

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MARCH 7, 2007

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

Also present: Ald. Baker, Coletti, Sangiolo, Lennon, Linsky, Merrill and Parker

City personnel: Clint Schuckel (Traffic Engineer), Nick Parnell (Commissioner of Public Buildings), Arthur Cabral (Budget and Project Specialist; Public Buildings Department), Sandy Pooler (Chief Administrative Officer), Joseph LaCroix (Fire Chief), Karyn Dean (Committee Clerk) and Shawn a Sullivan (Committee Clerk)

#53-07 NSTAR ELECTRIC COMPANY petitioning for a grant of location to install 10' ± of conduit at Pole 770/3 and to relocate Pole 770/3 on the southeasterly side of MERRILL ROAD to approximately 295' southwest of Ward Street. [1-7-07 @ 2:23 PM]

ACTION: **HELD 7-0**

NOTE: Clint Schuckel presented the petition to the Committee. NStar is requesting a grant of location to install 10' of conduit and relocate a pole 5 ½' from its original position to allow the residents of 26 Merrill Road some maneuvering room when exiting their driveway. The Department of Public Works has reviewed the petition and determined that there is no adverse impact to the right of way. The Tree Warden, Marc Welch, was consulted regarding a city tree located about 7' from the proposed new pole location. Mr. Welch is satisfied that the pole relocation will not create a conflict with the tree or its roots. The Chairman visited the site and explained that part of the problem for the residents is that there is new conduit encased in housing along the side of the pole that protrudes that makes it very difficult to turn into the driveway. The conduit was added to provide service to a new home located at the end of Merrill Road, which has underground service.

The public hearing was opened and Diane Gordon, Attorney for Robert and Iris Frisch who reside at 16 Merrill Road, spoke on the petition. The lot line of 16 Merrill Road is very unusual because it runs on a diagonal towards 26 Merrill Road. The existing pole is actually located in front of the property at 16 Merrill Road and the proposed replacement of the pole would also be in front of their property. Ms. Gordon provided the Committee with photographs detailing where the lot line is located and the proposed pole location (attached). It appears that a portion of the driveway at 26 Merrill Road encroaches on the property at 16 Merrill Road. Iris Frisch, 16 Merrill Road, also read a letter to the Committee, which is attached. Ald. Schnipper asked if Ms. Frisch was suggesting that the residents of 26 Merrill Road were no longer going to have access to that portion of their driveway. Ms. Frisch responded that the Cohens, who live at 26 Merrill Road, removed the survey stakes from the driveway without consulting them. Therefore, the Frisch's may decide to reacquire the land being used by the Cohens.

Martin Cohen, 26 Merrill Road, spoke on the petition. They requested the pole relocation due to safety concerns. The Cohens have two inexperienced drivers and the pole with additional encased conduit makes it difficult for them to make the turn in and out of the driveway. Mr. Cohen stated that it is unfortunate in terms of neighbor relations. He does not want it worked out in a way that could be adverse to his neighbors. The Cohens have lived in the house for fourteen years and previously believed the land was theirs. It was not until the Frischs moved in that it was discovered that the plot line is very different from what was thought. He explained that he removed the survey stake because he did not realize what it was. Liz Keading Cohen, 26 Merrill Road, also spoke on the petition. She reiterated that she and her husband were completely unaware that the Frisch's lot line was located in their driveway. The house was constructed in 1940 and the driveway is original. The Cohens purchased the property with the driveway in the current location. The pole relocation was initiated long before the Frischs were in the neighborhood because of the house at the end of the block that was constructed requiring the addition of the conduit on the side of the pole. The Cohens have worked with all of their neighbors to negotiate the proposed pole location. As there were no other people wishing to make comments on the petition, the public hearing was closed.

