

CITY OF NEWTON
IN BOARD OF ALDERMEN
PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, NOVEMBER 19, 2003

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

Absent: Ald. Lappin and Yates

Also present: Ald. Merrill, Gentile, Sangiolo, Coletti, Parker and Lipsitt

City Officials: Robert Rooney (Commissioner of Public Works), John Dahlian (Acting City Engineer), Sandy Pooler (Chief Budget Officer), Lou Taverna (Utilities Director) and Mayor Cohen

Appointment by His Honor the Mayor

#441-03 DONALD TSIANG, 109 Russell Road, West Newton, appointed as a member of the Design Review and Designer Selection Committee to fill the vacancy created by the unexpired terms of Kentaro Tsutsumi, which terms will expire on December 31, 2005 (60-day Board action 12/19/03).

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

NOTE: Mr. Tsiang was present for the discussion of his appointments. He is a structural engineer with thirty years experience and a Newton resident of nearly thirty years. He would like to give back to the community by serving on the two committees.

Ald. Salvucci, who serves on the Designer Selection Committee, is very happy to have someone to replace Mr. Tsutsumi, as he is sorely missed and there are many important projects that require input from both committees on the horizon. Mr. Tsiang told the Committee that Mr. Tsutsumi was one of his professor's at MIT. Ald. Salvucci moved approval of the appointments, which carried. Ald. Schnipper thanked Mr. Tsiang on behalf of the Committee for his service.

REFERRED TO PUBLIC FACILITIES & PROGRAMS & SERVICES COMMITTEES

#94-03(2) HIS HONOR THE MAYOR requesting Home Rule Legislation to allow the City of Newton to charge fees for water and sewer usage for single meter/multi-residence condominium properties based on the average consumption per dwelling unit.

ACTION: **NO ACTION NECESSARY 3-1 (Schnipper opposed; Linsky, Gerst not voting)**

NOTE: The Committee met jointly with the Programs and Services Committee to discuss this item. The Mayor explained that he filed this request for Home Rule Legislation because under state law cities and towns cannot currently distinguish

between condominiums and apartments when billing for water and sewer usage. Therefore the City must ask for Home Rule Legislation for water and sewer usage for single meter condominium properties based on average consumption per unit. In most other situations, such as taxes, condominium owners are treated as individual homeowners. As condominium complexes have one or two meters for all the units, it is not possible for individual condo owners to take advantage of the lowest tier rates. This would bring some equity to the individual owners. If the special legislation passes, the bill for individual condo owners shall be determined by dividing the total consumption by the number of dwelling units.

Ald. Parker asked why apartments were not included as many condos are rented and it is not fair to exclude apartments. The Mayor responded that many people rent single family homes and the property owner still pays the first tier rate. As for apartments it is impossible to determine if the savings will be passed onto renters and it would be a windfall for apartment building owners. It is Ald. Stewart's opinion that the landlords will pass on the savings one way or the other. Ald. Parker suggested creating a rate structure for condos and apartments that is slightly higher than the lowest rate. It is his feeling that the average consumption of condo owners will be in the lowest tier but some will be over. It is unfair to give all condominiums a break.

Ald. Lipsitt has several concerns with the proposed legislation. She has trouble making a distinction between six rental condos or six rental apartments. If we are going to make a change to the rates it should encompass all. The Mayor has no problem with including apartments, if that is what the Board wants. Ald. Lipsitt is also concerned that there is a disincentive to conserve due to the averaging. She can see have a different rate structure for multi-unit apartments or condominiums in order not to penalize them but there needs to be an incentive for conservation.

The Mayor responded that these were good points but there is pressure from condo associations for individuals to conserve. There is not currently an incentive to conserve as they are paying the higher rate. A lower rate will give condo owners more of an incentive to save because they will stay in the lower rate if they conserve. It is not an exact method through no fault of the condo owners. Ald. Lipsitt agreed that there is a positive incentive but this will take away the negative incentive by lowering the rates. If there are some abusers within a condo complex, there will be no way to give them a higher rate. Mr. Taverna explained that the City must charge the same rates to all users unless the City spends more on operational/maintenance funds. Ald. Lipsitt suggested that perhaps the City should petition for Home Rule Legislation to change that.

Ald. Linsky stated that the City cannot sacrifice conservation for financial equity. He wondered if it would be possible to apply the rates only to owner occupied condominiums. He also asked how other communities deal with this issue. Ald.

