

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JUNE 21, 2006

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

City personnel: Elaine Gentile (Public Works Department), Nunzio Piselli (Public Works Department), Robert Rooney (Commissioner of Public Works), Arthur Cabral (Public Buildings Department), Sandy Pooler (Chief Administrative Officer) and Shawna Sullivan (Committee Clerk)

Appointments by His Honor the Mayor

#227-06 HIS HONOR THE MAYOR appointing the following people to the SOLID WASTE COMMISSION for terms of office to expire on July 21, 2009. (60 days 7-14-06)

Alderman Sydra Schnipper
273 Ward Street
Newton Centre, MA 02459

David Del Porto
448 Ward Street
Newton Centre, MA 02459

Nunzio Piselli
11 Clearwater Road
Newton Lower Falls, MA 02462

Steven Ferrey
25 Huntington Road
Newton, MA 02458

Barbara Herson
16 Linder Terrace
Newton, MA 02458

Ann Dorfman
9 Henshaw Street
West Newton, MA 02465

Elaine Gentile
22 Broadway
Newtonville, MA 02460

David Queenan
54 Dalby Street
Apt. 2
Newton, MA 02458

ACTION: **APPROVED 7-0 (Gentile not voting) with the Ald. Schnipper's appointment which was approved 6-0-1 (Schnipper abstaining)**

NOTE: The appointees to the Solid Waste Commission joined the Committee for discussion of their appointments. The Chair explained that the Solid Waste Commission is being reformed because the trash contract will expire in the next few years. The Committee reviewed the appointees experience, background and knowledge regarding solid waste. Several of the appointees are City employees with extensive experience in solid waste. Ms. Dorfman works for the Town of Concord, as the Recycling and Waste Management Program Administrator. Mr. Del Porto is the former Chair of the Solid Waste Commission and is currently the Chair of

Sustainable Newton. Mr. Del Porto is also a founding member of the Green Decade Coalition. Mr. Queenan is an Accounts Receivable Specialist, who has been interested in the solid waste industry, particularly recycling and the conversion of trash to energy. He is also a member of the Recycling Committee. Mr. Ferrey is a law professor and worked on the original trash contract twenty years ago.

Ald. Yates asked if there was an advantage of solar powered crushers. Mr. Del Porto explained that the solar crushers compact the trash, which extends the pick-up cycle. Ald. Yates asked if there was any thought to having separators in the public trash bins in order to recycle. Elaine Gentile responded that it is very difficult to implement, as both the trash side and the recycling get contaminated. It is something that the Solid Waste Commission will investigate during their discussions. Ann Dorfman stated that the Town of Concord has recycling containers in public places. The containers are specifically designed to keep trash out of the recycling.

The Committee thanked the appointees for their willingness to serve on the Solid Waste Commission. Ald. Salvucci moved approval of the appointments, which carried unanimously

Re-appointment by Board President

#158-06 PRESIDENT BAKER recommending William Chaisson, 31 Evergreen Ave. Auburndale be re-appointed as an Aldermanic appointee to the DESIGN REVIEW COMMITTEE, term of office to expire 12/31/07.

ACTION: **APPROVED 7-0 (Gentile not voting)**

NOTE: Mr. Chaisson joined the Committee for discussion of his reappointment to the Design Review Committee. Mr. Chaisson has been a member of the Design Review Committee for a number of years. Ald. Salvucci, who is also a member of the Design Review Committee, stated that it has always been a pleasure to work with Mr. Chaisson. Mr. Chaisson is an Engineer, who specializes in HVAC systems.

Ald. Albright asked Mr. Chaisson whether he felt rushed during the Design Review Committee's selection of a site plan for Newton North High School. She also asked if he felt that the process got where it needed to be. Mr. Chaisson responded that though it has been a difficult process, the system works. Ald. Albright then asked about the orientation of the proposed building. Mr. Chaisson feels that when a building is filled with people the object is to try and get rid of the heat generated. He also stated that the City does not need to be on the leading edge when constructing a building. You want proven systems that will not need to be replaced frequently. Ald. Yates inquired why the air conditioning at the current Newton North High School has so many problems. Mr. Chaisson explained that when the building was constructed, the air conditioning unit was insufficient for the building. The air conditioning was retrofitted for additional air conditioning but that created multiple problems. It is very difficult to add to a system that is already in place. Ald. Yates asked how we could avoid repeating the same problems at the proposed Newton North High School. Mr. Chaisson pointed out that the Design Review Committee was not in existence when the current building was constructed. It is the purpose of the Design Review Committee to select the best possible design for the program and site. Ald. Mansfield has heard that the Newton South High School HVAC system is still not

