

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, DECEMBER 5, 2007

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

Absent: Ald. Weisbuch and Salvucci

Also present: Ald. Burg, Danberg, Fischman, Harney, Lennon, Linsky, Samuelson, Sangiolo and Vance

City personnel: David Turocy (Acting Commissioner of Public Works) and Catherine Farrell (Assistant City Solicitor)

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

#35-04 ALD. SAMUELSON 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.

ACTION: **REFERRED TO 2008-2009 BOARD**

NOTE: The Committee met jointly with the Public Safety and Transportation Committee to discuss this item. Commissioner Turocy and Catherine Farrell were present for the discussion, as well. The Public Facilities Committee has previously discussed this item on January 21, 2004 and February 18, 2004 and the reports are attached. Ald. Schnipper gave a brief history of a previous ordinance that was rescinded requiring property owners or residents to clear sidewalks of snow. The ordinance was rescinded due to concerns regarding the ability of some residents to shovel their sidewalks and the ability of the City to enforce the ordinance. There was a list of volunteers or people willing to shovel for a fee available from the Public Works Department; however, the list was very limited. In addition, there was some concern regarding the City's financial liability if a snow-clearing ordinance is enforced and a person slips on a shoveled sidewalk and injures himself or herself.

Ald. Samuelson feels strongly that it is time to bring back the shoveling ordinance. It is irresponsible for the City not to encourage residents to shovel the sidewalks in front of their residences. She has spoken with senior citizens who state that they feel trapped during the winter because they cannot use the sidewalks to get around. It is important that people be able to move freely on the sidewalks, such as postal carriers, who need access to deliver mail to residences. She pointed out that the enforcement is similar to enforcement of parking and speeding ordinances and would be done. There are many cities and towns that have a snow-clearing ordinance, which they enforce. She suggested that enforcement could be complaint driven. She stated that the ordinance is not about penalizing residents but creating a better community. Ald. Danberg voiced her support of the item and asked that her name be added to the docket item.

Catherine Farrell gave brief review of the draft ordinance. She stated that a person who fell on a cleared sidewalk could not sue the City for negligence. A person would need to show that the City was somehow negligent by requiring residents to shovel. The draft ordinance provided by Ms. Farrell (attached) allows the Commissioner of Public Works to exempt a person from shoveling due to hardship.

Ald. Yates stated that the liability issue is frivolous however; he does not believe that there is any correlation between having your driveway plowed and shoveling your sidewalk. It is easy to have your driveway plowed but if the truck with a plow were to clear the sidewalk, it would do significant damage. He questioned how the city would address finding volunteers or paid shovelers for the elderly and physically unable. Ald. Burg is in favor of the ordinance but does not feel it should be approved until there is a viable program for people who cannot shovel. Ald. Schnipper stated that she believes that there should be a public hearing on the item before any change to the ordinances is made. Ald. Fischman is supportive of the concept but felt that the city should start with an educational process. Plow truck drivers often create large ice piles that block sidewalks and are immovable. The drivers will need to be re-educated. The city needs some type of pilot program before enforcement begins. Ald. Danberg agreed that the city cannot start cold but it seems that the people who the Board believes would have the most trouble with shoveling are the most in favor of a shoveling requirement. Ald. Albright was also in favor of Ald. Fischman's suggestion of an educational phase before enforcement.

Ald. Schnipper pointed out that there would be a different response if the snow were light and fluffy than if it is wet and heavy. She would like to know how clear the sidewalk needs to be to avoid enforcement. Ald. Lappin is happy to encourage snow clearing but is hesitant about an ordinance requiring it. She would be more comfortable if there was a definition of how clear a sidewalk needs to be to avoid any repercussions. Ald. Mansfield stated that it is extremely important to have the sidewalks as clear as possible. He has noticed that the same people do not shovel all winter. Some people will change their behavior if there is an ordinance in place; however, some people will require a fine to change their behavior.

Ald. Gentile has no problem encouraging residents to shovel but he draws the line at punishing people for not shoveling. The sidewalks are public property therefore it seems unfair to require residents to shovel. The city blocks many sidewalks when it plows and does not shovel them after blocking them. The Committees then had a brief discussion about the city possibly shoveling the sidewalks but it was quickly determined that it would be much too expensive.

