

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, APRIL 7, 2004

Present: Ald. Schnipper (Chair), Gerst, Albright, Salvucci, Stewart, Yates, Mansfield and Lappin

City personnel present: Nick Parnell (Commissioner of Public Buildings), Arthur Cabral (Budget and Special Projects Specialist, Public Buildings Dept.), Anne Cornaro (Director of Information Technology), Sandy Pooler (Chief Budget Officer), Karen Griffey (Utilities Department), Robert Rooney (Commissioner of Public Works) and Shawna Sullivan (Committee Clerk)

**Chairman's Note:** The Commissioner of Public Works' presentation on the upcoming street construction for this season was postponed until April 21, 2004.

#158-04      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 on 12/31/05. (60-day Board action date 05/14/04)

**ACTION:**      **APPROVED 8-0**

**NOTE:**      The Committee approved Mr. Michelson's reappointment to the Designer Selection Committee after a brief discussion. Mr. Michelson has served on the Committee for a number of years and is presently Chair. The Committee felt it unnecessary for Mr. Michelson to be present for the reappointment as he had just joined the Public Facilities Committee in March for discussion on an item concerning the selection of an architect for the proposed Newton North High School.

#177-04      PRESIDENT BAKER recommending Bernard Feldstein, 280 Newtonville Avenue, Newtonville be appointed as an Aldermanic appointee to the Designer Selection Committee term of office to expire December 31, 2005.

**ACTION:**      **APPROVED 8-0**

**NOTE:**      Mr. Feldstein was unavailable for the discussion of his appointment to the Designer Selection Committee but submitted a resume, which was attached to the agenda. Most of the Committee members were familiar with Mr. Feldstein, as he served as Chair of the Design Review Committee for ten years. Mr. Feldstein is currently serving as Vice-chairman of the Designer Selection Board of the Commonwealth of Massachusetts. Mr. Feldstein is an architect with over thirty-four years experience and has been involved in such projects as the State Transportation Building, Boston Police Headquarters and several high school and college construction projects. The Committee approved the appointment, as Mr. Feldstein will be a great addition to the Designer Selection Committee and is known to most of the Committee members.

#178-04 ALD. LAPPIN requesting that a mechanism be created to keep track of the valuable lessons that we learned through the previous construction of Newton North High School, Newton Free Library and the ongoing construction at Newton South High School to be a source of information for future projects.

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

**NOTE:** Ald. Lappin docketed this item because she feels that it is important to review past successes and errors, when starting new construction projects. It would be helpful if there was one database, which contained that information for staff, architects and contractors to access. Anne Cornaro stated that a database could be created for this purpose. Commissioner Parnell presented the Newton South High School Bid Format Table of Contents (attached). He would like to use the same format, as everyone involved is familiar with the format. Ald. Lappin requested that the Commissioner follow-up and get as much information from departments as possible for the database.

Ald. Stewart feels that it is good idea but asked how much time it would involve to set-up and maintain the database. Ms. Cornaro responded that it would take time to set-up but once it was done, it was only a matter of inputting information to keep the database current. Ald. Albirght suggested gathering information from other communities and creating links to other databases. Commissioner Parnell suggested that the Committee check out the School Dude web site and perhaps create a link to that site. Ald. Stewart moved approval of the item, which carried unanimously.

**REFERRED TO PUB. FACILITIES AND FINANCE COMMITTEES**

#202-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$150,000 from Free Cash for the purpose of replacing windows at the Pierce Elementary School.

**ACTION:** **HELD 7-0 (Salvucci not voting)**

**NOTE:** Sandy Pooler, Nick Parnell and Arthur Cabral were present for the discussion of the item. Commissioner Parnell told the Committee that the Pierce Elementary School windows are in a desperate state. The windows cannot keep out the elements and have been in place since the 1950s. The existing windows will be replaced with double hung windows. The School Committee has voted the windows as one of the top capital improvement projects. The project is part of the FY'04 Supplemental Capital Improvement Project.

Commissioner explained that the request for an appropriation needs to be increased to \$300,000. The figure of \$150,000 was obtained from an old CIP and the cost for the windows has increased significantly. The Mayor will request that the \$150,000 for the Bowen boiler be voted no action necessary and the funds be used for the windows at Pierce School. Ald. Mansfield asked if this project is reviewed by the Design Review Committee. The Commissioner stated that the

Design Review Committee does not review this type of project. Ald. Mansfield felt that it would be a good idea for the review to occur, as the project is a substantial change to the building. The Commissioner had no problem with this and agreed to present it to the Design Review Committee.

The Commissioner requested that the Committee vote only \$26,950 for the design funds for the project at this time. The Committee opted to create a new item for the design funds. Ald. Lappin moved approval of the item, which carried.

#202-04(2) HIS HONOR THE MAYOR requesting an appropriation in the amount of \$26,950 from Free Cash for the design of new windows at the Pierce Elementary School.

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

**NOTE:** See above note.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#161-04 HIS HONOR THE MAYOR proposing Ordinance amendment to provide for new water and sewer rates structure for condominium units and apartments to be billed on par with single family homes.

