

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MARCH 23, 2005

Present: Ald. Schnipper (Chairman), Gerst, Albright, Salvucci and Lappin

Absent: Ald. Stewart, Yates and Mansfield

Also present: Ald. Coletti and Danberg

City personnel present: Robert Rooney (Commissioner of Public Works), Lou Taverna (City Engineer), John Daghlian (Associate City Engineer), Sandy Pooler (Chief Budget Officer) David Turocy (Deputy Commissioner of Public Works), Nick Parnell (Commissioner of Public Buildings) and Shawna Sullivan (Committee Clerk)

**Public Hearing assigned for March 23, 2005**

#76-05 ETHAN & LISA LERNER, 4 Nobscott Road, Chestnut Hill petitioning for Construction of a Main Drain in COMMONWEALTH AVENUE CARRIAGE LANE, from the existing manhole in Nobscott Road 105' in an easterly direction to a proposed manhole in Nobscott Road at 349 Commonwealth Avenue.  
**PETITIONER TO PAY ENTIRE COST**

**ACTION:** **APPROVED 5-0**

**NOTE:** John Daghlian was present for the discussion of the item. The petitioners are requesting an extension of a main drain in the Commonwealth Avenue carriage lane to provide drainage to 349 Commonwealth Avenue. The petitioners will pay the entire cost of the main drain extension, which will be done by a contractor with City inspection. Mr. Daghlian stated that he has reviewed the plan and the drain is properly designed for a 100-year storm. Ald. Schnipper asked if the project would begin after the marathon, as it is on Commonwealth Avenue. Mr. Daghlian responded that the project would not be started before the marathon.

The public hearing was opened and no one spoke for or against the petition. The public hearing was closed and Ald. Salvucci moved approval of the item. The motion carried unanimously.

**Public Hearing**

#98-05 JAMES H. MITCHELL, 83 Countryside Road, Newton Centre, petitioning for laying out, grading and acceptance of COUNTRYSIDE ROAD as a public way from Dedham Street to end (a distance of 2,450') to be the width of 24'.

**ACTION:** **APPROVED 5-0**

**NOTE:**

Commissioner Rooney and Lou Taverna joined the Committee for discussion of this item. The street acceptance will be done through the new ordinance allowing private way abutters to pay 100% of the cost to lay out and grade a private way to City standards in order to be accepted as a public way. The Commissioner went on to explain that when Countryside Road was planned, it was meant to be a public way. Unfortunately, the project went bankrupt and the road was not built to City standards.

The Mayor and Ald. Lipof are supportive of the petition. The Commissioner has worked with the Chief Budget Officer and Comptroller to come up with funding to start the project. The City will bond for the cost of the laying out and grading and the abutters will reimburse the City through the betterment process. The full reconstruction should be completed in September and the road will remain open to residents and passable to emergency vehicles during construction. Several Committee members questioned whether all of the abutters had been notified about the cost of the project by the City. The Commissioner responded that the City has not notified all of the abutters but has met with all of the petitioners and informed them of the approximate cost.

A resident of Countryside Road asked to speak in regards to notification of the abutters; therefore, the Chairman opened the public hearing. Fred Chanowski, 111 Countryside Road, stated that he notified all of the residents of Countryside Road by letter that the estimated cost for laying out, grading and street acceptance is \$600,000. He explained that residents are overwhelmingly supportive of the petition. However, there is some dismay that the City will not be contributing to the cost.

Lawrence Fruman, 125 Countryside Road, voiced his support of the petition, as long time resident of Countryside Road. Alan Levic, 150 Countryside Road stated his support of the petition, as well.

Lee Barden, Rachel Road, requested an explanation of the new ordinance and asked if it was different from a curb betterment. The Commissioner reviewed the ordinance and explained that this type of betterment is different from a curb betterment as the City pays 50% of a curb betterment and an individual can apply for a curb betterment, while this type of petition requires 50% of the residents to petition.

Fred Chanowski stated that he was told that there would be options in regards to what materials will be used for curbing and sidewalks. The Commissioner explained that the cost estimate is based on concrete sidewalks with granite curbing. The Chairman asked if it is possible to change the materials. The Commissioner responded that the petitioners could choose different materials. He then reviewed the cost differences and longevity of the different types of materials. Mr. Chanowski than asked for a vote by the residents of the street on what types of material should be used for the sidewalks and curbing. The residents voted to have concrete sidewalks with granite curbing. The residents also asked the Commissioner to consider doing the project in pieces to minimize the impact of the construction on the residents.

The Chairman closed the public hearing. Ald. Lappin asked about the financing piece of the project. The Commissioner stated that the intent is to get a bond authorization account set-up, which would be allowed to run in deficit until a bond is sold. The Chair asked when the bond authorization would come before the Board. Sandy Pooler responded that the Mayor would be submitting the request for authorization next week. The project will be completed in the Fall and the City will know the actual cost and will sell a bond in February for that amount.