working even with the commissioning. Mr. Chaisson responded that there is a bell curve in terms of people's comfort level. Commissioning is the big buzz in the HVAC industry but due to public bid law, the commissioning goes to the lowest bidder, which creates problems. Ald. Lappin asked if Mr. Chaisson felt commissioning was a good idea. Mr. Chaisson responded that any system should be set-up and tested. However, if the commissioning goes to the lowest bidder, there is a possibility they will cut corners.

Mr. Chaisson went on to say that the Design Review Committee does not know what happens with construction after it approves a plan. He would like to see the Design Review Committee more involved throughout the process of construction or at least have a final review when the project is complete. Ald. Lappin suggested that the Committee review the existing ordinance and perhaps amend it to allow for more input from the Design Review Committee on projects. Ald. Salvucci moved approval of Mr. Chaisson's reappointment, which carried unanimously.

#225-06 BOSTON EDISON COMPANY d/b/a NSTAR ELECTRIC GAS petitioning for a grant of location to install one pole (229/9X) in LANGLEY ROAD on the northerly side of the road at Beacon Street.

ACTION: **APPROVED 5-2-1 (Mansfield, Albright opposed; Weisbuch abstaining)**

NOTE: Maureen Carroll, NStar Right of Way Representative, presented the petition to the Committee. The new pole in Langley Road is required to improve system reliability in the area. The improvement will allow for more flexibility by allowing circuit switches when there is a power failure.

Ald. Albright asked if there was a change in the law that required a new level of service and because of that there were going to be many new poles. Ms. Carroll responded that NStar is doing a lot of work in the City for reliability. Ald. Albright asked if there would be additional pole requests each month. Ms. Carroll responded that she does not believe that there will be additional pole requests. She also stated that NStar is only requesting new poles when the equipment needed to improve the reliability will not fit on existing poles.

Ald. Mansfield is concerned that there seem to already be a significant number of poles in the area. Ms. Carroll explained that the new pole is needed to add a switch to improve reliability in the area. Ald. Mansfield is concerned that the plans do not reflect the City trees, as requested. Ms. Carroll has spoken with the survey supervisor and it will take time and be more costly. Ms. Carroll suggested that Ald. Mansfield meet her in the field to review Homer Street and Columbus Street poles. Ald. Mansfield asked why NStar was petitioning for a pole on the south side of the City, as that is Verizon's area. Ms. Carroll explained that the pole is solely for NStar's use, therefore, NStar must petition for the grant. Ald. Albright requested an outage report from NStar. Ald. Mansfield would like to know the number of switches installed in Newton and a drawing or picture of the switches on a pole.

The public hearing was opened and no one spoke for or against the petition. Ald. Lappin moved approval, which carried by a vote of five in favor, two opposed and one abstention.

#251-06 BOSTON EDISON d/b/a NSTAR petitioning for a grant of location to install one pole (#1282/0) in FARQUHAR ROAD on the northerly side approximately 49' east of Harvard Street.

ACTION: **APPROVED 7-1 (Weisbuch opposed)**

NOTE: Maureen Carroll, NStar Right of Way Representative, presented the petition to the Committee. NStar is petitioning to install a pole with a switch and/or equipment in Farquhar Road to improve system reliability. The public hearing was opened and no one spoke for or against the petition. The pole is already in place due to an error by NStar's contractor. The Committee was not pleased that the pole is in place. Ald. Mansfield asked if there was any way to penalize NStar. There is no type of penalty but the Chair suggested that if it occurs again the City would require NStar to remove the pole.

Ald. Albright asked why the new pole appears to be on the opposite side of the street from the existing poles. Ms. Carroll explained that the new pole would connect the poles on the other side of the street with the ones on the southerly side. Ms. Carroll explained that it is the NStar engineers that recommend the pole location. Ald. Albright moved hold on the item in order to get a definitive answer regarding why the pole is on the opposite side of the street.

#252-06 BOSTON EDISON d/b/a NSTAR petitioning for a grant of location to install one pole (758/4) in PRINCETON STREET on the easterly side at Hilltop Street.