Ald. Yates suggested two resolutions regarding snow shoveling, which are below. If enough people can be found to volunteer or shovel for a fee, it will be a tangible step. Ald. Danberg suggested that volunteers be matched with residents. Ald. Harney suggested referring the item to hold a public hearing in January; therefore, Ald. Harney made a motion in Public Safety and Transportation to refer the item to the next Board, which carried unanimously. Ald. Yates moved approval of the two resolutions, which carried unanimously and Ald. Mansfield moved referral of the main item, which also carried unanimously.

#35-04(2) PUBLIC FACILITIES COMMITTEE requesting that the Newton Serves Program annually recruit residents from all villages who are willing to shovel sidewalks within their neighborhood whether on a volunteer basis or for a fee for persons unable to shovel their own sidewalks.

ACTION: **APPROVED 6-0**

NOTE: See note for 35-04.

#35-04(3) PUBLIC FACILITIES COMMITTEE requesting the principals of Newton North and Newton South High Schools and of Newton's middles schools to annually recruit students to shovel sidewalks for a fee or on a volunteer basis for person unable to shovel their own sidewalks.

ACTION: **APPROVED 6-0**

NOTE: See note for 35-04.

#328-06 ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER requesting that the Design Review Committee periodically update the Board during the design phase of the Newton North High School project.

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: The design phase of the Newton North High School project is now complete; therefore, the committee voted no action necessary on this item. There are several ongoing items requesting regular updates on the progress of the project that will be discussed in the Public Facilities Committee.

#175-05 ALD. YATES requesting the School Department, School Committee and Public Building Department to request information from other communities across the Commonwealth and the nation as to problems encountered with HVAC systems in schools to find possible commonalities that might lead to possible joint legal action against defective suppliers or contractors and to possible connections to defective systems that have been successful elsewhere.

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: Ald. Yates moved no action necessary, which the Committee voted unanimously.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#160-05 ALD. HARNEY, SANGIOLO, PARKER AND HESS-MAHAN requesting an independent audit and possible appointment of an independent commission to investigate the Newton South construction project.

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: The item was voted no action necessary, as the Newton South construction project is complete.

REFERRED TO PS&T AND PUBLIC FACILITIES COMMITTEES

#479-04 ALD. LENNON, GENTILE, SALVUCCI, COLETTI et al requesting that a detailed analysis be conducted by the Public Buildings Dept., Fire Dept. (and any necessary outside sources) of all necessary improvements for each fire station within the city. Said analysis should include, but not be limited to: living quarters (bedrooms, kitchens, etc); offices and workstations; HVAC and plumbing systems; window replacement; apparatus floor and any other physical plant improvements. Said analysis should assist the Board of Aldermen in understanding and prioritizing all needed improvements and create a “blueprint” and timeline to have improvements implemented and completed.

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: A study of the fire stations has been completed and provided to the Board. Therefore, the item was voted no action necessary.

27-03 ALD. SALVUCCI, SCHNIPPER, LINSKY, STEWART, LAPPIN AND YATES requesting a review of all change orders to date with Public Buildings Commissioner and the Project Manager on the Newton South High School project.

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: There will be no further change orders submitted for the Newton South High School project, as the project is complete and the Committee has reviewed all change orders. Therefore, the Committee voted no action necessary on the item.

#435-02(2) TRAFFIC ENGINEER proposing intersection safety improvement project at the intersection of HIGH STREET/ELLIOT STREET/OAK STREET (Ward 5).
PS&T APPROVED 5-0-1 (Lennon abstaining) REFERRED TO PUBLIC FACILITIES FOR REVIEW AND PUBLIC HEARING ON INTERSECTION RECONFIGURATION

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: There is no design for the intersection at this time and it does appear that a design will be submitted in the near future. The Committee voted unanimously in favor of no action necessary on the item.

