

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 17, 2008

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

Absent: Ald. Lappin

Also present: Ald. Linsky and Sangiolo

City staff: John Daghlian (Associate City Engineer), Ouida Young (Associate City Solicitor) and Shawna Sullivan (Committee Clerk)

Public Hearing

#308-08 BARRY & SANDRA GURYAN, 41 Varick Hill Road, Waban, petitioning to extend a common sewer 90' ± in VARICK HILL ROAD from an existing sewer manhole (MH# 124) southwesterly to a proposed sewer manhole in front of 41 Varick Hill Road. (Ward 5) [08-25-08 @3:07 PM]

PETITIONER TO PAY ENTIRE COST

ACTION: APPROVED 6-0 (Lennon not voting)

NOTE: Michael Kosmo from the Everett M. Brooks, Company, Engineers and Surveyors, presented the petition to the Committee. The petition is a proposal to extend an existing sewer line down Varick Hill Road to serve 41 Varick Hill Road. The extension will require approximately 90' of sewer line be placed in the road and a new manhole. The septic system in the petitioner's backyard is about to fail and the petitioners would like to complete the sewer connection before that occurs. The petitioners have agreed to pay the cost of construction of the sewer main. The Engineering Department reviewed the plans and recommended some changes to the plans. A revised set of plans with the recommended changes was submitted to the Engineering Department for review. The Engineering Department provided the Committee with a memo recommending approval of the petition after reviewing the revised plans.

Ald. Salvucci questioned why the petitioners are expected to pay for the construction of a stub to another person's property. John Daghlian, Associate City Engineer, explained that the Engineering Department commonly requests that there be a stub from the sewer extension for each property that is not already part of the sewer system. Ald. Salvucci asked if the neighbor had expressed any interest in connecting to the sewer line.

The Chair opened the public hearing and Barry Guryan, 41 Varick Hill Road, Waban, spoke on the petition. He is not aware of any interest on the part of the neighbor in connecting to the sewer system. The petitioners were not aware of the requirement of putting in the stub. Mr. Guryan pointed out that the neighbors had been notified regarding the meeting but were not present, which seemed to indicate that they were not interested.

The Chairman asked if the Guryans had approached the City regarding the City doing the sewer main extension. The Guryans spoke with the Utilities Division regarding the sewer extension. They were told that the City has not done a sewer extension for some time and it

would probably take a number of years before their extension would be scheduled and funded. Committee members suggested that the Guryans speak with the Health Department to determine if there is a Title V issue because if that were the case the city would do the work immediately.

Ald. Albright asked about the cost of putting in a stub. Mr. Daghlian responded that it would be approximately an additional \$2,000 to \$3,000 if done during the sewer extension and about \$5,000 if done separately. Committee members felt that it was unfair to charge the petitioners for a stub, which will only benefit the neighbors, who have not expressed any interest in connecting. Ald. Salvucci moved approval of the item without the stub, which carried unanimously. Ald. Schnipper stated that an emergency preamble would allow the petitioners to begin work immediately if and when the Board approved the extension. The Committee voted approval of an emergency preamble. The petitioners will contact the Health Department about the possibility of having an emergency situation that could help defray some of the costs of the sewer extension.

Clerk's Note: Sandra Guryan contacted the Clerk and explained that after speaking with the Health Commissioner, the failing septic system does not meet the criteria of a Title V issue. They would like to pursue approval of the current petition that is before the Board of Aldermen. They are willing to pay the entire cost of the project except for the stub to the neighbor's property.

Public Hearing

#330-08 NATIONAL GRID petitioning for a grant of location to install and maintain 50' ± of 4" gas main in HUNNEWELL AVENUE from the existing 4" gas main in Hunnewell Avenue southeasterly to House No 9 (Ward 1). [09-10-08 @ 2:19 PM]

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

NOTE: Harold Cooper, National Grid Permit Representative, presented the proposed grant of location to the Committee. The gas main will provide heat, hot water and cooking service to a new home on Hunnewell Avenue. The Engineering Division has reviewed the petition and has no problems with the grant of location. Ald. Salvucci moved the petition, which carried unanimously.

Public Hearing Continued

#298-08 NATIONAL GRID petitioning for a grant of location to install and maintain 250' ± of 6" gas main in SYCAMORE ROAD from the existing 6" gas main in Redwood Road @ Sycamore Road easterly to House Nos. 22 and 27 (Ward 8). [07-24-08 @ 12:03 PM]

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

NOTE: Harold Cooper, National Grid Permit Representative, was present for the discussion of this petition. The petition was held at the previous meeting in order for National Grid to look at the option of putting the gas main on the other side of the street (report attached). Mr. Cooper explained that National Grid would like to place the gas main on the opposite side of the street, as they learned the water main is on the side that was originally proposed. Nomee

Altschul, 39 Sycamore Road, Newton Centre, was pleased that the gas main would be moved to the other side of the street. The Engineering Department has reviewed the revised plans and has no issues with the proposed plan. Ald. Yates moved approval of the petition, which carried unanimously.

