

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, FEBRUARY 8, 2006

Present: Ald. Schnipper (Chair), Weisbuch, Albright, Salvucci, Gentile and Mansfield

Absent: Ald. Yates and Lappin

Also present: Ald. Linsky

City personnel: Robert Rooney (Commissioner of Public Works), David Turocy (Deputy Commissioner of Public Works), Gayle Smalley (Associate City Solicitor) and Shawna Sullivan (Committee Clerk)

Appointment by the President of the Board of Aldermen

#27-06 TERRY MORRIS, 57 Elm Road, Newtonville 02460, appointed as the community representative pursuant to Sec. 5-56(I) as a member of the DESIGN REVIEW COMMITTEE for the duration of the Newton North High School renovations.

ACTION: **APPROVED 5-0 (Gentile not voting)**

NOTE: Mr. Morris joined the Committee for discussion of his appointment to the Design Review Committee. Mr. Morris is a former Alderman, who chaired both the City Planning Committee and the Land Use Committee. He has worked in the public sector for a number of years but now works in real estate development. Mr. Morris has lived next to Newton North High School for 23 years. He has followed the plans for the new high school and is a member of the Newton North Project Steering Committee.

Ald. Linsky joined the Committee and voiced his support of Mr. Morris' appointment to the Design Review Committee. He is aware of Mr. Morris' active involvement in the Newton North Project. Ald. Salvucci is very comfortable with this appointment, as Mr. Morris is very knowledgeable about land use and construction. With that, Ald. Salvucci moved approval of the appointment, which carried unanimously. The Chairman thanked Mr. Morris for his willingness to serve on the Design Review Committee.

#82-06 ALD. SALVUCCI & SCHNIPPER requesting discussion with Verizon regarding complaints from constituents about debris left behind at Verizon work sites.

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

NOTE: Pat Harty and Kathleen Hume from Verizon and Arieh and Stephanie Karger, 38 Wauwinet Road, were present for the discussion of this item. Mr. Karger is very upset that a Verizon work crew left debris on his property after removing a pole. Mr. Karger brought a

poster board with the items attached to show the Committee the size and number of items left behind. He complained to the company and received no satisfaction; therefore, he filed complaints with both the Department of Telecommunication and Energy and the Better Business Bureau. Mr. Karger is looking for a written response to his letter by a company officer of Verizon. He also stated that there is a large piece of plastic hanging from the pole that needs to be either enclosed or fastened to the pole, as it blows in the wind.

Ms. Harty explained that it is Verizon's intention to be a good neighbor to the City of Newton. Ms. Harty speaks frequently with Maureen Grimaldi, the Citizen Assistance Officer and makes every effort to respond quickly to any complaint or problem. Ms. Harty was unaware of the problem until Ms. Grimaldi phoned her. She immediately began to investigate and determined that Verizon was responsible for the debris. She is aware that it is unacceptable for Verizon to leave debris. Ms. Harty then called Mr. Karger and left several messages for him and did not hear back from him until very recently. Ms. Harty offered Mr. Karger a public apology. Ms. Hume stated that she has spoken with the crew who left the debris and addressed all of the Verizon work crews on the issue of leaving debris behind. Ms. Harty and Ms. Hume will send a work crew to Mr. Karger's house to deal with the plastic hanging from the pole, if it is Verizon's equipment.

The Chair asked for any documentation from Verizon on the response time and action taken. Ms. Harty stated that she would need to speak with the President of Verizon to determine if she can release the documentation. Ald. Albright felt that Verizon should have been responsive to Mr. Karger in the first place. Ms. Harty again apologized and stated that she is appalled at the whole situation.

Mr. Karger asked that Verizon send him a letter acknowledging his complaint and apologizing for the inconvenience. Ms. Harty responded that Verizon would not send a letter but she was offering him a public apology. Mr. Karger is upset that Verizon will not give a written acknowledgement that Verizon is concerned and cares about its policies. The Committee was satisfied that Verizon is addressing the problem. Ms. Harty will follow up on the plastic hanging from the pole and provide the Committee with an update. (See attached). A motion for no action necessary was made and carried unanimously.

#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: **HELD 6-0**

NOTE: The item was held, as the energy audit has not been completed.

