

CITY OF NEWTON

IN BOARD OF ALDERMEN

PUBLIC FACILITIES COMMITTEE REPORT

WEDNESDAY, SEPTEMBER 4, 2002

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

Absent Gerst

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

City personnel: Gayle Smalley (Associate City Solicitor), Lou Taverna (Director of Utilities), Robert Rooney (Commissioner of Public Works), Mayor Cohen, Eileen McGettigan (Assistant City Solicitor)

#313-02      COMMISSIONER OF PUBLIC WORKS requesting a modification of a portion of a public way layout for CHESTNUT STREET and acceptance of a grant of easement for public way purposes located at 470 Chestnut Street.

**ACTION:**      **APPROVED 7-0**

**NOTE:**      Commissioner Rooney presented the item to the Committee. This is a request to accept an easement from the owner of 470 Chestnut Street. The owner is granting the City an easement in order to provide a continuous sidewalk along Chestnut Street without disturbing an oak tree. The easement will be permanent. The sidewalk will go around the tree. An arborist has viewed the tree and feels the sidewalk can be placed within four feet of the tree. Due to the easement, the Board also needs to approve a modification of a portion of the public way layout for Chestnut Street.

Audrey Briggs, 470 Chestnut Street, is very much in favor of saving the tree. She would like to see the sidewalks replaced as soon as possible. There is a dangerous hole on the corner, which should be marked. Commissioner Rooney stated that he would look into having it marked. The Briggs and Doug Dickson, the Chair of the Urban Tree Commission are working to have the tree declared historic.

Gayle Smalley provided the Committee with a draft board order. It includes the acceptance of the grant of easement and the modification of the public way layout. The draft board order is attached. Ald. Yates moved approval of the item, which was voted unanimously.

#181-02      **REFERRED TO PUBLIC FACILITIES & PROGRAMS & SERVICES**  
**HIS HONOR THE MAYOR** requesting that the Board of Aldermen approve a new agreement between the City of Newton and the Town of Wellesley that will allow the Town of Wellesley to continue to pump sewerage through Newton's Cochituate Aqueduct to the MWRA collection system in Brighton.

RECOMMENDED TO PUBLIC FACILITIES AND PROGRAMS & SERVICES  
ON 6/17/02

**ACTION:**     **PUBLIC FACILITIES HELD 7-0**  
**PROGRAMS AND SERVICES HELD 7-0**

**NOTE:**       The Committee met jointly with the Programs and Services Committee to further discuss this item. When the Committees last met on July 17, 2002, it was requested that the Town of Wellesley submit a letter outlining alternatives to pumping their sewage through Newton and state their intention to meet with the City every five years and renegotiate the agreement if needed. The Mayor worked with Wellesley to address these issues and Wellesley submitted the letter (attached).

Mike Pastis, Director of Public Works for the Town of Wellesley, explained that the Town of Wellesley has had a preliminary conversation with Mike Hornberg of the MWRA. A meeting has been set-up between the MWRA and the Town of Wellesley to discuss alternatives. Many Aldermen felt that it would be helpful to have a representative from the City of Newton involved in the discussions. Mr. Pastis stated that he would like Newton to be an active partner.

Several Aldermen felt that the letter was not detailed enough and would like the option of terminating the agreement after five years. In addition, many members of the Board felt that the letter was not legally binding. Eileen McGettigan explained that whatever the parties agree to will be incorporated into the agreement. If there were a disagreement between the parties, mediation would be required. They would like a formal addendum with a timeframe and specific alternatives.

The Committees decided to hold the item and request a more detailed letter possibly in the form of a memorandum of understanding from the Town of Wellesley. It was agreed that two members from each Committee would work with the Mayor, the Town of Wellesley and any other parties involved to work on the agreement. Ald Stewart, Yates, Sangiolo and Parker volunteered to work with the Executive Department and the Town of Wellesley.

Respectfully submitted,

Sydra Schnipper, Chairman