

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MARCH 21, 2007

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

Also present: Ald. Baker, Coletti and Harney

City staff: Nick Parnell (Commissioner of Public Buildings), Arthur Cabral (Budget and Project Specialist; Public Buildings Department), Lou Taverna (City Engineer), Sandy Pooler (Chief Budget Officer), Clint Schuckel (Traffic Engineer) and Shawna Sullivan (Committee Clerk)

Appointment by the Board President

#70-07 ALD. BAKER recommending Lawrence Bauer, 42 Eliot Memorial Road, Newton, be appointed as a member of the Designer Selection Committee to fill the unexpired term of Jeremiah Eck, which expires 12/31/07. {02-27-07 @3:34 PM}

ACTION: **APPROVED 6-0 (Gentile and Weisbuch not voting)**

NOTE: Mr. Bauer joined the Committee for discussion of his appointment to the Designer Selection Committee. Mr. Bauer is a principal of Solomon and Bauer Architects, Inc., and a member of the City's Public Buildings Preservation Task Force. Mr. Bauer previously served on and chaired the Newton Historical Commission for many years. He resigned from the Historical Commission because he felt that it was time for a change. He is very interested in serving on the Designer Selection Committee.

Ald. Yates strongly recommended Mr. Bauer's appointment and moved approval. Ald. Mansfield asked if there would be any conflict with Mr. Bauer serving on both the Public Buildings Preservation Task Force and the Designer Selection Committee. Commissioner Parnell responded that the Public Buildings Task Force is not involved in the public bidding process there is no conflict. Ald. Salvucci asked if Mr. Bauer had been involved in any school building projects as an architect. Mr. Bauer responded that he has never been involved with the design of a school; however, he has worked on museums and religious institutions.

The Chair thanked Mr. Bauer for his willingness to the serve the City in this capacity. The Committee voted on the motion of approval unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#345-06 ALD. SCHNIPPER requesting that the contingency on smaller Public Buildings' projects be increased from 5% to at least 8%.

ACTION: **HELD 7-0**

NOTE: Arthur Cabral and Commissioner Parnell joined the Committee for discussion of this item. Ald. Schnipper docketed the item because the Commissioner has requested more than

a 5% contingency on several of the recent projects that have come before the Public Facilities Committee. The Commissioner explained that most of the work the Public Buildings Department does is renovation work. There is an industry standard of 10% for renovations. The Commissioner would be more than happy with a contingency of 8% on smaller renovation projects. He has spoken with Mike Lambert, who is the Director of Design and Construction at the Division of Capital Assets. They put out publications that contain information on what fees are for buildings and guidelines. They are currently using a standard of 5% on new buildings and 10% on renovated buildings because of the existing conditions that cause issues during renovation work. The Commissioner realizes that he can always come back to the Board for more money but he would like the flexibility when doing renovation work to have the flexibility of an 8% contingency in order to have sufficient funds to cover those unexpected and unforeseen conditions during renovations.

Ald. Salvucci asked how much money the Commissioner had turned back from renovation projects. The Commissioner stated that they do not turn back significant amounts of money. Ald. Salvucci will check with the Comptroller to determine the amount that has been turned back. Ald. Yates asked why if there are plans for existing buildings are there many surprises during renovation. The Commissioner does a lot of investigative work before undertaking a project but underlying problems are not easily detected. If the City did not have plans, the Commissioner would be asking for a 20% contingency. Many of the older plans for buildings do not contain the same level of details as newer plans. Ald. Lappin asked what the contingency percentage is in other cities and towns. The Commissioner has not spoken with his counterparts regarding contingency percentages but Mr. Lambert has told the Commissioner the average is 10%. Ald. Schnipper would like to see a comparison of other cities and towns. She also asked if the other cities and towns included contingency on the design portion. The Commissioner stated that they put a contingency on the entire project and it is the standard. The Commissioner will provide information on that standard as well. Commissioner Parnell explained that when he comes in for the funds for a project, he does not have a designer or architect on board yet. Ald. Schnipper would not mind raising the contingency if the figures were tighter.

Ald. Lappin moved hold until the Commissioner can provide comparative data from other communities. The Committee voted to hold the item.

#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 (Lappin and Salvucci not voting)**

NOTE: Ald. Weisbuch's intent is to have an ordinance in place that reinforces state and federal law that is already in place. It would require any contractor hired by the city to verify that their workers are not undocumented or using false documents. The contractors would also be required to verify the workers' immigration status through Social Security or other state and federal offices. The proposed ordinance would also protect the city should a contractor who is

hired by the city hire undocumented workers. It would enable the city to break the contract, if necessary.