Sangiolo has looked at other communities and found that Cambridge does average multi-residences. Framingham also sets a low rate for condos and averages but if the condos go over the set low rate they are charged the maximum. Ald. Gerst feels that by chasing equity we are creating new problems. He is in agreement with the proposal, as it seems rational. It deprives large property owners of the benefit and classified rental properties are subject to residential taxes therefore they get a huge tax break.

Ald. Coletti has no problem supporting this but feels that apartments should be included, as several apartment owners provide low-income housing. He would love to see averaging for condos and multi-dwelling units. He asked if this was a local option or for all cities and towns. The Mayor responded that it is a local option. Ald. Coletti thought that it would be great if it included all cities and towns. He also wants to be sure that the Utilities Department is prepared to initiate this. Ald. Parker reiterated his opinion that it should encompass all multi-dwellings.

Ald. Stewart asked why the decision was made to exclude apartments. The Mayor said that several Aldermen were not favor of including apartments when he spoke with them regarding this issue. Ald. Stewart questioned whether there had been any discussion with State Representatives. At this time there has been no discussion with the local Representatives.

Ald. Sangiolo requested the costs to the City to implement the new rates. The cost of changing the rates for the condominiums would be \$340,000 a year and if apartments are included \$845,000 per year. The difference will be made up by an increase in all rates. It would be a 1 1/2% rate shift for the condos and just under 3% for apartments and condos. Ald. Sangiolo asked if the City was requesting that separate meters for each unit be installed for new construction. Mr. Taverna explained that the City is has two concerns about requesting separate meters. First, the City would be responsible for the pipe to the meter and second, the City would have to average the irrigation use for dangling meters. Ald. Linsky really feels that the City needs to differentiate between owner occupied and rental property, as it is not right to ask rate payers to shoulder the burden when there is no guarantee the resident is getting the break.

Ald. Coletti asked how difficult it would be to install flow meters in each condo. Mr. Taverna responded that it is not difficult but who would maintain the meters. Ald. Coletti stated that when homes are hooked up they are charged a fee and if condo owners want a break they should install flow meters.

Ald. Salvucci asked how the bill would be determined for the individual condo owners, as some will be larger users because there are more people in the condo. The Mayor explained that it will be up to the condo association to break down the

bill. Ald. Salvucci thinks it would be best to meter every unit. The Mayor responded that the City would be responsible and it is very expensive undertaking.

Alan Sack, Chestnut Hill Towers, spoke for the Condo Association Committee. The condo owners are looking for fairness. They are not looking for a break they just want to be treated as a single-family homeowner. They have no problem with including apartments. He explained that condo associations work to conserve water. The bill will be proportional to the size of the unit. Ald. Gentile asked what the bill is now and what it would be. Mr. Sacks estimated that the bill is approximately \$75,000 and would drop to \$55,000.

Ald. Lipsitt is not interested in approving an item that distinguishes between condos and apartments. Several members would support creating a separate rate for condos and apartments.

Ald. Parker motioned no action necessary on the item and moved to create a new item requesting Home Rule Legislation for a separate rate structure for condominiums and apartments. The Programs and Services Committee voted 4-2 (Gentile and Sangiolo opposed) on both items.

Ald. Stewart moved no action necessary in Public Facilities, which was voted 3-1 (Schnipper opposed). Ald. Stewart moved approval on the creation of Ald. Parker's item, which failed to carry 1-2-1 (Salvucci, Linsky opposed, Schnipper abstaining).

PUBLIC HEARING ASSIGNED FOR 11/19/03

#496-03 **FIRST CAMBRIDGE REALTY CORP.** requesting a common sewer and main drain be constructed in HERRICK ROAD from existing manhole at Union Street approximately 190' southerly.

NOTE: PETITIONER TO PAY ENTIRE COST

ACTION: **HELD 5-0 (Gerst not voting)**

NOTE: Lou Taverna and John Daghlian were present for the discussion of this item. This is a petition to provide sewer and water service to an office building to be constructed by right. John Daghlian explained that there is currently no sewer or water in this portion of Herrick Road. The pipes will go around the building and in the near future, the City will loop the pipes to Cypress Street. It is a win win situation for the petitioner and the City. Mr. Daghlian stated that all engineering work has been completed and the conditions have been laid out in the memo attached to the agenda.

The public hearing was opened, however, there was no one present to speak for or against the petition, as the discussion on the water condominium rates was lengthy and the people present had left. The Committee questioned whether an easement

was needed for the project. It was decided to hold the petition to find out about the easement and give the abutters a chance to be heard.

Ald. Mansfield asked why the petitioner wanted a commercial building instead of a residential building. The petitioner replied that he would prefer a residential building but had applied for a special permit and had to withdraw, as there appeared not to be enough support for a special permit to be granted.

Appointment by His Honor the Mayor

#517-03 ALBERT D. FINE, 55 Wilde Road, Waban, appointed as a member of the Design Review Committee to fill a vacancy, which term will expire on December 31, 2005 (60-day Board action 01/16/04).

ACTION: **HELD 5-0 Mansfield not voting)**

NOTE: This item was held for discussion on December 3, 2003.

#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.

ACTION: **HELD 5-0 Mansfield not voting)**

NOTE: This item was held for discussion on December 3, 2003.

#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.

ACTION: **HELD 5-0 Mansfield not voting)**

NOTE: This item was held for discussion on December 3, 2003.

#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.

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

NOTE: This item was held for discussion on December 3, 2003.

#498-03 ALD. STEWART requesting a discussion with appropriate representatives of the Executive Department regarding the condition of the entrance to the Newton Free Library (Theodore Mann Building).

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

NOTE: This item was held for discussion on December 3, 2003.

REFERRED TO PUB. FAC. AND PROGRAMS & SERVICES COMMITTEES

#83-03 ALD. GENTILE, BRYSON, COLETTI AND LIPSITT requesting that the Health Commissioner conduct/oversee a testing program to evaluate the air quality at Newton North High School and, if necessary, make recommendations to ensure the safety of all students and staff in the building.

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

NOTE: The item was held for discussion on December 3, 2003.

#177-03 PUBLIC FACILITIES COMMITTEE requesting discussion with representatives of the Designer Selection Committee regarding the procedures and processes of that committee.

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

NOTE: The item was held for discussion on December 3, 2003.

#154-03 PUBLIC FACILITIES COMMITTEE requesting a review of the ordinances pertaining to the Design Review Committee.

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

NOTE: The item was held for discussion on December 3, 2003.

#139-03 ALD. YATES requesting a re-study of snow dump sites within the City considering improved efficiency, proximity to sites to be cleared and lessened neighborhood impact.

ACTION: **NO ACTION NECESSARY 5-0 (Mansfield not voting)**

NOTE: This item was voted no action necessary, as it was addressed during the Commissioner's presentation of the snow plan.

#67-03 PUBLIC FACILITIES COMMITTEE requesting discussion with the Commissioner of Public Works options for removal of snow from sidewalks.

ACTION: **NO ACTION NECESSARY 4-0 (Mansfield, Salvucci not voting)**

NOTE: This item was voted no action necessary, as it was addressed during the Commissioner's presentation of the snow plan.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#485-02 HIS HONOR THE MAYOR requesting an appropriation in the amount of \$64,947 from the Capital Stabilization Fund for the purpose of funding construction of a customer service center in the northeast alcove of the City Hall rotunda.

ACTION: **NO ACTION NECESSARY 4-0 (Mansfield, Salvucci not voting)**

NOTE: The item was voted no action necessary, as there has been no recent discussion or plans for funding the customer service center submitted to the Board.

#427-02(02) BOSTON EDISON d/b/a NSTAR ELECTRIC requesting a grant of location to install a hip guy and anchor at pole 73/38 opposite Mill Street.

ACTION: **NO ACTION NECESSARY 4-0 (Mansfield, Salvucci not voting)**

NOTE: NStar has failed to submit an alternative to the hip guy and anchor as requested at the Committee meeting of December 4, 2002. Therefore the item was voted no action necessary.

#260-02 ALD. BRYSON, STEWART, SANGIOLO, SALVUCCI, COLETTI, GENTILE, LINSKY, BULLWINKLE, YATES, SAMUELSON, MERRILL, BASHAM, FISCHMAN, PARKER AND GERST requesting: a public hearing on the sewer problems in Waban, Upper Falls, Lower Falls, Auburndale, West Newton and other neighborhoods on the north side of the city.

ACTION: **NO ACTION NECESSARY 4-0 (Mansfield, Salvucci not voting)**

NOTE: The item was voted no action necessary as the above item will deal with sewer problems.

