

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, JUNE 22, 2005

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

Absent: Ald. Gerst and Yates

Also present: Ald. Parker

City personnel present: Lou Taverna (City Engineer), Robert Rooney (Commissioner of Public Works), Elaine Gentile (Director of Environmental Affairs, Public Works) and Shawna Sullivan (Committee Clerk)

Appointment by His Honor the Mayor

#202-05 RALPH GREENWOOD, 94 Shady Hill Road, Newton Highlands, appointed as a member of the Citizens' Commission on Energy for a term of office to expire on June 1, 2008. (60-day Board action date 08-05-05)

ACTION: **APPROVED 6-0**

NOTE: Mr. Greenwood met with the Committee regarding his appointment to the Citizens' Commission on Energy. Mr. Greenwood's career has been in the power and energy field including the designing, commissioning and building of power plants. He traveled frequently and has never had an opportunity to be part of a community. Mr. Greenwood is now semi-retired and would like to volunteer his time and expertise to the City. Ald. Stewart, who met Mr. Greenwood through basketball, put Mr. Greenwood in touch with David Tannozi the City's Energy Engineer and he has been working with the Citizen's Commission on Energy in an unofficial capacity since June 2004.

Ald. Lappin asked Mr. Greenwood what he saw as upcoming energy issues for the City. Mr. Greenwood responded that the Commission has been looking at a power plant for Newton South High School and possibly Day Middle School. A co generator at a school would be energy efficient and pay for itself within a few years. The co generator would produce heat and electricity. Mr. Greenwood also thought that the City should investigate replacing street light bulbs with more efficient bulbs. Ald. Mansfield suggested that the Citizens' Commission on Energy review the City's street lighting plan before making any recommendations.

Ald. Lappin moved approval, which carried unanimously.

#174-05 BOSTON EDISON CO. petitioning for a grant of location to install pole 137/5A in the westerly side of ELM STREET approximately 70' south of Webster Street.

ACTION: APPROVED 6-0

NOTE: Maureen Carroll, NStar Right of Way Manager, presented the petition to the Committee. The petition is for a new pole to enhance reliability in the Elm Street/Webster Street area. The Engineering Division recommends approval of the item. The public hearing was opened and no one spoke for or against the petition. Ald. Salvucci moved approval of the item, which carried unanimously.

#200-05 MELORA M. BALSON, 276 Highland Street, West Newton petitioning for a main drain to be constructed in HIGHLAND STREET from the existing drain at Fountain and Highland Streets easterly 265' ± to a proposed drain manhole in Fountain Street to service 276 Highland Street.

ACTION: APPROVED 6-0

NOTE: Verne Porter, Civil Engineer and Land Surveyor, presented the petition to the Committee. The City's drainage system does not extend to this point on Highland Street. The petitioner would like to extend the drainage to build a new home at 276 Highland Street and mitigate some of the drainage issues in the area. The new drainpipe will extend from the existing drain at the intersection of Fountain Street and Highland Street and will be a 12" pipe.

Lou Taverna explained that typically, storm water would be retained onsite but due to the permeability of the site, it is not possible. There will be an onsite leaching facility, a series of catch basins and pumps in the rear of the property to send storm water to an overflow in the front of the property, which is connected to the City drain. Ald. Mansfield asked why the lot was not considered "unbuildable" if it was not possible to retain the storm water onsite. Mr. Taverna stated that the Engineering Division worked with the petitioner to solve the drainage problems with the site. Ald. Mansfield questioned whether the drainage system was adequate for the entire route of the storm water. Mr. Taverna felt that the drainage system is adequate for the addition of this lot. Ald. Mansfield then asked if the City was setting a precedent by letting this petitioner resolve their drainage issues by this means. Mr. Taverna said that he does not believe this is the case.

The petitioner is willing to pay the entire cost of the project. The petitioner will rebuild two existing catch basins and install two more catch basins in Highland Street to provide better drainage to the neighborhood. The petitioner has agreed to all of the Engineering Division's recommended conditions.

The public hearing was opened and no one spoke for or against the petition. Therefore, Ald. Salvucci moved approval of the petition, which carried.