- #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]

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

NOTE: Associate City Solicitor Ouida Young, Ald. Linsky and Ald. Sangiolo joined the Committee for discussion of this item and the one below. The Chair explained that the item was discussed briefly but the Committee decided not to go forward because too many of the people interested in the item were not present. The Chair considers both items to be related and she feels that the items have to do with being involved beyond site plan approval; whether it is that the Board would have oversight or approval at different stages. One of the questions that were asked was if the proposed Building Committee was strictly for school buildings or if it is intended for all buildings. Part of the new requirements of the Massachusetts School Building Authority (MSBA) is that a school building committee be formed for schools. There was some question as to whether or not the Design Review Committee could fill that role if it was configured a little differently or if there needed to be an additional committee.

Ald. Albright stated that she, Ald. Linsky and Ald. Johnson filed another docket item that has to do with a construction management plan and noise control. There is no construction management plan in this project that anyone approved, which means there is another missing piece to the project. She thinks that the Board needs a study committee to investigate what other cities and towns are doing. She feels that before any decision is made there needs to be a lot of input.

Ouida Young stated that the Design Review Committee is looking at modification to the Design Review Committee. One of the things that is missing from the discussion is for many people the understanding of the components of the design of a building. Some people know how

buildings are designed and other do not. Before the Committee discusses changes it should have a good understanding of what decisions need to be made during the course of the programming, designing and constructing a building and then overlay that with potentially how the political process needs to relate to that. One of the difficulties is trying to impose a political process on top of a design activity and if they do not relate to each other, they are going to get in each other's way. She would think that the Committee would have to have more than a discussion around the table to understand the construction process and that then needs to be informed by the sorts of things that have been frustrating to the Board of Aldermen, as well. She is not saying that they are mutually exclusive but she really thinks that the Committee needs to look at what a building project requires in terms of decisions and then see how that can be accommodated within the political structure. Ald. Gentile asked Ms. Young if it was her sense that the Design Review Committee is heading in the direction of making recommendations for changes to the Ordinance. Ms. Young responded that they certainly are in regards to the ordinance that addresses the actual committee and not so much the 5-58 processes. She has suggested to the Design Review Committee that the 5-58 process has to be part of that discussion. She does not think those two things should be completely independent of one another, as the Design Review Committee has a role in the 5-58 process. As Ms. Young previously stated, she thinks you have to look at how a building is built and then address the needs of that process within a political framework. The 5-58 is in one way that political process and it is another component that deals more with the construction aspect. She does not know whether the Design Review Committee will ever come to a consensus around what changes need to be made but they are certainly frustrated by the process, as it currently exists.

One of the things that has struck the Chair is that potentially there may need to be two different processes: one if you go with construction manager at-risk and one if you go with the old design-bid-build because they are very different. Ald. Salvucci felt that the Design Review Committee went a little bit beyond their scope of review in regards to the high school. Ald. Linsky has sat in on one of the recent Design Review Committee meetings and they were discussing reviewing the processes before getting involved in any other project.

Ald. Gentile was not getting into Design Review or 5-58 in regards to the item on establishing a building committee. If the Design Review Committee is headed down that path and they are going to be making some recommendations, perhaps the Board should wait and see what they come up with to get a reference point to start with. His proposal for the building committee addresses oversight of the actual construction. The committee would be made up of people in the construction field and in the trades. The building committee would be charged with the oversight on any public building project.

Ouida Young thought that there needs to be some consideration regarding how the different roles of the professionals, particularly the project manager, and what that role is supposed to accomplish. In terms of oversight, there is one part that the Committee needs to be cognizant of, that is the Legislative-Executive, and who actually controls the contract for construction, which is not to say that the Board should not have knowledge and participate in some role. Ms. Young has looked at some of the discussions for the original Design Review Committee, there was a veto by the Mayor, and it got into the issue of confusion regarding who was responsible during the construction phase for the actual oversight of construction. The

Mayor wanted to make it clear that the Design Review Committee gave advice to the Building Commissioner but did not control the project. Ald. Gentile is not suggesting that the building committee be a committee of the Board of Aldermen. He would like it to be as independent as possible. The city needs people who understand how buildings are built, how bids are put out, and what is reasonable to expect as far as mistakes that are made. He never knows if a mistake is egregious and someone should be brought to task for the mistake. Ald. Linsky asked Ms. Young to provide any legal restrictions to the amendments or the proposed building committee, so that the Board is not creating anything that may be problematic. Ms. Young responded that it is hard to respond to that without something in front of her. However, she did state that the general principle is that the Board sets policy and the Executive implements it. What that comes down to is that the Board sets the policy and the Mayor goes out and implements it by way of a contract and the operation of that contract is an executive function, which is not to say that the legislative should not be fully aware of what is happening. Beyond those very broad brushes, it is very hard to say exactly what the Board might propose. 5-58 runs very close to the edge in some instances but the old City Solicitor approved.

