering 48 hours prior to work
 - 3. Police detail required
- Laura M. Tarema 9/14/11

RECOMMENDATIONS:

- 1. 36" minimum cover on all trenches
- 2. Backfill shall be 95% compaction
- 3. Bituminous concrete roadway shall be replaced in kind to City of Newton Specifications
- 4. All concrete sidewalk and apron panels damaged shall be replaced in kind and grade to City of Newton Specifications
- 5. Traffic shall be maintained.

IV. RECOMMENDATION TO PUBLIC FACILITIES COMMITTEE:


Commissioner, Public Works

9/14/2011
Date

PETITION OF KEYSpan ENERGY DELIVERY FOR GAS MAIN LOCATIONS

#266-11

City of Newton / Board of Aldermen:-

The Keyspan Energy Delivery hereby respectfully requests your consent to the locations of mains as hereinafter described for the transmission and distribution of gas in and under the following public streets, lanes, highways, and places of the **City of Newton** and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and accomplish the objects of said Company; and the digging up and opening the ground to lay or place same:

To install and maintain approximately 80 feet, more or less of 4 inch gas main in Ruane Road, Newton. From the existing 4 inch gas main at House # 74 Easterly to House # 69 for a new gas service.

Submitted is a set of plans of said gas mains.

DATE September 12, 2011

BY _____
Francis X. O'Leary
Permit Representative

11 SEP 12 A 12:00
CITY CLERK
NEWTON, MA 02159

ORDER FOR GAS MAIN LOCATION

City of Newton / Board of Aldermen:-

IT IS HEREBY ORDERED that the locations of the mains of the Keyspan Energy Delivery for the transmission and distribution of gas in and under the public streets, lanes, highways, and places of the **City of Newton** substantially as described in the petition dated September 12, 2011 attached hereto and hereby made a part hereof, and of the pipes, valves, governors, manholes and other structures, fixtures and appurtenances designed or intended to protect or operate said mains and/or accomplish the objects of said Company, and the digging up and opening the ground to lay or place same, are hereby consented to and approved.

The said Keyspan Energy Delivery shall comply with all applicable provisions of law and ordinances of the **City of Newton** applicable to the enjoyment of said locations and rights.

Dated this _____ day of _____, 20 _____.

I hereby certify that the foregoing order was duly adopted by the _____ of the City of _____, MA on the _____ day of _____ 20 _____.

BY _____

Title

MN # 144-8502-787514

**RETURN ORIGINAL TO THE PERMIT SECTION
KEYSPAN ENERGY DELIVERY
52 SECOND AVENUE, WALTHAM, MA 02451
RETAIN DUPLICATE FOR YOUR RECORDS**

Final Label Report

#266-11

SBL	Owner	Number	Street	Unit
32021 0006	CITY OF NEWTON		BERKELEY ST	
32021 0019	PALEY MARTIN L & SUSAN M	1525	COMMONWEALTH AVE	
32022 0004	BACHNER FRANK J & JANE D	35	MIGNON RD	
32021 0032	SIEGEL RONNIE Z	51	MIGNON RD	
32023 0001	KARELIS JEFFREY S & JOAN M TRS	10	RUANE RD	
32021 0020	VILLA CRISTINA CARTA	11	RUANE RD	
32021 0021	KWAN PETER P	19	RUANE RD	
32023 0017	BURAS MICHAEL A & HELEN K	24	RUANE RD	
32021 0024	MAGENCE YITZ	33	RUANE RD	
32022 0001	CHIN VICTOR F	40	RUANE RD	
32021 0025	LAMPERT AUDREY H & BRUCE G	43	RUANE RD	
32021 0026	HEIMLICH MICHAEL S & GALIT P	51	RUANE RD	
32022 0007	BATTAT DENISE F	56	RUANE RD	
32021 0027	GOLDMAN JERALD L & JULIA F	61	RUANE RD	
32021 0028	WHITE ALEXANDER C	69	RUANE RD	
32022 0006	BOYER ROBERT TR	74	RUANE RD	
32021 0029	ZEROUNIAN SARKIS & JULIA	85	RUANE RD	
32022 0005	KOLMAN BENET S & PAMELA B	90	RUANE RD	
32021 0030	TOYIAS ANN A L/E	93	RUANE RD	
32021 0031	TISHMAN SHARI	101	RUANE RD	

made gastight and watertight. When conformance thereto is not possible, the commissioner may grant exceptions to the prescribed procedures and materials, provided such exceptions do not conflict with applicable statutes, ordinances, or state codes, and will not, in the opinion of the commissioner, contribute to a nuisance condition. (Ord. No. R-153, 6-17-81)

Sec. 29-67. Connections involving gasoline-using establishments.