Ald. Albright suggested the possibility of moving the pole to the other side of the driveway. There is a question of whether it would create spacing issues between the other poles on the street and NStar will need to determine if it is a possible location. Ald. Yates asked if the conduit could be placed on the other side of the pole. Ms. Cohen responded that they had discussed that option with NStar but NStar felt there could be potential problems with that. The Committee requested legal documents from the Frischs stating that their lot line encompasses a portion of the driveway at 26 Merrill Road. The Committee would like an opinion from the Law Department regarding whether the location of property lines impact or change a grant of location petition. It would also be helpful if NStar could provide the Committee with alternatives to the proposed pole location. Ald. Albright moved to hold on the item, which carried unanimously.

REFERRED TO PROG.&SERV., PUB.FACILITIES AND FINANCE COMMITTEES

#56-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$131,883,000 for the purpose of paying costs of engineering, designing, constructing, originally equipping and furnishing a new NNHS, demolishing the old NNHS structure, and all other associated costs with these projects. The funding source is to be a combination of long-term debt, MSBA low-interest loans, and grant funds. [02-13-07 @ 5:29 PM]

ACTION: **APPROVED 3-0-4 (Albright, Mansfield, Salvucci, Weisbuch abstaining)**

NOTE: The Committee began discussion with the value-engineering list. The Chair explained that the focus would be on the five value-engineering items that need to be decided in the very near future. Those items include the HVAC system, the theater balcony, the configuration of Main Street, the athletic building roof design and the materials for the exterior of the building. The School Committee has discussed these five value-engineering items and forwarded a memo to the Committee regarding their position on the items (attached). The items were discussed by Design Review Committee at their meeting and the Chair will ask for a report on where the Design Review Committee stands on the five value-engineering items. Several

members of the design team, the Public Buildings Commissioner, the Project Manager and Arthur Cabral joined the Committee for the discussion.

Commissioner Parnell updated the Committee on the Design Review Committee meeting of March 1, 2007. The Design Review Committee reviewed the five value-engineering items. They have signed off on some of the items and forwarded them to the School Committee but they have asked for some guidance from the Board on the five items. Ald. Schnipper reminded the Committee that she would fight as forcefully as she can for the Committee's thoughts to be heard but the ultimate decisions lie with the Executive Department. The Commissioner requested that the Design Review Committee allow the architects to prepare early bid packages in order to start the pricing process with Dimeo Construction. It is a four-month process to complete the bid packages. It is hoped that the project will break ground in July; therefore, it is critical to get a release to proceed on the packages. The early bid packages would encompass the concrete for the foundations, structural steel, vertical transportation, HVAC and electrical/telecommunications. The Design Review Committee will review and approve the documents as they are developed. The Design Review Committee expects a schedule of design activities be presented within two weeks of March 1, 2007. The Design Review Committee voted to recommend that the design team prepare the early bid packages unanimously. The Design Review Committee carefully constructed a written motion, which is attached.

Ald. Yates stated that the soil processing was listed on the budget breakdown as an add-on and he questioned why it was not part of the original budget. Mr. Juusola explained that the additional funds were due to the geo-technical testing that took place last summer. When the schematic engineering estimate was prepared, there was no cost for soil processing because the geo-technical testing had not been done. Ald. Yates asked why the soil is unsuitable and if the soil going to be removed from the site. Mr. Juusola responded that as a result of the geo-technical testing it was discovered that remnants of old foundations are located there from the old high school buildings. There is nothing hazardous or contaminated but it will be removed from the site. It is just construction rubble. When the current school was built, they took the foundations, dumped them into the basements of the old schools, and covered them with soil. Ald. Mansfield asked if there was any ledge removal from the site. There is no ledge removal as the locker rooms in the athletic building have been moved. Ald. Mansfield asked if it would be up to Dimeo to make plans for the rock crushing that goes along with soil processing. It is ultimately up to Dimeo Construction but it is part of the pre-construction process and the design team will review the logistics plan. Ald. Mansfield is concerned about the impact of the rock crushing and construction on the neighbors of the school. Ald. Albright would like the Ward 2 Aldermen to be involved in the plans for the rock crushing and set it up so it minimizes the impact on the neighborhood.