Ald. Salvucci asked why the Aldermen could not have any say in the change orders. Right now, the ordinance as it is written states that the Board gets notice but does not have the right to approve change orders. Ms. Young is not saying that the Board does not have the right on behalf of the citizens to explore the basis for every one of the change orders. She is sure that the Aldermen are aware of the sorts of decisions that go into whether a change order is approved. In the middle of a major project, you may decide that you will not fight at that point in time but you may reserve it and fight in another area. There may be swaps that go on in the field. It is hoped that the construction manager-at risk process will reduce the proliferation of change orders that the 149 process seems to foster. The other major thing is that until we had the Newton South experience we never had a project manager involved, which the city is now required to have by public construction laws anytime there is a public project in excess of \$5 million.

It seems to Ald. Schnipper that Ald. Gentile's view of the building committee is one of the same roles that the project manager is playing. One of the problems is that the project manager is the direct employee of the executive branch, as opposed to the Board. The sense that she has is that Ald. Gentile would like the proposed committee to provide oversight and report to the Board to keep it informed. Ald. Gentile responded that it is one part of it. He wants them in the room when the important decisions are made. He wants City of Newton taxpayers involved in the process. The bottom line is that nothing will happen with the item until somebody comes up with a model of the building committee. Ald. Schnipper asked if it was within the authority of the Board to create the building committee. Ms. Young explained that it depends on the function of the committee. She explained that it would depend on whether or not the Committee will be advisory or actually make the decision on whether to pay a change order. It comes down to who has the right to sign off on change orders. Right now, it is under the auspices of the executive branch, which is not to say that people should not be in the room representing the taxpayers' interest. Ald. Gentile feels that there needs to be an independent group that is not responsible to the Executive Office that can speak up on projects and protect people's interests. Ms. Young said she needs to understand the timeline for decisions in terms of a complex building project. She needs to understand how the review process by the building committee

would fit into the construction without compromising the need to make timely decisions along the way.

As Ald. Yates looked at the ordinance regarding the Design Review Committee, it seemed that if there were some updating of the roles of the Design Review Committee they could serve as the building committee. The Design Review committee already has the expertise needed for construction projects. Ald. Yates suggested looking at cities and towns that have had successful building projects. Ald. Sangiolo pointed out that Lincoln-Sudbury had a building committee during their high school building project. The Town of Wellesley also has a building Committee. Ald. Sangiolo offered to look further into building committees in other cities and towns.

The Committee members agreed that further research was needed to address the establishment of a permanent building committee. Ald. Albright and Gentile will begin working on a model of the proposed committee. The Committee would also like to have an idea what direction the Design Review Committee members are going in terms of amending the 5-58 ordinance. Therefore, the Committee held both items for further discussion.

#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 (Albright not voting)**

NOTE: Please see above note.

#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 (Albright not voting)**

NOTE: Ald. Schnipper gave a brief update. At the last meeting of the design team and city officials there was discussion regarding noise issues at the site. There have been many complaints regarding the beeping of construction vehicles backing up during night work. Dimeo has agreed that they will not back up trucks after 7 PM. There was also discussion regarding the security lights on the site at night. The building will be wrapped shortly, which will dim the lights.

The project is still on schedule and the foundation is ahead of the steel work. The brick is in transport and should arrive shortly. A model of a cross-section of wall, which will include insulation windows, bricks, etc., will be generated. Although the model costs approximately \$100,000, it will decrease costly mistakes during actual construction. It will also give everyone an idea how efficient the actual building will be. Committee members inquired whether there has been a resolution to the use of an open shop plumbing contractor. Ald. Schnipper responded that there has been nothing new on that issue.

Respectfully submitted,

Sydra Schnipper, Chairman

#298-08

PUBLIC FACILITIES COMMITTEE REPORT

Wednesday, September 3, 2008

#298-08 NATIONAL GRID petitioning for a grant of location to install and maintain 250' ± of 6" gas main in SYCAMORE ROAD from the existing 6" gas main in Redwood Road @ Sycamore Road easterly to House Nos. 22 and 27 (Ward 8).
[07-24-08 @ 12:03 PM]

ACTION: **HELD 6-0**

NOTE: Harold Cooper, National Grid Permit Representative, was present for the discussion of the petition for the extension of a gas main in Sycamore Road. The extension will provide gas service to newly constructed houses at 22 and 27 Sycamore Road. The public hearing was opened and Nomee Altschul, 39 Sycamore Road, Newton Centre spoke on the petition. Dr. Altschul is a surgeon at the Faulkner Hospital and needs access to the street from her driveway. Her access to and from her driveway was blocked during the construction of the two houses, which created many problems for her. She asked that National Grid look at putting the gas main on the other side of the street. Mr. Cooper agreed to ask the National Grid engineers to look at that possibility. The Committee held the item in order for National Grid to look at the option of putting the gas main on the other side of the street.