



# Public Facilities Committee Report

## City of Newton In City Council

**Wednesday, February 8, 2023**

Present: Councilors Leary (Chair), Kalis, Laredo, Gentile, Danberg, Kelley, Crossley, and Norton

Also Present: Councilors Bowman, Humphrey, and Malakie

City Staff: Deputy Commissioner of Public Works Shawna Sullivan, Chief Operating Officer Jonathan Yeo, City Engineer Lou Taverna, and Project Manager Bill Ferguson

For more information regarding this meeting, a video recording can be found at the following link: [Public Facilities Committee February 8, 2023 \(newtv.org\)](https://www.newtv.org/public-facilities-committee-february-8-2023)

**#49-23      Eversource petition for Grant of Location in Centre St**

EVERSOURCE ENERGY petitioning for a grant of location to install one (1) hip guy and anchor and remove one (1) tree guy from pole 73/78 on the westerly side, at #912 Centre St. (Ward 7)

**Action:**      **Public Facilities Approved 6-0 (Councilors Danberg and Norton Not Voting)**

**Note:**      Eversource Customer Service Representative Joanne Callender presented this item. She stated that this request derives from storm damage and poor health of the tree that the present guy wire is fixed to. Ms. Callender clarified that the tree is not dead, but it was advised that the guy wire be removed sooner rather than later. She also added that the guy wire will be angled properly to avoid pedestrian interference.

Chair Leary opened the public hearing. With no questions or concerns from the public, Chair Leary closed the public hearing.

Councilor Crossley motioned to approve the item, which passed 6-0, with Councilors Danberg and Norton not voting.

**#50-23      Request for a grant of location in Pleasant St and Tyler Tr**

NATIONAL GRID petition for a grant of location to install and maintain gas main in Pleasant St and Tyler Tr as follows:

- 75' ± of 6" plastic main extending from the existing 6" cast iron (1916) main in Tyler Tr for new service at #75 Pleasant St.
- 60' ± of 2" plastic service line at #75 Pleasant St extending from the new 6" plastic main extension. (Ward 3)

**Action:**        **Public Facilities Approved 6-0 (Councilors Danberg and Norton Not Voting)**

**Note:**        National Grid Customer Service Representative Mary Mulroney presented the above request for a service extension to #75 Pleasant St.

Councilors asked the following questions:

Q: What will this gas service be used for? (Heating, cooking, etc.)

A: Albert Kim, property owner for #75 Pleasant St, explained that gas service is only for hot water heating. He added that solar power has recently been installed, and the house will primarily be powered by electricity. Mr. Kim also noted that they aimed to have redundancy in energy sources, as gas was not controversial at the time the permit application was submitted.

Q: By “hot water heating”, do you mean domestic potable water, or heating the house?

A: Mr. Kim explained that the gas service will be used for domestic potable water, as well as radiant floor heating for one of the house’s three floors.

The Public Hearing was opened.

Public Hearing Comments:

Andrew Stern, 56 Tyler Terrace, asked the following questions:

- When will this work start?
- What is the duration of this work?
- Where is the 75’ of plastic main stated in the item being measured from?
- Will the speed bumps on Tyler Terrace be impacted and need to be replaced?
- Will the street be accessible during construction?

Deputy Commissioner Sullivan stated that the street will be accessible during the work and that any speed humps that are impacted will be repaired. She added that there may be a brief period (30-60 minutes) where some residents may not have access to their driveways.

Ms. Mulroney stated that the 75’ of plastic main is being measured from the existing pipe and should run underneath 2 ½ flagstones of sidewalk. She added that this project will take a day or two to complete.

Chair Leary closed the public hearing.

Councilor Laredo motioned to approve the item, which passed 6-0, with Councilors Danberg and Norton not voting.

**#51-23      Resolution for a Future without Gas and for Clean Heat**

COUNCILORS LEARY, HUMPHREY, BOWMAN, DOWNS, CROSSLEY, KALIS, GREENBERG, LIPOF, RYAN, LUCAS, KELLEY, WRIGHT, NORTON, ALBRIGHT, AND DANBERG presenting a Resolution supporting the creation of a city-wide plan to equitably achieve efficiencies, reduce emissions and risks of gas infrastructure and expediting electrification.