#146-99 GRACE J. VIGORITO, 33 Bencliffe Circle, petition for laying out, grading and acceptance of BENCLIFFE CIRCLE from Chaske Avenue to 730' to be the width of 45 feet.

ACTION: **NO ACTION NECESSARY 6-0**

NOTE: A new petition for the acceptance of Bencliffe Circle has been filed; the Committee voted no action necessary.

The Following Items Were Referred to the 2008-2009 Board by a Vote of 6 -0:

#304-07 LASALLE DEVELOPMENT, LLC, 210 Auburn Street, Auburndale, petitioning for construction of a common sewer in PINE MEADOW DRIVE EXTENSION from an existing sewer main in Pine Meadow Drive northwesterly 140' ± to a proposed sewer manhole in Pine Meadow Drive Extension. [03-30-07 @8:46 AM]

PETITIONER TO PAY ENTIRE COST

ACTION: REFERRED TO 2008-2009 BOARD

#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: REFERRED TO 2008-2009 BOARD

REFERRED TO FINANCE AND APPROPRIATE COMMITTEES

#358-07 HIS HONOR THE MAYOR submitting the FY09-FY13 Capital Improvement Program pursuant to section 5-3 of the Newton City Charter which requires Board of Aldermen approval of a plan to finance \$194,907,647 of new local projects over the next several years:

SUMMARY

PUBLIC WORKS (CITY AND GRANT/FEE FUNDED)	\$ 67,632,500
PUBLIC SAFETY	\$ 6,230,535
PUBLIC BUILDINGS	\$ 16,772,295
SCHOOL DEPARTMENT	\$ 94,259,767
PARKS AND RECREATION	\$ 7,366,000
OTHER	\$ 2,646,546
TOTAL	\$194,907,647

ACTION: REFERRED TO 2008-2009 BOARD

#352-07 ALD. SANGIOLO AND PARKER request Turner Construction, Project Manger for the Newton North High School Project and the DEP representative overlooking this project to discuss the issues and concerns raised regarding asbestos removal, transportation and disposal for the Newton North site and also information on 5,000 cubic feet of loam being removed to the Elliot Street and Rumford Avenue Yards. [10-17-07 @ 11:54 AM]

ACTION: REFERRED TO 2008-2009 BOARD

#351-07 ALD. PARKER AND SALVUCCI requesting that the Department of Public Works create an inventory and inspection regimen of bridges and culverts less than 20' in length and develop a maintenance plan for all city-owned bridges including those over 20', as recommended by the Undersecretary of Public Works at the Executive Office of Transportation, Robert Rooney. [10-17-07 @12:11 PM]

ACTION: REFERRED TO 2008-2009 BOARD

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

ACTION: **REFERRED TO 2008-2009 BOARD**

#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: **REFERRED TO 2008-2009 BOARD**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#196-07 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$1,969,227 from bonded indebtedness for the purpose of funding the rehabilitation of Fire Station #4. [05-29-07 @ 5:54 PM]

ACTION: **REFERRED TO 2008-2009 BOARD**

#54-07 ALD. SANGIOLO requesting discussion with the School Department and the Public Buildings Department about giving the School Department increased control over maintenance of school building facilities thereby allowing the School Department to have direct authority to deploy/hire staff to make necessary repairs to their school facilities. [2-9-07 @ 1:46 PM]

ACTION: **REFERRED TO 2008-2009 BOARD**

#451-06 KEYSPAN ENERGY petitioning for a grant of location to install and maintain 450' ± of 8" gas main in HULL STREET from the existing 8" gas main in Hull street at 90 Hull Street easterly to the existing 6" gas main in Hull Street at 60 Hull Street. All of which is to replace the existing 4" gas main in Hull Street, which is to be abandoned. [11-15-06 @ 11:19 AM]

