

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 20, 2008

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Yates, Mansfield and Lappin

Also present: Ald. Linsky, Baker, Brandel, Parker, Vance, Ciccone, Swiston, Johnson, Fischman, Danberg, Harney, Hess-Mahan and Sangiolo

City staff; Lou Taverna (City Engineer), Dave Turocy (Acting Commissioner of Public Works), Robert DeRubeis (Deputy Commissioner of Parks and Recreation), Sergeant Norcross (Police Department) and Shawna Sullivan (Committee Clerk)

#43-08      HISHAM N. ASHKOURI, 1188 Beacon Street, Newton Highlands, petitioning for construction of a common sewer in BEACON STREET from an existing sewer manhole at the east property line of 1180 Beacon Street westerly 119' ± to a proposed sewer manhole in Beacon Street.

**PETITIONER TO PAY ENTIRE COST** [01-16-08 @ 11:32 AM]

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

**NOTE:**      The petitioner, Dr. Ashkouri, joined the Committee for discussion of the item. The extension of the sewer is necessary to replace two failing septic tanks located at 1188 and 1192 Beacon Street, Newton Highlands. Dr. Ashkouri informed the Committee that he is also interested in creating two-family homes on both of the sites. Dr. Ashkouri plans to live in one of the homes. The Engineering Division of the Public Works Department has reviewed the plans for the sewer extension and City Engineer Lou Taverna was present for the discussion of the petition. The petitioner plans to begin work in approximately three to four months.

A memo from John Daghlian, Associate City Engineer, recommends approval of the petition with some standard conditions. The conditions include a requirement that the engineer of record or contractor needs to file a traffic mitigation plan before applying for a utility connection permit. Ald. Mansfield pointed out that it is critical to allow work only during off-peak traffic hours, as Beacon Street at Four Corners becomes quite congested at peak times. Mr. Taverna stated that the city can control the hours that construction takes place.

The public hearing was opened and no one spoke for or against the petition. Ald. Lappin moved approval of the petition, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#90-08      HIS HONOR THE MAYOR requesting an appropriation in the amount of \$675,000 from Free Cash in order to supplement funding in the snow and ice control accounts for the Public Works Department. Any funds unspent will not be transferred to other accounts. [02-12-08 @ 6:20 PM]

**ACTION: APPROVED 8-0**

**NOTE:** Commissioner Turocy was present for the discussion regarding supplemental funding for the snow and ice accounts for the Department of Public Works. Snow and ice operations continue and the department has spent approximately \$2.3 million to date. Commissioner Turocy reviewed the previously provided FY'08 Snow and Ice Recap with the Committee. It is anticipated that an additional \$675,000 will be needed to fund the operations for the rest of the snow season. The Committee inquired whether there has been any problems obtaining salt. The Commissioner responded that the salt sheds are full and the City has been very fortunate in respects to salt. Ald. Albright moved approval of the item, which carried unanimously.

**REFERRED TO PROG & SERV, PUB SAFETY & TRANS & PUB FAC COMM**

#41-08 **ALD. LENNON, JOHNSON, BRANDEL** seeking the establishment of a formal working group consisting of representatives from the Board of Aldermen, the DPW, Parks & Recreation, Police Department, (and any other entity it deems relevant) that will meet within a reasonable timeframe after each snow event to discuss snow clearing activities; to identify problematic areas city-wide and how they were addressed and will be addressed in the future; and, to address broader snow-related policy issues, to provide information to the Board of Aldermen relative to potential ordinances re snow clearing, e.g., mandatory sidewalk shoveling. [1-29-08 @7:04 PM]

**PROG & SERV APPROVED 4-0 (Hess-Mahan and Sangiolo not voting)  
PUBLIC SAFETY APPROVED 6-0 (Harney not voting)**

**ACTION: APPROVED 8-0**

**NOTE:** The Programs and Services and Public Safety and Transportation Committees joined the Committee for discussion of this item. Commissioner Turocy, Sergeant Norcross and Bob DeRubeis joined the Committees. Ald. Schnipper stated that it has been suggested that the working group be formed before enacting an ordinance requiring residents to shovel, as the group may come up with useful suggestions. Ald. Danberg volunteered to be a representative of the Board on the group. Ald. Swiston voiced her support of forming such a group. She pointed out that many of the people who spoke at the public hearing on snow clearing had a problem with the city's method of clearing snow. Ald. Johnson stated that this is the first year since she began serving eight years that she has received a large volume of calls regarding snow clearing. She wholeheartedly supports this item and is pleased that this group will discuss the proposed snow-clearing ordinance. Ald. Fischman also voiced his support of the item and stated that he has noticed more people are shoveling in his neighborhood since snow shoveling has become a topic of discussion.