Garages and other establishments where gasoline is used or where wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients can be discharged and are connected with public sewers, shall be provided with a suitable trap or separator. All traps or separators shall be of a type and capacity approved by the commissioner and shall be located so as to be readily and easily accessible for cleaning and inspection. (Ord. No. R-153, 6-17-81)

Sec. 29-67A. Sewer cleaning fees.

(a) Whenever the city is engaged to rod-out, unclog or otherwise clean a building sewer, a fee shall be charged. Except in those cases involving excavation, such fees shall be as follows:

\$220.00 flat rate for a service call during normal hours;

\$225.00 flat rate for a service call during overtime hours.

(b) All charges for services under this section shall be billed and collected in the same manner as is provided for sewer use charges pursuant to section 29-80 subsections (d) through (i). (Ord. No. V-93, 10-21-96; Ord. No. Z-86, 05-16-11)

DIVISION 3. PUBLIC SEWERS

Sec. 29-68. Restrictions on entry, etc., into public sewers.

No person shall uncover, make any connections with or opening into, alter, or disturb any public sewer or appurtenance thereof without first obtaining written permission from the commissioner. The acquisition of such permission shall not relieve the holder thereof of the responsibility of obtaining any permits from any other city department and/or the M.W.R.A. required by ordinance, statute, code, or regulation. Any person proposing a new connection into the system or a change in the volume or character of pollutants that are being discharged into the system which may result in a change in the characteristics of discharge which (1) constitutes fifteen (15) percent or more of the limitations specified in section 29-76(c); (2) exceed any limit specified in section 29-76(c); or (3) result in the discharge of water or waste specified in section 29-76(b), shall notify the commissioner at least forty-five (45) days prior to the proposed change or connection. (Rev. Ords. 1973, § 18-25; Ord. No. 90, 10-6-75; Rev. Ords. 1979, § 29-85; Ord. No. R-153, 6-17-81)

Sec. 29-69. Public sewers, order required to lay, connect.

(a) No public sewer shall be laid or connected with any existing public sewer until both of the following conditions have occurred: (1) the board of aldermen has ordered the extension of such sewer and (2) the commissioner of public works has received prepayment for installation of at least one building sewer which will be served by such public sewer; provided, however, that the commissioner's issuance of a license for installation of building sewer by private contractor pursuant to section 29-61 shall be deemed to satisfy this prepayment condition.

(b) The board of aldermen shall not make an order for the extension of a public sewer until said board has held a public hearing and determined that the petitioner(s) for such sewer extension has received estimates of all costs associated with connecting to the proposed public sewer.

(c) The board of aldermen shall schedule such public hearings so as to minimize the length of time between the public hearings and the anticipated construction date, taking into consideration the availability of funding and, where applicable, the existence of any public health emergency as determined by the health and human services commissioner. (Rev. Ords. 1973, § 18-3; Rev. Ords. 1979, § 29-60; Ord. No. R-153, 6-17-81; Ord. No. T-231, 7-13-92; Ord. No. X-175, 05-26-05)

Sec. 29-70. Duty of city engineer as to construction of common sewers; plans and profiles thereof.

The city engineer shall make and prepare all needed specifications describing and governing the work of construction, and shall make plans and profiles of all common sewers showing their locations with reference to other sewers and the street lines. Such plans and profiles shall be filed in the office of the city clerk, and after being so filed, shall be deposited in the office of the engineering division of the department of public works, which shall be deemed a part of the office of the city clerk for the keeping of such plans. The city engineer shall keep an accurate account of the cost and expenses of each common sewer. (Rev. Ords. 1973, § 18-2; Rev. Ords. 1979, § 29-59; Ord. No. 153, 6-17-81; Ord. No. V-289, 3-20-00)

State law reference—Provision authorized, G.L. c. 40, § 21(5)

Sec. 29-71. Installation cost of new public sewers—City to pay fifty percent.

A minimum of fifty per cent (50%) of the cost of installation of new public sewers shall be paid by the city. (Rev. Ords. 1973, § 18-6; Rev. Ords. 1979, § 29-62; Ord. No. R-153, 6-17-81)

Sec. 29-72. Same—Assessments upon owners of estates passed by new sewers.