**Action:**      **Public Facilities Approved 7-1 (Councilor Gentile Opposed)**

**Note:**      Chair Leary presented this item, explaining that this Resolution is part of an ongoing effort to combat gas leaks in Newton. She noted that while progress has been made, this resolution aims to coordinate the effort across City departments.

Co-director of Sustainability Bill Ferguson, noted that the Team is happy to coordinate its work with the City Council. He added that the City has been selected as one of the 10 Massachusetts communities to participate in a pilot project to require electrification in all new construction. He added that this strategy will prevent future gas leaks, although there some small exceptions to this requirement that are still being determined. Mr. Ferguson continued, mentioning that the Sustainability Team was working on Building Emissions Reduction and Disclosure Ordinances (BERDO) which seeks to get existing buildings to net zero emissions by eliminating their reliance on fossil fuels. He explained that this effort has been conducted through the Special Permitting process for commercial buildings, and the For Our Future campaign for the residential sector. He concluded by saying that it is evident that due to the amount of existing gas leaks, coupled with the frequency of new gas leaks, makes it virtually impossible for the City to ever catch up on gas leaks.

Chair Leary stated that this Resolution is a mere first step in a longer conversation regarding transitioning away from fossil fuels. She also brought attention to Bill HD4047, An Act relative to Intervenor and utility work. This bill, if passed, would give municipalities much more authority in compelling utility companies to provide more detailed information about gas leaks and gas leak repair efforts. She also added that passing this Resolution would be significant in state-level advocacy and help move this Bill along.

Councilors made the following comments:

It was noted that other communities, such as Waltham, are passing resolutions or writing letters to the General Court.

Several Newton residents were recognized for their efforts in providing research and information to the Councilors, as well as their advocacy efforts. The Multi-town Gas Leaks Initiative was also acknowledged as a means to create a sustainability plan to present to the State.

It was noted that the DPW's role will be more limited to their traditional work, while the Sustainability Team will be included more and more as this effort continues.

Councilor Laredo motioned to approve the item, which passed 7-1 with Councilor Gentile opposing.

**Referred to Public Facilities and Finance Committees**

**#58-23** **Appropriate \$280,000 to Complete Phase 1 of the City's Phosphorus Control Plan**  
HER HONOR THE MAYOR requesting authorization to appropriate and expend one hundred sixty thousand dollars (\$160,000) from Stormwater- Full-time Wages Acct # 62A40101-511002 and one hundred twenty thousand dollars (\$120,000) from Stormwater – Drainage System Acct # 62A40101 -586004 for a total of two hundred eighty thousand dollars (\$280,000) to cover the completion of Phase 1 of the City's Phosphorus Control Plan.

**Action:** **Public Facilities Approved 8-0**

**Note:** Deputy Commissioner of Public Works Shawna Sullivan stated that the City needs to complete Phase 1 of the Phosphorus Control Plan by June 30, 2023 in order to maintain compliance with the Municipal Separate Storm Sewer System (MS4) Permit. She added that the DPW is working with Woodard and Curran, who is well-versed in the City's stormwater system as well as National Pollutant Discharge Elimination System (NPDES) and MS4 compliance.

**Councilors asked the following questions:**

Q: Is the optional work referenced in the memo a part of this request?

A: Deputy Commissioner Sullivan explained that this funding will cover the remainder of the City's \$695,000 contract. She added that there are some additional projects that the City may want to take advantage of, but those conversations are for a later time. She added that any additional projects will be brought to the Public Facilities Committee for approval.

Q: Does the City still have access to the information that was used to help determine stormwater rates when they were last set?

A: City Engineer Taverna stated that while the City does have access, this data is outdated, as several large projects have been completed since 2014, when this information was current.

Q: What will the first steps be if this funding is approved?

A: Deputy Commissioner Sullivan explained that Woodard and Curran will begin with the projects that will provide the most value for the money. She compared the value of a revival of Edmands Pond versus redoing Albemarle Field. She added that Woodard and Curran will incorporate all private development into their plan.

Q: What are “planned, non-structural controls”?

A: Deputy Commissioner Sullivan confirmed that this mostly refers to street sweeping. City Engineer Taverna added that catch basin cleaning is also included in this term.

Q: Does “operation and maintenance” refer to public and private projects?

A: Deputy Commissioner Sullivan explained that the MS4 permit requires that all projects file a stormwater management plan, and that the City oversees its own projects’ stormwater management plan.

Q: Will the legal analysis portion of this plan incorporate the requirements specified by Chapter 30?

A: Deputy Commissioner Sullivan stated that the Stormwater Ordinance will be updated under the Zoning ordinance, for the sake of efficiency. This action eliminates the need to incorporate Chapter 30.

Chief Operating Officer Jonathan Yeo assured the Councilors that the Administration is committed to ensuring coordination between the City’s planning departments and the Committee on zoning changes in the future.

Q: How has the first portion of this contract been funded?

A: Deputy Commissioner Sullivan explained that stormwater funds rolled over from previous years in addition to other miscellaneous consulting funds.

Q: What assurances does the City have that hourly rates will not change for consultants over the life of this contract?

A: Deputy Commissioner Sullivan and City Engineer Taverna both confirmed that there is no hourly rate increase built into the contract through June 30, 2023.

Q: Is there any audit of time charges that come in from consultants?

A: Deputy Commissioner Sullivan stated that each invoice is reviewed personally by Director of Utilities Tom Fitzgerald and City Engineer Taverna.

Q: Are there any projects we could do that would serve an additional purpose outside phosphorus control?

A: Deputy Commissioner Sullivan stated that the consultant will not evaluate projects based on those criteria. However, she added that this will be part of the DPW's Complete Streets project, so a number of other contributors will comment on their projects through that lens.

COO Yeo noted that the Walnut and Craft project was a good example of a traffic calming project that enabled the City to add more greenery and help with stormwater management.

Q: In reference to the "Optional Task: Alternate Schedule Request Initiation": is it the City's intention to ask for an extension regarding MS4 compliance?

A: Deputy Commissioner Sullivan stated added that they will likely need to ask for an extension but need to see the plans first.

Q: Can you give an example of what the contractor will do to identify additional sources of funding for implementation?

A: Deputy Commissioner Sullivan explained that the contractor will seek out grant funding and additional infrastructure funding for stormwater control. She noted that they will not be making these requests on the City's behalf, only identifying potential other sources of funding, and helping complete the applications.

Q: Can you provide analysis on floodwater reducing effects of these stormwater projects?

A: Deputy Commissioner Sullivan stated that due to the tight deadline, it's unlikely that the consultant will perform this analysis. She noted that she will check and get back to the Committee.

Q: Is there any possibility of one-time ARPA funds to be used for this project going forward?

A: COO Yeo explained that ARPA funding probably will not last long enough to have meaningful impact.

Q: What progress has been made toward hiring an environmental engineer?

A: Deputy Commissioner Sullivan reported that they are actively interviewing for the position.

Q: What will the citizens of Newton's role be in reducing stormwater runoff?

A: City Engineer Taverna stated that the NPDES permit requires a public education element, which will be applied toward educating the public on ways they can impact stormwater runoff.

Deputy Commissioner Sullivan added that there is no ordinance compelling citizens to cooperate with stormwater runoff reduction –just informational materials.- re word this

Q: Is there a way to retroactively count projects from the past that have had positive stormwater effects toward meeting these goals?

A: Deputy Commissioner Sullivan stated that yes, they have provided special permits dating back to 2005. She added that small projects like street sweeping are also being counted and are essential for meeting these goals. She clarified that the EPA will evaluate the load removal accomplished by street sweepings and determine the amount credit the City will receive that way.

Q: Could you find out who manages the boom in the roadway by Newton Yacht Club?

A: Deputy Director Sullivan explained that that boom does not belong to the City and believes it belongs to DCR.

Q: Are you aware of the plastic liner in the Edmands Pond that that's causing problems?

A: Neither Deputy Commissioner Sullivan nor City Engineer Taverna were aware of this issue but agreed to look into it.

Councilors made the following comments:

It was pointed out that the Northland Development has removed all of its impervious surface across its entire 22 acre land. Deputy Commissioner Sullivan confirmed that they are aware of this due to the special permitting process.

Concern was expressed regarding the management of consultants given the size of their contracts.

It was noted that activist groups are likely going to seek a more aggressive standard when this permit is up for renewal. It was also added that they are actively seeking to place stormwater standards on private homeowners that own one acre of land or more, which will lessen the burden on the City.

Councilor Laredo motioned to approve the item, which passed 8-0.

The Committee adjourned at 8:05 PM

**Respectfully Submitted,**

**Alison Leary, Chair**