

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 5, 2003

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

Also Present: Ald. Samuelson and Lipsitt

City personnel present: Robert Rooney (Commissioner of Public Works), Gayle Smalley (Associate City Solicitor), Fran Towle (Commissioner of Public Works) and Marc Welch (Superintendent of Forestry)

#415-03 ALD. SALVUCCI proposing that Sec. 26-51, Public Way Improvements Constituting Specific Repairs, of the Revised Ordinances of the City of Newton, 2001 as amended, be further amended to include city and state funded projects.

NOTE: **HELD 7-0 (Mansfield not voting)**

ACTION: Ald. Salvucci docketed this item due to the Lexington Street reconstruction. Cars are piled up at the intersection of River Street and Lexington Street because the narrowing of the intersection. The traffic jam is created because the corner is now difficult to maneuver. Ald. Salvucci feels that the Public Facilities Committee should have input into street design and redesign. Ald. Stewart stated that there was plenty of citizen input regarding the project but everyone had varying opinions. Ald. Stewart agrees that it would be better to resolve problems in Committee rather than receiving input from everyone.

Commissioner Rooney explained that he tries to keep the Board apprised of all reconstruction projects. He feels that there will always be citizen input on projects regardless if the Committee reviews them. Ald. Stewart felt that the current process of public hearings and citizen input should be maintained but the Board should have the final stamp of approval. It is very unclear who has final say on how a reconstruction is done. Ald. Salvucci relates the idea of review by the Public Facilities Committee to Design Review. The Committee sees plans for any new city buildings and should see plans for any reconstruction of streets. The Committee should at least have knowledge of what is going on with reconstructions. Ald. Gerst stated that it is a good idea, as the Aldermen tend to know what the community feelings or ideas are. They are better than Engineers at gauging public feeling. Ald. Mansfield also voiced his support of an ordinance requiring street reconstructions be reviewed by the Board.

Gayle Smalley explained that when looking at the current ordinance it should be kept in mind that it is based on State Law. The committee needs to delineate what types of improvements are to be included in the amendment. It was felt that simple paving jobs should not be included. Commissioner Rooney asked what happens when a field change is needed, will it be necessary for the Board to review it. There are many changes to street reconstruction plans during construction and the Public Works Department needs to stay flexible. Ald. Schnipper reminded the Committee that a similar discussion took place last year and the Committee requested that as a policy the Commissioner bring any project that changed the traffic flow to the Committee for review. It is very difficult to define in an ordinance what measure of change needs to be reviewed by the Board. Also, there are time constraints due to the construction season and if all changes need to be reviewed and voted projects may not be completed in time.

The Committee requested that the Law Department draft language for an amendment requiring street reconstructions to come before the Board if there is a change in traffic patterns. Ald. Salvucci moved hold, which the Committee voted unanimously.

#442-03 ALD. SAMUELSON AND YATES proposing an ordinance to allow the city to stabilize private way road surfaces with a steep grade, which cause road fill to impede drainage of public systems.

NOTE: **HELD 6-0 (Mansfield, Linsky not voting)**

ACTION: Ald. Yates presented the item to the Committee. Ald. Samuelson docketed this item in response to a common problem. Several private ways within the City have a steep grade, no drainage and are gravel. When there is a heavy downpour the gravel rolls down the grade into public ways, which causes drains to clog. Ald. Samuelson joined the Committee and stated that unstable private ways need to be corrected. If the City were to pave private ways with a steep grade, the problem would be resolved.

Ald. Stewart voiced his support of the item, as he is aware of several private ways that cause flooding on public ways. Ald. Schnipper asked who would pay for the repairs, the City or owners of property of private ways. It was felt that it would be the City's responsibility to pay for it. Commissioner Rooney stated that it is a wide spread problem and creates lots of maintenance for drains located in areas surrounding private ways. He explained that the private ways would need to be reconstructed to include drainage and it would be a major expense to the City.

Gayle Smalley explained that historically there is great concern about using public funds for private properties although restrictions have loosened. The current ordinances regarding private way repair are attached. Ald. Linsky asked if it was possible to fine private way owners for damage to City drains. Ald. Lappin would

like to know if the City paves a private way is it then responsible for the maintenance of the private way. Gayle Smalley explained that she would have to research these questions. Commissioner Rooney said that in the near future he would be proposing a different way to convert private ways to public ways.

Ald. Salvucci moved hold on the item to allow Ms. Smalley time to research the questions and draft language for an ordinance amendment.