**ACTION:** **A) CONDO WATER AND SEWER RATES APPROVED 8-0**  
**B) APARTMENT WATER AND SEWER RATES FAILED TO CARRY 3-4-1 (Mansfield, Schnipper, Salvucci, Lappin opposed; Yates abstaining)**

**NOTE:** Sandy Pooler and the Mayor were present for the discussion. This is a proposal to change the water/sewer rates for condominiums and apartments. The intent of the change is to create a structure for condominium owners and apartment owners to be billed on par with single-family homeowners. The Mayor stated that there were two areas of concern. First, apartments were included in the proposal as they fall under the definition of multi-dwelling properties, which also includes condominiums. Therefore, it is recommended that there be no distinction made between apartments and condominiums. Second, there is a question of unfair advantage in savings. The proposed ordinance change will give condominiums and apartments 80% credit, as an incentive for conservation.

Ald. Salvucci asked how the City will make-up the money that is lost by offering this savings to condominiums and apartments. The Mayor responded that there would be a 2 1/2% increase in the rates for single-family homes to generate the \$670,000 difference created by the rate decrease condominiums and apartments. Ald. Salvucci also questioned how the savings would be passed to the renters in apartments. The Mayor explained that there is no way to require apartment owners to pass along the savings to their tenants without Home Rule Legislation. Ald. Lappin asked what the figure would be if apartments were excluded. The difference would be just under \$300,000 and the increase in rates to single-family homes would be just over 1%. It is easier to implement the proposed amendment

if apartments are included, as it will not require Home Rule Legislation. The Mayor also stated that it is up to the Board whether they would include apartments. He will support the proposed change for condominiums either way. There was some concern regarding an impact to special permits. The Mayor has checked and there is no impact.

Ald. Mansfield has difficulty with giving a landlord potential profit. The condominium owner pays the water/sewer bill and will definitely save but there is no guarantee that the tenants of an apartment will save. Ald. Schnipper is more amenable to changing the rates for condominium owners and not apartment building owners. Ald. Salvucci also stated that he has trouble supporting the apartment portion of the amendment. Ald. Gerst pointed out that Proposition 2 1/2 defines apartments as residential, making it reasonable and acceptable to include apartments. Ald. Stewart asked if the Mayor had consulted the Law Department. The Mayor has met with the Law Department and they are comfortable with the proposed amendment. Ald. Yates asked why the City would require special legislation if the amendment were only for condominiums. It is the Law Department's belief that if the apartments are excluded, it will require Home Rule Legislation.

Allan Sach, Trustee of the Towers at Chestnut Hill asked how a Home Rule Legislation petition for just the condominiums would fair at the state level. The Mayor responded that it adds complication and he cannot foretell how the legislature will vote. He suggested a Home Rule Legislation petition to require landlords to pass savings along to tenants. It is Mr. Sach's belief that if pressure is placed on apartment owners to pass on the savings, it will happen.

Ald. Stewart pointed out that there are different types of apartments and in many situations, owners will be forced to share the savings. He also stated that we live in a capitalistic society and it is okay for apartment owners to benefit. He also feels it is fair to give apartment dwellers an opportunity to conserve and save.

The Chair suggested two options regarding a motion for approval of the item. First, would be a motion to approve as presented or second, separate the condominiums and the apartments. Ald. Stewart moved approval of the item as presented and Ald. Mansfield offered a friendly amendment to separate. Ald. Stewart accepted the amendment. The Committee approved the amendment for Condominium water/sewer rates and the motion to approve the apartments failed to carry.

**REFERRED TO PUB. FACILITIES AND FINANCE COMMITTEES**

#204-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$381,000 from Free Cash for the purpose of completing the funding of snow and ice costs in the Department of Public Works for the current year.

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

**NOTE:** Commissioner Rooney was present for discussion of this item. He provided substantial back-up detailing cost of each storm event, which was attached to the agenda. The funds requested will complete the funding for snow and ice accounts this year. Ald. Salvucci moved approval of the item, which carried unanimously.

**REFERRED TO PUB. FACILITIES AND FINANCE COMMITTEES**

#205-04 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$120,000 from Free Cash for the purpose of purchasing a new street sweeper for the Department of Public Works.

**ACTION:** **APPROVED 6-0 (Gerst and Yates not voting)**

**NOTE:** Commissioner Rooney was present for discussion of this item. The Department of Public Works is requesting a new street sweeper, as one sweeper is out of service and not economical to repair. The Public Works Department is entering the spring clean-up season and the sweepers are constantly in use until after the fall clean up.

Ald. Salvucci would like temporary signs erected a few days before a street is to be swept in order to let people know that there is no parking. The Commissioner responded that signs are placed currently but perhaps more signs were needed. Ald. Salvucci asked if it was possible to issue tickets or tow if cars are parked on the street. The Commissioner explained that there would need to be an amendment to the ordinances. Ald. Salvucci pointed out that there is a provision in the ordinances allowing the Chief to create temporary no parking on streets. The Commissioner agreed to investigate the no parking issue further. Ald. Salvucci moved approval of the item, which carried.

Respectfully submitted,

Sydra Schnipper, Chairman