#201-05 EVELYN D. IAGULLI, 1086 Shell Isle Boulevard, Unit 3E, St., Petersburg, FL petitioning for a common sewer to be constructed in ROCKLAND STREET from an existing 24" sewer main that flows parallel to South Meadow Brook and

extending 155' ± westerly along Rockland Street (a private way) to service a proposed single family dwelling.

Note: The Law Department has advised that the City must acquire an easement in the affected portion of Rockland Street, either by eminent domain or as a result of voluntary conveyance by all abutting property owners.

ACTION: APPROVED 5-0 (Mansfield not voting)

NOTE: Attorney Stephen Buchbinder and Verne Porter presented the petition to the Committee. The petition is to provide service to a proposed single family home on a vacant lot that was the subject of a Zoning Board of Appeal's decision. There is an existing 24" sewer main that runs parallel to South Meadow Brook and the proposed sewer would be connected with a chimney connection. The proposed sewer will require the placement of three manholes in Rockland Street.

The petitioner is paying the entire cost of the project. Rockland Street is a private way; therefore, the Law Department is recommending a taking for easement purposes. The public hearing was opened and David Dolitka, 14 Rockland Street, asked that the taking process be explained. The Chairman explained that the City takes an easement in order to maintain the sewer in the future. Michael Cosgrove, 215 Winchester Street, asked how large the trench would be for the sewer main, whether there would be any trees removed and what the finished road would look like. Verne Porter explained that there would be a 6'-8' trench in the center of the road, therefore no trees would be removed. The project should take about a week to complete and trench will be plated and back filled at the end of each day. The road will be restored to the current condition with fewer potholes.

Michelle Dolitka, 14 Rockland Road, asked what would happen to the areas around the manholes when the gravel is washed out by a storm. Mr. Porter explained that maintenance of the road should take care of washouts. The manholes will be stabilized when they are placed in the road. Ald. Lappin suggested that it might be beneficial for the residents to petition the City to accept the street or to pave the road through the new repair ordinance. Mike Iagulli stated that if the road is paved it will create speed issues for the neighborhood. The Chairman addressed the residents of Rockland Road, asking them to call the City should the gravel around the manholes wash out, as the City will provide gravel to repair the washout. The public hearing was closed and the discussion was brought back to Committee.

The Committee reviewed the Engineering Division's suggested conditions. Most of the conditions are standard, however, condition #2 is a requirement that 50' of either granite or concrete curbing be installed to prevent further washout. The Committee felt that it was inappropriate to require the petitioner to pay for curbing to stop erosion that has nothing to do with the petition. The Committee voted unanimously to remove condition #2. The applicant has filed with the Conservation Commission and received an order of conditions. Ald. Lappin asked if the Conservation Commission commented on possible erosion by South Meadow Brook.

Attorney Buchbinder responded that the issue of erosion was never discussed. A motion to approve carried.

#171-05 RUBEN & CARLOTA FAGUNDO, 32-36 Hurley Place, petitioning for a common sewer to be constructed in HAGEN ROAD from a proposed sewer manhole in Hagen Road 117' ± northerly through a proposed 20' wide easement in Hurley Road to a proposed sewer manhole to be located in the easement to service 24-26 and 32-36 Hurley Road.

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

NOTE: This petition was previously discussed and held for an easement plan and an evaluation by the City's Director of Urban Forestry for one City tree and one private tree. It is a petition for a common sewer to replace two failed septic systems at 24-26 and 32-36 Hurley Place. Attorney Rosenberg joined the Committee for further discussion of this item. The Engineering Division has approved the design, the Law Department has reviewed the proposed easement document (attached) and the Director of Urban Forestry has looked at the two trees and determined that the tree on private property is dying and can be removed. The City tree is not in the best of health but still requires that a tree removal hearing take place. The petitioners have requested a public hearing for the tree removal. The easement is a grant and not a taking; therefore, the Board needs to authorize the Mayor to accept the grant of easement. The Tunneys and Fagundos will bear the entire cost of the project. Ald. Lappin moved approval of the petition, which carried unanimously.