Ald. Lennon spoke on the item. He has been thinking about the possibility of forming this type of group for a couple of years. It seems to him that storm after storm the same problems always arise. It is his hope that the group would get together as soon after a storm as possible to discuss any problems. There are problems with the enforcement of the various snow ordinances such as the winter parking ban. Ald. Lennon has spoken with the Traffic Division of the Police Department regarding towing but it was explained that the Police do not have the

resources to tow the vehicles in violation of the ordinances. He would also like the group to discuss fines for violations, oversight and policies. Ald. Lennon also volunteered to serve on the group as an aldermanic representative.

Ald. Albright pointed out that there might be some budget implications. She suggested that the website be used as a tool to gather information from residents regarding snow-clearing issues. Ald. Yates deems that it would be appropriate to include a representative from the School Department in the group and he would suggest Ken Tempkin, as the representative. Ald. Yates is in favor of the group but he does not want it to cause delay in the small changes that could be made to improve snow operations. He would suggest that the group revisit the city's plan for school sidewalk clearing routes. Ald. Mansfield's main concern is pedestrian passage and he feels that if it is not tackled in the winter there will be no changes. It is very important to have a timeframe for the snow-clearing ordinance. Ald. Mansfield felt that the city should also contact State agencies regarding clearing their properties. Ald. Gentile suggested including one of the contractors hired by the city to plow in the group. The contractors do a majority of the plowing and should have representation.

Ald. Lennon is willing to organize the group. Ald. Brandel will serve as an aldermanic representative of the group from the Programs and Services Committee. Ald. Brandel suggested that the city reach out to developers that are not shoveling their work sites. The group will also consist of representatives from the Public Works Department, Parks and Recreation Department, Police Department, snow contractors and the School Department. Ald. Yates moved approval in Public Facilities with the stipulation that items related to snow clearing and blocking sidewalks with snow be discussed by the group, which carried unanimously. Ald. Swiston moved approval in Public Safety and Transportation, which carried unanimously. Ald. Parker moved approval in Programs and Services but he would like a summary in the packet. The motion carried by a vote of four in favor and none opposed.

**REFERRED TO PROG & SERV, PUB FAC AND FINANCE COMMITTEES**

#55-08 ALD. SANGIOLO, HARNEY AND PARKER proposing that the Board of Aldermen request the assistance of the Massachusetts School Building Authority (MSBA) and State Treasurer Tim Cahill in managing the Newton North High School construction project, including assistance with controlling project costs.  
[01-22-08 @ 11:05 PM]

**PROGRAMS & SERVICES HELD 6-0**

**ACTION: HELD 8-0**

**NOTE:** The Programs and Services Committee joined the Committee for discussion of this item. This item was originally filed to take advantage of the State Treasurer's offer. Since the item was filed, fourteen Aldermen have sent a letter to the Mayor requesting that he contact the Treasurer and the Mayor has sent the letter to Treasurer Cahill (attached) and is awaiting a response. Ald. Sangiolo would like the Committees to hold the item until there is a response from Treasurer Cahill. The other docketors also felt that it would be appropriate to hold the item. Ald. Mansfield had hoped that a representative from the Executive Office would be present to update the Committees on the status of the request. Ald. Schnipper stated that as of Friday, the Mayor had not received a response from the Treasurer's Office. Ald. Schnipper and Ald. Gentile

will inquire at the Friday meeting whether there has been a response. Ald. Sangiolo will call the Treasurer's Office to make sure that the letter has been received. There was a motion in both Committees to hold the item, which carried unanimously in both Committees.

#82-08        ALD. PARKER requesting a Resolution be sent to the Mayor requesting that contract cleaning services be hired to clean the public spaces, offices and bathrooms of City Hall while the search for a new custodian is being undertaken.

**ACTION:**    **HELD 8-0**

**NOTE:**        Ald. Parker joined the Committee for discussion of his item. He filed the item in response to conversations with employees regarding the cleanliness of City Hall. The head custodian retired on January 1, 2008 and no one has been hired to replace him. There are currently only two custodians to clean all of the building. Several Committee members suggested that before a resolution was sent the issue should be addressed with the Commissioner of Public Buildings. Ald. Schnipper agreed to contact Commissioner Parnell within the next few days. After a brief discussion, the Committee felt it was appropriate to hold the item in order to hear from the Commissioner.

