

CITY OF NEWTON
IN BOARD OF ALDERMEN
PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, DECEMBER 17, 2008

Present: Ald. Schnipper (Chairman), Lennon, Albright, Salvucci, Gentile, Yates and Mansfield
Absent: Ald. Lappin
Also present: Ald. Brandel, Ciccone, Danberg, Fischman, Harney, Linsky and Swiston
City staff present: David Koses (Transportation Planner), Thomas Daley (Commissioner of Public Works), David Turocy (Deputy Commissioner of Public Works), Josh Morse (HVAC Specialist; Public Buildings Department), Nick Parnell (Commissioner of Public Buildings) and Shawna Sullivan (Committee Clerk)

Appointment by His Honor the Mayor

#480-08 ELISSA FENSTER, 187 Sargent Street, Newton 02458, appointed as a member of the SOLID WASTE COMMISSION for a term of office expiring December 31, 2011. (60 days 2-14-09) [12-03-08 @ 4:02 PM]

ACTION: **APPROVED 4-0 (Gentile, Mansfield and Yates not voting)**

NOTE: Ms. Fenster joined the Committee for discussion of her appointment to the Solid Waste Commission. She is very interested in serving on the Commission and has already attended meetings of the group. One of the things she would like to focus on is improving recycling and solid waste reduction programs within non-profit organizations. Ms. Fenster currently serves on the Temple Emanuel Environment Group, which has implemented a successful waste reduction program. Ald. Albright asked Ms. Fenster what she thought of a pay as you throw program for trash pick-up in Newton. Ms. Fenster responded that she is in favor of that type of program and believes that in the near future most cities and towns will implement some type of pay as you throw program. Ald. Albright moved approval of the item, which carried unanimously. Ald. Albright knows Ms. Fenster and is very pleased that she is willing to serve the City in this capacity. Ald. Schnipper, who is the Chair of the Solid Waste Commission, was delighted that Ms. Fenster would be joining the Commission and thanked her for her willingness to serve.

REFERRED TO PUB FAC. AND PUB SAF & TRANS. COMMITTEES

#35-04 ALD. SAMUELSON AND DANBERG requesting an ordinance amendment to Section 26-8 of the City of Newton Revised Ordinances, 2001 to require all property owners or residents to remove snow from sidewalks abutting their property.

PUBLIC SAFETY & TRANSPORTATION HELD 6-0 on 12/17/08

ACTION: **HELD 7-0**

NOTE: The Committee met jointly with the Public Safety and Transportation Committee to discuss the item. Ald. Brandel, Danberg and Lennon gave an update on the work their snow group has accomplished and their future plans. Ald. Lennon explained that the group was formed under a previous docket item to work on snow –clearing activities. He pointed out that

the group was not formed to deal with the above item specifically but as part of the work of the group, it is one of the long-term goals. The group has established some short-term and some long-term goals and objectives, which were mailed to all members of the Board for review. The Aldermen have also received e-mails requesting that they provide the group with snow trouble spots within each of their respective Wards. The group is currently working to gain a complete understanding of snow operations and has received input from the Department of Public Works, the Parks and Recreation Department, the School Department and the Police Department. The group meets with representatives from each of the departments after each storm and is working to meet some of the short-term goals.

Ald. Brandel explained that there are a lot moving parts to the City's snow operations and coordinating that operation is a complex undertaking. The parts include the Public Works Department, the Parks and Recreation Department, the MBTA and Mass Highway Department. The group is not looking for perfection but optimality in coordination of the snow operations. The group would like to see a single contact point for all complaints and input from citizens and Aldermen. The group has discussed the possibility of a web-based single point of contact and public information site. The complaint would be input on web and routed to the corresponding department making it easier for the public and the City by creating a tracking mechanism. Ald. Albright suggested including a member of the Information Technology Department in the group meetings.