(a) Assessments of that part of the cost of installation of new public sewers not borne by the city shall be made upon owners of estates the frontage of which is passed in any part by said new sewer. The assessment shall be at a fixed uniform rate based upon the estimated average cost of such sewers, both according to the frontage of such estates which is passed by the sewer and according to the area of such estates within a fixed depth of one hundred twenty-five (125) feet from such street or way, but no assessment in respect to any such estate which by reason of its grade or level or for any other cause cannot be drained into such sewer shall be made, certified or notified until such incapacity is removed. Where such estates abut upon more than one street or way, such assessments shall be assessed upon one such street or way, and upon so much of such other street as is not exempted by the board of aldermen. The board may exempt from assessment so much of the frontage on such other street as it deems just and equitable.

(b) The fixed uniform rate to be assessed upon estates is established at one dollar (\$1.00) upon each foot of frontage on any street or way where a sewer is constructed, and twenty-five cents (\$.25) upon each square foot of area within a fixed depth of one hundred twenty-five (125) feet from such street or way, the same having been so found and determined.

(c) No such assessments shall be made upon owners of lots having frontage on any street or way in which a sewer shall have been constructed under bond by the developer of a subdivision pursuant to rules and regulations of the planning board. (Rev. Ords. 1973, § 18-7; Ord. No. 50, 1-20-75; Rev. Ords. 1979, § 29-63; Ord. No. R-153, 6-17-81; Ord. No. T-231, 7-13-92)

State law reference—sewer betterments, G.L. c. 83 § 15

Sec. 29-73. Same—Owners of estates not liable to assessments.

Owners of estates or parts of estates not liable to assessments as set forth in section 29-72, or not in fact assessed, shall pay for the use of public sewers for the disposal of their sewage from such estates or parts of estates such reasonable sum as the board of aldermen shall determine. (Rev. Ords. 1973, § 18-8; Rev. Ords. 1979, § 29-64; Ord.

No. R-153, 6-17-81)

Sec. 29-74. Same—Plan of estates to be assessed therefor; entry of assessments thereon; assessments to be lien until paid.

Upon notification by the board of aldermen of the board's intent to lay out or construct a public sewer, the city engineer shall prepare and submit to the board of aldermen plans of the estates to be assessed pursuant to this chapter showing the owners' names, frontages and areas, together with a schedule showing the assessments on the estates abutting and benefited. The amount ascertained, assessed and certified by the mayor and aldermen shall be entered upon the plan prepared for assessment and shall form a lien against the estate until the same is paid. The city clerk shall furnish the city collector-treasurer, the comptroller of accounts and the engineering division of the department of public works with a certified copy of such schedule with the order of the board of aldermen thereon, as approved by the mayor. (Rev. Ords. 1973, § 18-9; Rev. Ords. 1979, § 29-65; Ord. No. R-153, 6-17-81; Ord. No. V-289, 3-20-00)

Sec. 29-75. Same—Collection of assessments therefor; apportionment of assessments.

The city collector-treasurer, upon receipt of the certified copy of the schedule of assessments pursuant to section 29-74 with the order thereon, shall send notices to the parties named therein with demand of payment of the amount assessed, and such amount shall be due and payable thirty (30) days after the assessment list has been committed to the collector-treasurer, after which time interest shall be charged thereon at the highest rate allowed by law, provided that if at any time before demand for payment by the collector-treasurer under the provisions of Chapter 60 of the General Laws, the owner of land assessed gives notice to the board of assessors to apportion such assessment, or if the board in its discretion makes such apportionment at any time before the proceedings for the enforcement of the collection without such notice to the board, such assessment shall be due and payable as provided by law and the first part of such apportionment, with interest thereon at the highest rate allowed by law, shall be added to the next annual tax bill thereafter. The board of assessors shall furnish to the city collector-treasurer and the comptroller of accounts a certificate of all assessments apportioned as above. (Rev. Ords. 1973, § 18-10; Rev. Ords. 1979, § 29-66; Ord. No. R-153, 6-17-81)

Sec. 29-76. Discharge of certain waters or substances forbidden.

(a) No person shall discharge or cause to be discharged into any public sewer any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, unpolluted industrial process waters or any other substances, waters or wastes which the commissioner or the M.W.R.A. has identified as likely, either singly or by interaction with other substances, to:

- (1) harm either the sewerage system or the water treatment process,
- (2) be otherwise incompatible with the treatment process,
- (3) cause a violation of the federal or state discharge permits issued to the commission,
- (4) adversely affect receiving waters,
- (5) endanger life, limb, or public property, or
- (6) constitute a nuisance.

(b) Specifically, no person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers: