

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, MARCH 5, 2003

Present: Ald. Schnipper (Chair), Linsky, Salvucci, Stewart, Yates and Mansfield

Absent: Ald. Gerst and Lappin

Also present: Ald. Baker, Basham and Lipsitt

City personnel: Lou Taverna (Utilities Director), Ouida Young (Associate City Solicitor), John Daghlian (Associate City Engineer Department), Robert Rooney (Commissioner of Public Works) and Carlos Cespedes (Autocad Operator)

**RE-APPOINTMENT BY THE BOARD OF ALDERMEN**

#89-03      JEREMIAH ECK, 14 Eliot-Memorial Road, Newton to be re-appointed as an Aldermanic appointee to the DESIGNER SELECTION COMMITTEE for a term of office to expire on December 31, 2003 (60-day Board Action Date (04-19-03).

**ACTION:**      **APPROVED 6-0**

**NOTE:**      Mr. Eck joined the Committee to discuss his reappointment to the Designer Selection Committee. Mr. Eck has several of the qualifications necessary to serve on the Designer Selection Committee. He has served several years on the Committee and he is an architect.

Mr. Eck believes that Newton does not get a wide variety of architects because it has a reputation of being tough and cheap. This means that the City is not getting, the very best architects, which means plans are not as good as could be opening the way for change orders. Change orders result in large cost increases to a project. If the city would pay a higher fee, they would get better architects with better drawings. Good documents are essential to a project because they keep the change orders to a minimum.

The committee thanked Mr. Eck for his contributions to the Designer Selection Committee. Ald. Mansfield moved approval of his reappointment and it was approved unanimously.

#500-02      ALD. BAKER, BASHAM, JOHNSON, LAPPIN, LINSKY, LIPSITT, MANSFIELD, MERRILL, SANGIOLO AND YATES requesting discussion of city policy regarding grants of location by the Commissioner of Public Works for temporary signs and banners on city owned light poles on public ways.

**ACTION:**      **HELD 6-0**

**NOTE:**

The Chair explained that this item is no longer as pressing because Newton Pride has withdrawn a request for banners. Ouida Young and Commissioner Rooney were present for discussion of this item. Ouida Young explained that the Zoning Ordinances play part of the role regarding banners. There are three areas that you can use to address the issue of banners and the Zoning Ordinance states what sorts of signs can go into a public use district or what sorts of signs can go generally everywhere. To the extent that some of the banners may relate to City sponsored activities, they are certainly permitted by the Zoning Ordinance. The two other sources of control are the City through its Public Works Commissioner, as the Commissioner controls essentially anything that is in the layout of the public way and through ownership of the poles on which the banners are sometimes mounted.

Ald. Baker provided the Committee with an amended list of possible policies regarding banners (attached). He reviewed each of the thirteen possible policies. There were some questions in regards to whether the policies cover banners on fences. Ms. Young explained that the policies would only govern banners within the public way.

Ald. Basham, a co-docketer, has been ambivalent regarding the policies, since the first discussion because she is coming from a different place than Ald. Baker. She is concerned about the proliferation of sponsored banner with large advertisements on banners that have nothing to do with City sponsored events. There are two types of public banners; banners that advertise city events and quasi city banners that are used for fundraising and selling advertising space for quasi public purpose. There are two types of private banners; the private institutional banners that promote location, identity and purpose and private institutional banners that promote an event. Ald. Basham feels that Aldermen will have different opinions in regards to which banners create the greatest or least intrusion into the environment and which banners create the greatest public concern. Her approach to developing policies for banners would be to look at each of the four types of banners and determine if there should be different policies for each type. She agrees with Ald. Baker's possible policies in principle but she thinks that if the Board takes the time different conclusions may be reached for each of the four categories.

Ald. Stewart asked if there were any pending requests for banners. Commissioner Rooney stated that the two long-term requests were from Newton Pride, who has withdrawn and Boston College has requested placing their banners up with an agreement for one year and an indemnity clause. There are several short-term event driven requests for banner placement for a week in just about every village in Newton. Ald. Stewart believes that we need to treat the short-term banners very differently from the long-term banners, as the banners are very different. It is his feeling that the long-term banners should be done on a case by case basis. Ald. Lipsitt would like the City to charge a fee for private banners. Secondly, she

agrees with Ald. Basham and several other Aldermen that advertising on the banners is inappropriate. Thirdly, she is uncomfortable about the proposed policies that refer to design as they raise First Amendment issues and she would be opposed to any control over the content. She was also supportive of Ald. Basham's approach.

Ald. Schnipper suggested that the Committee hold the item and a small group work on proposed policies. Ald. Baker and Ald. Stewart will work together and bring something back to the Committee for discussion on April 9.

#261-02(2) PUBLIC FACILITIES COMMITTEE establishing a taskforce of Aldermen, departmental officials and citizens to monitor the sewer problems, prepare periodic reports for the public on the actions being considered by the City to address the problem, and serve as an initial clearinghouse for information for Board of Aldermen and for citizens.

**ACTION:** **HELD 6-0**

**NOTE:** This item was held without discussion.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#118-03 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$1,130,731 from Free Cash for the purpose of supplementing the current year DPW snow and ice control accounts.

**ACTION:** **APPROVED AS AMENDED 6-0 @ \$998,658**

**NOTE:** Commissioner Rooney was present for discussion of this item. The Commissioner asked that the request be decreased by \$132,073. The appropriation will cover costs to date and one additional 4-7" storm as well as ongoing sanding operations. Ald. Yates was pleased to see that costs include restoration funds for the Upper Falls playground. He feels that the Nahanton Street Woods would have been more appropriate site for snow dumping and has docketed an item in regards to this. Ald. Yates moved approval of the item as amended and it was voted unanimously.

**Chair's**

**Note:** The Utilities Director, Lou Taverna, provided the Committee with an update on the Stormwater Phase II Permitting and Commissioner Rooney, John Daghlian and Carlos Cespedes presented the Department of Public Works Capital Projects for 2003. Both Power Point presentations are attached. Mr. Taverna explained that the Stormwater Management Permit Notice of Intent is due on March 10. It specifies the City's upcoming Stormwater Management Plan. The plan is to be implemented over the next five years. There are several components of the plan, which is part of the attached presentation.

The Capital Project Presentation addressed all of the proposed projects for 2003. Also included in the presentation are some potential future projects. The projects are broken out by type of project and funding sources. The projects include road reconstruction, mill and overlay, re-paving of water main projects, water main capital improvements, betterments and other projects.

Respectfully submitted,

Sydra Schnipper, Chairman