ACTION: **REFERRED TO 2008-2009 BOARD**

- #345-06 ALD. SCHNIPPER requesting that the contingency on smaller Public Buildings projects be increased from 5% to at least 8%.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #294-06 ALD. SAMUELSON requesting creation of a method for the collection of parking meter receipts to ensure maximum collection.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #280-06 ALD. SANGIOLO proposing an Ordinance to create a Building Committee made up of Finance, Construction and Building experts in addition to several Aldermen to oversee construction and renovation projects in all municipal buildings.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #226-06 ALD. LINSKY requesting discussion of initiatives in respect to monitoring of water meter readings to better inform water and sewer users of significant increases in usage.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #224-06(2) ALD. LINSKY, ALBRIGHT & JOHNSON, BAKER & SCHNIPPER requesting further deliberation on the conditions set forth in the Site Plan Approval Board Order relating to the Newton North High School project, considering possible expansion and modification of the conditions.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #178-06 ALD. SCHNIPPER, LINSKY AND ALBRIGHT requesting a report on the commissioning of Newton South High School.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #155-06 JAMES A. BLACKBURN, 105 Wood End Road, Newton Highlands petitioning for laying out, grading and acceptance of WOOD END ROAD as a public way from the intersection of Mountfort Road westerly to the intersection of Nantucket Road (a distance of 360'±) to be the width of 45'.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #152-06 PS&T COMMITTEE requesting discussion re Road Classification Design Types (as outlined by the Planning and Development Department) for future use as an overall management tool for the City.
ACTION: **REFERRED TO 2008-2009 BOARD**
- #84-06 COMMISSIONER OF PUBLIC WORKS requesting a waiver from the Board of Aldermen of surfacing materials used on the sidewalk of a public way in front of 161 Pond Brook Road, as provided in §26-47 of the City of Newton Ordinances.
ACTION: **REFERRED TO 2008-2009 BOARD**

#83-06 ALD. SCHNIPPER & GENTILE requesting discussion with NStar regarding frequent power outages in the Newton Lower Falls area in particular Grayson Lane.

ACTION: **REFERRED TO 2008-2009 BOARD**

#424-05 ALD. SANGIOLO & HARNEY requesting an update from the School Department regarding the energy audit that was begun during last year's budget review.

ACTION: **REFERRED TO 2008-2009 BOARD**

#386-04 ALD. SANGIOLO, HESS-MAHAN, JOHNSON, AND DANBERG proposing an ordinance to require that designers selected have LEED certification and include high performance/life cycle analysis for all municipal construction projects in the City of Newton.

ACTION: **REFERRED TO 2008-2009 BOARD**

ITEM REFERRED BY PUBLIC SAFETY & TRANSPORTATION:

#321-04(2) ALD. JOHNSON requesting a RESOLUTION to His Honor the Mayor requesting that he expeditiously as possible find funding to create traffic calming measures on Mill Street as requested by the Traffic Council.

ACTION: **REFERRED TO 2008-2009 BOARD**

#246-04 COMMISSIONER OF PUBLIC WORKS requesting approval of the 25% design plan submittal for Walnut Street from Homer Street to Centre Street including a small section of Centre Street to Route 9.

ACTION: **REFERRED TO 2008-2009 BOARD**

#178-04(2) ALD. LAPPIN requesting an update on progress and implementation of the construction information database.

ACTION: **REFERRED TO 2008-2009 BOARD**

#104-04 ALD. YATES requesting a report from the Chief of Police as to how the ordinance prohibiting the blockage of sidewalks with snow can be more easily enforced.

ACTION: **REFERRED TO 2008-2009 BOARD**

#522-03 ALD. PARKER AND LENNON requesting an ordinance amendment to improve enforcement related to snow removal.

ACTION: **REFERRED TO 2008-2009 BOARD**

27-03 ALD. SALVUCCI, SCHNIPPER, LINSKY, STEWART, LAPPIN AND YATES requesting a review of all change orders to date with Public Buildings Commissioner and the Project Manager on the Newton South High School project.

ACTION: **NO ACTION NECESSARY 6-0**

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

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

ACTION: REFERRED TO 2008-2009 BOARD

94-99 RALPH S. ROBART 28 Richardson Road, Petition for Laying Out, Grading, and Acceptance of RICHARDSON ROAD from Route 9 northerly 180'± to be the width of 30 feet.

ACTION: REFERRED TO 2008-2009 BOARD

Respectfully submitted,

Sydra Schnipper, Chairman