

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JUNE 18, 2008

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

Absent: Ald. Mansfield and Lappin

Also present: Ald. Linsky

City personnel: Arthur Cabral (Budget and Project Specialist; Public Buildings Department), Thomas Daley (Commissioner of Public Works) and Shawna Sullivan (Committee Clerk)

#350-07 ALD. LINSKY requesting discussion with the utility companies regarding rectification of utility wires that are not mounted high enough on utility poles to avoid being torn down, thereby causing damage to persons and/or property. [10-17-07 @10:33 AM]

ACTION: **HELD 5-0 (Lennon not voting)**

NOTE: Ald. Linsky joined the Committee and explained that he docketed the item in response to complaints of low-hanging wires along Washington Park. A truck hooked onto the wires and pulled a pole down into a park, which was very dangerous. Marc Lucas, Community Relations Officer for NStar, Gary Savignano, Right of Way Manager for Verizon and Stan Usavitch, External Affairs for Verizon were also present for the discussion.

The utility representatives explained that each of their companies provides a hot line to report low-hanging, downed, or dangerous wires. Both companies work very closely with the Citizen Assistance Officer, Maureen Grimaldi, to resolve any issues with wires and poles. The City of Newton Ordinance pertaining to poles and wires require wires to be at a height of 20' from the ground. Mr. Lucas explained that the utilities follow the national electrical standards, which require the wires to be located 15.5' above a public way. Several Committee members were surprised that the utility companies did not follow the city ordinances. The Chair requested a reading from the Law Department regarding whether the city ordinances superseded the National Electrical Standards. The Committee members asked if the utilities inspected the wires for height. The inspectors from the companies and the city inspector check the height of the wires at the time of installation. However, it is possible that the wires sink overtime and no longer meet the national standard. Any inspection that takes place after installation is usually due to complaints. It was also noted that there are other companies on the poles, such as cable, fire alarm and home security companies. These companies may also have low-hanging wires that the utilities cannot touch.

Mr. Nathan Cobb, 18 Washington Park, voiced his concerns regarding the low-hanging wires on his street. He provided the Committee with the attached letter detailing two major wire incidents that occurred on Washington Park in 2007. He would like to see all of the wires reset on the poles at a much greater height. Marc Lucas has walked Washington Park with Ald. Linsky to check the wires and stated that the NStar wires appear to be at the appropriate height.

Mr. Ustavitch suggested that the Wire Inspector for the City of Newton call a meeting with the utilities and any other companies on the poles. This would allow the city and the companies to set some priorities and come up with a plan to address the issues. The city and the companies need to work together to resolve these issues.

Ald. Albright made a motion to hold the item until there is a report from the meeting with the wire inspector and the utility companies, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#228-08 THE SCHOOL DEPARTMENT requesting authorization to settle from Window Services, Inc. a claim in the amount of twenty thousand seven hundred fifty-two dollars (\$20,752) for repairs to 154 windows at 3 different school locations (Countryside School, Franklin School, and the Education Center) in September and October of 2007. Funding source to be School Account #98550690-52407. [06-10-08 @ 4:42 PM]

ACTION: **APPROVED 3-1 (Salvucci opposed, Gentile and Lennon not voting)**

NOTE: Arthur Cabral, Public Building Department's Budget and Project Specialist; joined the Committee to discuss the item. The item is a request to authorize settlement of a claim by Windows Services, Inc. for the repair of windows at the Countryside School, Franklin School, and the Education Center. Public Buildings Commissioner, Nicholas Parnell provided the attached letter on the claim for payment. Unfortunately, the School Department authorized the repair of the windows by Windows Services, Inc. without following the public bid process. Therefore, the City's Purchasing Department would not authorize payment and the vendor has filed a claim for payment. The docket item does not include an appropriation as the School Department has the funds to pay for the work.

The School Department requested that the Public Buildings Department solicit proposals for the repair of approximately 200 windows at Countryside Elementary School. The Public Buildings Department solicited a proposal from Window Services inc. for the repair of those windows. The School Department decided to repair fewer windows at Countryside and include windows at Franklin Elementary School and the Education Center. The School Department did not request a new proposal from the Public Buildings Department for a new estimate as there was a change to include the three buildings. The School Department then contacted Window Services, Inc. and authorized the repair of up to 150 windows at the three school sites based on the original proposal instead of contacting the Public Building Department to authorize the repairs, which would be the normal course of action.

The committee members were not pleased that the appropriate process was not followed but understood that the vendor, Windows Services, Inc. needed to be paid for their work. Ald. Yates moved approval of the item, which carried by a vote of three in favor and one opposed. Ald. Salvucci was not willing to vote in favor of the settlement.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#81-08(2) HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred eighty-five thousand dollars (\$185,000) from bonded indebtedness for the purpose of accepting and reconstructing Bencliffe Circle. [6-8-08 @ 5:12 PM]

ACTION: APPROVED 6-0

NOTE: The Commissioner of Public Works, Tom Daley, joined the Committee for the discussion of the item. The Board of Aldermen approved a petition to accept Bencliffe Circle as a public way on April 7, 2008. The Commissioner explained that the appropriation would allow the Public Works Department to reconstruct and accept Bencliffe Circle. The street acceptance will be done through the ordinance allowing private way abutters to pay 100% of the cost to layout and grade a private way to City standards in order to be accepted as a public way. The betterments assessed to the property owners of the streets will pay for the bond over twenty years.