#246-05 ALD. LINSKY, SCHNIPPER, JOHNSON AND ALBRIGHT requesting a discussion with representative(s) of NStar regarding why sections of Newtonville seem to be experiencing ongoing brownouts despite representations by NStar that service to the area has been improved.

ACTION: **NO ACTION NECESSARY 5-0 (Salvucci not voting)**

NOTE: Joe Walsh, Community Representative, Tom Morahan, Manager and John Kingston, Reliability Engineer of NStar were present for the discussion of this item. Ald. Linsky and Vicky Stein, 23 Otis Street also joined the Committee. NStar provided the Committee of a synopsis on the Newtonville reliability study, which was attached to the agenda.

Mr. Walsh explained that he was incorrect when he stated that Ms. Stein's home was not on the same circuit as the proposed condominiums. Ms. Stein's home will be on the same circuit, however, the circuit is not anywhere near capacity. NStar is aware of what the maximum load possible is for the condominiums and the circuit is engineered to bear that load.

NStar is also planning to upgrade the adjacent circuit to increase the tie capacity, which is the ability to move customers from on circuit to another during outages. The work will also include moving some customers to a different circuit increasing the available capacity in Newtonville.

Ald. Linsky is happy that there is a plan of action in place. Ald. Albright moved no action necessary, as the issues seem to be resolved.

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

ACTION: **HELD 5-0 (Salvucci not voting)**

NOTE: Joe Walsh, Community Representative, Tom Morahan, Manager and John Kingston, Reliability Engineer of NStar were present for the discussion of this item. Ald. Schnipper explained that she and Ald. Gentile docketed this item because of concern regarding the number of outages in the area.

Mr. Walsh provided the Committee with a one-year outage history from January 1, 2005 to February 6, 2006 (attached) and apologized for the inconvenience. Mr. Kingston explained that NStar has had problems with the 22-mile circuit, which serves areas of Waltham and Weston, in addition to Newton Lower Falls. NStar has recently trimmed all the trees and has just completed the replacement of a faulty recloser, which modulates the flow of power. It is Mr. Kingston's hope that this will resolve the problems.

Former Ald. John Stewart provided the Committee with several emails from residents of Newton Lower Falls (attached.) He also spoke on the need for NStar to provide information that is more helpful when customers call to report an outage. Mr. Walsh responded that NStar is working to improve their automated answering service. Mr. Stewart then asked if the circuit included all of Newton Lower Falls. Mr. Kingston stated that it does not; there are two other circuits that service the area, as well. Ald. Gentile asked if it was unusual for a circuit to be 22 miles long. Mr. Kingston responded that it is an average size circuit. Ald. Weisbuch asked what

incentive is there to fix power outages immediately. Mr. Walsh responded that NStar responds to fire and police calls first and then moves on to the largest outages.

Ald. Gentile moved to hold the item to be sure that the problem has been corrected. The motion carried unanimously.

#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: **HELD 5-1 (Weisbuch opposed)**

NOTE: Commissioner Rooney and Gayle Smalley were present for discussion of this item. Commissioner Rooney explained that a homeowner on Pond Brook Road had reconstructed his sidewalk and driveway apron with paver bricks instead of using asphalt or concrete as required by the City. The Commissioner went on to state that the City can force the homeowner to rip out the pavers, however, it is a well-done job and the neighbors do not have an issue with the pavers. In addition, the City has allowed driveway apron pavers by entering into an agreement with several indemnity clauses with the homeowner.

The Commissioner suggested entering into an agreement with the homeowner to allow the pavers, as long as the City is properly indemnified against all damages, maintenance costs and the homeowner is willing to ensure that the sidewalk meets the City Engineer's specification and the State's standards.

Ms. Smalley explained that she was hesitant about making changes to the City Ordinances that would involve a waiver system. She stated that it may be possible to write an agreement but it would be a challenge to require new homeowners to abide with the agreement, if the house were sold. Several Committee members concurred with Ms. Smalley's opinion regarding any change to the Ordinances. Ald. Weisbuch was against an agreement and believed the City should require the homeowner to rip up the pavers. The Committee also felt strongly that any agreement would need to terminate if the house were sold.

The Committee asked that Ms. Smalley and Commissioner Rooney work together to come up with an agreement. Ald. Salvucci moved hold in order for the Committee to review the agreement when it is completed.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#95-06 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$756,533 from Free Cash for the purpose of funding snow and ice costs in the Public Works Department.