Ald. Danberg has been working with Sean Roche, who is computer systems analysts and an expert in the coordination of information flow. Together, Ald. Danberg and Mr. Roche sent out requests to community groups for snow trouble spots. Mr. Roche took it one step further and used Google maps to display complaints. The maps give the City an additional tool to identify problems and determine which department or agency is responsible for snow operations. Ald. Danberg also spoke on the goal of an ordinance requiring residents to shovel. The implementation of such an ordinance will create a safer and more walkable city. The goal of the group is to have a reasonable ordinance requiring residents to shovel sidewalks abutting their property. Ald. Danberg has researched the Brookline ordinance requiring snow shoveling and learned that there have been no complaints from residents. The group feels that should be an educational process for the residents before an ordinance is implemented. Ald. Albright stated that the City needs to set expectations for the residents regarding snow shoveling. It is not realistic to believe that a snow-shoveling ordinance will be put into place this winter. The City should think about notices and newspaper articles encouraging residents to shovel their sidewalks this season. Several Aldermen suggested sending out notices with the water/sewer bills to ensure that residents receive the notice. There is also a much larger list of people willing to shovel snow for a fee available from the Department of Public Works. The group will keep the Board updated on the progress regarding a snow-shoveling ordinance. The group is still in the short-term phase but every one involved in the City's snow clearing operations is aware that there can be improvement and are welcoming input and suggestions.

Ald. Yates raised the issue of enforcing the current ordinances prohibiting dumping snow on the sidewalks. Ald. Lennon stated that the group has met with Captain Cummings, who suggested including the Patrol Division of the Police Department in the group's discussion, as they are the ticketing agents. Ald. Mansfield would like to see amendments to the current

ordinances to make them more enforceable. He recalled that there was an amendment to the ordinance prohibiting the placement of snow on sidewalks by contractors and he wondered if there has been any enforcement of the ordinance. The amended ordinance is attached. Ald. Lennon responded that the group has just started to meet with patrol services but will be discussing enforcement with them in the near future.

Ald. Gentile thanked Ald. Lennon, Danberg and Brandel for undertaking a tough task and he sure that snow operations will improve as a result. Both Ald. Linsky and Schnipper thanked the group. Both Committees held the item for future updates from the group.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#487-08 HIS HONOR THE MAYOR requesting authorization to appropriate and expend one hundred thousand dollars (\$100,000) from the Environmental Solid Waste Fund for the purpose of contracting rock-crushing services at Rumford Avenue.

ACTION: **APPROVED 5-0-2 (Gentile and Lennon abstaining)**

NOTE: Public Works Commissioner Tom Daley and Deputy Commissioner David Turocy presented the request to the Committee. The Commissioner explained that the department generates broken concrete and other debris during road repair and sidewalk replacement. The Commissioner provided the Committee with a photo of a detritus pile at Rumford Avenue. The requested funds will provide rock-crushing services for a portion of the pile and the crushed material will be reused as underlay for road reconstruction. By recycling the material, the City saves approximately \$85,000, as the City would have to buy crushed material for road reconstruction. In addition, the City would need to dispose of the material at a significant cost, if it was not recycled; therefore, the reuse of the material generates a further savings of \$100,000. The Public Works Department has undertaken this type of project several times in the past and it has been successful.

Ald. Albright asked if the neighbors were bothered by the noise created during the crushing. The Commissioner responded that to his knowledge there has never been a complaint regarding the noise created by the rock crushing. Ald. Mansfield stated that the City requires contractors to meet the requirements of the noise ordinance while rock crushing. He would like to be sure that the City meets its own requirements during this project. The rock crushing will take place Monday through Friday during the normal hours of operation at the Rumford Avenue site. The project should begin in March and will probably take close to two months to complete. Ald. Gentile inquired if all the debris is from the City or if private contractors put waste in the pile. The Commissioner responded that private contractors are not allowed to use the City yard to dispose of construction waste. Ald. Gentile also asked if any of the City's materials within the yard were encroaching on the landfill. The Commissioner responded that all of the City's material is within the City yard. Ald. Gentile thought that the Commissioner might need to meet with the neighbors regarding encroachment of the landfill. Committee members inquired when the project would start and asked if the work would take place during the normal working hours. Ald. Gentile requested that the Commissioner investigate the cost of purchasing and maintaining a rock crusher. The Commissioner agreed to look into the cost and provide the information to the Board. There were no further questions and Ald. Yates moved approval, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#467-08 HIS HONOR THE MAYOR requesting to appropriate six hundred thousand dollars (\$600,000) from bonded indebtedness for the purpose of purchasing heavy equipment and heavy duty trucks for the Department of Public Works. [11-25-08 @ 4:54 PM]