#213-02 VERIZON petitioning for a grant of location to place guy and anchor on the easterly side 53' southerly at existing pole 413/9 on Sumner Street.

ACTION: **NO ACTION NECESSARY 4-0 (Mansfield, Salvucci not voting)**

NOTE: Verizon has failed to submit an alternative to the hip guy and anchor as requested at the Committee meeting of December 4, 2002. Therefore the item was voted no action necessary.

#28-02 THE GERSSINFELD'S AND VIOLA'S requesting that Rogers Street, Newton Highlands be changed to Rogers Way as there is a duplicate street name in Newtonville.

ACTION: **NO ACTION NECESSARY 5-0 (Mansfield, Salvucci not voting)**

NOTE: Neither the Gerssinfeld's or the Viola's have contacted the Board since 2002 regarding changing the name of the street. The Board recommitted the item to Public Facilities in February of 2002 as the petitioners had reservations about the change, therefore, the Committee voted the item no action necessary.

47-01 HIS HONOR THE MAYOR submitting the *Report and Recommendation of the Needham Street Advisory Committee* for Board review and approval.

ACTION: **NO ACTION NECESSARY 4-0 (Mansfield, Salvucci not voting)**

NOTE: The Mayor will be submit a new item regarding Needham Street in 2004, therefore, the Committee voted the item no action necessary.

#75-00 HIS HONOR THE MAYOR proposing ordinance amendments related to right of way petitions, plans and permits as provided for in sections 23 and 26 of the Revised Ordinances of the City of Newton.

ACTION: **NO ACTION NECESSARY 4-0 (Salvucci, Mansfield not voting)**

NOTE: As there has been no recent discussion on this item and nothing planned for the near future it was decided to vote the item no action necessary.

#529-99 ALD. YATES & LIPSITT requesting His Honor the Mayor to submit an ordinance enabling the city to minimize the disruption of city streets by telecommunication providers, require the restoration of streets to prior condition at provider expense, promote co-location, and otherwise manage the city right of way in accordance with city rights under the Telecommunication Act.

ACTION: **NO ACTION NECESSARY 5-0 (Gerst not voting)**

NOTE: As there has been no recent discussion on this item and nothing planned for the near future it was decided to vote the item no action necessary.

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#478-99 HIS HONOR THE MAYOR requesting authorization to appropriate and expend \$5,400,000, which funding will be long term debt as authorized by MGL Chapter 44, Section 8(7)(a), for the purpose of replacing water meters throughout the City.

ACTION: **NO ACTION NECESSARY 5-0 (Gerst not voting)**

NOTE: As there has been no recent discussion on this item and nothing planned for the near future it was decided to vote the item no action necessary.

#341-98 ALD. CICCONE requesting establishment of an ordinance to require that all street design/redesign projects be submitted to the Board of Aldermen for approval.

ACTION: **NO ACTION NECESSARY 5-0 (Gerst not voting)**

NOTE: The item was voted no action necessary, as #415-03 is the same request for an ordinance amendment.

#128-98 ALD. PARKER, SANGIOLO, MERRILL, MANSFIELD requesting an adjustment to the water and sewer rate structure to allow rate relief for low-volume water and sewer users.

ACTION: **NO ACTION NECESSARY 5-0 (Gerst not voting)**

NOTE: There is a similar docket item, which was referred to the 2004-2005 Board, therefore, the item was voted no action necessary.

ITEM RECOMMITTED TO PUB. FAC. AND FINANCE COMMITTEES 04/5/99

#20-96 ALD. CICCONE requesting discussion with the Director of Utilities regarding there-implementation of the use of sprinkle/garden meters to measure outside water use for all residences citywide. Item recommitted by full board on 4/5/99.

ACTION: **NO ACTION NECESSARY 5-0 (Gerst not voting)**

NOTE: As there has been no recent discussion on this item and nothing planned for the near future it was decided to vote the item no action necessary.