Ald. Mansfield asked if the Law Department had reviewed the docket item. Ald. Schnipper stated that she spoke with the Law Department regarding this item and Gayle Smalley stated that an addendum could be added to the contracts for the new high school stating that they were required to obey all state and federal law. Ald. Schnipper suggested that there needed to be something more specific from the Law Department. Ald. Mansfield stated that the Committee needed to know if it was appropriate as an ordinance and what that ordinance should look like. Ald. Gentile would like to know if the City currently can get out of a contract if a contractor employed undocumented or illegal workers. The Committee felt that they needed a reading from the Law Department before any action could be taken on the item. Therefore, the Committee held the item until they received input from the Law Department.

#178-06 ALD. SCHNIPPER, LINSKY AND ALBRIGHT requesting a report on the commissioning of Newton South High School.

ACTION: **HELD 7-0**

NOTE: Commissioner Parnell provided the Committee with an update on the commissioning of Newton South High School's HVAC system. During the months of February and March, RDK - the commissioning agent, RP O'Connell - the controls person under the contract and General Mechanical Corporation - the installers of the system, came back to the site and were addressing many of the issues found on the commissioning log from RDK. We are getting the controls person back and the person who actually did the installation honoring a punch list item of work at the site as a result of the commissioning. About 645 issues were identified, which included changing of filters, loose screws and so forth. The controls person and installer have aggressively worked on and completed 319 items, those items have been verified, and corrections accepted. Twenty-two have been addressed and RDK will verify and accept the correction. Twenty-eight major items will be addressed over the April vacation. The Commissioner has asked for a break out on the 245 remaining items to determine whether they are minor or major issues.

Ald. Schnipper asked if there was a timeframe for finishing the commissioning. The Commissioner responded that they are currently addressing the winter issues and will address the cooling issues over the spring and summer. Ald. Gentile asked if the Commissioner had filled the newly created HVAC technician position in the Public Buildings Department. The Commissioner is in the process of advertising for the position. There was delay in filling the position due to the need to hire a new Facilities Manager. Ald. Yates moved hold on the item for a final report on the commissioning, which carried unanimously.

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]

Public Facilities Approved 6-0-1 on 3/7/07; Finance Motion to Approve Fails to Carry 2-4-1 on 03/12/07; Item Recommitted to both Committees on 3/19/07

ACTION: HELD 7-0 (Mansfield not voting)

NOTE: The Board of Aldermen at the March 19, 2007 meeting recommitted this item. The Mayor has amended his original request for \$300,000 for a municipal building study. The amended request is for \$250,000 for a study of twenty-six of the largest municipal buildings. These buildings have boilers, bathrooms, pipes, electrical and cooling systems. The approximate cost of the study is \$.63 per square foot. Commissioner Parnell provided the Committee with a revised excerpt from the draft Request for Qualifications with a list of the twenty-six buildings including the year built and total square footage of the buildings, which is attached. The study will provide a database of existing conditions; deficiencies that need to be addressed, life expectancy of and information about the buildings. The study will enable the City to prioritize the repairs needed for each of the buildings. The Commissioner does not see any full renovations of the buildings but he will be able to aggressively state what needs to be replaced.

Ald. Lappin asked what would happen with the studies paid for with CPA funds that have been done on some of the buildings on the list. The Commissioner responded that the new study would piggyback on the existing CPA studies. The new study will address the interiors of the building, as the CPA studies usually only focus on the building envelope. The Commissioner pointed out that the information gathered from the buildings study could be used for a CPA fund application, as the Community Preservation Committee is requiring a study before funding projects. Ald. Coletti inquired why the cost of the study for 26 buildings is \$250,000, when the original request was for a study of 51 buildings for \$300,000. It seems like the actual cost per square foot has increased. Ald. Coletti would like to see a breakout of the value of the work for each of the buildings. Many of the 26 buildings on the list are mundane, small building and many of them are garages. If you review the cost for each building, the main library, city hall and the police station make up about 60% of the money that is being spent on the study. The main library is fairly new and \$59,000 seems excessive for the newest building in the City. City Hall needs approximately \$4 million worth of work and he questions why the city would spend \$51,000 on a building that we know what it needs. The Police Station was just renovated for \$5 million and should not require such an extensive study. Many Aldermen were led to believe that the buildings that were going to be reviewed had a tremendous impact on the infrastructure of the City. When the Finance Committee discussed this item, the members were told that there was nothing that was going to be done with fire stations until after January 2008, after the study is completed. The fire stations have been removed from the study list. Ald. Coletti is concerned that the city is not going to do any work on the fire stations and they are only going to deteriorate even further. He does not understand why the Mayor would hold up critical work, while waiting for the study. Ald. Coletti believes that the study is a stall. He suggested that the Committee ask the Commissioner and the Mayor when they are going to move forward on the critical items and if there is a plan to address building maintenance and repair requests that will be made in July. Ald. Coletti pointed out that the Mayor is going to release the fire stations study in April, but he believes that the Mayor will not be announcing that there will be any money directed towards repair of the stations. The study does not give him a great sense that the city is making a

commitment to begin working on the schools or fire stations. It is wrong to delay this work until the study is completed.