The street and curb cuts will be built to current City standards. The Chair asked if it was possible to notify the utilities to see if they had any work on the street, as there will be a five-year moratorium on opening the street. Commissioner Rooney will contact the utility companies and let them know about the reconstruction.

Ald. Lappin moved approval of the item, which carried unanimously.

**Public Hearing**

#99-05 CRAIG HAMMER, 10 Patten Circle, Newton Centre, petitioning for laying out, grading and acceptance of PATTEN CIRCLE as a public way from Countryside Road to end (a distance of 275') to be the width of 24'.

**ACTION:** **APPROVED 5-0**

**NOTE:** Commissioner Rooney and Lou Taverna were present for discussion of this item. The petition is a similar situation to the above item. The street acceptance will be done through the new ordinance allowing private way abutters to pay 100% of the cost to lie out and grade a private way to City standards in order to be accepted as a public way.

The Public Hearing was opened and David Zises, 20 Patten Circle, stated that all residents of Patten Circle are in favor of the street acceptance. The public hearing was closed. Ald. Lappin moved approval, which carried unanimously.

**Public Hearing assigned for March 23, 2005**

#100-05 PETER LEAVITT, 11 Mosley Road, Newton Centre, petitioning for laying out, grading and acceptance of MOSLEY ROAD as a public way from Countryside Road to Rachel Road (a distance of 600') to be the width of 24'.

**ACTION:** **APPROVED 5-0**

**NOTE:** Commissioner Rooney and Lou Taverna were present for discussion of this item. The petition is a similar situation to the above items. Mr. Taverna explained that the distance is actually 400', as the end portion of the road will be loamed, seeded, and maintained by the abutters. The public hearing was opened and no one spoke for or against the petition. Ald. Lappin moved approval, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#107-05 HIS HONOR THE MAYOR requesting that the sum of \$18,000 be appropriated from monies received from Newton-Wellesley Hospital (as reimbursement to the

City for the installation of drainage in Washington Street) for the purpose of funding a 350-foot drainage extension on LARKSPUR ROAD.

**ACTION:** **APPROVED 5-0**

**NOTE:** Lou Taverna presented the item to the Committee. The new drainage pipe is needed to alleviate the flooding in four backyards caused by a broken City drainage pipe located in the backyards. Mr. Taverna stated that the Conservation Commission would review the new drainage. The City has contacted the Environmental Protection Agency and will obtain the necessary permits from the EPA. The City hopes to abandon the easement behind the four properties once the new drain extension is constructed.

Committee members asked if the funds included any money to fill loam and seed the backyards of the four properties. Commissioner Rooney responded that the appropriation only covers the cost of redirecting the flow of drainage. Ald. Lappin asked when the request for the money to repair the backyards would come before the Board. The Commissioner stated that the level of mitigation that the City is responsible for has not been determined. Ald. Lappin stated that she would like the City to contribute to the restoration of the backyards. The Commissioner will be having ongoing meetings with the owners of the affected properties.

Ald. Coletti asked if Newton Wellesley Hospital approved of the use the money. The Commissioner explained that the funds from the hospital were to pay for an upgrade in drainage the hospital requested during the reconstruction of Washington. Therefore, the hospital has no claim to the money and the City may use the funds for whatever is deemed appropriate.

Sandy Pooler has no problem with the use of the funds and with that Ald. Salvucci moved approval.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#38-05 HIS HONOR THE MAYOR requesting authorization of debt issuance in the amount of \$12,930,095, through a zero interest loan program sponsored by the MWRA to fund rehabilitation of the City's water mains.

**ACTION:** **APPROVED 5-0**

**NOTE:** Lou Taverna presented the item to the Committee. The MWRA has authorized Newton to borrow approximately \$25 million dollars at zero interest over a ten-year period. This item is for the second five years of the program. The money will be used to either clean and reline or replace water mains in the City's system.

To date, 26.5 miles of pipes have been rehabilitated and water quality has been improved. The remaining loan will allow another 18-20 miles to be rehabilitated over the next five years. Ald. Albright asked the cost of replacing versus cleaning and relining the pipes. Mr. Taverna responded that it is approximately \$125 per linear foot to replace and \$112 per linear foot to clean and reline.

Ald. Coletti asked Mr. Taverna how much is being replaced compared to what is being relined. He hopes the City is getting more new pipes than relined pipes, as new pipe probably lasts longer. Commissioner Rooney responded that many pipes did not have adequate flow and had to be replaced. Ald. Danberg asked what material is used to reline a pipe. Mr. Taverna explained that cement is used and is approximately 1/4" thick. He suggested that Ald. Danberg visit the office to look at samples.

Ald. Gerst recalled that there was one hope and one fear when the project began. The hope was to reduce water consumption and the fear was that the project would raise the water table. Ald. Gerst asked if either had been realized. Mr. Taverna stated that water consumption has dropped quite a bit but he cannot comment on the water table.