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 8-0**

**NOTE:**        Ald. Gentile provided the Committee with an update on the Newton North High School Project. Ald. Gentile and Ald. Salvucci visited the construction site and provided the Committee with photographs of the new developments on the site. Ald. Gentile explained that the city entered into an agreement on December 17, 2007 for approximately \$2.9 million with a company to do the foundation. The company started pouring concrete the first week of February for a mud mat to level the ground where blasting had created an uneven surface. They have placed the forms for the footings around the gym area. The foundation company is done on the east side of the building with the mud mat, footings and rebar. They are in the process of pouring the mud mat on the north side of the proposed building site.

There has been news from the Department of Environmental Protection (DEP), which is on the positive side. The City has been given permission by the DEP to use some of the soil on the site to fill and tamp the large hole on site. An Alderman asked if the city has a copy of the documents pertaining to the LSP work. Ald. Gentile believes McPhail Associates has the documents pertaining to the environmental cleaning.

The Mayor is moving to get a guaranteed maximum price at 80% rather than 100%. However, there will be additional contingency funds to deal with filed sub-bids. It is hoped that the actual price will be lower than the guaranteed maximum price at 80% completion. The state law does not allow the guaranteed maximum price to be given with less than 60% of the construction documents completed. The more complete the construction documents are the more precise the guaranteed maximum price will be to the true cost of the project. With that, Ald. Gentile completed the update and the Committee held the item.

**REFERRED TO PROG & SERV, PUB. FAC. AND FINANCE COMMITTEES**

#54-08 ALD. MANSFIELD, JOHNSON, HARNEY, SANGIOLO, PARKER, SWISTON AND FREEDMAN, offering a RESOLUTION to His Honor the Mayor that the concrete foundations for the new Newton North High School not be installed until (1) the Mayor has submitted to the Board of Aldermen and the Board has approved a financing plan for a confirmed Guaranteed Maximum Price; and (2) the Mayor has requested and received from the Massachusetts State Treasurer a review of the project's plans, including the financing plan, and said review has been submitted to the Board of Aldermen. [01-29-08 @ 7:01 PM]

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

**NOTE:** Ald. Mansfield explained that there has been some action on the Mayor's part since the item was filed. Ald. Johnson would like to use the resolution as an opportunity to keep all possible options open until the Board has had a chance to analyze all those option. Several Committee members felt that as the Mayor has contacted Treasurer Cahill and is working on receiving a guaranteed maximum price the language of the resolution needed to be reconsidered. There was also concern that delaying the project may create additional costs. Ald. Mansfield was agreeable to creating two new proposed resolutions, which are below. On a motion to approve both proposed resolutions carried.

**REFERRED TO PROG & SERV, PUB. FAC. AND FINANCE COMMITTEES**

#54-08(2) PUBLIC FACILITIES COMMITTEE offering a RESOLUTION to His Honor the Mayor requesting he provide to the Board of Aldermen at the earliest possible time the financing plan for a confirmed guaranteed maximum price in order to preserve cost-saving options.

**ACTION:** **APPROVED 8-0**

**REFERRED TO PROG & SERV, PUB. FAC. AND FINANCE COMMITTEES**

#54-08(3) PUBLIC FACILITIES COMMITTEE offering a RESOLUTION to His Honor the Mayor requesting that he request and receive from the State Treasurer a review of the project plans and a review of the project's finance plan and submit said reviews to the Board of Aldermen in order to preserve cost-saving options.

**ACTION:** **APPROVED 5-3 (Gentile, Salvucci, Schnipper opposed)**

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#36-08 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$367,500 from Free Cash for the purpose of replacing two underground gasoline tanks at the Elliot Street DPW Yard. [01-15-08 @ 5:19 PM]

**ACTION:** **HELD 8-0**

**NOTE:** Commissioner Parnell was unable to attend the meeting for the discussion of this item; therefore, the item was held.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#144-07(2) HIS HONOR THE MAYOR requesting a supplemental appropriation in the amount of \$111,805 from the capital stabilization fund to increase the original appropriation (Board Order #144-07, approved on 5/21/07) for replacement of **one** boiler at the Carr School building in order to cover the cost of **both** boilers at this location, since the City has received a favorable bid to combine the two replacements. [02-12-08 @ 6:20 PM]

**ACTION:** **HELD 8-0**

**NOTE:** Commissioner Parnell was unable to attend the meeting for the discussion of this item; therefore, the item was held.

Respectfully submitted,

Sydra Schnipper, Chairman