Ald. Gentile asked Mr. Juusola if someone from Dimeo Construction was onboard with the design team. Mr. Juusola stated that Dimeo is starting work with the design team. They have had a preliminary meeting with the project manager. They will be setting up a pre-construction kick-off meeting. Ald. Gentile asked if the contract with Dimeo was signed. The contract is close to being signed. The delay is due to negotiation regarding setting a Guaranteed Maximum Price (GMP), time constraints and deliverables. The City and Dimeo are trying to come to a happy medium. Ald. Gentile stated that at the last meeting the Committee was told

that even though the contract had not been signed, that someone from Dimeo would be onboard the first week in March. One of the reasons that the City went with the construction manager at-risk was that they would be part of the project from the beginning. The Committee felt strongly that the City needs the construction manager onboard, as soon as possible.

John Prokos from Gund Partnership gave a PowerPoint presentation on the five value-engineering items. The presentation and audio file of the meeting are available on the City of Newton website. There are five decisions on value-engineering items that are critical to finalizing the design teams' decisions and enabling them to complete their drawings. The five items affect the drawings much more than deciding on porcelain tile versus vinyl tile. They are critical items that go to the crux of the building design. The first item is the athletic building roof design. It affects the structural steel detailing and the elevations. It is a substantial cost savings if the sloped roofs are removed. The second item is the replacement of brick with block material on the exterior of the building. The greatest cost savings come if the building is at least 50% block on the exterior. The design team has looked at using a little more block. Mr. Prokos provided samples of brick and block materials. The design team thinks that the block can work very well on the façade by using a tan block and having red brick stripes running through. The decision on block or brick is critical because it sets all of the window sizes in the building and a lot of detailing revolves around the choice. The third item is the balcony or auditorium style theater. The Design Review Committee and the School Committee both recommend the balcony style auditorium. The balcony provides better acoustics. The fourth item is the size of Main Street. Both the Design Review Committee and School Committee are in favor of the reduction of Main Street. The last item is the HVAC system design and there is wide support to use the central plant HVAC system.

The Aldermen discussed Mr. Prokos' presentation of the five critical value-engineering pieces. The Committee was not supportive of the flat roof design. Many members felt that without the sloped roofs it is a very different design than what was presented to the voters for the referendum petition. In addition, the sloped roofs are a much better fit with the neighborhood surrounding the school. There was some discussion of whether a mix of flat roofs and sloped roofs could be aesthetically pleasing. Brad Dore from Dore and Whittier stated that it is a choice of aesthetics but mixed roofs could definitely work. The Committee would like the school to be a brick building. Brick is the better quality material, much more attractive and fits better with the neighborhood. The Committee was in favor of the balcony in the theater, as it is a better design for theater use. The Committee was also supportive of the reduction of Main Street, as it has no impact on the program of the school. The Committee is in favor of the central plant HVAC system as it is the most cost effective in terms of life-cycle costs. The Committee also raised their concern about the basement. They would really like some basement space considered.

The Committee asked Mr. Pooler if the Mayor is willing to come back to the Board if there is not enough money to fund the quality building that the Board wants. Mr. Pooler explained that he needed to speak with the Mayor before commenting on what the Mayor would do. However, the Mayor has publicly stated that the target cost of the building is \$141 million but he also wants a quality building. Mr. Pooler has heard the concerns of the Board. He would suggest the Aldermen speak with the Mayor directly about their concerns.

The Committee then began discussion on the funding. The School Building Assistance Bureau needs the whole funding plan and if the Board were to approve only the funds necessary to proceed with the early stages of the project, it could jeopardize the \$46.5 million from the state. The SBA wants the authorization for what the City is setting the cost at, which does not mean that the cost cannot be increased. Ald. Mansfield felt that if the entire amount of money were approved, the Aldermen would no longer have any authority over the project. Ald. Mansfield is not comfortable voting the money at this time.

Mr. Pooler stated that he has spoken with Ald. Coletti regarding the funding but he is still preparing information. He has been focusing on the financial issues the Finance Committee has raised. He was not planning a presentation but will answer any questions the Aldermen may have.