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#233-05 COMMISSIONER OF PUBLIC WORKS recommending that Sec. 26-31, of the Revised Ordinances of the City of Newton, 2001, be amended by deleting the \$25 application fee plus an additional \$10 fee pertaining to the number of boxes and inserting a fee of \$50 per box per.

ACTION: **APPROVED AS AMENDED TO EXCLUDE VENDOR BOXES FROM WITHIN 10' OF A RECOGNIZED BUS STOP 6-0**

NOTE: Elaine Gentile and Commissioner Rooney were present for the discussion of this item. The current ordinances have two separate fees for vendor boxes on the sidewalk. There is a \$25 application fee plus an additional \$10 fee for each box owned by the vendor. The proposed change would increase the fee to \$50 per box per year eliminating the two fees. The cost of inspections, administrative costs and so forth justify the increase, as it is estimated that these costs are about \$100 per box. The change will generate \$13,000, which seems an appropriate and reasonable fee. In addition, the Public Works Department would like to add a provision barring vending boxes within 10' of a bus stop.

Ald. Parker spoke in favor of the item. He is particularly supportive of the 10' restriction, as the vending boxes often create an impasse for pedestrians during the winter forcing them to walk in the street. He suggested extending the restriction to 15 feet. The Commissioner felt that 15' might be too limiting, as many bus stops are located on corners and vendors would not be able

to place a box. Ald. Mansfield is frustrated every time he passes locations with vendor boxes. Some places have ten to twenty boxes in a group making the sidewalk almost impassable. When the current ordinance was put in place, it was his understanding that the boxes should be in chained groups of three and no more. Ms. Gentile explained that the current ordinance does not require chaining or grouping. Ald. Albright asked what other communities charge for vendor boxes. Ms. Gentile responded that she has not recently looked at that but it ran the gamut the last time she surveyed other cities and towns.

Commissioner Rooney stated that he sees the amendment as a stopgap measure and will evaluate after a year. He would like to implement a lottery for placement of boxes each year.

Ald. Stewart moved approval of the item with the exclusion of vendor boxes within 10' of any bus stop. The motion carried unanimously.

REFERRED TO PUBLIC FACILITIES & FINANCE COMMITTEES

#203-05 ALD. STEWART proposing the establishment of a commission to investigate the creation of a municipal electric distribution enterprise in Newton.

ACTION: **HELD 6-0**

NOTE: Ald. Stewart presented the item to the Committee. He is not proposing the City create a municipal electric distribution enterprise but he would like the City to fully investigate that possibility. He did not realize the Citizen's Commission on Energy was already looking into municipal electric distribution, as well as undergrounding wires. There needs to be some discussion of the composition of such a commission, as both members of the Citizen's Commission on Energy and the Undergrounding Task Force seem like likely candidates to serve on such a commission. Ald. Stewart urged the Committee to approve a resolution proposing the formation of a commission.

Ald. Albright stated that the commission sounded feasible and it seemed like a direction the City should be going towards. Ald. Salvucci asked how the City would go about obtaining the electricity to distribute. Ald. Stewart explained that the City would purchase the electricity. There is legislation pending on how municipalities acquire the electricity. Lois Beaner, Chair of the Task Force for Undergrounding Utilities, has spoken with Representative Maer regarding the proposed bill. The current bill allows for mediation between the municipality and utility to arrive at a price. The utility company does not have to sell even if the price is agreed upon. The proposed bill would require the utility company to sell after a fair price is agreed upon.

After discussion with several members of the Energy Commission, which included Lawrence Kaufman and John Bliss, regarding the complexity of providing electricity, Ald. Stewart proposed holding the item while he drafts a resolution for the Committee to review. The Committee approved the motion to hold the item.

34-03 ALD. COLETTI requesting discussion with Executive Department and Fire Department relative to street light maintenance contract with Wellesley Power and

Light with the possibility transferring this function to of the Fire Department's Wire Group.

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

NOTE: The Committee voted this item no action necessary, as the Fire Department will be maintaining the streetlights in FY'06.

Respectfully submitted,

Sydra Schnipper, Chairman