

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, DECEMBER 3, 2003

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

Absent: Ald. Gerst

City personnel present: Michael Cronin (Operations Manager; School Department), Robert Rooney (Commissioner of Public Works), Gayle Smalley (Associate City Solicitor), John Daghlian (Acting City Engineer), Nick Parnell (Commissioner of Public Works), Clint Schuckel (Traffic Engineer), and Lou Taverna (Utilities Director)

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:**      **APPROVED 6-0 (Linsky not voting)**

**NOTE:**      Mr. Fine was present to discuss his appointment to the Design Review Committee. He currently serves on the Designer Selection Committee. He is an architect with thirty years of experience and is a long-time Newton resident. Mr. Fine feels he has more time to contribute to the City and this appointment would be the best fit for his abilities.

Ald. Yates moved approval of Mr. Fine's appointment, which carried unanimously. The Committee invited Mr. Fine to join the discussion regarding the Design Review and Designer Selection Committees.

#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:**      **APPROVED AS AMENDED TO INCLUDE WATER SERVICE 7-0**

**NOTE:**      This item was discussed at the previous Committee meeting and held for an easement plan and further information regarding the easement. John Daghlian and Gayle Smalley were present for discussion of this item. The petitioner will be paying the entire cost of the project.

Gayle Smalley explained that the Docket item needed to be amended as when the petition was submitted it did not include a water main extension. The water main

extension requires an easement. The Board will need to authorize the acceptance of the easement and give final approval of the water main extension before the easement transaction. Mr. Daghlian told the Committee that the easement plan has been submitted and meets the Engineering Department's requirements. The easement runs along the public pathway. He also stated that it is to the City's benefit, as the water main will be looped to Cypress Street.

The public hearing was reopened, as the item was discussed late in the evening at the previous meeting. No one was present to speak for or against the petition. Ald. Mansfield asked if the City would pick up any parking spaces in the municipal lot, as there will no longer be access to the property from the lot. John Daghlian explained that the City did not lose spaces when the access from the municipal lot was put in, therefore, it was not likely that any spaces would be gained. Ald. Yates moved approval of the item as amended to include the water main extension and the easement, which carried unanimously.

**REFERRED TO PUB. FACILITIES 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:** **REFERRED TO 2004-2005 BOARD 6-1 (Stewart opposed)**

**NOTE:** Michael Cronin was present for discussion of this item. The indoor air quality testing was completed on December 2, 2003. The results will not be available until the end of December. Therefore, the Committee held the item for discussion in January.

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

**ACTION:** **NO ACTION NECESSARY 7-0**

**NOTE:** See the item below for notes on this item, as they were discussed in conjunction.

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

**ACTION:** **NO ACTION NECESSARY 7-0**

**NOTE:** The Committee opted to discuss the two above items together as they are closely related. Albert Fine, Joseph Michelson and Arthur Cohen, members of Design Review and Designer Selection Committees were present for discussion of these items. The items were docketed in response to issues raised previously by Mr.

Jeremiah Eck regarding the quality of the architects Newton employs due to the poor fee that Newton pays.

Mr. Cohen disagreed with Mr. Eck's assessment. It is his belief that there are three issues that effect the quality of design, the first is time, the second is the fee and the third is ability. The City does not always allow enough time to evaluate projects for a quality design. He does not feel that Newton is anymore handicapped than other communities. There are several cities and towns that do not pay as well as Newton. However, the fee can be small in terms of overall construction. There are only a few firms that will to do public work therefore choices are limited.

Mr. Michelson felt that part of the problem is Chapter 149 of the Mass. General Laws, which is unique to Massachusetts and certain provisions of Chapter 149 be amended. It requires a separate bidding process to identify the subcontractors in seventeen trade areas. Due to this, the work must be very defined and it takes control away form the general contractor. It also adds cost to construction because of change orders and it frustrates coordination creating timing issues. Mr. Cohen feels that Chapter 149 changes the relationship between the general contractor and the subcontractors. The Committee had a discussion with Mr. Michelson, Mr. Cohen and Mr. Fine on the possibility of varying from Chapter 149. A few communities have been allowed to vary from the process, in order to evaluate whether there should be amendments.

The Design Review Committee and Designer Selection Committee are not involved after construction begins. Some of the Committee members felt that further involvement by these Committees would be beneficial. The Committee than questioned how many projects the committees deal with, the membership and the process. Ald. Stewart suggested forming a discussion group consisting of Aldermen, the Commissioner of Public Buildings and members of both Design Review and Designer Selection in order to review the ordinances pertaining to the committees, the process and the charge of the committees. The Committee supported this and the members of the committees present at the meeting were in agreement. Therefore a motion to vote the item no action necessary was made and carried unanimously.