REFERRED TO PUBLIC FACILITIES. AND FINANCE COMMITTEES

#94-03(3) HIS HONOR THE MAYOR proposing Sec. 29-36(a) and Sec. 29-80(b) of the Revised Ordinances of the City of Newton, 2001 be amended to include language and a definition for single meter/multi-residence water and sewer rates.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Gerst not voting)**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#519-03 ALD. SANGIOLO requesting a discussion and possible ordinance amendment to Sec. 29-36 "Rates, schedule" and 29-80 "Sewer use charge" of the City of Newton Revised Ordinances, 2001 regarding water and sewer rates for condominiums.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Gerst not voting)**

#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.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Mansfield not voting)**

#497-03 ALD. STEWART recommending review of the city's policies and practices regarding notification of residents of street repairs and utility installations.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Mansfield not voting)**

#499-03 ALD. BAKER, BASHAM, MANSFIELD, JOHNSON, & PARKER requesting discussion of incentives for recycling of waste not currently recycled so as to reduce costs to the city and increase the amount of recycled articles with a minimum of administrative cost or homeowner inconvenience.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Mansfield not voting)**

#339-03 ALD. SALVUCCI, on behalf of Anthony R. Cuechi, requesting that the square at Watertown and Adams Streets be named San Donato Square.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Mansfield not voting)**

#393-03 ALD. LINSKY, SCHNIPPER AND SALVUCCI requesting a discussion regarding progress in the renovation of Newton South High School.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Mansfield not voting)**

REFERRED TO PROG&SERV, PUBLIC FACILITIES & FINANCE COMMITTEES

#369-03 ALD. SANGIOLO requesting a presentation of the findings and results of the *Newton North Feasibility Study* to the Board of Aldermen in a public forum to allow a greater number of the public to hear the presentation and offer public comment.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Mansfield not voting)**

27-03 ALD. SALVUCCI, SCHNIPPER, LINSKY, STEWART, LAPPIN AND YATES requesting a review of all change orders to date with Public Buildings Commissioner and the Project Manager on the Newton South High School project.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Mansfield not voting)**

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: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

#261-02 ALD. STEWART, BRYSON, SANGIOLO, SALVUCCI, COLETTI, GENTILE, LINSKY, BULLWINKLE, YATES, SAMUELSON, MERRILL, BASHAM, FISCHMAN, PARKER AND GERST requesting the creation of a special committee of the Board of Aldermen to continually 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: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

#259-02 HIS HONOR THE MAYOR requesting an informational discussion of authorization of a lease for municipal parking purposes of property owned by NSTAR located on Homer Street immediately west of the Main Library parking lot.

ACTION: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#258-02 PUBLIC FACILITIES COMMITTEE requesting discussion of feasibility and appropriateness of more progressive water/sewer rates.

ACTION: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

#257-02 ALD. SCHNIPPER requesting a discussion of the state and federal laws that govern the shared use of utility poles, including a review of the standards and

procedures employed in determining whether poles have adequate space and weight-bearing capacity to support the attachment of additional cables and wires.

ACTION: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#55-02 ALD. YATES requesting that the water/sewer discount rate be made available to homeowners who receive Fuel Assistance, Supplementary Security Income, Food Stamps, Supplementary Disability Income, General Relief, Low Income Sewer and Water Assistance, School Breakfast and Lunch and other income based State and Federal programs.

ACTION: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

REFERRED TO FINANCE, PUBFAC; & PROG&SERV COMMITTEES

#309-01 ALD. PARKER requesting increase in the income eligibility level of the 30% water/sewer discount for low-income senior citizens.

ACTION: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES

#135-01 ALD. M. LIPOF offering a resolution urging His Honor the Mayor to hire an independent auditor to oversee and report monthly through the Mayor to the Board of Aldermen for the duration of the construction and renovations to the high schools.

ACTION: **REFERRED TO 2004-2005 BOARD 4-0 (Mansfield, Salvucci not voting)**

#146-99 GRACE J. VIGORITO, 33 Bencliffe Circle, petition for laying out, grading and acceptance of BENCLIFFE CIRCLE from Chaske Avenue to 730' to be the width of 45 feet.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Gerst not voting)**

94-99 RALPH S. ROBART 28 Richardson Road, Petition for Laying Out, Grading, and Acceptance of RICHARDSON ROAD from Route 9 northerly 180'± to be the width of 30 feet.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Gerst not voting)**

93-99 RUTH M. THOMPSON 5 Belmore Park, Petition for Laying Out, Grading and Acceptance of BELMORE PARK from Washington Street to end 505' to be the width of 45 feet.

ACTION: **REFERRED TO 2004-2005 BOARD 5-0 (Gerst not voting)**

Respectfully submitted,

Sydra Schnipper, Chairman