Ald. Gentile asked if the study goes forward and it identifies serious health and safety issues, how the city would respond to those issues. Ald. Gentile is fairly sure that the study will find some safety issues that cannot be ignored. The Commissioner will actively and aggressively address any life safety concerns. In the normal course of action, the Public Buildings Department addresses any safety issues. Although Ald. Gentile is not a fan of studies, he pointed out that several Aldermen over the years have requested this type of study. The Commissioner replied that it is his job to come up with a study of the city's facilities. The study will give the city a planning guide for the issues in the buildings that need to be addressed. The city has no planning guide and it is an embarrassment that we do not have a planning document. Ald. Salvucci pointed out that the Mayor will need to come up with the funding to address the issues that the study raises and he does not see that happening in the near future.

Ald. Gentile stated that what keeps getting in the way of the study are the fire stations. We have had information for over a year and a half regarding the fire stations. There was a break down of needs to be done in the stations with estimated costs. The Board has been sitting by and waiting for a plan to address the fire stations. The city must address the fire stations; however, nothing is being done. It is truly frustrating that there is no plan to address the deplorable condition of the fire stations. If there were a plan for the fire stations, the money for a building study would not be a concern. It is amazing to Ald. Gentile that the Administration does not understand that the Aldermen want the fire stations repaired and it should be the first priority. The Aldermen have been waiting for the fire station for over a year.

Ald. Albright felt that the fact that there was a study on the fire stations and no work has been done on the stations calls the whole idea of a study on the municipal buildings into question. Why should the city do more studies until the findings from the fire stations study have been addressed. The Commissioner stated that the fire stations study would be complete in the next couple of weeks. Ald. Lappin asked why the firm who performed the study was paid before the study was complete. The Commissioner explained that the city got a very good deal on the study. Ald. Schnipper stated that she was one of two people to vote for the building study in Finance because it included the fire stations and it said to her that the fire stations would be done. She is now inclined not to vote for the study until the piece regarding the fire stations comes forward. Some of the stations are so deplorable that work has to happen there. The city has a near catastrophic situation in most of the firehouses and the city is not addressing the situation. It really does not create any level of comfort to do yet another study when no work has been done on a study that has shown catastrophic conditions.

Ald. Coletti has not heard that there is a request for any money from the supplemental budget to address the fire stations or anything else. The city has \$3 million that has not been spent for snow removal; there is another \$5 million in overlay surplus that is just sitting there. The city has significant cash reserves that should be used for something. The city also has plenty of bonding capacity and the Mayor is coming in with \$4.5 million for Astroturf for Newton South High School instead of bonding for the fire stations.

Ald. Gentile moved hold on the item because he felt that there should be no action on the item until the fire stations study is released. The motion carried unanimously. Ald. Yates reminded the Committee that if the Committee wants to make it clear that the fire stations are a priority; they should look at the Capital Improvement Program and amend it.

#71-07 ALD. BAKER AND VANCE requesting discussion of changing the system of city street light maintenance and repair to assure that outages are responded to in a timely manner, including the city assuming responsibility for work currently conducted by NStar, or other measures not currently in use, and to have some specific individual in the city whose specific responsibility is to manage and respond to street light outages. {02-27-07 @ 5:55 PM}

ACTION: **HELD 7-0**

NOTE: The item was held, as key people were unavailable to participate in the discussion of the item.

REFERRED TO PUB. SAF/TRANS. AND PUB FACILITIES COMMITTEES

#21-05(5) ALD. STEWART requesting that certain pedestrian safety improvements, including traffic islands, rebuilt curb cuts, and relocation of a stop sign, be made at the intersection of Hagar and Concord Streets, Newton Lower Falls.

ACTION: **HELD 7-0**

NOTE: The City Engineer and Traffic Engineer presented the item to the Committee. There are four proposed locations for traffic calming along the Grove Street Corridor. The first location is Concord Street at Hagar Street. The proposed change is to bump out the curbs at all sides of the intersection and add a traffic island to slow traffic. The Traffic Engineer's only concern is with the island. Traffic islands are difficult to maintain and he would recommend bumping the curbs out further and eliminating the island. Mr. Taverna stated that it is possible to use scored concrete that is flush with the street instead of a raised island. Ald. Mansfield suggested a trial with sand bags to determine the best course of action.