Ald. Gentile moved approval of the item. He believes the process needs to continue to move forward. There will be Finance and Programs & Services Committee meetings on this item and Full Board meetings on the item. There is anywhere between three weeks and five weeks before anything is resolved concerning the funding. The Mayor has to convince enough members of this Board that they are going to get the building that they have been working for and if not he is not going to get enough votes. He does not want to risk the state's money but more importantly, he would like to begin using the state's money as soon as possible. Ald. Gentile understands the reservations that other Aldermen have but it is up to the Mayor in the next few weeks to convince the Board that he is going to make the right decisions. Ald. Albright would like to be able to vote in the affirmative but she has too many unanswered questions. She would like to hear from the Administration regarding where they stand on some of the value-engineering issues before the Committee moves it ahead. Ald. Gentile pointed out that there is plenty of opportunity to further discuss the item. Ald. Coletti urged the Committee to vote on the item to allow the Finance Committee to do the work it needs to do on the item.

Ald. Gentile suggested a resolution to the Mayor supporting the original design, which was part of the 5-58 site-plan approval process and supported by the referendum vote. He has not shaped the language for the resolution yet but will work on it and present it to the Board. The Committee voted on the motion to approve the item, which carried by a vote of three in favor and four abstentions.

#68-07 ALD. LENNON, GENTILE SALVUCCI & COLETTI requesting discussion with the Public Buildings Commissioner and the Fire Chief regarding the structural integrity of Fire Station #7 and the inspection performed by DM Berg Consultants. {2/27/07 @ 12:33 PM}

ACTION: **HELD 7-0**

NOTE: Commissioner Parnell and Chief LaCroix joined the Committee for discussion of this item. Commissioner Parnell stated that the floor is safe enough to carry the weight of the new truck that the Chief is ordering. It was determined by having a structural engineer look at the building. The engineer does calculations based upon the sizes of support beams, the thickness of the slab used for the floor, the size of the columns, etc... to determine if the floor

will carry the loads imposed on it by the new equipment. DM Berg Consultants is one of the most thorough engineers the Commissioner has ever worked with and they are highly recommended. DM Berg Consultants have worked with the City on a number of different projects. The Commissioner would never do anything less than use the best when evaluating anything. The Public Buildings Department is very cognizant of life-safety and will always use due diligence in making sure that any public building is up to code.

Ald. Schnipper appreciates what Commissioner Parnell has said about DM Berg Consultants; however, she has zero confidence in a report that was issued regarding a building that the Board has heard is in very poor shape without a site visit. She understands that a site visit has since been done but the public confidence in that report is very shaky.

Chief LaCroix reviewed the as-built plans of Fire Station 7. The beams are 2.6' x 2.6' reinforced steel; the columns are 2.6' x 2.6', which goes onto a regular foundation wall on the exterior skirt. The slab itself is a 10" double mat concrete with reinforced steel. Everything below the deck is all reinforced concrete and cast in place.

Ald. Gentile asked why DM Berg Consultants did not do a site visit before submitting the report. Ald. Gentile is assuming that they were not asked to visit the site due to monetary concerns. The Commissioner responded that is not the case. When the Chief decided to purchase the new equipment, he spoke with Commissioner Parnell regarding his concerns about Station 7 being able to bear the weight of the new truck. The Chief and the Commissioner decided that the best course of action was to have the on-call structural engineer inspect the floor. The Commissioner has walked through Station 7 many times and there are no discernable structural issues. He has been in the mechanics' area and did see some spalling of concrete but that has no effect on the structural integrity of the floor. The structural engineer looked at the plans and specifications and determined that the floor will support the weight of the equipment. The Commissioner stated that the structural engineer should have done a site visit. Based upon the drawings, engineering calculations and the Commissioner's visual observations, the structural engineer felt that a site visit was unnecessary.