During the public hearing on Docket Item #81-08 for the acceptance of the street, John Pine, 25 Chaske Avenue, stated that he believed a tree located on his property would interfere with the layout of the street. Mr. Pine was also concerned about the location of the sidewalks to be placed on his property, as it was appropriate to know how much of his yard he would lose due to the reconstruction. Ald. Gentile inquired whether the Engineering Department had addressed Mr. Pine's concerns regarding his property. The City Engineer has met with Mr. Pine and Mr. Pine is satisfied with the layout of the street. Ald. Gentile also asked whether the sidewalks would be concrete or asphalt. A survey was sent to the property owners and they overwhelmingly chose concrete sidewalks, the cost of which has been factored into the cost of the reconstruction. As there were no further questions or concerns, Ald. Gentile moved approval of the item, which carried unanimously.

#208-08 ALD. GENTILE, SALVUCCI AND SCHNIPPER requesting a discussion on establishing a permanent building Committee in the City of Newton. [05-16-08 @11:47 AM]

ACTION: HELD 6-0

NOTE: Ald. Gentile stated that he filed this docket item because he believes there is a gap in the public building process. Once construction begins, there is no entity within city government that oversees renovation or construction of municipal buildings. It is important that the city have more of a role in the construction process. Ald. Gentile pointed out that there are two Docket Items (#253-07 and #280-06) that are directly related to the request and should be discussed in conjunction. David Olson, City Clerk/Clerk of the Board, provided Ald. Gentile with information on School Building Committees in other cities and towns. Ald. Gentile suggested holding the item until the Committee had a chance to review the information provided by the City Clerk/Clerk of the Board. Therefore, the Committee held the item until the next meeting.

#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 6-0

NOTE: Ald. Gentile stated that the new school is meeting all standards for LEED certification and in some areas has gone beyond what is needed for certification. LEED certification provides verification that a building project meets green building and performance measures. There has been some discussion that the city is not meeting all of the energy efficiency standards required for LEED certification. The architect is in the process of

responding to suggestions and comments by Peter Barrer from the Design Review Committee and the High Performance Building Committee. The alternate bid for a Sarnafil roof came in very low; therefore, the city will be getting a higher quality, greener roof. The Sarnafil roofs are vinyl (PVC) roofing and waterproofing membranes that are used in numerous applications from green roofs to solar.

The aggregate of the bids is good and the city is in a good position and will not have to cut back on the project. The contractor needs to assign the elevator installation, as there was no bid for elevators. There is some concern that one or two of the sub-contractors came in with very low bids but if there are mistakes, they can be corrected. There are a couple of non-union sub-contractors that may be challenged. Overall, everyone involved is feeling positively; however, there is some serious concern regarding shipping due to the cost of fuel. Ald. Gentile reminded the Committee that the contingency for the construction has not been touched.

Respectfully submitted,

Sydra Schnipper, Chairman

MAJOR WASHINGTON PARK WIRE INCIDENTS, 2007

1. On August 6, a truck traveling eastbound on Washington Park hooked several wires and dragged them forward as it continued moving. One or more of the wires struck the top of a reproduction gas lamp located in the park itself, one of 17 recently purchased and installed with CPA funds. The top of the fixture fell to the ground, and the entire fixture was later replaced using city funds. Such fixtures sell for about \$1800, not including installation costs.

2. On September 27, a truck traveling westbound on Washington Park hooked several wires, causing a utility pole to fall into the park. The pole fell near two benches and into an area sometimes used by classes of the New Art Center. A number of people were in the park at the time, including a group of about six Newton North students. The incident also caused damage to an electrical box, clapboards, and a downspout on a Washington Park home.

-- Nathan Cobb, 18 Washington Park.



PUBLIC BUILDINGS DEPARTMENT

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52 ELLIOT STREET

NEWTON HIGHLANDS, MA 02461-1605

David B. Cohen
Mayor

June 17, 2008

The Honorable Newton Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

RE: Window Services Inc. - Claim for Payment

Dear Members of the Newton Board Aldermen:

In August of 2007, the School Department authorized repair of approximately 150 windows in three school buildings. Earlier in the summer, the School Department had considered repairing up to 200 windows at the Countryside School. In accordance with standard procedure, the solicitation of proposals for this work was handled by the Public Buildings Department, although the decision to go forward with specific repair work was made by the School Department and the funding for such work was in School Department accounts.

After the Public Buildings Department solicited a proposal from Window Services Inc. to repair approximately 200 windows at the Countryside School, the School Department decided to repair fewer windows at Countryside, and include window repairs at the Franklin School and the Education Center. Unfortunately, the Public Buildings Department did not solicit new proposals for the window repairs at the three buildings, but instead contacted Window Services Inc. directly based upon the original Countryside proposal. This contact was subsequently followed up with an authorization from the School Department sent to Window Services, approving the repair of up to 150 windows at the three school sites.

Based upon that authorization, Window Services Inc. repaired a total of 154 windows and in October, 2007, submitted an invoice seeking payment of \$20,752.00 for the repair work. Unfortunately, as payment was being processed, it was discovered by the City's Purchasing Department that quotes for the actual repair work performed by Window Services had not been received from other window repair companies. The lack of additional quotes for the work performed called into question the solicitation process used to get this repair work accomplished. As a result, Window Services was not paid for the repair work it performed although the work was entirely acceptable in terms of quality. Hence, the company has now filed a claim for payment.

The School Department has the funds to pay for this work in account #98550690-52407. Accordingly, we are requesting authorization to settle a claim from Window Services Inc. in the amount of Twenty Thousand Seven Hundred and Fifty-Two dollars (\$20,752) for repairs to 154 windows at 3 different school locations (Countryside School, Franklin School, and the Education Center) in September and October, 2007.

Sincerely,

A. Nicholas Parnell, AIA
Public Buildings Commissioner

cc: Ouida Young, Law Department