#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:**      **APPROVED 7-0**

**NOTE:**      The item was held at the previous meeting for a draft ordinance. The Committee reviewed the draft ordinance provided by Gayle Smalley. The Committee felt that the new language sufficiently defined the Board's role in approving design

changes to public ways, which are deemed specific repair. Ald. Yates moved approval, which carried 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.

**ACTION:** **REFERRED TO 2004-2005 BOARD 7-0**

**NOTE:** Ald. Samuelson was unavailable for discussion of the item, as she was involved in discussion at another committee meeting. She requested that the item be referred to the next Board.

#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:** **NO ACTION NECESSARY 7-0**

**NOTE:** Ald. Yates has met with Marc Welch, Superintendent of Forestry on Elliot Street and discussed what limbs need to be trimmed. Mr. Welch agreed that the limbs needed trimming and assured Ald. Yates that the work would be done in the next few weeks. Therefore, Ald. Yates moved no action necessary, which was voted unanimously.

#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:** **NO ACTION NECESSARY 7-0**

**NOTE:** Commissioner Parnell joined the Committee for discussion of this item. Ald. Stewart sent a memo to the Mayor, the Commissioner of Public Buildings, the Director of the Library and the Commissioner of Parks and Recreation addressing concerns he had about the entrance to the library. He received no response except from a Trustee of the Library, who was in agreement regarding the condition of the entrance to the library. He would have preferred not to docket this but had no choice.

Commissioner Parnell apologized to Ald. Stewart for not responding. The only things that concerns the Public Buildings Department are the bridge and electrical cable. The electrical cable has been removed. Mr. Parnell stated that the bridge is in the C.I.P. for funding to replace it. The bridge was damaged due to improper salting and expansion. The Committee will be revisiting the bridge when there is an item docketed for funding the replacement.

Gayle Smalley explained the necessity of the sign warning the public of flooding if it rains. Legally, if people have been warned of flooding, they cannot hold the City responsible for damage. The Commissioner promised to look into changing the placement of the sign at the entrance. He also agreed to call the Parks and Recreation Committee regarding the trash containers and dead trees.

As Ald. Stewart's concerns have been addressed or will be addressed the item was voted no action necessary.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#536-03      HIS HONOR THE MAYOR requesting an appropriation in the amount of \$50,000 (to be funded equally from the Water and Sewer Surplus funds) for the purpose of funding a consulting contract between the Utilities Division of DPW and the Weston and Sampson company to perform an evaluation of the City's water meter system in order to make recommendations for upgrading the system.

**ACTION:**      **APPROVED 7-0**

**NOTE:**      Lou Taverna and Bob Rooney were present for the discussion of the item. The request is for \$50,000 to hire a consultant. This is the next phase in the program to replace the water meters throughout the City. The consultant will review and evaluate the current water meter system and make recommendations regarding implementation of a new system that meets the City's needs. Mr. Taverna provided further information on December 4, 2003 pertaining to the water meters that is attached. Ald. Yates moved approval of the item, which carried.

**REFERRED TO PUBLIC FACILITIES AND FINANCE COMMITTEES**

#534-03      HIS HONOR THE MAYOR requesting that the sum of \$50,000 be transferred from the Department of Public Works salary account to an expense account for the purpose of allowing the Engineering Division to employ the services of an independent traffic engineering firm. These funds will allow the Engineering Division to proceed on its review of several proposed projects, including special permit applications.

**ACTION:**      **APPROVED 7-0**

**NOTE:**      Commissioner Rooney was present to discuss the request for funds. The funds are necessary to complete the Lexington Street traffic light design and cover projected costs for engineering needs for the rest of FY'04. It is the Commissioner's belief that the newly hired Traffic Engineer's time would be best served reviewing proposed projects, such as special permit applications and dealing with the many traffic petitions. The Committee was in agreement with the petitioner; therefore, Ald. Salvucci moved approval, which carried.

**REFERRED TO PUB. FAC., PROG&SERV. AND FINANCE COMMITTEES**

#94-03(4) **PROGRAMS AND SERVICES COMMITTEE** requesting His Honor the Mayor submit Home Rule Legislation to create a separate rate structure for water and sewer rates for condominiums and apartments.

**ACTION:** **REFERRED TO 2004-2005 BOARD 7-0**

**NOTE:** The item was referred to the next Board for future discussion, as Law Department input is needed.

Respectfully submitted,

Sydra Schnipper, Chairman