Ald. Gentile stated that although DM Berg Consultants has a great reputation, because the site visit was not made the report seems sullied and no one is going to believe the report. He feels that the City should get another party to do a site visit and a report because when you are talking about health and safety you do not want to take any chances. The proper solution is to do another evaluation of the fire station floor, as it is not an expensive undertaking. The Committee agreed with Ald. Gentile regarding a second study. Ald. Coletti has a few concerns regarding the addition of the new truck to that particular station. One of the only active faults in the City of Newton is located under the station. There is the possibility that any substantial seismic activity could damage the building. He is also concerned about extreme weather and the damage it can do to a two-story building. He does not understand why it is critical that the new equipment needs to go to the Station that has two floors. If the equipment was going to Station 1 in Newton Corner where it is better suited as the tall buildings are located there, it would be in a building with no basement. Most importantly, he does not think the new equipment should be put at Station 7; an executive decision should be made to locate the equipment and the men, who would work with that equipment to a different station.

Ald. Lennon spoke on the item and he agrees that there should be a second evaluation. It is very difficult to talk about the first study and give it a positive spin, especially with constituents. He would have more confidence in the evaluation, if a second inspection were done. Ald. Parker asked Commissioner Parnell if he was aware that the consultant had not visited the site. The Commissioner responded that he believes the consultant had done all of his preliminary analysis before the equipment had been selected. The Commissioner did not know whether the consultant had visited the site or not, as the report came out while the Commissioner was out of the country. The Commissioner felt that if a second inspection would put people's minds to rest, it should be done. The Commissioner takes full responsibility for the lack of a site visit by the consultant.

The Chief spoke with the consultant. He had not ordered the equipment and he asked the consultant if the floor would hold the weight. The consultant can do those calculations, as long as there are quality plans and prints of the building. The consultant did load calculations, as part of that the manufacturer of the new equipment sent in where the tires were located, what the maximum load of the vehicle is and bearing points, etc...It was all included in the structural engineer's report. The Chief was surprised that the consultant did not do an initial site visit but once a request for a site visit was made, the consultant went out. The floor is in great shape and the spalling has no effect on the floor. The Chief is very comfortable with the inspection but understands why the Committee would request a second study.

Sandy Pooler spoke on the suggestion of second inspection. He has no problem with doing that. However, it is his opinion that if there anything wrong with the floor that would affect the structural integrity the Chief or Commissioner Parnell would have reported it a long time ago. Ald. Albright responded that there is a lack of confidence, as she has toured the fire stations and seen that there are many repairs that need to be made. The Commissioner explained that he visits the municipal buildings and if he sees any type of structural problem that he is uncomfortable with, he immediately gets a structural engineer or architect to look at the problem. The floor and supports at Station 7 are uncovered and you can immediately tell if there are any problems.

The Chief addressed Ald. Coletti's suggestion that the new engine would be better utilized at Station 1. Many new codes have come into effect and apparatus are wider, taller and heavier. Whatever piece of equipment that is going to go into that station is going to be larger than the previous equipment. If the floor supports it, it will go there. Ald. Yates asked about Ald. Coletti's statement that there were higher buildings in Newton Corner. The Chief responded that there are high buildings throughout the City. The Imperial Towers, Chestnut Hill Towers and a proposed new complex are located within the first alarm district of Station 7. The equipment is going to Station 7 because that ladder truck was the next to be replaced.

Ald. Yates suggested a resolution to the Mayor to request a second structural engineering review. Ald. Gentile was supportive of a resolution stating that a second structural engineer should be hired by the City to do an evaluation on the safety of the floor at Station 7 with regard to the addition of the new apparatus. Ald. Coletti stated that if there is going to be a second inspection, he would like to see a certified person tell the City what the maximum floor weight

loading is on that floor. He would like to know how much weight the floor could handle because no one is taking into consideration that there are three spaces for parking. If they take Ladder 2, which is going to become the spare piece and put it next to the new ladder you will have two heavy ladders on the floor plus any other equipment in the third space. It is important to stay 1/3 below the maximum weight for the floor. Ald. Gentile felt that it is important for the Chief to speak for himself regarding issues within the Fire Department, as he is perfectly capable of speaking on them and the people in the City have a right to know that the Fire Chief knows what is going on within his department. Ald. Gentile moved approval of the resolution, which carried unanimously. Ald. Yates moved hold on the main item, which carried unanimously.