ACTION: **APPROVED 7-1 (Weisbuch opposed)**

NOTE: Maureen Carroll, NStar Right of Way Representative, presented the petition to the Committee. NStar is petitioning to install a pole with a switch and/or equipment in Princeton Street to improve system reliability. The public hearing was opened and no one spoke for or against the petition. The pole is already in place due to an error by NStar's contractor. The question again arose as why the pole is being placed across the street from the rest of the poles already located on the street. Ald. Albright moved hold for an answer regarding why NStar is doing this type of cross over.

#253-06 KEYSPAN ENERGY DELIVERY petitioning for a grant of location to install and maintain 250' \pm of 6" gas main in QUINOBEQUIN ROAD from the existing 4" gas main in Gould Road at Quinobequin Road East to the existing 6" gas main in Quinobequin Road at York Road.

ACTION: **APPROVED SUBJECT TO SECOND CALL 5-3 (Gentile, Mansfield, Weisbuch opposed)**

NOTE: Mr. Fran O'Leary, Keyspan Permit Representative, presented the petition to the Committee. During peak times, the pressure drops and the new main will improve pressure in the area. Keyspan will bear the entire cost of the project.

The Chairman opened the public hearing and Christopher Chicoine, 526 Quinobequin Road spoke on the petition. He asked for the time frame of the work, as he is selling his home.

Mr. O'Leary responded that the project would take about a month to complete and would expect that it would begin at the end of July. Bonnie Greenberg, 63 Gould Road, stated that Keyspan or its contractor damaged the sprinkler system on her property the last time they installed a main on Quinobequin Road. Mr. O'Leary suggested that she call the Keyspan Legal Department and provided Ms. Greenberg with the phone number.

The Committee reviewed the Public Works Department's comments. Quinobequin Road is under the jurisdiction of the Massachusetts Department of Conservation and Recreation; therefore, Keyspan will have to apply to the State for a grant of location on Quinobequin Road. In addition, the work requires review by the Conservation Commission, as Quinobequin Road is within the flood plain. Ald. Lappin moved approval of the item subject to second call in order for Keyspan to provide approvals from the State and Conservation Commission. The Committee voted approval of the item.

#254-06 COMMISSIONER OF PUBLIC WORKS requesting in accordance with Massachusetts General Law Ch. 40, Sec. 15, abandonment of a portion of a City sewer and drain easement in the rear of the property at 36 WOODMAN ROAD, with conditions, as recommended in the Commissioner of Public Works' letter of May 10, 2006.

ACTION: **APPROVED 7- 0 (Gentile not voting)**

NOTE: Commissioner Rooney and Gayle Smalley joined the Committee for discussion of the abandonment of a portion of the sewer and drain easement at 36 Woodman Road. The easement is laid out on a 40' wide paper street, which was never built and runs from Woodman Road to Lawrence Road. However, the sewer and drain were built and are working. The current owner of the property would like to demolish his house and build a new one within a portion of the existing easement. Therefore, Mr. Springer has asked that the City abandon a portion of the easement.

The Public Works Department is willing to abandon the requested portion of the easement with the following conditions: Mr. Springer to prepare a survey, with a land plan, clean and slip-line the existing sewer main from the sewer manhole to the sewer manhole at his expense, construct his building such that the footings and foundations do not place load on the existing sewer pipe, install steel sheeting between the new foundation and the existing sewer main to a depth of 5' below the bottom of the pipe and leave the sheeting in place, cut off below the ground surface, the horizontal limits of the steel sheeting will be determined in the field and the sheeting will be installed prior to the building construction. Mr. Springer has agreed to all of the conditions.

Once the conditions are completed, the easement will not have current or future service value to the City of Newton and is therefore no longer required for public purposes. There will be no payment for the abandonment. Ald. Lappin moved approval of the item, which carried unanimously.

#255-06 COMMISSIONER OF PUBLIC WORKS requesting in accordance with Massachusetts General Law Ch. 40, Sec. 15, abandonment of a portion of a City sewer easement in the front yards of the properties at 41, 47, 51, 55 and 65 BERNARD STREET.

ACTION: **APPROVED 7- 0 (Gentile not voting)**

NOTE: Commissioner Rooney and Gayle Smalley joined the Committee for discussion of the abandonment of a sewer easement that runs through the front yards of several properties on Bernard Street. The City replaced the South Side Sewer in 1986 and the section of the sewer along Bernard Street was relocated. The City acquired new easements through the back yards of the properties on Bernard Street. When the sewer was relocated, the Commissioner of Public Works made written commitments to the homeowner that the old sewer easements would be abandoned after acceptance of the project. However, the abandonment has yet to occur and one of the owners has requested that the old easement be abandoned.