ACTION: **APPROVED 7-0**

NOTE: Commissioner of Public Works, Tom Daley, stated that this is an annual request for funds to replace some of the department's heavy equipment trucks. The department plans to replace four pieces of equipment. The Commissioner provided the Committee with a list of the four trucks to be replaced, which was attached to the agenda. Of the four pieces of equipment, only two of pieces are still on the road but are on their last legs. The trucks will be purchased through the State bid list. It will be about a nine-month turnaround time from the placement of the order to receipt of the trucks. Ald. Gentile asked what the advantage of using the State bid list was. The Commissioner explained that the vendors bid aggressively for a place on the State bid list. Also, it far simpler and there is a much quicker turn around on equipment purchased from the State bid list. If the City were to go out to bid on heavy equipment, they cannot specify the manufacturer and must take the low bid. In addition, the City could potentially end up with some other type of equipment that does not meet the needs of the department. Ald. Yates moved approval of the item, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#469-08 HIS HONOR THE MAYOR requesting to appropriate five hundred seventy five thousand dollars (\$575,000) from Free Cash to the School Department for the costs related to the conversion of the boilers at nine school buildings. The School Committee agreed to spend this amount from the school utility budget with the understanding that it would be restored once free cash became available. Including this sum, it is estimated that the school department will require a smaller supplemental appropriation to cover of heating this winter than would have been necessary without this conversion. [11-25-08 @ 4:58 PM]

ACTION: **APPROVED 7-0**

NOTE: Josh Morse and Commissioner Parnell of the Public Buildings Department presented the request to the Committee. It is a request to restore funds to the School Department's school utility budget. The School Committee agreed to expend \$575,000 for the costs associated with converting nine school buildings to gas with the understanding that the funds would be reimbursed when Free Cash became available. A cost breakdown for the gas conversion for nine school buildings had been provided, as an attachment to the agenda. Mr. Morse explained that if the conversion had not been undertaken there would have been a \$1.2 million shortfall in the School Department's fuel accounts. However, the School Department will still require a supplemental appropriation of approximately \$300,000 for fuel costs.

Commissioner Parnell gave the Committee an update on the progress of the conversion. The co-burners will be installed by mid-January and the gas lines are in process of being installed at the schools. National Grid is providing the installation of the main and service lines

at no charge to the City. Ald. Gentile asked if the gas conversions would still give the schools the ability to burn oil. The Commissioner responded that each school will have a dual fuel burner and will retain the ability to use oil for heat. Ald. Gentile asked that the board order specify that dual burners be installed. With that request, Ald. Albright moved approval, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#267-08(2) **HIS HONOR THE MAYOR** requesting a supplemental appropriation in the amount of thirty-four thousand dollars (\$34,000) from bonded indebtedness to increase the original appropriation (Board Order #267-08, approved on 7/21/08) for the purpose of replacing the boiler at the Underwood School. [12-09-08 @ 5:31 PM]

ACTION: **APPROVED 7-0**

NOTE: This is a request for a supplemental appropriation to increase an original appropriation of \$196,650 for a boiler replacement project at the Underwood School. The bids for the boiler replacement came in higher than expected and the low bid was \$197,000. The bid does not include a contingency or design and project administration. Commissioner Parnell and Josh Morse of the Public Buildings Department felt that it was a competitive bid from a qualified vendor and would like to proceed with the project. There are two boilers in the school and the new boiler will be replacing the older of the two boilers. It is the Public Buildings Department's plan to do the replacement during the February vacation.