#394-03

ALD. LIPSITT AND GERST requesting a discussion with the Department of Public Works regarding the policy for installation of sidewalks and curbs during street repair/reconstruction and possible amendment of Sec. 26-70 of the of the City of Newton Revised Ordinances, 2001.

NOTE:

HELD 8-0

ACTION:

Ald. Gerst and Lipsitt presented the item to the Committee. Ald. Gerst explained that the item has more to do with curbing than sidewalks. They both noticed that asphalt curbing was used in the Sargent Street area instead of granite curbing. They would like granite to be used when the rest of an area is granite. Commissioner Rooney responded that the curbing on Sargent Street was asphalt and was replaced in kind. The Commissioner provided the Committee with photos of asphalt curbing and examples of where it would protect the berm. He would prefer to use granite curbing on all projects but it is very expensive and labor intensive.

Ald. Lipsitt felt that it had been previous policy to use granite instead of asphalt because it is much better quality and lasts. She feels it is a real policy issue and questioned whether the city wanted to make the quality investment or the convenient investment. It is her feeling that at the very least arterials and collectors should have granite curbing and perhaps the City could assess property owners some of the cost. Ald. Lipsitt asked if it was possible not to curb if erosion or drainage was not a problem. Commissioner Rooney said that it was possible. Ald. Salvucci explained to the Committee that asphalt only lasts for a short time where granite will last at least 100 years. Ald. Stewart asked if there were other options beside asphalt, concrete and granite. Commissioner Rooney said that there were but due to the amount of plowing these, other materials would fail. Ald. Mansfield asked if a betterment is requested is granite used. He also felt that perhaps the City should not accept betterments on streets that do not require betterments. Commissioner Rooney stated that granite or concrete is used, as there is no betterment for asphalt.

It was decided to ask for a draft ordinance from the Law Department requiring that granite curbing be used if curbing is necessary. Ald. Stewart moved hold until the draft language was available.

#443-03 ALD. YATES requesting a report from the Commissioners of Public Works and Parks and Recreation as to the safety of utility lines with overhanging limbs on public land on Elliot Street.

NOTE: **HELD 6-0 (Mansfield, Linsky not voting)**

ACTION: Commissioner Towle and Marc Welch joined the Committee for discussion of this item. Ald. Yates noticed that there are several overhanging limbs near utility lines on Elliot Street by the city yard and at the triangle at Hyde and Chestnut Streets. Marc Welch explained that the triangle is due to be trimmed mid-month. Ald. Yates asked that the city yard be included as well. Mr. Welch said that it would be no problem to do the yard. Ald. Yates moved hold until the trimming had occurred.

ITEM RECOMMITTED TO PUBLIC FACILITIES ON 10/07/03

#220-03(2) HIS HONOR THE MAYOR recommending that Department of Public Works fees for sewer back-ups be increased to more accurately reflect the City's cost of providing services. The increased revenue from these fees is to be part of the FY04 revenue estimates prepared by the Chief Budget Officer.

NOTE: **APPROVED 5-2 (Mansfield, Gerst Opposed; Salvucci not voting)**

ACTION: The item was recommitted due to questions regarding the proposed second shift in the Utilities Division. The Board of Aldermen received a letter from the union stating that they had reached an agreement with the city in regards to the second shift. Commissioner Rooney was present for discussion of the item and reiterated that the City had settled with the union.

Ald. Salvucci and Stewart reiterated their opposition to this item (see previous reports). Ald. Mansfield offered an amendment to the proposed rates that would lower the rates. The amendment failed to carry by a vote of 1-6 (Mansfield in favor, Salvucci not voting). Ald. Linsky proposed an amendment giving the Commissioner the ability to waive the fee if the blockage is due to City trees or caused by the City. After a brief discussion, it was determined that the amendment would not work. Therefore Ald. Linsky withdrew the amendment and moved approval of the item, which carried.

REFERRED TO PUBLIC FACILITIES AND PS&T COMMITTEES

#88-03 ALD. SAMUELSON requesting discussion with Executive Department, DPW Commissioner and City Engineer regarding how the vacancy of the City Traffic Engineer position has adversely affected operations, including the work of the Traffic Council and the Public Safety/Transportation Committee.

NOTE: **NO ACTION NECESSARY 6-0 (Mansfield, Linsky not voting)**

ACTION: This item was voted no action necessary, as the Traffic Engineer's position has been filled.

Respectfully submitted,

Sydra Schnipper, Chairman