The easement does not have any current or future service value to the City. Therefore, the Commissioner is requesting that the Board of Aldermen authorize the Mayor to abandon the easement and set a zero dollar minimum amount to be paid. Ald. Lappin moved approval of the item, which carried unanimously.

#256-06 COMMISSIONER OF PUBLIC WORKS requesting in accordance with Massachusetts General Law Ch. 40, Sec. 15, abandonment of a portion of a City drain easement in the rear yards at 14 LARKSPUR ROAD, 580, 572 and 564 QUINOBEQUIN ROAD.

ACTION: **APPROVED 7- 0 (Gentile not voting)**

NOTE: Commissioner Rooney and Gayle Smalley joined the Committee for discussion of the abandonment of an easement affecting the rear yards of 14 Larkspur Road, 580, 572, and 564 Quinobequin Road. The City has a new drain location to deliver storm water from Larkspur Road to the Charles River. The City and the affected abutters agreed that the drain easement in the back yards of the properties would be abandoned by the City upon completion of the new drain. The Commissioner does not believe that the easement has any current or future service value to the City. The easement is no longer required therefore; he is requesting that the Board authorize the Mayor to abandon the easement. The City has used the easement for a number of years, therefore; the Commissioner is requesting that the Board set \$0 as the minimum amount to be paid. Ald. Yates moved approval, which carried unanimously.

Item Recommended by the Board on May 15, 2006

#157-06 BOSTON EDISON d/b/a NSTAR petitioning for a grant of location to install one pole (330/8) on the westerly side of OLD ORCHARD ROAD 737'± east of Hammond Street. (Ward 7)

ACTION: **HELD 8- 0**

NOTE: The item was held until Ald. Vance is available to discuss the item.

Item Recommended by the Board on May 15, 2006

#156-06 BOSTON EDISON d/b/a NSTAR petitioning for a grant of location to install one pole (212/28A) on the southerly side of HOMER STREET at Greenlawn Avenue. (Ward 6)

ACTION: **HELD 8-0**

NOTE: The City Arborist has visited the site of the pole location and he is fine with the proposed location. Ald. Mansfield asked that the item be held, which carried unanimously

Item Recommended by the Board on May 15, 2006

#180-06 VERIZON NEW ENGLAND, INC., petitioning for a grant of location to place one new pole (100/8) on COLUMBUS STREET on the southeasterly side 15' southwesterly from Standish Road.

ACTION: **HELD 8-0**

NOTE: Ald. Mansfield asked that the item be held, which carried unanimously

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#265-06 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$500,000 from bonded indebtedness for the purpose of replacing boilers at the Horace Mann and Memorial-Spaulding Elementary Schools.

ACTION: **APPROVED 6-0-1 (Weisbuch abstaining; Gentile not voting)**

NOTE: Arthur Cabral and Sandy Pooler were present for discussion of this item. The boiler at the Horace Mann School has failed and the school is down to one boiler. The boilers at Memorial Spaulding School are over 50 years old and one is cracked. The School Department and Public Building Department are concerned that the boilers will not operate through another heating season. It is hoped that the boilers can be replaced before the next heating season. Mr. Cabral provided the Committee with a cost estimate for the Horace Mann and Memorial-Spaulding boiler replacement. The estimate is based on a boiler replacement bid for the Ward School.

The Committee questioned why the whole amount needed to be appropriated, as it is not designed. Ald. Mansfield suggested splitting the item and approving just the design money and he questioned why the City is bonding for design money. Mr. Pooler responded that there is no other source for the design money. Mr. Pooler also stated that the project needed to be done before the heating season and the project would not be bonded for more than its cost. Mr. Pooler explained that the City would not be selling bonds until February and would be borrowing against the City's overall cash. Ald. Mansfield was hesitant about approving the whole project without the design. Ald. Mansfield made a motion to split the item, approve the design fees, and hold the rest of the money, which failed to carry. Ald. Salvucci moved approval of the item which carried by a vote of six in favor and one abstention (Weisbuch).