ACTION: **APPROVED 6-0**

Chairman's

Note: A request to amend this docket item was received on February 14, 2006 (see attached letter) due to the added costs from the February 11-12, 2006 storm. Therefore, this item will be placed on Second Call to allow the Committee to be polled to vote on the amended amount of \$1,106,533.

NOTE: Commissioner Rooney was present for the discussion of this item. He explained that the City only places enough funds for two medium storm and de-icing operations for the season in the Snow and Ice Accounts at the start of the fiscal year. The funds usually run out in early January, however, we have had a very mild winter, so far. There has been 26" of snow to date of which three events required calling in contractors and three were plowed entirely by city forces. The request will cover two medium size snow events and several de-icing operations.

Ald. Weisbuch questioned what happened to unused funds. It was explained that any unused snow and ice money is sent to the General Fund. With that, Ald. Salvucci moved approval, which carried unanimously.

#144-04 HIS HONOR THE MAYOR requesting that the area along UNION STREET in Newton Centre be designated as Picadilly Square.

ACTION: NO ACTION NECESSARY 5-0 (Gentile not voting)

NOTE: Ald. Schnipper has spoken with the Mayor and he does not wish to pursue this item at this time. Therefore, Ald. Mansfield moved no action necessary, which carried.

Re-appointment by Board President

#75-06 PRESIDENT BAKER recommending Peter Barrer, 24 Hazelton Road, Newton Centre, be re-appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/07.

ACTION: APPROVED 5-0 (Gentile not voting)

NOTE: The Committee approved all of the Design Review Committee reappointments. However, the Committee would like to invite all of these reappointments in for a discussion on the Newton North High School Project in the near future.

Re-appointment by Board President

#76-06 PRESIDENT BAKER recommending Mark Chudy, 34 Prescott Street, Newtonville, be re-appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/07.

ACTION: APPROVED 5-0 (Gentile not voting)

NOTE: The Committee approved all of the Design Review Committee reappointments. However, the Committee would like to invite all of these reappointments in for a discussion on the Newton North High School Project in the near future.

Re-appointment by Board President

#77-06 PRESIDENT BAKER recommending Robert O. Smith, P.E., 55 Chester Street, Newton Highlands be re-appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/07.

ACTION: **APPROVED 5-0 (Gentile not voting)**

NOTE: The Committee approved all of the Design Review Committee reappointments. However, the Committee would like to invite all of these reappointments in for a discussion on the Newton North High School Project in the near future.

Re-appointment by Board President

#78-06 PRESIDENT BAKER recommending Ald. Anthony Salvucci be re-appointed as a non-voting Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/07.

ACTION: **APPROVED 5-0 (Gentile not voting)**

NOTE: The Committee approved all of the Design Review Committee reappointments. However, the Committee would like to invite all of these reappointments in for a discussion on the Newton North High School Project in the near future.

Re-appointment by Board President

#79-06 PRESIDENT BAKER recommending Howard Goldberg, P.E., 27 Theodore Road, Newton Centre be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/07.

ACTION: **APPROVED 5-0 (Gentile not voting)**

NOTE: The Committee approved Mr. Goldberg's reappointment without discussion as he provided a resume, which was attached to the agenda. Mr. Goldberg also recently joined the Committee for discussion of the high school project.

Re-appointment by Board President

#80-06 PRESIDENT BAKER recommending Jeremiah Eck, 14 Eliot Memorial Road, Newton be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/07.

ACTION: **APPROVED 5-0 (Gentile not voting)**

NOTE: The Committee approved Mr. Eck's reappointment without discussion as he provided a resume, which was attached to the agenda. Mr. Eck also recently joined the Committee for discussion of the high school project.

Re-appointment by Board President

#81-06 PRESIDENT BAKER recommending Joseph Michelson, 94 Park Avenue, Newton be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE, term of office to expire 12/31/07.

ACTION: **APPROVED 5-0 (Gentile not voting)**

NOTE: The Committee approved Mr. Michelson's reappointment without discussion as he provided a resume, which was attached to the agenda. Mr. Michelson also recently joined the Committee for discussion of the high school project.

Respectfully submitted,
Sydra Schnipper, Chairman