A motion to approve the item was made, which carried unanimously.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#108-05 HIS HONOR THE MAYOR requesting that the sum of \$506,000 be appropriated from bonded indebtedness for the purpose of funding commissioning of the heating, ventilation and air conditioning (HVAC) systems at Newton South High School.

**ACTION:** **APPROVED 3-2 (Gerst and Lappin opposed)**

**NOTE:** Sandy Pooler and Nick Parnell presented the item to the Committee. The item is for funds to commission and repair the HVAC system at Newton South High School. The firm the City intends to use for the commissioning is at the top of the field. The Mayor's letter that was attached to the agenda accurately describes commissioning. There is a critical need to commission the HVAC system, as it is not operating correctly. If the City did not commission, the operating cost over twenty years would be insurmountable. Commissioning is an insurance policy for the HVAC system.

Ald. Salvucci asked why the architect who designed the HVAC system is not responsible for the system if it is not functioning correctly. Commissioner Parnell responded that it might not be the architect's fault; it could be the contractor who installed it or faulty equipment. It has been found that if a system is not functioning the best way to correct is a peer review. Ald. Salvucci questioned who would pay for any repairs to the system. Commissioner Parnell stated that the City may have to pay but if at all possible, the City will hold someone responsible. Ald. Albright has an issue with not holding the people who installed the system responsible.

Ald. Albright asked if the City would have the ability to run the HVAC system once the commissioning is complete. There are funds in the request for training for staff from Public Buildings and School Department to get training to operate the system. Ald. Albright suggested hiring a person who specializes in commissioning for future projects. The Commissioner has spoken with the School Department and Executive Department about creating that type of position.

The HVAC system was put in according to specification and has been installed for over a year. The City has not finally accepted the system and when it does the warranty will extend one year from the date of final acceptance. The problem does not seem to be with the computer portion of the system but the mechanical portion. The system may work five days in a row and then not work for the next week. The system should work perfectly once it is commissioned.

The Committee reviewed the breakdown of costs provided with the agenda. All of the members of the Committee and Ald. Coletti and Danberg were upset to find that both the Project Manager and Architect stand to earn additional money from the commissioning. The Aldermen felt that the project manager and architect should have made sure that the system worked properly from the start. There was grave concern about the large expense of commissioning. Ald. Danberg felt that the City should have made it a priority that the HVAC work right knowing what happened at Newton North High School.

Ald. Coletti raised his concern that if the architect or manufacturer were at fault the commissioning agent would not be willing to testify to that fact. Commissioner Parnell stated that the commissioning agent would be supplying the City with a comprehensive report of the system in three to four months.

Ald. Coletti suggested that the City inform the architect and contractor that there is a chance that a claim will be filed by the City on their performance bond to recoup additional costs. He was very upset that neither the architect nor the project manager was present for the discussion of this item. He also requested that the Commissioner submit the qualifications of the commissioning agent and a letter stating that Newton South High School has not been turned over to the City.

The Chairman asked why we had to pay the project manager, as they are already under contract. Commissioner Parnell responded that the scope of work is over and above what they were contracted to cover. Ald. Albright felt that it was unnecessary for the project manager to be involved. The Commissioner explained that the project manager is needed to coordinate the commissioning. Ald. Albright then asked if Turner had any knowledge of commissioning. Mr. Parnell feels that they seem to be very knowledgeable in regards to commissioning.

Ald. Coletti suggested holding the item and requesting the project manager and architect join the Committee for discussion. Ald. Salvucci felt that the money was necessary to get the system to work and to delay would only create problems for the City. With that observation, the Chairman moved approval of the item, which carried.

#481-04      ALD. SCHNIPPER requesting an update on the HVAC and plans to commission Newton South High School. (Held 01-05-05)

**ACTION:**      **NO ACTION NECESSARY 5-0**



**NOTE:** The item is no longer necessary, as the Mayor has requested the funds to repair and commission the HVAC system at Newton South High School. Therefore, the no action necessary motion carried unanimously.

Re-appointment by His Honor the Mayor

#77-05 IRA KREPCHIN, 67 Craftsland Road, Chestnut Hill, reappointed as a member of the Newton Citizens Commission on Energy for a term of office which will expire on April 1, 2008 (60 days 04/07/05).

**ACTION:** **APPROVED 5-0**

**NOTE:** Mr. Krepchin is a long-time member of the Commission on Energy and known to most of the Committee. His resume was attached to the agenda for those unfamiliar with Mr. Krepchin's career and background. Ald. Salvucci moved approval of the reappointment, which carried by a vote of five in favor and none opposed.

Re-appointment by His Honor the Mayor

#78-05 KATHERINE GEKAS, 87 Adella Avenue, West Newton, reappointed as a member of the Newton Citizens Commission on Energy for a term of office which will expire on April 1, 2008 (60 days 04/07/05).

**ACTION:** **APPROVED 5-0**

**NOTE:** As Ms. Gekas is a reappointment to the Citizens Commission on Energy and her resume was provided, the Committee voted to approve her appointment.

Respectfully submitted,

Sydra Schnipper, Chairman