Chairman's Note: Joe Walsh, Community Relations, NStar, joined the Committee for a discussion of NStar service and double poles in the City of Newton. Mr. Walsh stated that NStar

reached a settlement for a rate decrease in September of 2005 with the Attorney General's Office. There are now incentives and penalties built into our tariff based on NStar's performance and reliability. Each of NStar's customers will receive a report card at the end of each displaying how they have met the standard that NStar has been asked to set by the Attorney General and the Department of Telecommunications and Energy. Ald. Mansfield asked if NStar's reliability remains the same or decreases are they faced with more rate decreases. Mr. Walsh explained that the incentives and penalties are based on how NStar recovers costs. There is no affect on rates. The rate that was set in September 2005 is fixed for seven years. Ald. Albright asked what would happen if Newton denied any new poles and required all new wires to go underground. Mr. Walsh responded that Newton already has an existing ordinance requiring underground service for all new construction. However, there is existing overhead infrastructure making it impossible to put a transformer for an overhead system underground.

Mr. Walsh provided the Committee with a Commitment to Newton regarding poles (attached.) The commitment states that NStar will always consider setting a new pole or putting a new pole up as an absolute last resort. If there is a way to move a piece of equipment to an existing pole, then that will be what is done. Ald. Lappin asked if NStar has been doing this all along. Mr. Walsh responded that there might be some cases where a piece of equipment was put in place as a result of being the path of least resistance. Ald. Salvucci asked Mr. Walsh if NStar is aware of the law requiring removal of double poles within ninety days. Mr. Walsh replied that he is aware of the law. Ald. Salvucci then asked if there was a penalty if a double pole is not removed within ninety days. Mr. Walsh responded that there is no penalty. Ald. Salvucci went on to say that NStar is not removing double poles and to make the commitment that NStar is making is going to be difficult.

Ald. Yates asked what chunking means in terms of double poles. It is when you cut off the bottom portion of the pole and leave the upper portion just below the wires attached to the other pole. Mr. Walsh went on to say that NStar has the most poles in the transfer stage. There are over 550 poles awaiting the transfer of wires and there are 122 remedial poles awaiting removal that are completely transferred. NStar is committing to the removal of 61 of the remedial poles by the end of 2006, in addition to completing transfer of 250 of the existing poles that require NStar transfer and chunking at least 150 of the transfer poles. Mr. Walsh will report to the Committee within a month with a progress report. Ald. Weisbuch requested that Mr. Walsh provide the Committee with the proper angle for poles. Ald. Weisbuch asked if any of the steps being taken by NStar to improve service prevent the problem that happens in Boston, where children and dogs are being burned and harmed. Mr. Walsh believes that Mr. Weisbuch is speaking about stray voltage. The requests for poles only pertain to overhead systems and he does not believe that there have been any incidences of stray voltage in the City. Stray voltage generally comes from underground boxes. NStar has tested for stray voltage along the marathon route and did find some stray voltage on a light pole. Ald. Weisbuch asked for the results of the stray voltage tests and what, if any, steps were taken to rectify the problem. Mr. Walsh responded that the one incident of stray voltage was on Commonwealth Avenue and was emanating from a City of Newton street light pole. NStar opened the light and cut the wire until it could be repaired.

Ald. Gentile asked if NStar is being proactive to avoid problems for residents in these areas or is it due to the incentive to have a higher reliability rating. NStar has been coming in since last year for poles to improve reliability because NStar has had some bad numbers in terms of reliability in Newton. Ms. Carroll stated that when the NStar engineers looked at the different areas within Newton, they determined reliability needed to be improved. There is a possibility that the circuits will overload without the addition of the new equipment.

Ald. Albright asked if it was possible to condition a grant of location with the removal of poles. Ms. Smalley responded that she believes that it is possible. Ald. Weisbuch moved hold on all of the pending pole grant of location until 60 double poles have been taken down. Ald. Schnipper is not comfortable because there is a reliability issue and the new poles are needed for improvements. Ald. Schnipper would feel better if, after three months, NStar does not live up to its commitment, any requests are held. Ald. Gentile is not in favor of holding the grants of location. He worries about service to the customer. He would like a clear understanding that NStar is going to meet their commitment. If, however, NStar does not meet the commitment he is in favor of holding future pole locations. Ald. Salvucci pointed out that it was unlikely that NStar does not need the poles they are requesting. Ald. Weisbuch withdrew his motion although he is still very concerned about the lack of accountability regarding poles. He would like to see some results in the next few months.

Respectfully submitted,

Sydra Schnipper, Chairman