#68-07(2) PUBLIC FACILITIES COMMITTEE requesting a Resolution to His Honor the Mayor requesting a second structural engineering inspection and report, which includes a certified weight limit for the floor.

ACTION: **APPROVED 7-0**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#76-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$300,000 from Free Cash for the purpose of conducting a study of the municipal buildings throughout the city. [02-27-07 @ 4:16 PM]

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

NOTE: Commissioner Parnell presented the item to the Committee. It is a request to conduct a study of 51 municipal buildings throughout the City. The School Department is doing their own study on the school buildings. There will be analysis of each of the 51 buildings. The study will include an evaluation of the physical conditions of both the interior and exterior of those facilities. The study will look at the physical plan analysis and pertinent recommendations will be made for the buildings including evaluating the building envelope, structural, electrical, plumbing, and mechanical and life safety systems. The consultant will be expected to consider issues on energy conservation, sustainability, and life cycle analysis and will give the City a database of all of their findings with cost estimates and a potential plan for addressing problems.

Ald. Schnipper asked if the \$300,000 was enough money to study all 51 buildings. The Commissioner stated that \$300,000 should be enough to get a comprehensive study. Some buildings are going to require more money. He will get the draft RFP to the Board and the draft will be given to the Designer Selection Committee for their comments. The Commissioner would like to know if the Aldermen feel there are any buildings missing from the study.

Ald. Mansfield asked how the \$300,000 figure for the study was determined. Commissioner Parnell checked with different study architects to find out what they would charge. The study encompasses any municipal building that has plumbing and electrical system. Ald. Gentile questioned why if we have had the study on the fire stations for a year and a half and we are no closer today to doing any of the much needed work, why should he vote to approve money for this study. The fire stations are also part of the study and will tie in with the existing fire stations study. The City has a good handle on the HVAC, electrical and mechanical for the fire stations but the envelope of the buildings, the roofs and the windows need to be studied. Ald. Gentile will not vote against the item but will abstain in order to digest the

information. He could not vote for the item knowing the fire station study was sitting on a shelf. Ald. Salvucci asked why the fire station study has not come before the Board. The Commissioner explained that he is aggressively trying to do the envelopes of the fire stations, such as the roofs at Station 4 and 7. They will continue to move forward in that way until there is a plan developed on how to move ahead. A motion to approve the item was made and it carried with six in favor, none opposed and one abstention.

#69-07 ALD. WEISBUCH proposing an ordinance requiring all contractors working on City building projects to certify that they will not use undocumented workers, that they will not accept altered or fabricated documents from their employees and that contractors also be required to verify workers' immigration status without engaging in unlawful discrimination. {2/26/07 @ 3:28 PM}

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

NOTE: Ald. Weisbuch thought that this was something that the Board could approve before the Construction Manager at-Risk Contract is signed. However, he is willing for the Committee to hold the item until its next meeting. Ald. Schnipper has spoken with the Law Department and she believes that Ald. Weisbuch is responding to the Governor's new Executive Order about strengthening what is a current law. The contractors must abide by the current law, which states that it is not legal to hire undocumented workers. It could be very simply added as a provision requiring contractors to uphold the state law. The Law Department provided the Committee with an Executive Order, which will be attached to the Committee's next agenda.

Ald. Weisbuch is aware that there are laws making immigration without the proper paper work illegal and making working in this country illegal. The purpose of his docket item is to protect the City by giving the City the bargaining power and some legal cover. Ald. Schnipper requested that the item be held until the next meeting. Ald. Weisbuch moved to hold the item and requested that an attorney from the Law Department be present at the next meeting. The motion carried and the item was held.

Respectfully submitted,

Sydra Schnipper, Chairman