Ald. Gentile raised concerns that the bids were coming in higher than estimates. Commissioner Parnell responded that the bids seem to run in curves and the bids are currently running on the high side of the curve. He has been trying to get the estimate as close as possible to the actual cost. The Public Buildings Department has been using the same company for boiler replacement design and estimation for a number of years and they are usually right on with their estimates. The City has to accept bids as they come in and cannot negotiate a better price. As there were no further questions, Ald. Yates moved approval, which carried unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#196-07(3) **HIS HONOR THE MAYOR** requesting a supplemental appropriation in the amount of three hundred thirty-six thousand twenty-five dollars (\$336,025) from bonded indebtedness to increase the original appropriation (Board Order #196-07 approved on 7/21/08) for the purpose of the rehabilitation of Fire Station #4. [12-09-08 @ 5:31 PM]

ACTION: **APPROVED 6-0-1 (Gentile abstaining)**

NOTE: This is a request for a supplemental appropriation to increase an original appropriation of \$2,152,000 for the rehabilitation of Fire Station #4. The City received approximately 15 bids from general contractors, which ranged from \$2.3 million to \$3 million. The Public Buildings Commissioner is reluctant to re-bid the project, as he believes that the two contractors with the lowest bid are correct in their estimates and the \$2.3 million is what the project will cost. A re-bid will also cause a delay in the start of the project. Ald. Gentile would really like to see the project re-bid but will save that discussion for the Finance Committee.

Ald. Lennon inquired if there have been changes to the design such as the removal of stainless steel appliances in the kitchen. The Commissioner stated that he has verified the specifications and there have been no changes. There was some question of using some of the original furniture but it is not in good shape and will be replaced. Ald. Lennon requested a breakdown of the furniture, fixtures and equipment. The Commissioner will provide the list to Ald. Lennon and any other Aldermen, who would like it. Ald. Salvucci moved approval of the item, 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: Ald. Gentile and Schnipper gave a brief update on the project. Many Aldermen attended the topping off ceremony and had a chance to view the construction. The project is progressing and many parts of the project are ahead of schedule. Ald. Gentile told the Committee that the City's Traffic Engineer, Clint Schuckel gave a presentation to the Newton North Neighborhood Liaison Committee on the proposed traffic signal at Walnut Street and Trowbridge Avenue. Ald. Linsky stated that he had sent an e-mail to the Mayor asking why the liaison committee was given a presentation before the Aldermen. The traffic signal was discussed in the liaison committee due to safety issues raised by a resident of Ward Two. The concern was for current student safety while crossing Walnut Street. The goal is to get the traffic signal in earlier rather than later to address this concern. Ald. Schnipper spoke with the Mayor recently regarding the traffic signal and he did not mention the presentation to the liaison committee. However, the Mayor did mention that he would be filing a request to the Board of Aldermen for an appropriation for the traffic signal. The Committee would like the Traffic Engineer to give the presentation to the Committee at their next meeting on January 7, 2009. The Committee members also requested an update on what contingency money has been spent out of both contingency funds. With that, the Committee held the item for further discussion at the next meeting.

All other items were held without discussion and the Committee adjourned at 10:25 PM.

Respectfully submitted,

Sydra Schnipper, Chairman

CITY OF NEWTON

IN BOARD OF ALDERMEN

ORDINANCE NO. X-97

July 12, 2004

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

That **Section 26-9 (Putting snow and ice upon streets, sidewalks and bridges)** of the Revised Ordinances of 2001, be and are hereby amended as follows:

1. Re-number the existing paragraph as paragraph (a).

BE IT FURTHER ORDAINED THAT:

2. Add the following phrase to the end of the first sentence after the word "gutter":

"..or on the loam border between the sidewalk and the street."

3. Add the following paragraph as paragraph (b):

Without limiting the applicability of the foregoing paragraph (a), the owner or occupant of property whose driveway or sidewalk is cleared of snow shall be responsible for promptly removing snow placed on the public way (street, sidewalk and/or bridge) adjoining the owner's property as a result of clearing snow from the driveway or sidewalk of the owner. For purposes of this paragraph, "clearing snow" shall include, but is not limited to, plowing, shoveling, sweeping and any other similar means of removing snow from the driveway or sidewalk. This section shall not apply to municipal snow removal operations.

Approved as to legal form and character:

DANIEL M. FUNK
City Solicitor

Under Suspension of Rules
Readings Waived and Adopted
22 yeas 0 nays 2 absent (Ald. Lappin and Lipof)

EXECUTIVE DEPARTMENT
Approved: July 14, 2004

(SGD) EDWARD G. ENGLISH
City Clerk

(SGD) DAVID B. COHEN
Mayor