The second intersection is at Grove Street and Hagar Street. Grove Street becomes a one-way street right after the intersection of Hagar Street and the intersection is very confusing. There is nothing to slow traffic going southbound on Grove Street and turning onto Hagar Street, which creates a conflict with cars coming out of Hagar Street and turning north on Grove Street. The changes to the intersection will include bumping out the curbs to create a more defined intersection. There is currently a large island at the intersection, which would be reduced and better signage will be added. Mr. Schuckel felt that the changes would make a confusing location clearer for drivers. Ald. Harney asked if there was a stop sign planned for the intersection. Mr. Schuckel stated that he had looked at the possibility of a stop sign but it is his opinion that it is not a good location for a stop sign. If the goal is traffic calming, a stop sign is not the answer. If you can make geometric changes to the road to allow people to keep driving but slow them down, it is the better option.

The third intersection is Grove Street and Cornell Street. It is a skewed intersection and the curb cuts and crosswalks do not line up at 90° angles. The proposed modifications include

reconfiguration of the curbing, reconfiguration of the handicapped ramps and creating crosswalks at 90° angles from each other. It is a minor change to the intersection.

The fourth intersection is Moulton Road at Grove Street. The proposed modifications would make Grove Street two-way between Moulton Road and Washington Street, bump out the curb lines at Grove Street and Washington Street, and add an island and signage at Grove Street and Washington Street. The Traffic Engineer stated that an island is justified at this location to alleviate confusion when entering and exiting Grove Street. Ald. Coletti observed that people from the condominium complex on Grove Street park on the street, as they only have one space in the parking lot and if the street were two-way, it would eliminate that parking. The Traffic Engineer agreed to look at other possible parking for the condominium.

The City Engineer stated that Grove Street would be repaved with Chapter 90 money in 2008. The proposed modifications would be funded through traffic mitigation funds from the Cabot, Cabot and Forbes project on Grove Street. The modifications will be done before or during the reconstruction of Grove Street. The Committee members felt that there needed to be trials for Grove Street and Hagar Street, Grove Street and Hagar Street and Moulton Road at Grove Street. Ald. Gentile asked if the neighborhood was aware and approved of the changes to these intersections. Former Alderman Stewart has spoken with residents and is now a member of the Lower Falls Improvement Association, which has been involved with the proposed modifications. Ald. Harney will be presenting the proposed modifications to a neighborhood meeting this coming week. Ald. Albright moved hold on the item until the trials have been completed.

REFERRED TO PUB. SAF/TRANS. AND PUB FACILITIES COMMITTEES

#61-05 ALD. SAMUELSON, DANBERG AND CANDACE HAVENS requesting that, as part of the reconstruction process for TYLER TERRACE and/or CLARK STREET, speed humps be redesigned in order to improve safety for moving traffic while still slowing speeds to 25 mph.

PS&T APPROVED 8-0 4/5/06

ACTION: NO ACTION NECESSARY 6-0 (Lappin and Salvucci not voting)

NOTE: The Traffic Engineer stated that Tyler Terrace has already been reconstructed with new speed humps. He went on to say that if and when Clark Street is reconstructed, the speed humps will be reconstructed in the same manner. The Traffic Engineer provided the Clerk's Office with the current city design standards based on the standards published in the Institute of Transportation Engineers and the Massachusetts Highway Department (attached). The Committee voted no action necessary on the item. However, Ald. Mansfield suggested checking with the docketors for their input before the next full Board meeting.

REFERRED TO PROG&SERV., PUBLIC FACILITIES & FINANCE COMMITTEES

#357-06 ALD. COLETTI, PARKER, ALBRIGHT, LINSKY, JOHNSON, MANSFIELD, SANGIOLO, & HARNEY requesting discussion with School Building Assistance Bureau representatives regarding factors affecting state reimbursement for Newton school projects, including Newton North High School.

ACTION: NO ACTION NECESSARY 7-0 (Weisbuch not voting)

NOTE: The item was voted no action necessary, as the School Building Assistance Bureau representative has met with the Board in a Committee of the Whole meeting.

REFERRED TO PROG&SERVICES, PUB. FAC. & FINANCE COMMITTEES

#379-06 **PRESIDENT BAKER, ALD. SCHNIPPER & HESS-MAHAN** requesting a report from the Executive Department and City Comptroller on state reimbursement and loan subsidies available for Newton School projects, including Newton North High School, as well as how best to ask for further clarification, if any is desired, from staff of the Massachusetts School Building Authority as to such issues as timing, amount and conditions of such finding.

ACTION: **NO ACTION NECESSARY 7-0 (Weisbuch not voting)**

NOTE: The item was voted no action necessary as the School Building Assistance Bureau representative has met with the Board in a Committee of the Whole meeting.

Respectfully submitted,

Sydra Schnipper, Chairman